



House of Commons
CANADA

Standing Committee on Procedure and House Affairs

PROC • NUMBER 051 • 1st SESSION • 39th PARLIAMENT

EVIDENCE

Tuesday, May 15, 2007

—
Chair

Mr. Gary Goodyear

Also available on the Parliament of Canada Web Site at the following address:

<http://www.parl.gc.ca>

Standing Committee on Procedure and House Affairs

Tuesday, May 15, 2007

•(1110)

[English]

The Chair (Mr. Gary Goodyear (Cambridge, CPC)): Colleagues, let us begin our meeting this morning.

I wish to welcome everybody here as well as indicate that the meeting this morning will be in public. We will deal with Mr. Silva first thing, then we'll talk a little bit about business for Thursday.

I remind the members of the steering committee that at 12:30—this is my guess—we will, hopefully, be over with this business, and the steering committee is requested to stay behind so we can discuss the next four weeks.

Colleagues, pursuant to Standing Order 92, I believe we will begin the consideration of the second report of the Subcommittee on Private Members' Business. Members around the table will have that report in front of them. Ultimately, it states:

Pursuant to Standing Order 92(1)(a), the Subcommittee on Private Members' Business agrees that the following item of Private Members' Business should be designated non-votable on the basis that it contravenes the criterion that bills and motions must not concern questions that are substantially the same as ones already voted on by the House of Commons in the current session of Parliament.

As a result and pursuant to the Standing Orders, the sponsor of the bill, the member for Davenport, Mr. Silva, has requested to appear before the committee, and that request has been granted.

I will open the floor to Mr. Silva in a few moments for any opening statement he may have, then we will proceed, colleagues, in the usual fashion, beginning with a seven-minute round of questions. If it's necessary, we'll go to a second round and a third round, as we have in the past.

I simply want to remind members that the discussion today should not be focused on the merits of the bill but, rather, to determine whether or not we can support the report of the subcommittee in that this bill is substantially the same as previous bills.

Having said that, I would be more than happy to open the floor to Mr. Silva.

Mr. Silva, the floor is yours, and any comments you might want to make, please make them to the chair.

Mr. Mario Silva (Davenport, Lib.): Thank you, Mr. Chair.

Before I begin, has everybody received the material that I forwarded to the committee in both official languages?

The Chair: Yes, sir.

Mr. Mario Silva: Thank you very much, Mr. Chair and members of the committee.

First, I'd like to begin by saying that although prima facie both bills seem to be dealing with the same topic, it is important to note, Mr. Chair, that they are materially different, both in scope and in the content of the bills. In fact, it is important, for me to outline these differences, that I quote both the comments made by the government House leader in the House of Commons and the comments made by the Speaker, so that we could determine that both the Speaker and the House leader had ruled that the amendments I put forward initially in relation to Bill C-257 went beyond the scope and, in fact, change the content of the bill.

The government House leader challenged some of the amendments on the grounds that they exceed the scope of the bill, as outlined in Marleau and Montpetit, lines 9 to 11:

An amendment is out of order procedurally, if:

it is not relevant to the main motion (i.e., it deals with a matter foreign to the main motion or exceeds the scope of the motion, or introduces a new proposition which should properly be the subject of a substantive motion with notice);

This is a quote from the government House leader in relation to my amendments to Bill C-257.

The Speaker of the House, upon examination of the amendments, ruled them to be out of order:

Bill C-257 amends three sections of the Canada Labour Code: section 87.6 dealing with the reinstatement of employees after a strike or lockout, section 94 dealing with prohibitions relating to replacement workers, and section...

The Chair: Excuse me. I apologize, Mr. Silva.

[Translation]

Ms. Pauline Picard (Drummond, BQ): A point of order, Mr. Chair. There is something that I have not understood. When the subcommittee met to study the votable nature of the bill, I was under the impression that it had been declared votable. Now we have received a ruling from the Speaker that the bill must be brought back. He considers that it is different from Bill C-257 in that it deals with essential services. He says that it is not identical, and that the reading must continue. I do not understand why the bill was declared non-votable, since we voted in favour—

[English]

The Chair: No, that's not true.

Mr. James Robertson (Committee Researcher): My understanding is that Mr. Van Loan raised a point of order in the House regarding the acceptability of the bill Mr. Silva introduced. The Speaker delivered his ruling indicating that, in his view, the bill did not contravene the rules he was bound to apply, and he left it to the procedure and House affairs committee to determine whether, under the standing orders for private members' business, the bill would be votable. He did not pre-empt any decision by the standing committee.

When this bill was considered by the Subcommittee on Private Members' Business, the subcommittee decided that it should not be votable as it contravened criterion number three of the criteria for non-votability that had been adopted by the committee. That report was tabled here last week. And under the Standing Orders, Mr. Silva does have the right to appear to appeal to the committee to overturn the decision of the subcommittee.

The Chair: If I could, I'll just impress upon colleagues that if we could just let Mr. Silva complete his opening statement, we can then deal with it.

I see hands going up. If there's a point of order, please say so, and I'll recognize you right now.

If we're going to continue with the points of order, I just want to make sure that Madame Picard is satisfied with that response—not satisfied, but understands. My understanding is that the Speaker uses perhaps different measures.

[Translation]

Ms. Pauline Picard: I was under the clear impression that the subcommittee had declared the bill votable.

• (1115)

[English]

The Chair: Okay. *Merci.*

Do you have another point of order, Mr. Reid?

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): It's on the same point of order, Mr. Chairman.

I just think it has to be done now. After Mr. Silva finishes his presentation, it would be worthwhile reviewing Standing Order 86 (4), which is the part under which the Speaker ruled, and then, by contrast, point number three under Standing Order 91.1(2), which is what we're considering. That would allow members to have clarity as to the different rules and the different standards that are being applied on a somewhat similar topic.

The Chair: I think that's very clear. If members need copies of those standing orders, we'll get them. Clearly, what the two standing orders provide are different criteria, different measuring sticks for what we're doing. We're dealing with the subcommittee's criteria for deeming a private member's bill votable or non-votable.

However, my apologies, Mr. Silva. Could you pick up where you left off?

Mr. Mario Silva: That's quite all right, Mr. Chair.

I'm here basically to appeal to the wisdom of this committee to in fact have my bill proceed in the House.

As I was mentioning to you, Mr. Chair, I had quoted the government House leader. The Speaker now has, also in relation to my amendments to Bill C-257, basically said that the amendments deal with three sections in the Canada Labour Code: section 87.6, section 94, and section 100. The section dealing with essential services was basically dealing with section 87.4, which is the provision on essential services.

Basically, the Speaker concluded that, "Therefore, on strictly procedural grounds, the Chair must conclude that the ruling of the chair of the committee was correct: these last two amendments do go beyond the scope of the bill as adopted at second reading and are therefore inadmissible."

In other words, the Speaker declared that by "importing the new concept of essential services" and by seeking to "reach back to the parent act and import into Bill C-257, the terms of reviews of orders made by the board under subsection 87.4(7), concepts not found within the bill as adopted at second reading", the amendment went beyond the scope of the original bill. Therefore, in order to address these issues, an entirely new bill would need to be drafted to incorporate these concepts.

As noted, Bill C-257 and Bill C-415 both address the issue of banning replacement workers, but they do so by using different means. And Bill C-415 is larger in scope than Bill C-257.

According to the ruling in 1989 by the Speaker of the House, a bill that addresses the same subject but achieves its goals by different means is sufficiently distinct to remain votable.

In a 1989 ruling, Speaker Fraser clarified that for two or more items to be substantially the same, they must have the same purpose and they have to achieve their same purpose by the same means. Thus, there could be several bills addressing the same subject, but if their approaches of the issues are different, the Chair could deem that to be sufficiently distinct.

This is from page 898 of Marleau and Montpetit, lines 23 to 27.

Bill C-415 meets the requirement of uniqueness and should remain votable. Given all the evidence, it is clear that Bill C-415's inclusion of the two essential service amendments makes it distinct from Bill C-257, by the Speaker's own ruling. The rules of the House clearly dictate that bills dealing with similar issues but addressing them using different means are votable.

The Speaker of the House, upon examination of the amendments, ruled them to be out of order, as were the amendments that I put forward. But dealing with section 87.4, which is a new section, in fact, makes this bill, in my mind, votable.

Given all these facts, I appeal to this committee to agree that Bill C-415 proceed and is in fact votable.

The Chair: Thank you very much, Mr. Silva.

We'll open our first round of questioning, if there are any questions. Do we need seven-minute rounds? Shall we start with that? Let's have seven-minute rounds, and if you don't need your time, it would be wonderful.

Mr. Owen, and then Mr. Preston.

Hon. Stephen Owen (Vancouver Quadra, Lib.): Thank you, Chair.

Through you, thanks to Mr. Silva for being here and putting forward such a cogent brief for us to be able to crystallize exactly what we're talking about and to understand what's occurred.

Yes, there may be slightly different criteria that the Speaker would use and the subcommittee on votability would use. Although there seems to be a stunning contradiction if we say the amendments to Bill C-257 were out of order and went beyond the original scope of the bill, yet we also say Bill C-415 is non-votable because it's substantially the same. There seems to be a logical gap there for amendments being beyond the scope of the bill, and the new bill that actually seeks to put forward those amendments is not substantially different.

Perhaps Mr. Silva can comment on it. If I understand his presentation correctly, we seem to have two contradictory results. If it's within the power of this committee to correct what would be an illogical situation, I think we should discuss if it is possible to do that.

• (1120)

Mr. Mario Silva: Yes, I agree with you. In the House of Commons, as you all know, I made the argument that they were in fact the same and there were no differences. However, the government House leader and the Speaker ruled that it was not the case.

In fact, my amendments dealt with another section that was not mentioned in the bill. Therefore, it went beyond the scope and language of the bill, it was materially different, and it could not be incorporated into this bill. The only solution one could come up with is in fact doing a new bill that would address those issues or concerns.

Hon. Stephen Owen: That was my understanding. Thank you.

The Chair: Thank you.

Mr. Preston, and then Madam Picard.

Mr. Joe Preston (Elgin—Middlesex—London, CPC): I'd like to start off by thanking Mr. Silva for coming to make his presentation today and for trying to shed some light on this.

I know my colleague Mr. Reid is talking about the two different sets of standing orders that are driving this.

It's my thought, and I think it's accurate, that Bill C-415 is substantially similar to Bill C-257 in the sense that they both have the same stated purpose. They're both acts to amend the Canada Labour Code for the use of replacement workers in a strike. If on the surface that doesn't make them substantially similar, and we only have to meet a criterion of substantially similar, they both attempt to accomplish the same thing, which is the use of replacement workers in the case of a strike. Full stop.

That starts me off by saying we've already met the criteria. They are substantially similar because they're trying to accomplish the same thing. But let's take it a little further.

In this case, I'll take the example of two beautiful, candy-apple red Mustangs sitting in a parking lot. I know that I love them both, and I'll even take the red colour. One has a CD player, and of course, the other has a satellite radio. They have some different options, but I

think anybody looking at them would say the two cars are substantially similar, even though they have a couple of different options.

I look at these two bills in a similar way. They accomplish the same thing. They look to accomplish the same thing. They are substantially the same thing. There are a couple of different options built into one.

To address the other piece, I know Mr. Reid has the standing orders that talk about this. But talking about the Speaker ruling it out of order in the case of Bill C-257 or ruling it in order in the case of Bill C-415, it's exactly that. It's ruling it in order or out of order; it's not ruling it votable or non-votable.

Many bills that come forward in this House are ruled in order and out of order. They're still discussed during private members' business to the point of talking about which way they were voted on. It can certainly be in order in the sense that it's in order and it can be discussed in the House.

But the criterion of the subcommittee on private members' business and the work of this committee today is on whether it is votable or not. It's not whether it's in order or not. The Speaker rules on whether or not it's in order. This committee is only ruling on the fact of whether or not it's votable at the end of the day because it is substantially similar to another bill that we've already voted on in this House.

I give to you the point that it is, and I'll stop at that point.

The Chair: Okay. There was obviously no question there.

I want to offer the spot here to our Bloc members, but we don't have any.

Okay. Ms. Davies and then Madam Robillard.

Ms. Libby Davies (Vancouver East, NDP): Thank you very much, Chairperson.

Before I make a comment and question Mr. Silva on his bill, I want to let the committee know that based on what happened at the official languages committee today, I have a motion that deals with Standing Order 106, chairpersons and vice-chairpersons at committees. I would like to request your indulgence to deal with that matter after we've dealt with this matter today. I do have a motion, in both languages, to bring forward to the committee, which I hope we can deal with.

