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## Legislative Committee on Bill C-2

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**Tuesday, October 30, 2007**

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**Chair**

**Mr. Rick Dykstra**

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Tuesday, October 30, 2007

•(1105)

[English]

**The Chair (Mr. Rick Dykstra (St. Catharines, CPC)):** Pursuant to Standing Order 113(3), I would like to call the meeting to order. This is the first meeting of the Legislative Committee on Bill C-2, An Act to amend the Criminal Code and to make consequential amendments to other Acts.

I feel like the genie in *Aladdin*, because there are a few quid pro quos that we need to go through first. According to practice, in my role as the chair of this committee, I will act as a neutral arbitrator of the proceedings, ensuring orderly conduct of debate and, obviously, careful attention to the clause-by-clause study of the bill.

I first would like to thank the committee and respective parties for their support in allowing me to chair this legislative committee. Because of the short time this committee has been given to study the bill, I shall do my best to ensure that we do this in as efficient a manner as we possibly can. We'll have our work cut out for us if we are going to complete our study by November 22, but I think we'll be able to meet that part of the motion and certainly move forward. I give you my assurances that I will act as a neutral arbitrator and chair this as effectively and efficiently as I possibly can.

There are two people I would like to introduce before we get into housekeeping matters. The first is the clerk of our committee, Christine Lafrance. She'll be responsible for the administrative and procedural aspects of the committee's work. Our legislative clerk, from whose work we will benefit, is Mr. Mike Macpherson. Mr. Macpherson will be an advisor to the committee regarding the admissibility of amendments.

Before we begin the consideration of routine motions, I would like to confirm the fact that the committee is ready to hear from the justice minister this afternoon in a televised meeting. Obviously all of our proceedings will be televised. If I could see agreement and general concurrence that the minister could drop by and present, that would be appreciated.

**Some hon. members:** Agreed.

**The Chair:** All right.

I don't know that we've actually nailed down a time for that.

Ms. Jennings.

**Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.):** The notice I received said 3:30.

**Mr. Rob Moore (Fundy Royal, CPC):** The one comment I would have on that is that I know the Minister of Justice would like

to be at the fiscal update that's going to be taking place, I believe, at 4 o'clock. I would propose that we meet after that fiscal update, as soon as it's over, until bells at 5:30. We have a 5:45 vote tonight. I hope members would agree that we could squeeze an hour in there, between 4:30 and 5:30, and if people still had more questions for the minister—I've spoken with the minister—he's willing to come back right after votes. We don't know exactly how long votes will take, but he's willing to come back right after votes. Hopefully we could wrap things up in between the fiscal update and votes, if that's agreeable to everybody.

[Translation]

**Mr. Réal Ménard (Hochelaga, BQ):** I would just like to understand why it is important for a minister who does not have an economic portfolio to be present for an economic update. Is the government not claiming that C-2 Bill is the priority? Should we not start at 3:30 p.m.? I am not opposed to starting at 4:30 p.m., but I confess to being a little surprised that the minister, who does not have an economic portfolio, wants to be present for an economic update. I am not against starting an hour later, but I would prefer to start at 3:30 p.m. I would just like someone to explain what contribution the Minister of Justice will make, since industry or finance are not matters that concern him at all.

•(1110)

[English]

**Mr. Rob Moore:** You can certainly put that question to the minister when he's here, but I think the minister would like to be there for the fiscal update. Many of us would like to see the fiscal update. We didn't know about this when the original schedule went out, but to try to accommodate hearing from the minister today—as I think we all want to do—there does seem to be that window of time in between the fiscal update and votes in which the minister will be able to be here. So if everyone is agreeable to that, we can put our questions to the minister in between those times.

**The Chair:** I have Ms. Jennings, Mr. Comartin, and Mr. Lee.

**Hon. Marlene Jennings:** Yes, this is a little wrinkle. The notice I received was that the minister was prepared to appear before the committee today between 3:30 and 5:30. On that basis, I was more than willing to vacate my schedule in order to be available to hear from the minister in a continuous fashion today. With the information that we're now receiving from his parliamentary secretary, it appears he's not available at 3:30, but would make himself available for a short period before the economic update and then following the votes.