• (1125)

The Chair: There are no objections to that?

Some hon. members: Agreed.

Ms. Libby Davies: Okay.

If I could take Mr. Preston's analogy on this bill a little further, I guess the issue would not be whether they're both red Mustangs; the issue would be whether you think the mechanic is deemed essential or whether he's providing maintenance of services. That actually would be the issue we're debating.

This issue is so full of ironies. I was on the committee that dealt with this bill originally. I supported the amendments that Mr. Silva put forward, although I never believed they were necessary. We've had this ongoing debate where the Liberals believe there's a big difference between essential services and what the Labour Code says is maintenance of services. The rulings of the Labour Relations Board have made it clear that they see them as one in the same.

We've had this debate many times. Nevertheless, he is correct. The amendments he put forward were ruled out of order by the Speaker as being beyond the scope of the bill. So now we have this new bill. I agree that the issue is not whether the bill is in order, because the Speaker has already made that decision. Whether or not we agree with it, that's his decision. The issue here is whether it should be votable. From our point of view, there really is not a difference between essential services and maintenance of services.

But we support this bill. On the basis of that technicality, that the Speaker did rule it was in effect a different bill, then I guess our position would be that it should go forward.

But really, the ironies here are quite unbelievable. I do have to say that if the Liberals had their act together and voted on this properly in the first place, we wouldn't still be dealing with this matter. But anyway, that's another story.

So we support it going forward.

The Chair: Thank you very much.

I don't really want to caution anybody. I'd like to keep this non-partisan and debate the issue before us, so perhaps we can stick to the focus of this particular meeting.

I am noticing that there seem to be no more questions for Mr. Silva, but there are comments, so we will continue with our second round of questions. This round will be five minutes.

Madam Robillard and then Mr. Lukiwski, please.

[*Translation*]

Hon. Lucienne Robillard (Westmount—Ville-Marie, Lib.): Thank you, Mr. Chair.

The subcommittee tells us that it considered the third criterion in declaring this bill non-votable. Something seems illogical to me. There has already been a bill on replacement workers before the House, but the Speaker rejected amendments made by a colleague on the grounds that they exceeded the scope of the bill. We were therefore not able to vote on the amendments because they exceeded the scope of the bill under consideration. Therefore, if we wanted to deal with these amendments on essential services, we needed to draft a new bill.

We had no choice, because the Speaker had ruled. Since we were not able to vote on the amendments to the bill, we put forward a new one. So a new bill was presented, and now we are using the committee's criteria to say that it cannot be votable. Basically, if we go by what is happening, we will never be able to vote on essential services. But the third criterion reads as follows:

Bills and motions must not concern questions that are substantially the same as ones already voted on by the House of Commons in the current session [...]

I repeat "must not concern questions that are substantially the same". That is the crux of the discussion. Some, probably at the subcommittee, say that given that the general objective of the bill is about replacement workers—and here again, it is about replacement workers—it is the same thing and we cannot vote. Except that there was one very important element, essential services, where we were not able to vote in the House, because the Speaker ruled that this exceeded the scope of the bill.

Since we as MPs were not able to vote on the principle of essential services, and since the new bill includes the concept of essential services, we have to be able to express our opinion on the concept. In that context, I do not understand the subcommittee's decision when it declared that the bill was not votable.

• (1130)

[*English*]

The Chair: Thank you.

Mr. Lukiwski is next.

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

I want to advance a procedural argument. It is to say that the subcommittee had already ruled on this. Obviously the discussion the subcommittee had was in camera, so we're not privy to what their discussions were and why they came up with the decision they did; suffice it to say that they determined this bill was non-votable. Even though Mr. Silva has a perfect right to appeal to this committee, the larger committee, I think we should advance with a great deal of caution, because clearly there are political agendas at work here. It's no secret that the NDP would like to see this bill enacted in any form, because they don't want to see replacement workers during a strike under any circumstances.

For a standing committee to overrule a decision by a subcommittee is something we should take very seriously. Unless there is an entirely compelling reason for us to overrule it, I think we are bound to uphold the ruling of the original subcommittee. That's why they were put in place—to decide these matters, to begin with. Unless arguments can be advanced to demonstrate clearly that the subcommittee did not consider a certain aspect or a certain argument, I don't believe this committee should be in a position to arbitrarily overrule the subcommittee decision just because they have a political agenda at work.

Again, we are at a bit of a disadvantage because we don't know the discussion that took place—it was in camera—but I do feel comfortable that the subcommittee carefully considered both Bill C-257 and Bill C-415, spent a great deal of time examining the criteria established as to votability and non-votability, and came up with a decision based on those criteria. For this committee to arbitrarily say we want to overturn that because we like the bill in whatever form it may take is something we should avoid.

I believe the subcommittee did its work. I have not yet heard an argument around this table that demonstrates to me that there was an aspect of the bill that was not considered by the subcommittee; therefore, if they did their work with all due diligence, I think we should respect their opinion and their decision.

Thank you, Mr. Chair.

The Chair: Thank you.

Madame Picard is next.

If anybody else wants to speak, please just raise your hand.

[*Translation*]

Ms. Pauline Picard: Mr. Chair, I would like to re-establish some facts. The subcommittee was divided on the question of whether it was votable or not. In my view, it was votable because it was different from Bill C-257. Bill C-415 deals with essential services while Bill C-257 does not.

We wanted to make amendments, as Ms. Robillard explained. The Speaker said that that exceeded the scope of the bill. We came back with a bill that dealt with replacement workers, and that in addition dealt with essential services, which was not the case for the other bill. At the subcommittee, we were not in agreement because the chair had to make the decision. That is what happened. I am still in favour of Bill C-415.

• (1135)

[*English*]

Mr. Joe Preston: I have a point of order, Mr. Chair.

The Chair: There is a point of order.

Go ahead, Mr. Preston, please.

Mr. Joe Preston: The actions of the subcommittee are in camera and are not to be discussed at this committee, I don't believe, while we're in public.

The Chair: That is correct.

Madame Picard, I'll have to caution you, or simply remind you, that you are discussing in camera proceedings. This meeting is in public.

[*Translation*]

Ms. Pauline Picard: I am really sorry, Mr. Chair. There was no malice involved. I really wanted to explain some facts. If anyone respects in camera sessions, it is me. I am sorry, I did not realize what I was saying.

[*English*]

The Chair: Are there any other comments or questions around the table?

Go ahead, Mr. Reid, please.

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

I've got both bills in front of me. It strikes me that they are dealing with questions that are substantially the same.

I was trying to think of a homely analogy that makes the point about what it means to be substantially the same or to concern questions that are substantially the same, as opposed to things that are sufficiently different to be substantially different.

The analogy occurred to me as I was listening to Mr. Preston's reference to the Mustangs. I give an award every summer at an antique auto restoration show that takes place in my home town of Carleton Place. As you go around, you have to restrain yourself;

you're not there to judge the work of the original designers. If I did that, the 1957 Ford Fairlane with the retractable hardtop would win every year.

Looking at the restoration work, yes—

An hon. member: What colour? Is it blue or red?

Mr. Scott Reid: Actually, red is a good colour for that.

An hon. member: With a white interior?

Mr. Scott Reid: I have limited time here, so we'll try not to get too far down that track.

The Chair: Order, please.

Mr. Scott Reid: The point I'm trying to make is that you're looking at substantial similarity. So let's say there are two 1957 Ford Fairlanes, and one of them has a retractable hardtop and one doesn't. If they were in a world where everything else was a Ford Fairlane, then you might say, well, there are all kinds of differences. That's one has a nick; this one is better. That makes them different. In a world where you're dealing with cars ranging from Model Ts up to now, when they're restoring cars from the 1980s, they are substantially similar.

I think that's what we're looking at. We're looking at a world of many different pieces of legislation on many different subjects. If you go through these bills word for word, the greatest parts of them are identical. One part is different, and that's the part dealing with the question of essential services. But essentially the bills are about the same subject. When they're dealing with replacement workers, they're substantially the same. The essential services part is different, but essentially the bills seem to me to be dealing with substantially similar questions.

This brings me back to the difference between what the Speaker was trying to do in his ruling, as to Standing Order 86(4), and what we are doing today, which is to make a ruling under Standing Order 91.2...I think that's right.

• (1140)

Mr. James Robertson: It's Standing Order 91.1.

Mr. Scott Reid: Right, 91.1(1).

The point here is that he has a stricter criterion because, Mr. Chairman, he is looking at having the item removed and returned to the member, without having it appear on the notice paper. This is obviously a much stricter and tougher sanction, if you like, than what we're dealing with, which is simply to say that an item would become non-votable.

On this basis, Mr. Chair, I think there is a difference between what the Speaker was doing.... He had a more restrictive test. We have a broader test, because the action we will take is less drastic.

When you think of these things within the universe of bills out there, you'll see that they overlap substantially, rather like two items in a Venn diagram that overlap for the most part and leave a bit at the exterior. That is not enough to cause them not to be substantially similar.

Thank you.

The Chair: Thank you, Mr. Reid.

I have no other members on my list, but could I ask Mr. Silva if he would like to make any comments at this point?

Mr. Mario Silva: Thank you. I have observations from the comments that have been made by the members.

Whether or not the issue is the same subject is in fact irrelevant, because there have already been several rulings by Speakers saying that it's not the question of the subject being the same, but whether the content is different. Bill C-257 did not deal with section 87.4, which talks about the issue of a central service. My bill addresses section 87.4. That really is a major difference in the code. The Labour Code is extremely vast. It deals with several different sections. You can have 15,000 bills dealing with the Labour Code. If all of them deal with a different section, a different part of it, then it is votable.

It's the same thing, to use the analogy of the car. You can talk about 15 bills on a Mustang, but if all of them address different issues, whether it be tires, seat belts, or whatever, it's still different issues that you're dealing with, even though the subject may be the same. That already has been ruled on.

I've quoted you from Speaker Fraser, where he said that "there could be several bills addressing the same subject but if the approaches to the issues are different, the Chair could deem it to be sufficient and distinct." That's a ruling of the Speaker in 1989.

Mr. Chair, I just want to appeal to the committee. Notwithstanding the fact that you could have the same subject, if the issue and the content are different, which is what I'm trying to address in my remarks, then it is votable.

Finally, I would say, quite frankly—and this is a totally different issue, Mr. Chair—that I don't understand the nature of the subcommittee and why it deals in camera. I don't see why it's so confidential that members who put a bill forward cannot even attend these hearings to defend their own bill. I don't know what the arguments were that were used in the committee, for and against my bill. Quite frankly, I was a little stunned by the fact that there is even a subcommittee that meets in camera, that does not inform the authors of the bill that they're having a meeting, and you cannot even present arguments.

I think this committee should in fact look at changing that. I don't think it's fair that there's a committee that meets out there, in camera, and you can't, as a member of this House, bring arguments forward to support the votability of your own bill.

The Chair: Mr. Hill.

Hon. Jay Hill (Prince George—Peace River, CPC): Thank you, Mr. Chair.

I'll start out where Mr. Silva left off. I guess I have the advantage, or some might say the disadvantage, of having been here for nearly 14 years now. Through you, Mr. Chair, I can tell him that the way that private members' business is dealt with has evolved substantially, certainly in the nearly 14 years that I've been here. We had a process in place before where all bills were non-votable. The individual member went before a subcommittee and had to argue long and hard to try to convince them to make it votable.

After much discussion amongst all parties, that was changed. In other words, the process has evolved somewhat. I think, at least at the time the changes were made, most members of Parliament, from all four political parties, believed those were positive changes. Now I hear Mr. Silva saying, wait a minute, the member should be able to go in front of the committee. Does he want to revert to the way it was, where members had to almost throw themselves at the mercy of the court?

I went through that, as did many members. It wasn't because I was a Reform member, or a Canadian Alliance member, where my name happened to be chosen at lottery out of the bucket and I got to go and make my appeal. I'm not saying I was discriminated against any more than a member of the Liberal Party, or the Bloc Québécois, or the NDP Party, because the statistics would clearly show that in those days very few private members' bills or motions were deemed votable. The odd time it happened was reason for celebration, just to actually get your bill to a vote in the House of Commons, even though, even then, under the majority Liberal government, it just seemed that a lot of times there were very few. Again, I'm not casting aspersions; the statistics would bear this out.

Very seldom did a private member's bill ever make it through all those hurdles of being deemed votable, actually coming to a vote, actually passing, and actually becoming law at some point. Either it got lost in the committee process and the committee members at the committee it was referred to never called it for debate at the committee, even if it did pass second reading, or it didn't pass the vote and it got dropped right there in the House at the second reading vote.

So I think the system has evolved considerably. If there are still faults in it that we want to discuss, I don't think this is the time. I don't think we want to look at the process in light of one particular bill. In other words, I don't think we want to say, because of the way this bill was handled or the subcommittee ruled on this bill, therefore we're going to call into question the entire process. I don't think that's the correct way to proceed. I think if any member believes the Standing Orders should be changed, they could bring forward the arguments for that. But I think we should look at that in the broad spectrum rather than saying, because of the way I personally feel about Bill X, Y, or Z, therefore I call into question the entire process.

That's the first thing I wanted to comment on, where Mr. Silva had kind of left off with the current process.

I also want to comment on Mr. Lukiwski's statement, because I think it is valid. I think, were I sitting on that subcommittee...but I wasn't there, and obviously I haven't been made aware, because as we already noted, those discussions were in camera. I guess the irony of some of that coming out right now is not missed by many of us around this table, because we've just had a long discussion. In fact, we've deferred some debate to a future meeting about whether we should actually bring in sanctions for those members who would release in camera discussions to the general public. So we could be at the point where this particular committee is charged with actually discussing that issue.

We had a perfect example where someone inadvertently did. I take the member at her word. She got caught up in the debate and inadvertently revealed some of the discussion that took place at the subcommittee. I can't challenge her about the veracity of her comments, because I wasn't there and I have no knowledge, because our member of that subcommittee has kept those discussions confidential, as he should.

• (1145)

My concern is the same as Mr. Lukiwski raised earlier. I came to this meeting today of the opinion that if information—evidence—was brought forward for our consideration that the subcommittee had not considered, or if there was some extenuating circumstance that the subcommittee had not considered that would weigh on us to make us change our minds and overrule our colleagues, and if the vote goes that we will indeed reverse that decision and make this particular bill votable, we will be overruling their opinion, their decision. After deliberating for some time, I presume, and hearing, discussing, debating, and kicking around all the various aspects, they came to that conclusion. Were we to overrule it, I would think that, in fairness to them, we would want to be able to point to some arguments they had not considered.

If I had been sitting on that subcommittee and the committee overruled us for no reason other than their belief that we had made a mistake, and they were therefore going to change the ruling.... I don't think that's the way we should proceed. If we're going to do that, then I think Mr. Preston and the others who sit on the subcommittee would quite rightly call into question why they bothered to meet at all. All of us have lots of things to do with our time, and we're constantly torn between conflicting priorities as members of Parliament. If I had been sitting on a committee and another body decided they thought we were wrong and overruled us, it would be hard not to take that personally, in that somehow they thought they were smarter than I am. I think that's of concern.

The last issue I want to raise during this round, Mr. Chair, is Madame Robillard's earlier statement that in her view this is substantially different because the amendments weren't allowed consideration by the chair.

The problem I see is that we could enter into a situation such that every time the Speaker makes a ruling on the admissibility or inadmissibility of an amendment, we could then just go ahead and change the bill and bring it back. If he rules again that this section of Bill C-415 is beyond the scope of the bill, or whatever, or somebody brings forward an amendment and it's ruled again beyond the scope of the bill, then someone else can just go away and draft up a new bill with those amendments in it, and that way they can bring it back again. How many times would this go on? Would it just go on repeatedly throughout a Parliament?

The reason we have a rule—to my mind, at least—is that in one single Parliament a myriad of potential legislation by all 307 members can be brought forward and can seize the House of Commons on any given day. If we allow the time of the House of Commons to be continually taken up with something the House of Commons has already ruled on and voted on, then by extension, obviously other things will not be dealt with.

It's just logical. We only have so many hours in a day. They are attributed either to private members' business, government orders, opposition days, or the debate of those motions. Were we allowed to continually bring back the same subject matter over and over again, obviously other issues of importance to members and to Canadians, issues they want to see their Parliament deal with, would fall off the table. There simply isn't enough time, if we're going to continue to revisit the same issue that Parliament has already dealt with. It's already been debated. It went to committee and was debated there, and it came back; people tried to amend it, and it came back.

Can you imagine the number of hours, the tax dollars, Canadians have invested in this issue already in this Parliament? I think the rule is there so that Parliament isn't continually seized with the same subject matter. You move on at some point. You say that if you want to address that, you address it in a future Parliament. We don't continually argue the same thing over and over again until somebody who didn't have their way two weeks ago finally gets their way.

Those are my comments at this point.

• (1150)

The Chair: Thank you, Mr. Hill.

I have one more name on my list. It's a bit out of the usual routine, but since I have only one name left, I'm going to offer the floor to Mr. Owen.

I'm sorry, we have more names coming up, so we're going to go back to our order.

Please go ahead, Mr. Owen.

Hon. Stephen Owen: Thank you, Chair.

I'm going to try to stay on exclusively procedural grounds. I know there's a variety of opinion on the substance of this type of legislation and its purpose.

There are three issues of procedure that I think are very important, and Mr. Hill brings up, properly, one of those.

Procedural fairness and natural justice, first of all, require that someone has an opportunity to do two things, at least: one is to know the case against that person, and by way of a decision, there's an administrative hearing or another type of hearing; and the other is that they have a chance to answer the case. We seem to have got ourselves into a position here where we're denying that procedural fairness.

It goes to a conversation we had, I believe—and I'll be quickly corrected if I'm not right—in open session last week, about what should be in camera and what shouldn't be and what should the penalties be, as Mr. Hill and Mr. Lukiwski mentioned earlier, for breaching that confidence of in camera meetings. And I think we came to some agreement that, first of all, we should limit the situations where we are in camera to where it's really necessary and not just get into the habit of going in camera because it's just easier, or whatever, or it's the way it's been done in the past. So on the one hand and against clear criteria, limit why we go in camera and then go very harshly on the people who breach that confidentiality, having decided it in a very reasoned and restrictive way.

We have a situation now where we get to the second procedural problem, which is that there is an opportunity for a member to challenge the decision of a subcommittee before the full committee, which is what we're doing today, but that person was never—nor even are we, in the fullness of our size—able to know the reasons for the decision that is being appealed to us. That's a second illogic here. There's the procedural unfairness, but there's also an illogic to it.

The third is the illogic I mentioned previously, which I won't dwell on, but I think that as members of the committee and looking at the Standing Orders, we should try to deal with a situation, if it's in the future, if it's not now, where you have an amendment ruled out of order because it's beyond the scope and yet it's before the subcommittee, unacceptable in the form of a bill because it's substantially beyond the scope. There just seems to be something there that's inconsistent, to me.

So whether it's for now and on this issue or for the future, I think we have some procedural work to do. I'm grateful for Mr. Hill's description of the evolution of private members' bills and I'm grateful that we've evolved this far, but I think we have to be careful in a real, legitimate concern not to take up the time of the House improperly or unnecessarily and still deal with some of these procedural issues.

I think Mr. Silva is caught in this procedural illogic at the moment. I'm not sure how we solve that now other than just voting on the issue, but those are my feelings of the general procedure we're in.

• (1155)

The Chair: Thank you.

I'm not sure it's the appropriate time to remind members, but there is an appeal process, and that's what Mr. Silva is here for today. Depending on the outcome, the member has a third option to appeal to the main House, to the House of Commons, as I'm sure Mr. Silva knows. Just to remind members who may not know, Mr. Silva can appeal to the House whereby he would need the signatures of five members from the majority of the parties in the House, and then a secret ballot would be held on the votability of this.

So despite the fact that there may be some need to review this procedure in the future, the subcommittee did present its report. The drafting of that report is typically held in camera by all committees. The outcome of that report has now been made public. And perhaps the discussions within committee are something we might want to discuss at a later date. This is not the appropriate time, but we can certainly consider that. It's just as a reminder to members.

Next on my list is Mr. Preston. And I'm still looking for any members who want to talk.

Hon. Jay Hill: I have a point of order, Mr. Chairman. I'm not sure whether it's a point of order, but I just don't want to leave the misperception with our witness, with a colleague, that I was questioning his right under the process and the procedure to be here today and make his appeal. That wasn't my point, so I just wanted that to be clear.

The Chair: Understood. I think that's fair.

Mr. Preston, please.

Are there more points of order? Next on my list is Mr. Preston.

Mr. Scott Reid: Mr. Chair, I did put my hand up a couple of times.

The Chair: I apologize. I did not see you.

Mr. Preston next, followed by Mr. Lukiwski and then Mr. Reid.

Mr. Preston, please.

Mr. Joe Preston: It's simply to answer a couple of points, and I do agree with Mr. Owen. I take no offence to what he's just said, but even at the outset of this meeting the criterion that was used and why the subcommittee ruled the current matter non-votable were stated, so it's not as if what criterion was used or how it was arrived at is an unknown factor.

I understand that because it was an in camera session it sure seems that way, but we do at least come out with the criterion as to what happened there.

I would also like to refer to the fact that the similarity between these two bills is what we're trying to discuss today. But I would remind the group that we got here somewhat a different way too, because Bill C-257, which we're preparing, was also similar to another bill. Bill C-257 was Mr. Nadeau's bill and the other one Ms. Bell's, and we were even charged by the Speaker to come up with a way of making sure this doesn't happen again, so that we find it non-votable at the appropriate time in the process rather than both of them getting to the House and having to be ruled out of order there—to come up with some remedy. And that's truly what happened with Ms. Bell's bill, which was substantially similar to Mr. Nadeau's bill. We couldn't find one of them non-votable, so we had to rewrite the criteria.

We've now rewritten the criteria so that we catch it at the appropriate spot in the process so it can't happen again, and we've tried to write—and it's been accepted as a report of this committee—the remedies for how we could address it if it does happen again.

We certainly have spent a lot of time on the subject matter of a bill respecting the Labour Code/replacement workers. We've seen three bills in the House that came forward with some substantial similarity on that, and that's why we looked at it that way.

To answer one of the questions that Mr. Silva brought forward about some previous Speakers' rulings—I understand that there are some there—as Mr. Hill said, some of these rulings took place during the time when private members' bills were treated substantially differently from the way they are treated today. So I recognize that a ruling made in 1980 was maybe under the rules that Mr. Hill was talking about, where you went and pleaded your case before whole committees and so on, and so I'll have to assume that maybe it was before the time....

To address Mr. Hill's point, I believe that the subcommittee will not take it personally but will certainly keep in the back of its mind that this committee is here for us to report to, and that's why the levels of appeal first bring it back to this committee for right of appeal. However, if that's just going to be the case each and every time, then why does the subcommittee actually exist and why don't we do the business at the full committee?

•(1200)

The Chair: I do have some other members on the list, but I just want to put across my viewpoint.

I think we're now discussing process versus the actual votability of this particular bill. So I'm going to maybe ask members to focus it back on track, which is fine. We can have this discussion at another time, but let's focus on the business at hand.

With respect to that, Mr. Lukiwski is next, and then Mr. Reid.

I'm sorry, Mr. Reid, but I did not see your hand. I don't deny that it was up, but I'm going in order.

Mr. Lukiwski, please.

Mr. Scott Reid: You need to get your peripheral vision checked. I'm not sure it's safe for you to drive. If an object should come out of the right-hand side, I'm not sure—

The Chair: Would that be a red Ford 1957?

Mr. Lukiwski, please.

Mr. Tom Lukiwski: Thank you, Chair. And I think the term I heard the Speaker of the House use is that clearly Mr. Reid is invisible to the chair.

The Chair: And is becoming more so.

Mr. Tom Lukiwski: I want to reiterate some of the procedural arguments I raised originally, and I want to speak to Mr. Owen's point.

Yes, I totally agree there's at least an apparent contradiction in what we're doing here, because of the Speaker's ruling that Bill C-415 contained elements of the bill that are beyond the scope of Bill C-257. One could then argue—as have Mr. Owen, Madam Robillard, and Ms. Davis—that this clearly means they are two different bills. I think that type of situation perhaps has to be addressed, but at some time in the future. I don't think it's incumbent upon this committee to try to address that situation right now. I agree there seems to be a bit of a problem there, and somehow Parliament has to work out a system in which there can be consistency rather than inconsistency in a ruling of a Speaker, as opposed to a ruling of a subcommittee. However, I don't think this committee is charged with that responsibility right now.

What we have is a situation where the subcommittee, charged with the responsibility of determining votability or non-votability, came back with its decision that Bill C-415 was non-votable. I would like to have been part of the discussion, or at least had knowledge of the decision and how the subcommittee came to it. Obviously Mr. Silva would like to know that as well. If we had been able to understand the decision-making process, it might have made this discussion at little easier and perhaps influenced some of the members a little more appropriately.