I don't think that is necessarily the ideal situation in order to hear from the minister. I would ask the parliamentary secretary if the minister would be available tomorrow afternoon—and if not then, possibly on Thursday morning, just to give you an example—at let's say 3:30 or 4 or 4:30, for at least an hour-and-a-half block of time in a continuous fashion, not the disjointed fashion being suggested.

To echo our colleague Monsieur Ménard, the economic update is the economic minister. All of us may wish to have the luxury of participating and hearing that economic update. However, if the justice minister, whose primary responsibility is justice, can make himself available for the time that was initially sent out through the chair's office today, then I would recommend that he do so. Many of us changed our schedule based on the notice we received.

**The Chair:** I will let Mr. Comartin go next, but just to clarify, the notice that did go out, Ms. Jennings, is correct. It was for today from 3:30 to 5:30, with 3:30 to 4:30 being the minister and 4:30 to 5:30 being ministry officials. That was the notice that was sent out.

Mr. Comartin.

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** I am the same as Ms. Jennings in that I altered my schedule. I cancelled out of the House leaders meeting, which I usually attend for my party, at 3:30. I'm also scheduled to speak to the private member's bill after the votes this evening, the bill to amend the charter. So I have some difficulty.

I would support Ms. Jennings' position that we ask the minister to come tomorrow afternoon from 3:30 to 5:30.

**The Chair:** Mr. Lee.

**Mr. Derek Lee (Scarborough—Rouge River, Lib.):** Mr. Chair, our members of Parliament normally try to accommodate ministers who have very busy schedules, but in this case, the reason offered for us altering our schedules and shoehorning something in at the very end of the day, divided by a vote in the middle, is that the Minister of Justice wants to listen to a speech from the Minister of Finance.

Now, I know this Minister of Justice is not a groupie of the Minister of Finance.

I may be a little out of date on this, but I also had heard that the speech might not even be happening in the House of Commons, in which case, I don't know where the heck the Minister of Justice is going to be able to listen to the speech. He may be sitting somewhere with a transistor radio.

**Mr. Joe Comartin:** It's at the press gallery.

**Mr. Derek Lee:** The press gallery?

Well, that's a great place for the Minister of Finance for a couple of hours. I think he ought to be right here with our business. I don't think there's any need for any member around this table to go out and have to listen on the radio to *War of the Worlds* or the next speech from the Minister of Finance or any government minister. If it were a House obligation, maybe, but our committees normally sit while the House is continuing its business.

I'm going to suggest to committee members that one of the underlying reasons here...and I'm not criticizing it. But in order to maximize media coverage of all things governmental, it would be perhaps a poor choice to have this committee televised and ongoing

at the same time as the Minister of Finance makes his speech. You'll understand why I wouldn't want to play that game.

I am suggesting that we either have the meeting at 3:30 and do our work, or reschedule it in the way Ms. Jennings has suggested. That way I think we'll do a better job of our work.

Thank you.

• (1115)

**The Chair:** I have Mr. Harris, Mr. Keddy, and then Mr. Moore to hopefully wrap up.

**Mr. Richard Harris (Cariboo—Prince George, CPC):** Thank you, Mr. Chair.

I guess I'm just a little bit surprised at some of the comments.

Mr. Ménard, Mr. Lee, and Ms. Jennings have been here as long as I have. If you're being honest, you cannot say that this has never happened before, and it's something that is possibly expected when you have a minister coming to a committee meeting. We've been on hundreds of committee meetings over the last 15 years, and this is definitely not the first time a message has come from the minister's office at the last moment that something has come up that the minister has to do and can we sort of rearrange it.

Honestly, on every committee I've ever sat on, without exception, we've always done whatever we could to accommodate a minister's timetable. I am speaking of the previous government, the Liberal minister's timetable—in every case. To be honest with yourself, this is not unusual. To be honest with yourself again, you know in the past you have always done everything you could to accommodate a minister. This is not an unusual request. To question why a minister has to ask for a little exception to his schedule in making changes...I can't remember a committee I've ever served on where this happened, where we went into a long debate as to why the minister couldn't make it, for a legitimate reason. The minister says he or she can't make it. We've accepted that in the past. It's precedent-setting.

I think this conversation is a little unusual. Why don't we just think about our past committee history and make accommodation for the minister to see us today at the time he's available?

Thank you.

**The Chair:** We've had a chance to talk about this and we're going to have to come to a decision.

After you speak, Mr. Keddy, I think we should either come to an agreement or we'll need a motion put forward to have the minister here.