But we don't have that luxury, and we always need to remember that a decision made by a subcommittee really should not be overruled unless there is overwhelming and compelling new evidence and new information, and it can be demonstrated that the subcommittee was perhaps unaware of it at the time of their decision. I don't think it's sufficient to just say we disagree with the decision of the subcommittee, for whatever reasons. It is incumbent upon this committee, if they wish to overrule the subcommittee's decision, to come up with some very substantive reasons why—not just “I disagree”, but that they erred in terms of substance or lack of information, or they had some piece of information denied them that might have changed their decision-making process.

I am convinced, without the benefit of knowing what happened in that committee, that the subcommittee took its work seriously, examined all aspects of the two bills in question, and came up with a majority ruling that should be upheld by this committee.

I would also point out the obvious: that the subcommittee is comprised of members from all four political parties. So there really isn't an argument to be made that they were unduly influenced by one political party, one political view. Some members of that subcommittee represent parties that like replacement worker legislation, some don't like it, and some are divided. But representatives from each of the four political parties carefully considered the question and came up with a ruling.

Before anything else, we should take the view that we will respect the subcommittee's decision unless there is overwhelming evidence to suggest they did not have possession of information that could have changed their decision. I've yet to see any discussion at this table that suggests to me they did not have all of the information at their disposal. I believe they did. I believe they carefully considered both Bill C-257 and Bill C-415 and came to a decision that they thought was the correct one.

I also want to point out that from a procedural standpoint there is a reason why private members' bills are only allowed to be brought forward once in a session. I don't know how many years this replacement worker legislation has been brought forward, but I think similar bills have come forward before Parliament about eleven times. They have been voted against every time.

•(1205)

Several times, I'm sure, when the Liberal Party was in government, they would have considered replacement worker legislation that came before them, even in private members' legislation. I'm sure if we went back to the voting record of some of the members on this committee, we would find that they voted against replacement worker legislation. Everything being equal, they certainly have a perfect right to change their minds and vote in favour of a piece of legislation that they previously voted against.

The point is that private members' bills should only be brought forward once every session, and this is substantively the same bill, even though there are elements of it that are quite clearly different. The essential services portion of this private member's bill is different, but I believe it is substantively a similar bill, and only one bill of its kind can be discussed in one session.

However, Mr. Silva's recourse, as correctly pointed out by the chair, is that there is yet another option. That is to bring this for appeal to the entire Parliament, where that bill can be voted upon by secret ballot. I think we need to respect the procedures we currently have in place and the decision of the subcommittee, because they do not deny Mr. Silva the right to further pursue his quest to get this bill deemed votable. He can still take it.

Frankly, if the general will at that time is completely out of the hands of this committee and in the hands of all parliamentarians, it will almost be like having a vote on the original bill. I'm quite sure that if a majority of the House deems this bill to be votable, when the bill comes to an actual vote you will see the same results.

So I think Mr. Silva does have options before him, and therefore I do not think this committee needs to overrule a carefully considered decision by a subcommittee.

Thank you, Chair.

• (1210)

The Chair: Thank you.

Mr. Reid and Madam Redman, I'll give you seven minutes each, because it seems we're wrapping up.

Mr. Reid, please.

Mr. Scott Reid: Thank you.

I hope my seven minutes doesn't include the exchange with Ms. Davies.

It seems to me there's a difference between what the Speaker was ruling on and what we're dealing with. As I mentioned before, he has a narrower basis in which to work and therefore a more serious sanction in which items are simply returned and are not even allowed to be put on the notice paper. We have the lesser sanction of taking away votability. The word "sanction" isn't really the best word; it's only what comes to my mind. The "remedy at our disposal" might be a better way of putting it.

The real difference and the reason, as we've been talking and reviewing these things, is that one deals with bills or motions, items as they're described in the order, that are substantial. The other one deals with items that concern questions that are substantially the same. I think you can see the difference. One deals with the subject matter, and the other one deals with the actual bill itself. Clearly, the subject matter is constructed more broadly, and substantial similarity is therefore more likely to occur.

I think it's what's going on here, particularly when you reread what the Speaker said in his ruling. It's about the bill itself as opposed to its subject matter, and it's about the similarity of the bill as opposed to the similarity of the subject matter. I think it's important to mention.

If you don't mind, I have to turn to defend the honour of those of us who were on the subcommittee from what I'm sure were inadvertent comments on Mr. Silva's part.

I can understand his frustration. He said he doesn't know why these meetings have to occur in secret. I actually looked at the Standing Orders after he made mention of this. There is actually no requirement for the meetings to occur in secret. It's one of those things that have always been done that way and may well deserve re-examination. But it's not done out of ill will on the part of any of the people who are involved in it.

I had an item brought, as many have been, before the relevance of committee... This was in the last Parliament, under the current rules. An item of my private member's business was specifically a motion to amend the Constitution. What happened with the motion is that they announced a series of things that could be made votable. On the list, the one thing that wasn't being made votable was my motion. They were bringing it back for further consideration.

So I took the option of going to the committee and actually sitting at the subcommittee meeting. That option was available. At the time, although I was very worried that my motion was about to be found non-votable because of some consideration that the subcommittee thought was important, it wasn't being done out of ill will or it wasn't a conspiracy against me; it was simply the way the committee worked. I actually came and appeared before the subcommittee. I'm not sure if anybody here was present. I think Mr. Robertson was present at the committee at that time. Of course, it all happened in camera, and I can't tell you what occurred.

But the point is that it's an option that was available then and is available now. It meets in camera simply because it always has done so, and it deals with all items in camera. I might add that it dealt with an item brought forward by the leader of the Liberal Party this time around, and it was also found to be non-votable. These things happen.

There are a number of options we have at our disposal. I very much took to heart Mr. Owen's observation in regard to natural justice and the importance of knowing the charges against your piece of legislation. He had a good point.

Because I am worried about losing the frankness that can occur in a discussion in camera, maybe we could consider starting these meetings in camera, so that we could have a fuller review of what occurred at the in camera subcommittee meeting, and then go public. We can have meetings that go back and forth between in camera and public. We do it all the time. We recently had a meeting of a subcommittee on which a number of members of this committee serve, including Mr. Owen. We started off in camera, and we then discussed going public. We did so in the theory that we ought to be in public as much as possible.

• (1215)

Perhaps we could deal it that way. I suspect we would find at a full committee meeting that there would be no objection to taking what had been discussed in camera and having it made public, because we're not dealing with secret testimony, we're not dealing with people revealing documents that are confidential or that might cause embarrassment and so on, at least not in normal circumstances.

That might allow us to have the kind of fulsome discussion you can have in camera and then move into public session, as one possibility. That would allow, under the other option I'm suggesting, doing part of the full committee's meeting in camera. That would allow the person—in this case Mr. Silva, or whoever else has found their item designated non-votable—a chance to review all these matters. That could be done, if we wanted—maybe we should consider suggesting this—at a separate meeting that gives them time to go back and work on preparing an appropriate defence of their item, looking for the appropriate information precedents and so on that would allow them to move their item in a manner...to prepare a proper defence, because presumably that is very much the goal of this process.

I think on the whole the process itself was designed by all parties and I think it was intended to be fair. I've also been around long enough.... I remember in the 38th Parliament I also had an item that was automatically designated non-votable. I had to go before that committee and make an appeal. It really is a substantial improvement, so we're moving in the right direction.

I think there's goodwill on the part of all who are involved in the process. As I say, I'm sure Mr. Silva did not mean to suggest there's anything inappropriate. I think it's important that no one come out of today's meeting with the impression that something inappropriate has occurred.

That's what I wanted to say, Mr. Chairman. Thanks very much.

The Chair: Thank you, Mr. Reid.

The last name on my list is Madam Redman, please.

Hon. Karen Redman (Kitchener Centre, Lib.): Thank you very much, Chair.

I think there have been some very valid, good points made, and then there have been lots of other points made. So I guess I would say that I am sure that with our good colleagues, this is all done in an air of collegiality. This is starting to feel like a filibuster to me, because I have to say we're deep into the weeds on the process, and whether we like or hate this process, I believe there is another time and place for it, and it's not this time.

I would respectfully ask that you call the question. I doubt that any of these learned arguments are changing anybody's opinion or vote around the table. Mr. Silva has made his best shot at a convincing argument, and I would ask that you now call the question.

The Chair: I have to agree with Madam Redman. We seem to be drifting off into a process talk, issues that should be discussed at another time and meeting. However, if I ask if we're going to call the question, I might get a lot of no votes.

Are there short comments to add to the discussion, Mr. Hill?

Hon. Jay Hill: I don't know how short they will be until I get into my comments, Mr. Chair.

If you have a problem with your colleagues addressing this—

The Chair: Absolutely not.

Hon. Jay Hill: I'd hate to think the chair was being arbitrary here.

The Chair: No, the chair is just trying to focus, which is fully the right of the chair, the discussion on the matter at hand.

Hon. Jay Hill: I'm pleased you saw my hand go up, unlike my colleague Mr. Reid.

The Chair: It's getting blurry as we speak.

Mr. Hill, please.

Hon. Jay Hill: Mr. Chair, I wanted to return to address this issue about the whole business that Madame Robillard raised, about the content of this bill being similar to the amendments that were ruled out of order.

There's a touch of irony in this particular case, Mr. Chair, because I seem to recall, and Madame Robillard can correct me if I'm wrong, that when she was Minister of Labour—and here's where the irony comes in—she talked about the whole issue at different times during speeches and in response to questions during question period. Obviously as a government minister she was called upon to respond.

• (1220)

Hon. Lucienne Robillard: Twelve years ago.

Hon. Jay Hill: Right. And my recollection of her responses is that it was extremely difficult to address just one provision, i.e. replacement workers, without touching on essential services. As I recall, she made some very strong arguments that the definition of essential services would have to be included for a bill to move forward. As I said, she can correct me if I'm wrong, but that is my understanding of the comments she made. Yet now, if I'm understanding her arguments correctly, she seems to be arguing in favour of making this bill votable because in her mind it's substantially different from the previous bill.

I'm trying to square the argument with the arguments she has made in the past, because it's not difficult for any of us to foresee that quite possibly this bill.... For argument's sake, let's say that the committee did decide to make it votable and that it passed second reading. Now, those are a lot of hypotheticals, but just for argument's sake, let's say that happened and it went off to committee. And following up on Madam Robillard's and many others' arguments in the past that you cannot in all good conscience touch this part of the Canada Labour Code without defining what essential services are, this bill does not do that. It does not define.

So we could end up in a similar situation, Mr. Chair, where we're at committee and Madam Robillard herself or someone else brings forward a definition of what essential services are. It might be one clause long, it might be 64 pages of definition. My understanding is that in Quebec labour law, the definition of what constitutes essential services is quite lengthy. It's quite involved. They tried to cover off everything possible, and that in itself is its own minefield of what you put in there and what you exclude.

So it wouldn't be difficult to follow this through. Someone would make those amendments, those amendments would be ruled out of order, and the bill would fail because the definition of essential services wasn't included. So the bill is voted down, similar to what happened to Bill C-257. Another member says, to use Madam Robillard's argument, oh well, the amendments should have been allowed but they weren't, so I will put my definition of what constitutes essential services into a new bill, I will introduce it in this same Parliament, and I will hopefully get it votable. And we could go through that whole process all over again.

So then we have a definition of essential services, and we could be back in the same situation, where some other well-intentioned member, like Mr. Silva, would bring forward a bill but try to correct the problem of the previous bill, which in this case would be Bill C-415, which was trying to correct a problem of a previous bill, which was Bill C-257. We end up in the situation where Bill C-415 is hopefully corrected, in the sense that it has this definition built into the new bill, but then ultimately the committee or the subcommittee rules it is votable. Off it goes again, gets to committee, and somebody brings forward amendments. Wait a minute, that definition isn't inclusive enough; we have to try to amend the bill. Well, somebody rules that no, wait a minute, when you start to amend and bring in other services as your description of essential services, that's beyond the scope of this particular bill. They're out of order. You know, this could go on and on and on in the same Parliament.

I get back to my earlier point: at what time does Parliament say that we've had a good, fulsome, healthy debate on this subject matter? In this particular case it's on the subject matter of replacement workers. The House has spoken. The House in its wisdom decided to set this issue aside. That's not saying that in a future Parliament it won't be dealt with.

• (1225)

I suspect that given the track record on replacement workers—I don't remember, I think Mr. Preston or Mr. Lukiwski said it was 11 times, or maybe 13 or 17 times, or whatever the number was—it just continues to come back and come back. So I suspect that we haven't heard the last of this legislation. If we uphold the rule of the subcommittee and make this non-votable, I suspect it will come up in a future Parliament, and all of us—well, those of us who are back—will be sitting here debating the same issue again.

That's what I'm proposing to Madam Robillard, and what I'm trying to do is square the thoughts that she put in, in the past, to the need to have essential services defined in labour legislation and in the Canada Labour Code; and if she disagrees with what she said a few years ago, how she squares that with this particular legislation, which doesn't define "essential services". Doesn't she at least believe that my scenario is quite possible, whereby this legislation could go off to committee and indeed someone, any member, could bring forward amendments to try to define what constitutes essential services in Canada under the Canada Labour Code? Then we could be into this big mess all over again, where some member decides, oh well, the Speaker ruled that was beyond the scope of the bill, so then they try to correct that by drafting a new bill. We'd be right back here all over again.

The Chair: Thank you.

Next on the list is Mr. Lukiwski, but we're a little out of order there. So I'll go to Madame Robillard, and we'll come back to Mr. Lukiwski, just out of fairness in the rounding.

Hon. Jay Hill: Yes, because I was posing questions to Madame Robillard.

The Chair: Madame Robillard, please.

[*Translation*]

Hon. Lucienne Robillard: Mr. Chair, I respectfully submit that the comments of my colleague Mr. Hill, quoting statements of mine from 12 years ago, when I was Minister of Labour, bring us directly to the substance of the bill, that is, the definition of essential services.

Our committee's role is not to decide on the substance of the bill, but to decide whether it is votable or not, as the result of an appeal submitted by one of our colleagues. I am not going to get into that discussion, because I feel I would then get into the discussion on the bill. In addition, the scenario foreseen by my colleague assumes further decisions from the Speaker of the House of Commons rejecting one amendment or another. These assumptions go too far. Let us get back to the question of whether the bill is votable or not.

It is difficult for me to support the arguments of some of my colleagues in the Conservative government who say that the subcommittee did its work very well. I do not question that, I respect the work that was done. But as a member of this Committee on Procedure and House Affairs, I have absolutely no idea what happened because the work was done in camera. That is fine, even if we could raise the question again. Here, I am sitting on an appeal committee. I do not know what the committee discussed, nor which arguments were accepted or rejected. I only know the final result.

Mr. Lukiwski's argument today is that the subcommittee's work should be upheld. Our colleague Mr. Silva also has another avenue of appeal to go before the House.

We are being told to stop calling things into question. They did their work well and there is another appeal. We should not take a position today. I reject that. As a member of the committee, I have a role to play. The appeal is before us, I am dealing with it according to my knowledge of the bills and of the criteria as interpreted by the subcommittee. I am not questioning the quality of their work, but today, I am able to have an opinion that differs from that of the subcommittee that did the work. That is the case.

Thank you, Mr. Chair.

[*English*]

The Chair: *Merci.*

Mr. Lukiwski.

Mr. Tom Lukiwski: I have a question first, Chair, because I honestly don't know the answer to this. I think I do, but I think Mr. Hill has a differing opinion.

We're all talking about how it would be nice to know the discussions held at the in camera subcommittee meeting, to determine exactly what thought process they had. If we went in camera as a committee here, would we have the ability to hear in camera testimony? I don't think so, right?

• (1230)

The Chair: Since you're asking the chair, it's—

Mr. Tom Lukiwski: I don't know. I'm asking.

Hon. Jay Hill: Yes, we would.

Mr. Tom Lukiwski: I didn't think we could because the in camera discussion was confidential. No matter if we went in camera, we still couldn't hear another—

Hon. Jay Hill: That's correct, but it's confidential in the sense that it's not to be made public.

Mr. Tom Lukiwski: I'd like to know an answer to that.

Mr. Joe Preston: There are members on that subcommittee who do not sit on this committee.

The Chair: Perhaps I could interject. It's my feeling, as well as our analysts', that in camera meetings are in camera; they're not to be discussed in another in camera meeting, as a general rule.

Just to answer your question, if we were to go in camera, that would not give people the freedom to discuss a previous in camera meeting.

Thank you.

Mr. Tom Lukiwski: You had indicated at the outset, Chair, that you were adjourning this at 12:30 to go into what is the—

The Chair: I was hoping to have some time at the end to discuss future business, on Thursday, for the entire committee, plus there is a steering committee meeting that we need time for.

Ms. Libby Davies: And I have a motion.

An hon. member: So why don't we vote?

The Chair: We're still in a discussion phase here.

Mr. Tom Lukiwski: So the ruling is, then, that we'll go to one o'clock.

The Chair: I have to ask the committee's indulgence. I need time for the steering committee. This committee has a tonne of business to do and we need to have some direction for the next couple of weeks, otherwise the committee, as we move forward, doesn't.... It sounds to me as though we may have to discuss this and put it back on the agenda.

We have about eight or nine outstanding issues that this committee needs to deal with—and hopefully within the next four weeks, giving way for our break week.

Mr. Silva, I'm going to let you make a comment while I think about whether or not we should adjourn and move to a steering committee.

Mr. Mario Silva: I would ask, Mr. Chair, that you proceed to a vote, given all the arguments that have already been stated. I don't think there's anything else one could hear that would make one go one way or the other.

The reality too, Mr. Chair, is that this issue has to be dealt with today at this committee, because my appeal was five days, and therefore today is the date. So I would ask for a vote, Mr. Chair.

The Chair: Thank you, Mr. Silva.

Unfortunately, though, you don't have a place on the committee to deem when the vote is held. That's number one. Number two, you have made your appeal application in good time. This committee's decision doesn't have to be made within five days. You have to make your appeal.

Mr. Mario Silva: All right. Thank you very much.

The Chair: So you are quite safe. There are no worries there.

There are further discussions. I don't want to cut off discussions on a process like this. This is a public meeting. I am trying to ask members to focus, and I need time to have a steering committee post this. So I'm going to allow the discussion to go for five more minutes. Let's focus this thing and see if we can get it done.

Mr. Lukiwski, please, then I'm going to have to adjourn for a steering committee.

Mr. Tom Lukiwski: Thank you, Chair.

My point of order has already been answered. I thank you for that. My impression was that since the appeal has been launched it doesn't have to be done today. In other words, if there is no decision today and Mr. Silva comes back, or whatever, a vote will still take place.

Again, Mr. Chair, I believe there are several options available to Mr. Silva to reintroduce this bill should he not be able to bring this bill in its current form to a vote. Not only has he the ability in this parliamentary session to appeal to the entire Parliament and bring it to a vote by secret ballot, I believe, but also, if this is an issue or a piece of legislation that his own party would like to see move forward, then there is clearly nothing to stop him in the next session of this Parliament from having one of his colleagues, should he not be chosen in the order of precedence when the draw comes forward....

If this is a priority of the Liberal Party, I would certainly think that someone then would be able to make an executive decision within the Liberal Party to say, look, this is a piece of legislation we want brought forward to a vote. I can see nothing procedurally that would get in the way of this bill being brought forward in the next session, because there would be no argument that it would be similar to another bill. The similarity argument is what we're dealing with here to determine votability. So should the Liberal Party deem this to be a priority, they can bring it back. The first time any one of their members gets drawn in the order of precedence, if they feel it's that much of a pressing priority, they can have this bill or some reincarnation of this bill brought forward, and there would be nothing stopping that particular private member's bill from moving forward, that I can see.

It goes back to my comments that I've been emphasizing all along, that there has been a decision made by a subcommittee that was represented by members from all four political parties. They've made a decision that this particular Bill C-415 should not be votable, for their own reasons. But it doesn't prevent this bill from being brought back to the House.

I would suggest that it would certainly be a prudent move to uphold the subcommittee's decision on this, because it would in fact be sending a fairly positive message that subcommittee decisions are respected and they're not overruled for what I would suggest are frivolous means, or for means of expediting a political agenda. I think we would want to respect the decisions by all subcommittees.

But again, this bill would not be quashed. In other words, Mr. Silva or some other member could bring back the very same bill in the next sitting of this Parliament.

• (1235)

The Chair: Madam Redman.

Hon. Karen Redman: Thank you, Mr. Chair.

I do appreciate the sincerity with which all members are participating in this discussion; however, I would respectfully ask the chair to ask the committee if, by a show of hands, we'd be willing to call the question, as I hear no new arguments. I hear no value added and nothing that has not already been stated several times in this committee. And I question how productive going on to another meeting would be.

The Chair: I agree with you. I think our debate has drawn out. However, I should remind the committee that we are still in the round of questioning the witness, although the witness isn't getting many questions.

I need a move for the motion before I can call the question, number one.

Number two, I would entertain other motions with respect to my previous comments that we have future business to discuss. We have notice that there are other motions to be put on the floor by other members.

So I'm here to entertain two motions, not a question. I need somebody to move the motion that the second report of the standing committee be concurred with, and we can then move to the question.

I'm prepared for that, Madam Redman. I'm also prepared for a motion to defer this meeting, if Mr. Silva can appear on Thursday, and if members still have questions for the witness. So there are a couple of items.

Madam Redman, please.

Hon. Karen Redman: If it would be in order, then, are you saying that the proper wording of the motion before us would be that this committee do concur or do not concur? Is it do concur, and then either it passes or it fails?

The Chair: Yes, that's exactly right. How we word it would depend on how members would want to vote. But the motion I'm looking for someone to move is that the second report of the subcommittee on private members' business be concurred with.

Hon. Jay Hill: I have a point of order.

The Chair: Mr. Hill.

Hon. Jay Hill: I would ask for the clerk's interpretation. My understanding of the rules is that we cannot interrupt one of our colleagues who is debating the issue and then, at the suggestion of the chair, immediately move to making a motion on a point of order. I don't think that's allowed, unless I've gone to sleep somewhere in the last 14 years and woken up on a different planet.

The Chair: My apologies. Mr. Hill is correct.

I hear what you're saying. I accept the point.

Hon. Karen Redman: I appreciate the clarification and the direction from the chair.

The Chair: Thank you.

Mr. Lukiwski, please continue.

Mr. Tom Lukiwski: How much time do I have left, Chair?

The Chair: You have three and a half minutes.

Mr. Tom Lukiwski: Thank you.

I appreciate the point of order by my colleague, but again, the point I was making here is that I think it would be a very dangerous precedent to set to overrule a subcommittee decision, based on the fact that the subcommittee, represented by members of all political parties, took an extremely good look at the two bills in question before coming up with its decision.

One would think that if you're looking at a decision based strictly on partisan lines.... If this bill was clearly in order, they would have, as a subcommittee, determined it to be votable at the subcommittee level. I don't think there's any question here. I respect the opinions of my colleagues in other political parties. I don't agree with their position, but I certainly respect their opinions and their positions. Clearly, the NDP would like to see replacement worker legislation brought into law. I believe the Bloc Quebecois voted en masse for their colleague's bill when it was brought forward, Bill C-257, so one would think that they would probably be in favour of any similar piece of legislation. I know the Liberals were somewhat divided when the last vote on Bill C-257 took place. And, of course, the Conservatives were against it.

One would think that, at worst, at the subcommittee level, if one were to look at the partisan voting patterns of replacement worker legislation over the course of the last 10 or 15 years, the subcommittee would have been in a dead heat. Yet they came back with a decision that this should be considered to be a non-votable item.

I think it crossed all partisan boundaries, all partisan lines, and I think we need to respect the decision of the subcommittee. If we did not, that would be sending a very dangerous message to a lot of other committees that may be in the same position or in a similar position.

There are options, as I've pointed out to Mr. Silva, many options—several, at least—some that he could employ right now. He could potentially bring this to a vote before the entire Parliament, or at the very least, this bill could be reintroduced at the next sitting of this Parliament. So even though the ruling of the subcommittee would be upheld, it does not mean this bill would die. It could be brought back in another form, perhaps.

I think that should give comfort to all of those who support replacement worker legislation. Even though we've had it before the House 11 times previously, it may be coming back 12 or 13 times. If they feel that strongly about this legislation, there are options under which they can bring it forward.

Therefore, Chair, I don't see why this committee, in its collective wisdom, should even consider overruling the decision made by our subcommittee. I will continue to present that argument, because it would mean, in my view, an extremely dangerous precedent to set.

How much time do we have, Mr. Chair?

•(1240)

The Chair: You have 10 seconds left.

Mr. Tom Lukiwski: Well, let me try to wrap up quickly.

Mr. Chairman, this is an issue that I think was brought back to this committee—

The Chair: Thank you, Mr. Lukiwski. Your time is up on that.