**Mr. Gerald Keddy (South Shore—St. Margaret's, CPC):** I'll be extremely brief, Mr. Chair.

I concur with what Mr. Harris has said.

I think the issue here is that regardless of the reason the minister finds himself in a quandary where he can't be here at 4 o'clock...he can be here for the half hour, my understanding is the half hour prior, and then come back after the fiscal update at 5:30 or after votes. Am I correct in that? So we would still have an hour of the minister's time today.

I've looked at this agenda, and like the rest of the members here, I have spent a lot of time sitting around committee tables. We have a very ambitious agenda and a very small window of time. Quite frankly, we may not be able to get the minister when it's convenient for us. If we can do it today—we have him for half an hour and we can get him for the second half hour—my suggestion would be that we try to accommodate his schedule for today.

**The Chair:** I have three more people. We're going to have to come to grips with this.

Mr. Moore.

**Mr. Rob Moore:** Mr. Chair, we had originally talked about, I believe, 3:30 to 5:30. The minister is willing to be here during that time slot, from 4:30-ish to 5:30, when we have votes. Anything anyone did to change their schedule is not in any way impacted by this change. It would still be there but just for the second half of that hour that we originally scheduled. The minister was going to be here for an hour and then officials for an hour. The minister will be here for approximately one hour.

If the committee wishes the minister to appear after votes...I've been on enough committees to know that we were oftentimes interrupted by votes in the last session. We'd be in our deliberations. Votes would have been scheduled. We'd come back after votes. It happened many times in the last session.

The minister has said he's willing to come back right after votes, so I would hope the members would try to accommodate. It's not really a major shift from what we had originally scheduled anyway.

• (1120)

**The Chair:** Mr. Ménard.

[*Translation*]

**Mr. Réal Ménard:** Mr. Chair, I would like us to understand each other's position, and I will state mine. We understand that ministers are very busy people; we are not disputing that. We are just a little surprised that a minister feels the need to give priority to listening to a speech that does not seem related to his mandate, when we think that he would be more useful at the committee.

That said, I think that we should start off on the right foot. You are well aware that the opposition has cooperated in bringing the committee together as quickly as possible. Mr. Chair, I move that we hear from the minister from 4:30 p.m. to 5:30 p.m. That means that his officials would come from 3:30 p.m. to 4:30 p.m. and that we would wrap up our work the moment the bell begins to ring for votes. I am ready to move that we hear from the minister, but I hope that he will be told that we would like to have been a priority in his schedule, because the government has constantly told us that this is the most important of its bills. It is the opposition parties and their leaders who have arranged for the committee to meet as quickly as possible.

So I move—seconded I think by Ms. Jennings—that we hear the minister at 4:30 p.m. as arranged, and that his officials appear at 3:30 p.m.

[*English*]

**The Chair:** If I understand correctly, the motion is that we would have ministry officials appear from 3:30 to 4:30, with the minister appearing and presenting from 4:30 to 5:30, at least up until the vote. That's a little different from how we normally would do things, but it certainly would be within the timeframe we have.

Ms. Jennings, to the motion.

**Hon. Marlene Jennings:** Yes, to the motion. First of all, yes. I would, however, propose a slight amendment, which would be that the minister also agree to come back before the committee moves to clause-by-clause, if needed, with his public servants, if this committee deems it necessary. That's the only thing I would add, and we would be prepared to support Mr. Ménard's motion.

**The Chair:** The only thing I would ask the mover to potentially add to that is that we would have televised coverage.

To the motion, Mr. Moore.

**Mr. Rob Moore:** Just to be clear, the minister will be here as close as possible to 4:30. I can't guarantee that at 4:30 he'll be sitting in that chair, but it will be as soon as possible. Then, of course, the bells will ring and we'll make our way to votes for 5:45.

**The Chair:** Thank you.

Monsieur Ménard.

[*Translation*]

**Mr. Réal Ménard:** Mr. Chair, I would ask the Parliamentary Secretary not to push his luck. What a bad start it will be if the minister arrives at 5:00 p.m. and leaves at 5:30 p.m. So we are expecting the minister to interrupt his other activities and to be here at 4:30 p.m. as is his responsibility. Let us be clear on that.