I will move to the next speaker on the list. Are there any other speakers?

Mr. Reid, please.

Mr. Scott Reid: Mr. Chairman, I'm not sure if—

Mr. Louis Plamondon (Bas-Richelieu—Nicolet—Bécancour, BQ): Five minutes—

The Chair: Five-minute rounds. I'm sorry, five-minute rounds.

Mr. Louis Plamondon: That's not what you said, you said five minutes more. That's all.

Mr. Marcel Proulx (Hull—Aylmer, Lib.): Mr. Chair, when we started this meeting this morning, you advised us that the part that would be dealing with Mr. Silva's request would be from 11:30 to 12:30. Then from 12:30 on, we would be discussing, as is indicated on the agenda, committee business. Out of the blue, you've added that you want to have some time prior to one o'clock to discuss further with the steering committee.

The Chair: Correct.

Mr. Marcel Proulx: That's fine, except that you are the one who said when we first started that we would go until 12:30 on Mr. Silva's file. I don't mind following rules and regulations, but I don't appreciate when we change them as we go along, regardless of—excuse me, sir, I'm not done—whether it's done for one side of the table or the other.

So would you please advise us of your decision? Are we done at 12:30 or not?

The Chair: Mr. Proulx, if you check the minutes, you will see that I offered the witness up until 12:30 *if* that was necessary. It appears that more is necessary. Prior to accusing the chair of something that you're perceiving, you might want to check the public records.

We'll continue with this discussion until we're done with the witness. If your side or if anybody else wants to put a motion on the floor, we'll do that, and we will follow the rules, which you, sir, are fully aware of.

Mr. Reid.

•(1245)

Mr. Scott Reid: I was just going to say I'm not sure if this—

Mr. Louis Plamondon: I have a point of order. We have to finish at 12:30. But why do you decide to continue? We have to decide, all of us, if we continue or not, and we have to take a vote—

The Chair: I'm waiting for a motion. I've said that a couple of times. I'm waiting for a motion.

Mr. Louis Plamondon: —on that, if we have enough interest to continue.

The Chair: We don't have to take a vote until there's a motion on the floor.

Mr. Reid.

Mr. Louis Plamondon: A motion?

The Chair: Are you putting a motion on the floor, sir?

Mr. Louis Plamondon: I will propose a motion to see if you have permission to continue.

The Chair: You don't have the floor, sir. I will put your name back down. If you want the floor, I'll give you the floor in due course.

Mr. Reid, please.

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

I've been interrupted by two points of order, and I'm not sure if this is in order, but I was going to propose a motion that we suspend the hearing with the witness so that we can move to the items of future business that you said we wanted to deal with.

The Chair: That's appropriate. I have a motion on the floor.

Ms. Libby Davies: What was the motion?

The Chair: Would you repeat the motion, please, Mr. Reid?

Mr. Scott Reid: That we'd suspend whatever we're... I don't know if it's to a future meeting or not, but just so we can do the future business.

The Chair: The motion is to...I'm going to guess it's not "suspend", it's "defer"—

Mr. Scott Reid: Is that what it is?

The Chair: It's to continue discussions, because we're not done with this. The motion is to defer this meeting so that we can basically adjourn this part of the meeting and deal with future business. Is that correct?

Mr. Scott Reid: Well, I'm not sure if adjourning would—

The Chair: Change the subject matter, move to future business that's on the agenda. Move to the next item on the agenda.

Mr. Scott Reid: Is that what it is? That means we can come back to it, right?

The Chair: Yes.

Are we clear on the motion, colleagues? The motion before us is that we adjourn the debate, defer it to another time, continue this meeting with what's on the agenda, which is future business and, if we have time, steering committee. Are we clear on that?

(Motion negatived)

The Chair: Mr. Reid, you have the floor. We'll continue with the debate.

Ms. Libby Davies: He has five minutes, Chair?

The Chair: Not quite.

Mr. Scott Reid: Earlier, I had suggested the idea that we ought to be willing to look at in camera evidence if we took the whole committee in camera, and there were a number of objections, but I think they're mistaken. I think you can do this. The privilege of going in camera, it seems to me, for the subcommittee derives from the larger committee, and for the Committee of the Whole it's from Parliament. So I can't see why we couldn't do this.

There have been some suggestions that discussions in camera were of a nature that would have made a profound difference to Mr. Silva's ability to make his case before this committee. I can't reveal exactly what happened in the committee, but we know certain things. We know it was relating specifically to the issue of his item being substantially the same or dealing with substantially the same subject matter as a previous piece of legislation, Bill C-257, I think. It was not about the other things. Nobody's suggesting it violates the Constitution. Nobody's suggesting it's an item outside of federal jurisdiction. So we already know a fair bit about this.

I have to be honest and say I don't think there have been tremendous procedural difficulties either with going in camera or, frankly, that there's any suggestion that any particular discussion has occurred that makes this particular hearing in some respect in violation of the normal rules that would allow him to have an open and fair hearing of what he's saying.

We could have the option of going in camera, and I still think that would work, notwithstanding the concerns that one or two of my colleagues have. But I don't see, given the nature of the discussion, how this is damaging to Mr. Silva's interest in making his presentation.

Perhaps I'll just leave it at that, Mr. Chair.

• (1250)

The Chair: Thank you.

Monsieur Plamondon.

An hon. member: I think I was next on the list.

The Chair: We are still in the round of questions to the witness—
[Translation]

Mr. Louis Plamondon: Mr. Chair, I would like to make a motion.
[English]

The Chair: —so I'm going in the order of the parties.

You are next when your time comes up.

Monsieur Plamondon, please.

[Translation]

Mr. Louis Plamondon: Mr. Chair, I would like to make the following motion: that we now proceed to adopt the second report of the subcommittee.

[English]

The Chair: You're putting a motion that we move directly to the vote?

Mr. Louis Plamondon: A vote on *le deuxième rapport du sous-comité*.

The Chair: I'm going to take a moment to determine whether that's in order.

• (1250)

_____ (Pause) _____

• (1255)

The Chair: Colleagues, after checking with our analysts and the clerk, I have concluded that the motion put forward is out of order. We are still in the rounds of questioning of the witness. To move from that to a vote is out of order.

You could put a motion on the floor, if you so choose, to move to that section where we're finished questioning the witness. Then the motion is on the floor and that motion would be debatable. The witness can stay, if he wants, but technically witnesses are at that point dismissed.

So the motion to move from here to a vote is out of order.

Monsieur Plamondon, you still have the floor.

[Translation]

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Point of order, Mr. Chair. I challenge your decision.

[English]

The Chair: You're entitled to do that.

Mr. Michel Guimond: I will, and this is the reason.

The Chair: I'm waiting for a reason. If I don't have a reason, my ruling will be the same.

Go ahead.

[Translation]

Mr. Michel Guimond: Mr. Chair, I feel that the motion made by my colleague Mr. Plamondon is perfectly acceptable. I think that we should move to the vote, and then deal with the report democratically. The motion asks that we move to the vote now. I am pointing out to you that the word "now" is important.

[English]

The Chair: I'm not convinced by that.

Is there another point of order, or the same point of order, please?

Hon. Jay Hill: Thank you, Mr. Chair.

On the same point of order, with the greatest of respect for Monsieur Guimond's appeal, he didn't put forward any reference to any applicable standing order.

[Translation]

Mr. Michel Guimond: Point of order.

[English]

Excuse me, Jay.

Hon. Jay Hill: Are we going to get into the business of interrupting each other now?

Mr. Michel Guimond: No. It's a point of order, because I think when we put the question, it's not a debatable motion. I will ask the clerk to verify that we don't have to go to a debate when we put this question—excuse me, Jay—this question of interpretation.

The Chair: My rulings are obviously open to the committee to appeal, and you can vote on my ruling. But I didn't hear anything compelling in your argument to change my ruling. So now I guess we either allow somebody else to argue or we go to a vote on my ruling.

[*Translation*]

Mr. Michel Guimond: Mr. Chair, I would like you to ask the clerk if this motion can be debated or if we move immediately to a vote. Can we debate the question, given that, according to the procedure, I have indicated that I am challenging your decision?

[*English*]

The Chair: Your question, just for my clarification, is that you want to know if you can debate or vote on the appeal? I see.

Mr. Michel Guimond: Yes, this is what Jay has done.

The Chair: I see. He's asking for another point of order on the same issue.

Mr. Michel Guimond: And I think we must deal with the first—
● (1300)

The Chair: Okay.

Colleagues, let me read from chapter 20: “While the Chair's rulings are not subject to debate, they may be appealed to the committee. A member appeals a ruling by requesting that the committee vote on the motion”. And the motion, obviously worded properly, is that the chair's ruling be sustained. That isn't debatable. You are correct, Mr. Guimond.

I'm going to ask for a vote on whether my ruling that Mr. Plamondon's motion is out of order be overturned.

Does everybody understand what I'm asking? There can't be any debate, I'm sorry. We're voting.

Hon. Jay Hill: A point of order, I guess.

The Chair: I can't have a debate on it, Mr. Hill. I'm sorry. The rules are clear. There's a motion on the floor that—

Hon. Jay Hill: I just point out, Mr. Chair, that if we proceed with this—

Some hon. members: Out of order.

The Chair: I'm sorry. I'm very sorry. There's a motion on the floor that my ruling be appealed.

Hon. Jay Hill: It has to be that your ruling be sustained, and then we can vote it down.

The Chair: Correct.

Can I have a vote on the sustainment of my ruling? My ruling was that Mr. Plamondon's motion is out of order.

All in favour of the appeal and my motion being sustained?

Mr. Tom Lukiwski: Not appeal, that the ruling—

Hon. Jay Hill: You should say all in favour of your ruling.

(Ruling of the chair overturned)

The Chair: We're back to the motion.

Order, please.

Mr. Louis Plamondon: Now we vote.

Hon. Jay Hill: That's a debatable motion.

The Chair: The motion before us now is.... I'm sorry?

Mr. Tom Lukiwski: Mr. Chair, a point of order, I just noticed that it's after one o'clock. Are we extending the meeting or are we adjourning?

The Chair: I don't see a motion to adjourn.

Hon. Jay Hill: Then I move adjournment.

The Chair: I have a motion on the floor already. I'm sorry. I have a motion on the floor. My understanding from my clerks is that this is a debatable motion. If it's on the floor right now, the committee has agreed that this is a valid motion.

The motion is that we move to the vote. Correct?

Mr. Louis Plamondon: But the motion said to vote immediately on the second report. My motion said that.

The Chair: We still have to debate it. We still have to debate the motion, if members want to.

Hon. Jay Hill: The members want to.

The Chair: I'm taking names.

Mr. Hill.

Are we in order with all those changes of members?

I'm sorry, just out of courtesy to Mr. Silva...Mr. Silva, we are now on a different motion. The questioning of the witness is over. You're more than welcome to stay, but you are in fact dismissed. It would be your choice.

We'll have Mr. Hill, please.

Hon. Jay Hill: Thank you, Mr. Chair.

Mr. Chair, I want to start out by saying that this is a very unusual turn of events in the time that I've had the privilege to be a member of Parliament. I think it should be of concern not only to parliamentarians of all political stripes but also to the public, some of whom may be listening to the proceedings today, since this is a public meeting.

Mr. Chair, the situation we have just seen unfold is that by dint of a majority, the question period that you were overseeing as chair was summarily ended. Mr. Chair, so that we clearly understand what we've just done here, I would submit that if that's the case—if we're going to break new ground here and start to do that—then when we call a witness before any standing committee, the majority of that committee can, with a motion, just decide with a vote that the question time is over. It doesn't matter whether there are more people on the list or not, because as you correctly pointed out to the committee, there were members present who had their names on the list of speakers and were prepared to speak. When you recognized Monsieur Plamondon, he put a motion that summarily cut off any further discussion. I say this so that we can very clearly understand what happened.

Mr. Chair, it's not beyond the realm of possibility that what we've just moved into is basically an organized dictatorship. The reality is, Mr. Chair, that if we call a witness, the majority—in this case, all of the opposition together—can decide, for whatever reason, that they want to cut off any further discussion. It doesn't matter how long the list is that the clerk has written for you, the list of members who want to talk on that particular issue. It could be the first round of questioning, and all of a sudden the majority of the committee decides they've heard enough. It doesn't matter; they've just had enough of this particular discussion.

The thing that particularly offends me is that there are individuals sitting around this table who are always quick to say they want to defend the minorities. They want to stand up, beat their chests, and say they're the party, the individuals, the members of Parliament who want to look after the minorities. In this particular case, Mr. Chair, they just decide that they've heard enough at this committee, and they're a majority; therefore, it's going to be the will of the majority to cut off any further discussion. That's what took place here; let's be very clear about that. You correctly pointed out to Mr. Plamondon that there were still people on the list, yet when it came his turn, he presented a motion that basically cut off any further discussion.

As I said, I know that when I was in opposition, we used to rant and rail against majority governments at different times down through history, whether it was a majority Conservative government or, more recently, the back-to-back majority Liberal governments. Whether it was at committee or in the House, we used to often call the government to account because they were behaving, in our view, like a dictatorship. It was just the will of the majority—a show of hands, in a sense—and there was no recognition that perhaps procedure and due process were going to be run over roughshod.

Back in those days the minority, in those cases, was collectively the opposition members. The opposition parties didn't have sufficient votes, whether it was at committee or in the chamber in the House of Commons, to thwart the efforts of the government of the day. In that case it was the Liberals; before my time, opposition parties used to accuse the Progressive Conservatives of something similar.

● (1305)

Yet that's exactly what we've witnessed here today. Despite the fact that people were ready, willing, and able to put forward their points of view, the opposition collectively decided, that's enough,

we've decided; we've made the decision that we've heard enough and we're going to cut it off.

If that's the type of precedent that we're going to set, whether it's the individual parties coming together to collectively determine the fate of a chairman or whether it's to cut off any further debate on an issue, as they have done in this committee, I would have to pose the question, Mr. Chairman, where does that leave this Parliament?

I see that we're very rapidly moving into the realm where the opposition collectively, the three opposition parties, have decided that they're going to be the government, that they are going to make all the decisions. They're going to decide who gets to be the chair of the committees. They're going to decide indeed when they've heard enough, when discussion should be cut off.

My concern with this, Mr. Chairman, is obvious. The citizenry, yes, elected a minority government, but they did elect.... And I know how much that sticks in the craw of Liberal members, who actually believe this commonly held view that the Liberal Party of Canada is somehow the natural governing party and it's an anomaly if they're ever thrown out of office. They take very personally that something has gone awry and they're no longer government.

But the reality is that the people elected a Conservative minority government, not a coalition government of the three opposition parties. That's not the decision they made in January 2006. Yet what we're seeing today is the opposition parties collectively, as I said, attempting to decide who gets to talk, when they get to talk, how long they get to talk, and they're going to move a motion, which was allowed to stand, that cut off any further discussion.

I don't think it's that difficult to project and say, where is this going to lead? I would suggest, through you, Mr. Chair, that what we're going to see very rapidly is this: if this approach to a minority government, a minority Parliament trying to work together, is allowed to stand, very quickly we're going to really dissolve into a completely dysfunctional place. If it's going to be the tyranny of the majority that dictates when discussions are cut off, then I really have to question whether that's in the best interests of the Canadian public—that simply like that, they're going to decide, on this particular day in committee, to move a motion, have a vote, and say now we've heard enough.

I have a problem with that. It certainly goes, if not against the existing procedures and the Standing Orders, against the intent of the rules of this place and what, in my time, I've come to try to respect, which is that people do get the opportunity to continue to debate, to talk and to put forward their individual points of view.

● (1310)

The Chair: Thank you.

Mr. Lukiwski.

Mr. Tom Lukiwski: Thank you, Chair.

Further to Mr. Hill's comments, for the record, I would like to inquire of the chair and the clerk as to the propriety of the motion that was voted on by Monsieur Plamondon, wherein if a majority of the committee votes to cut off debate and questions, they have the right to do so. Frankly, I'm not sure whether or not it is allowed under the Standing Orders. But perhaps it is, and I appreciate the ruling of the chair.

I would like to get some clarification on that at some point. I may be speaking for a while, so perhaps while I do so, you can provide me with that clarity by checking the Standing Orders and the Marleau and Montpetit *House of Commons Procedure and Practice*.

It would appear to me, Chair, that it's not really a democratic function to curtail debate by members of the committee when they wish to get comments on the record or to at least participate in the debate itself.

Obviously, Chair, one could argue that procedural techniques or procedural tactics to delay or prolong debate may be something that members do not agree with. But the fact of the matter is that procedures and practices were put into place for a reason. The reason is that over time, over the last 100 years, there has been a system of practices and procedures within this House that seems to work in a democratic manner for the benefit of all parliamentarians and, of course, those whom they represent.

I would sincerely appreciate some clarification as to whether or not, in the spirit of democracy, the motion brought forward and subsequently voted on was in order.

Mr. Hill made a very valid point. If this is in fact allowed to stand and if this is in fact approved under the procedures and practices of this House, it would mean that at any time, in any committee, fulsome debate could be halted if the majority of the committee, in this case the combined opposition, wished to absolutely curtail debate on any subject. They would have the ability to do so merely by bringing forward a simple motion that says we are to call the question or in effect end debate.

I'm not sure, Chair, if the intent is in keeping with the spirit of the procedures and practices of this House. I do not personally believe that when Messrs. Marleau and Montpetit wrote their very well-received book on procedures and practices, what they had in mind was a practice in this House that would allow the curtailing of any debate.

• (1315)

Hon. Karen Redman: I have a point of order.

The Chair: Ms. Redman.

Hon. Karen Redman: I'm sorry to interrupt you, Tom.

For my edification, can the chair tell us if we're going to be able to listen to this scintillating discussion by Conservative colleagues until question period? Are we going to continue this until next Thursday, when we would normally meet again? What exactly is the timeline, seeing that we have passed 12:30 and one o'clock, which were the pre-arranged times for this committee to end?

The Chair: I'm sorry. I'll take a moment to answer this point of order.

It has been the normal practice for committees to suspend for question period. However, as the members already know, I made one ruling that was overturned by the committee. We are at the call of the committee. But it would be my suggestion to ask the committee to suspend for question period in a while.

Hon. Karen Redman: Would the assumption be that we would then come back after question period?

The Chair: It would be what "suspending" means.

Hon. Karen Redman: I'm only looking for clarification, Chair.

The Chair: It's my pleasure. Thank you.

Mr. Lukiwski.

Mr. Tom Lukiwski: If I may continue with my comments, I'll speak to Karen's point of order. Yes, there was a motion that was defeated to suspend at one o'clock. That is the motion that I believe Mr. Hill or Mr. Reid brought forward, not to adjourn but to suspend, to move to another topic, to suspend debate on this particular topic, and that was overturned. So I can only assume, then, that the members of this committee wanted to continue discussing it.

But now we have debate on whether or not the motion brought forward by Monsieur Plamondon was in order and whether it was correct. I suggest to you, Chair, in all due respect, that it really wasn't. While perhaps technically in order—and I would still like to get clarification on that—it certainly was not in keeping with the spirit of the practices and procedures of this House.

I've always believed that, like it or not, all members who indicate a willingness to debate issues have the full opportunity to do so, and to do so at length from time to time. Yet it appears that the motion that was voted on and upheld by the chair curtailed that ability for members. It in effect said that regardless of the willingness or the intent of a speaker to make comment on an item of debate, they would not be allowed to do so. They would be, in effect, prevented from doing so.

I would definitely like to see indication, whether it be in the Standing Orders or in Marleau and Montpetit, of some reference to that, that speakers who wish to engage in debate cannot do so by majority vote at a committee level. I would love to see where that is indicated in any form, just because I do not believe, as I mentioned, that it was the intention of anyone who was involved in either writing the Standing Orders of this House or the procedures and practices. I believe all members should be allowed to say their piece and say it without disruption, not only without disruption but without being curtailed and cut off. That's in effect what has happened here.

So although I appreciate the ruling, again I would appreciate some clarification and some definitive proof that the ruling was a correct one, because as my colleague Mr. Hill said, that is setting, in my view, a very dangerous precedent. If we now have a system or procedure in place that allows any member at a committee to introduce a motion that in effect would have the ability and the right to cut off debate by any other member, I do not believe that is the intention of anyone who is involved with writing procedures.

Mr. Owen once spoke earlier this afternoon about natural justice. Well, I would say the natural justice with respect to democracy is that debate should not be curtailed. If, however, there are set rules, whether that be in committee or in debate of the House, that state there are parameters and time limits for any debate, so be it; everyone knows the rules going in. But for example, when we introduce a piece of legislation in the House and political parties have the opportunity to put up speakers, I have yet to see any practice that says no, I'm sorry, you can't put up more than this amount of speakers. It's undemocratic. Every member has the ability to stand up and speak, whether it be debate or in comment on a particular piece of legislation.

And we are talking about a piece of potential legislation here. We're talking about a private member's bill that was brought forward, that was ultimately deemed to be non-votable by a subcommittee. The appeal mechanism kicked in. The sponsor of that bill then brought his proposed legislation back to this committee for discussion. After approximately two hours of discussion on the subcommittee's ruling, which was to deem this private member's bill non-votable, a motion was brought forward to cut off debate, to cut off discussion.

• (1320)

Mr. Chair, by all my standards, by all my knowledge of how this place works, not only is this undemocratic, I would suggest to you it's unparliamentary. I would suggest also, Mr. Chair, that it is against the common practices of this House.

Once again—and I will continue to ask, Chair—I would very much like to see any reference, in any writings of this place that deals with Standing Orders or procedures and practices, where it states that it is an allowable function for another member to bring forward a motion that would in effect cut off my right to speak on a subject.

If we can find that reference, Chair, and it's something that's been in practice, obviously I would withdraw my comments and say, fine, I may not like it, but it's something that I have to live by. It's a procedure that has been tried and tested over the years, and found to be in order. I would merely say fine, I object.

Perhaps I would even advise at that point in time, Mr. Chair, that we revisit the particular procedure or practice, indicating that a member would be able to have his voice in effect silenced just because the combined opposition members determined that they don't like to hear what a particular member is saying.

In fact, that's what it comes down to, doesn't it? It comes down to the fact that regardless of topic or point of view, there's an ability for the opposition members—should they be the majority, which they always are in committee—to stifle debate, or to cut off comments that they may not like to hear or that they may not want Canadians to hear. By anyone's standards, Chair, I think that is highly undemocratic. I suggest that the majority of Canadians, if posed with that very simple scenario, would agree with me.

Now, members opposite clearly may not like what I have to say, or maybe they think this is nothing more than a procedural tactic. Frankly, if they wish to make those comments, if they feel that way, that's a fair comment.

The Chair: Order, order.

Mr. Lukiwski, I apologize for interrupting.

I am having a little difficulty hearing. I wonder if we could keep the conversations a little quieter. If you have to have conversations with your staff, maybe you could step away from the table. Thank you.

Mr. Lukiwski, please.

• (1325)

Mr. Tom Lukiwski: Thank you very much, Chair.

As I was saying before your intervention—

Mr. Louis Plamondon: I have a point of order, Mr. Chair.

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

[*Translation*]

Mr. Louis Plamondon: Mr. Chair, I would like to withdraw my motion.

[*English*]

The Chair: I'm going to ask the committee's unanimous consent that Mr. Plamondon's motion be withdrawn.

Mr. Tom Lukiwski: Could you read the motion before we—

Some hon. members: Oh, oh!

Mr. Tom Lukiwski: —just so I'm clear what we're withdrawing?

An hon. member: Go on your BlackBerry and say, what's next?

Some hon. members: Oh, oh!

Mr. Tom Lukiwski: I want to hear what the motion was, so we understand what we're withdrawing, if we so choose.

The Chair: Order, please.

The motion is only in French. Is it okay with the committee that we read this in one official language?

I see agreement.

I'll let the clerk read the motion.

[*Translation*]

The Clerk of the Committee (Ms. Lucile McGregor): Mr. Plamondon's motion reads: "that we proceed to adopt the second report of the subcommittee [...]".

[*English*]

The Chair: Is there unanimous consent by the members at the table who are eligible to vote that the motion be withdrawn?

Some hon. members: Agreed.

Mr. Scott Reid: There is one dissenting voice.

The Chair: I am not convinced that I have unanimous consent. Could I get some eye contact here?

Mr. Louis Plamondon: Who is against this?

The Chair: I have one member who is not in favour. I do not have unanimous consent.

Hon. Karen Redman: Who is not in favour?

The Chair: No one asked me for a name-calling vote.

Hon. Karen Redman: For clarification, how many Conservatives do we have signed into this committee meeting?

The Chair: The legal ones voted.

Order, please.

The motion was defeated. We'll continue the debate.

Mr. Lukiwski, please.

Ms. Libby Davies: So what are we debating?

Some hon. members: Oh, oh!

Mr. Tom Lukiwski: We'll figure something out as we go along.