[*English*]

**The Chair:** Mr. Moore, you can go one more time before we vote here.

**Mr. Rob Moore:** I think all members would agree that it is a little odd—I've never seen this happen before—to have officials appear before the minister does. For the initial introduction of a bill, usually the minister speaks, and then officials are there to take some detailed questions.

I would prefer to stick with what was offered—that the minister and officials appear from 4:30 to 5:30. Then if necessary the minister and officials—not just officials, but the minister as well—can appear after our votes. I'm not entirely comfortable—and I don't know if anyone here can say that it's ever happened before—that on a bill, ministerial officials would appear before the minister would. I've never seen it happen. There are, though, people here who have been here longer than I have.

[Translation]

**Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ):** After the vote, there will be speeches in the House. I am making one; Mr. Comartin too. This is starting to get difficult. At the moment, I feel that the opposition is making every effort to cooperate. But each time we find a solution, it seems that Mr. Moore comes up with some other obstacle. As my colleague said, this is not a good start. We certainly want to cooperate, but don't push your luck, dear Mr. Moore.

• (1125)

[English]

**The Chair:** We have a motion.

[Translation]

**Mr. Réal Ménard:** I am ready to amend the motion. I agree with the principle of ministerial responsibility. Officials should appear after their ministers. I fully understand that it does not make much sense to allow non-elected people to speak before an elected one. But I have to insist that we are expecting the minister at 4:30 p.m. So, if Ms. Jennings and my Liberal and NDP colleagues are in agreement, I will withdraw the part of my motion that invited the officials to appear at 3:30 p.m. Ministerial responsibility wins the day. So let us hear from the minister and his officials at 4:30 p.m.

[English]

**The Chair:** Let me read the motion, and then I will recognize Mr. Bagnell, and then we'll have the vote: that the minister appear from 4:30 to 5:30 p.m., with his officials, that the meeting be televised, and that the minister and his officials appear again before the committee if needed before we enter into clause-by-clause.

Mr. Bagnell.

**Hon. Larry Bagnell (Yukon, Lib.):** That's fine.

**The Chair:** All right.

Mr. Comartin.

**Mr. Joe Comartin:** We're not going to meet after the votes then? Did I misunderstand that?

**The Chair:** With his officials.... No, we wouldn't meet after.

**Mr. Joe Comartin:** So we'd stop at 5:30, 5:45.

**The Chair:** Okay. I'll call the question.

(Motion agreed to)

**The Chair:** Unanimous. Thank you.

**An hon. member:** That's a good start.

**The Chair:** It's a very good start.

**Mr. Réal Ménard:** We are so reasonable.

**The Chair:** In terms of diving into routine motions here, next we have the services of analysts from the Library of Parliament. Can I get a motion for that?

**Hon. Larry Bagnell:** I so move.

**The Chair:** It is moved by Mr. Bagnell and seconded by Mr. Ménard that the committee retain, as needed and at the discretion of the chair, the services of one or more analysts from the Library of Parliament to assist in its work.

Are there questions? Is it agreed?

(Motion agreed to)

**The Chair:** Now that we've adopted that motion, I'd like to invite Mr. Robin MacKay to sit beside us. Mr. MacKay is the analyst provided by the library, and for now he is working on the legislative summary that shall be ready in the very near future.

Thank you.

Do I have a mover for a reduced quorum?

[Translation]

**Mr. Réal Ménard:** I want to make an amendment about the reduced quorum, Mr. Chair.

[English]

**Mr. Derek Lee:** I'll put the motion on the floor.

**The Chair:** Mr. Ménard.

[Translation]

**Mr. Réal Ménard:** We would like to make an amendment. Given the importance of this bill, and the seriousness of our work, we do not want the reduced quorum to be three; we want it to be five.

**Mr. Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC):** Five, one of whom is an opposition member?

**Mr. Réal Ménard:** Five, two of whom are opposition members.

**Mr. Daniel Petit:** Agreed. Do you see the fine distinction?

**Mr. Réal Ménard:** Yes, two members of the opposition. That is what we passed last time, if memory serves.

[English]

**The Chair:** All right. So we're changing "three" members to "five", and we'll include two members of the opposition rather than one.