The Chair: Colleagues, could I please make one mention right now? I've asked for order a couple of times. I have the authority to suspend this meeting for disorder.

Mr. Lukiwski has the floor, and I think we'll respect that. Thank you.

Mr. Tom Lukiwski: Again, so I can get my head around this for a moment, we are still debating a motion that Monsieur Plamondon wanted to withdraw. Am I on point here?

The Chair: That's correct.

Mr. Tom Lukiwski: I believe I am. Perhaps this changes slightly the approach I would take to this debate. And while I appreciate my colleague's efforts to withdraw his motion, I understand that from a procedural standpoint you need unanimous consent for a motion to be withdrawn. Since unanimous consent was not given, obviously we're still in debate.

I think this points to a very important factor here. While it may seem somewhat odd to members of this committee why we're still debating this, it points to the fact that, by procedure, we are following this debate in a correct manner, because we did not have unanimous consent—for whatever reason, one of the members decided to oppose the withdrawal of the motion—so therefore the debate surges on.

It speaks to the fact that procedures are put in place for a reason, and that's the whole essence of the comments of my colleagues and myself, to ensure that we follow proper procedures. Again, as I have beseeched the chair and clerk and analyst at the opening of my remarks, I do not believe there is any reference anywhere in the Standing Orders or in Marleau and Montpetit that suggests that a member should have the right, by majority vote—not even unanimous consent, but by majority vote—to cut off comments being delivered by any other parliamentarian.

Clearly, it doesn't seem to be democratic to me. It flies in the face of the spirit of democracy, frankly, Chair. I would suggest to you there is no reference anywhere to be found that would allow such a motion to be considered, let alone to be acted upon. So I would suggest to you, Chair, that if we perhaps don't have it in time for the suspension of this meeting prior to question period, I would suggest, when we resume debate, that you bring forward whatever reference materials you have found that suggest that Mr. Plamondon's motion was in order to begin with.

An hon. member: It was, sir, it was simply overruled.

Mr. Tom Lukiwski: Chair, then it speaks, obviously, to the larger issue of procedure itself. What we have found, Chair, in discussion this afternoon, is that some members want to honour procedure, some seem to want to bypass it when it's convenient for them. I would suggest that's no way to operate in a Parliament either, Chair.

I would strongly encourage all members to understand the reasons for Standing Orders, number one, and procedures and practices, number two, and why they were put into place. There have been over time, I'm sure, many changes, some minor, perhaps some major, for Standing Orders. I note with interest that my colleague Ms. Davies had brought forward a motion for discussion, which we have not yet dealt with at this committee, that would, I think, significantly change the Standing Orders, inasmuch as her motion was, with respect to the appointment of chairs or the election of chairs, to bypass a long-standing practice.

Regarding the approval to have a government member represent committee members as the chair, her suggestion was that we bypass that practice and we allow an opposition member—in other words, change the Standing Orders to allow an opposition member to become chair. Frankly, Chair, I think that is a very substantive change to the Standing Orders that all of us have followed for probably close to a hundred years.

● (1330)

Although I know we haven't had debate on that motion yet, Chair, I would suggest to you that it be something we give very careful consideration to, because I think that then we start going down the path that Mr. Hill referred to—that combined, opposition members can in effect hijack Parliament. Regardless of Canadians' intent to vote governments, whether they be a majority or a minority, if in a minority situation the combined opposition wishes to change Standing Orders, traditions, conventions, procedures and practices, they would have the ability to do so. I am absolutely 100% convinced that was not the intention of our wise forefathers, who spent so much time in developing the Standing Orders to begin with.

Hon. Karen Redman: On a point of order, Mr. Chairman, “of persons”.

Mr. Tom Lukiwski: I appreciate that, and I apologize. Yes, I was certainly using it...of persons who developed the Standing Orders as we know them.

● (1335)

The Chair: Also, “wise”.

Mr. Tom Lukiwski: It all comes down to the ability for members to be able to speak and express opinions, whether that be their personal opinions or whether it be opinions based on collective wisdom of the constituents. It certainly speaks to the fact that this ability would be compromised and in fact completely curtailed, because combined opposition members then would absolutely have the ability and the right to be able to control everything from procedures and practices to Standing Orders to long-standing conventions to, in fact, legislation. I don't believe by anyone's definition, regardless of political stripe, that would be an acceptable practice.

I believe Canadians understand the fact that when they express their voting intention on polling day, they expect that the party who receives the most votes by individual members will form a government of sorts. Sometimes it will be a minority; sometimes it will be a majority. It appears the recent practice has been to elect minority governments, and there's nothing wrong with that. If a minority government can function and function well, and in the spirit of compromise perhaps and in the spirit of cooperation it still is able to function by bringing forward legislation that is debated and discussed and then ultimately passed into law, I think most Canadians would say, well, you know, the system works. But I do not believe members of the Canadian public or voters, the ordinary Canadians who cast ballots on any polling day, would agree to the fact that, regardless of who is elected as the government of day, they should not have the ability to advance their own agenda, that in a minority government the opposition in fact is governing this country.

That's why we have votes of non-confidence, and that's why we have elections. I would suggest to the members of the opposition that if they want to govern, well, just bring us down. You have the combined votes. We have a confidence bill, quite frankly, coming up. We have a vote tonight on Bill C-52, and if there's a desire by this combined opposition that they want to see an election right now, well, clearly that's a confidence vote and they have the ability to do so, as they do from time to time over the course of any Parliament.

That's the way the system works. There are checks and balances involved in any Parliament. There are checks and balances that have been put into place in the procedures and practices that we follow, and it's for that very reason that Parliament functions.

So to me, listening to the motion that was brought forward, that was voted in favour of by opposition members here, I think that to stop debate flies in the face of the very thing that I'm talking about. It speaks to the fact that members of the opposition want to ignore convention, long-standing practices, and start working on their own agenda and start working on a different set of practices without even consulting members of Parliament. I just don't think that's right, and I think that most Canadians would, without question, agree with my position on that.

That's why I say that I have—

Ms. Libby Davies: On a point of order, Mr. Chair, I believe the member has strayed very far from the actual motion that we're debating. We're debating a motion as to whether or not we should now be voting on the question of whether or not the private member's bill is admissible to be voted on. This is going far beyond that in terms of other items that are on the agenda that we haven't yet debated, as well as other procedural matters. So I think, as chair, you should ensure that the debate is on the motion.

The Chair: Thank you.

Mr. Tom Lukiwski: If I may speak to that point of order—

The Chair: No, I'm sorry. I can't allow that. Thank you very much.

I would caution, you do have the floor, Mr. Lukiwski—

Mr. Tom Lukiwski: I'm not allowed to speak on the point of order?

The Chair: I don't think we need to speak to the point of order. It's a simple matter of asking you to focus on the issue a little bit better than you have, although I've been listening—

Mr. Tom Lukiwski: Intently. I noticed you took out your earpiece a couple of times, Mr. Chair, so I'm not sure what—

The Chair: It's crackling on me. I'm going to have to order a new one.

Anyway, you have the floor. Just focus a little closer.

Thank you for the point of order.

Mr. Tom Lukiwski: What I'm saying, Chair, is that the very motion that was voted upon and approved by the majority of this committee speaks to far larger issues than merely that simple motion, because it sets a precedent on what we may experience sometime in the future.

This is the precedent that has been set right here, Chair. It's that members of the opposition, or any members, frankly, for that matter, can stifle debate, can curtail debate, can end debate, even though the member who was speaking or wished to express an opinion has the perfect right to do so.

So while I appreciate the fact that all committees are masters of their own fate, I do not believe, Chair, that it is an acceptable practice for this motion or any motion similar to this to be allowed, because in effect it says we don't care what convention has been, we don't care what parliamentary history has been, we don't care what procedures and practices are written, we don't care what the Standing Orders are; we're saying that as a committee we can tell an individual member, I'm sorry, you are not allowed to be heard. That's exactly what this motion has stated—exactly what this motion has stated.

Chair, it just perplexes me, it befuddles me, why members of this committee who propose and purport to be the saviours of democracy, in some cases, when you listen to them speak in the House, would say, on one hand, we believe in the democratic right of all of our members to express their opinion, but on the other hand say, except when we disagree with what the speaker has to say. That's what this motion has done.

This motion has gone forward and said, we want to curtail debate; in effect, we don't like what you have to say, or we don't like the way in which you're saying it, or we don't agree with your opinion, so therefore let's have a simple vote, and if a majority of opinion says yes, that's right, cut the person off, they're cut off.

Chair, that is not democracy. It's absolutely not democracy. That's why I'm speaking so intently and vociferously against the motion brought forward by Monsieur Plamondon. It just flies in the face of democratic rights. Clearly, not only I but I'm sure many others would agree with my position and speak, as I would speak, against such a motion.

Why, Chair, would anyone ever vote to restrict democratic voice? That's, in effect, what this motion has done. It has stopped debate on an issue. It doesn't matter what the issue is. We will always find, in a minority Parliament, in a minority government, that there will be huge differences of opinion. We know that to be a fact. We know that even in a majority government the opposition members, frankly, will oppose, even though they may be somewhat powerless from a legislative point of view to prevent legislation from being passed. We at least recognize the fact they have the perfect democratic right, and parliamentary right, to express their opinion, and we allow them to do that.

Let's take it a step further then, Mr. Chair. If we had a situation where there was a majority government, and this precedent was accepted, one would then, if one extended that logic in that precedent, say the majority then, at any time, could curtail debate on any subject just by a simple majority vote. They could raise a motion, vote upon it in the House, and any subject that the opposition members wanted to discuss would be unavailable to them for discussion. That's what this motion does. It basically allows a precedent to be set that could have very dangerous implications down the road.

Now, in this particular case we have a minority government, so the combined opposition are the ones who will continue to have the majority votes if they wish to vote as a bloc, no disrespect to the Bloc Québécois. But in effect, Mr. Chair, the reverse could be held true as well. If we end up, at some point in the future, in a majority government situation, then those members on the government side would have the perfect right, if this precedent is to be followed, to stifle debate by any member of the opposition. How democratic is that?

● (1340)

I can only imagine, Mr. Chair, if that situation occurred, the howls of protest we would get from members of the opposition, and rightfully so. They would have a perfect right to say that their voices were being squelched by the majority rule in Parliament. We can't allow that to happen, and we shouldn't. If we think that is undemocratic—and I think we all do—then how in the world can this motion—

Mr. Louis Plamondon: I have a point of order, Mr. Chair.

The Chair: Yes.

Mr. Louis Plamondon: I understand the argument and I think he's right. I will retire my proposition. I think he's right to speak against it.

The Chair: Do I have unanimous consent to withdraw the motion?

(Motion withdrawn)

The Chair: Now there's no motion on the floor to debate.

Mr. Joe Preston: Mr. Chair, I was on the list of speakers on the previous piece of information we were dealing with.

The Chair: Do you have questions for the witness? The witness has been dismissed.

Mr. Joe Preston: Perhaps they're for the rest of the group then, to try to convince them, if they're going to vote one way or the other.

The Chair: Mr. Preston, you are correct. You were on the list prior to this motion being introduced, so we will revert to that.

Mr. Preston has the floor on the discussion prior to your motion, which has now been withdrawn.

● (1345)

I'm going to ask if I have concurrence and unanimous consent from the committee to suspend this meeting for question period. We'll reconvene at 3:30. It probably won't be in this room, but we will make sure everybody has notice of where it will be.

Mr. Joe Preston: Will I still be on the list of speakers at that point?

The Chair: Yes.

Hon. Karen Redman: I don't know if your suggestion is even a friendly amendment. Would it be possible to suspend this meeting until its regular scheduled time on Thursday morning?

The Chair: I'm open to that. I will just change my friendly request—that we suspend this meeting until the next regularly scheduled meeting, which is Thursday at 11 o'clock. Technically it's an adjournment.

Mr. Joe Preston: Will I still be on the list of speakers at that point? I'm just trying to make sure. Mr. Lukiwski made some great points. I would like to suggest—

The Chair: May I have unanimous consent that this meeting be adjourned until Thursday at its regular time of 11 o'clock?

Mr. Louis Plamondon: It's a suspension and not an adjournment?

The Chair: We can debate the terminology. I think it's important we note that it's a suspension. Is that okay?

Mr. Louis Plamondon: We will continue from where we are with the report.

(Motion agreed to)

The Chair: The meeting is suspended.

Thank you very much, colleagues.

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

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

**Also available on the Parliament of Canada Web Site at the following address:
Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante :
<http://www.parl.gc.ca>**

The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.

Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.