(Amendment agreed to)

(Motion as amended agreed to)

**The Chair:** On the distribution of documents, that only the clerk....

**Mr. Derek Lee:** I so move.

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

**The Chair:** Next is working meals.

**An hon. member:** I so move.

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

**The Chair:** Now is witness expenses.

**An hon. member:** I so move.

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

**The Chair:** Next is staff at in camera meetings.

[Translation]

**Mr. Réal Ménard:** We want to move an amendment like the one we passed in our last legislative committee, Mr. Chair.

[English]

**The Chair:** I just need a mover. Sorry, Mr. Ménard.

Ms. Jennings so moves.

Mr. Ménard.

•(1130)

[Translation]

**Mr. Réal Ménard:** At the end of the motion, it says “[...] be allowed to be accompanied by one staff person [...]”. We would like to add one member of the staff of each party's whip. Mr. Chair, you know how gregarious and invaluable these people are. In their minds, at least.

[English]

**The Chair:** Mr. Moore.

**Mr. Rob Moore:** I agree with Mr. Ménard, but instead of saying “from the whip's staff”, could we say “from party staff” or something to that effect, because it might be someone from a House leader's office, not the whip's office.

**An hon. member:** But it would be one.

**Mr. Rob Moore:** One.

**The Chair:** Mr. Ménard, is that acceptable?

[Translation]

**Mr. Réal Ménard:** Are we talking about the whip or the leader? That's fine. In our case, they are hard to tell apart.

[English]

**The Chair:** As I understood Mr. Moore's request, it wasn't the leader's office. It was....

Could you repeat that, Mr. Moore?

**Mr. Rob Moore:** Well, just to say “one party staff”, or something to that effect, to encompass the whip's office, the leader's office, the House leader's office—just as long as it's one staff member from each party.

**The Chair:** Do we have agreement on the amendment?

(Amendment agreed to)

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

**The Chair:** Next we have in camera meeting transcripts.

**An hon. member:** So moved.

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

**The Chair:** On broadcasting, do we agree?

**Mr. Derek Lee:** We certainly wouldn't be televising an in camera meeting. It's a broad statement that all the meetings will be.... I don't know what kind of a proviso we might have. How about “All meetings shall be televised except those that the committee decides shall not be”?

**The Chair:** How about if we insert, if I could so suggest, that the committee's public meetings be televised?

**Mr. Derek Lee:** There's a difference. I just don't want to prejudice the committee, if the committee decides later not to televise a particular meeting for a particular reason.

Occasionally we've had the odd—

**The Chair:** We don't have an amendment on the floor. If we could just get an amendment, Mr. Lee, then we could speak to it.

**Mr. Derek Lee:** “That the committee meetings be televised unless otherwise decided by the committee.”

**The Chair:** Okay. The amendment is on the floor. Agreed?

**Mr. Gerald Keddy:** I'd like to comment, Mr. Chair.

**The Chair:** Mr. Keddy.

**Mr. Gerald Keddy:** I don't think we need an amendment to that, that committee meetings be televised. A committee meeting that's in camera is a statement already that it's private and not televised. Regular committee meetings are what we're talking about here. That's pretty standard formula for any committee anywhere in the House. I don't think you have to amend that. We televise them if possible.

**The Chair:** Okay.

Mr. Bagnell.

**Hon. Larry Bagnell:** The point Mr. Lee is making is that we may choose to televise some of our meetings. We'll just leave that at the discretion of the committee.

**The Chair:** Mr. Petit.

[Translation]

**Mr. Daniel Petit:** Could you read your amendment about broadcasting to me again? I have to say that I am confused. So I would like you to repeat it, so that I can make up my mind and say what I want to say. I want to be sure of the words.

[English]

**The Chair:** Okay.

The amendment that's on the floor right now is that the committee's meetings be televised unless otherwise determined by the committee. That's the amendment that's on the floor right now.

Mr. Petit.

[Translation]

**Mr. Daniel Petit:** If you will indulge me, I do not think that the amendment is necessary. The committee of which we are all now part is an important one, I think we will all agree. All our meetings must be televised. The decision yes or no cannot come from inside the committee. The meetings have to be televised in order for the committee to achieve its goal. If not, it could all be left up to the good will of committee members and this time it will be yes and another time it will be no. You know very well that that could be dangerous. We could end up with five meetings televised and five not. That is why I think that the amendment is not needed and that we should keep the text as it is.

•(1135)

[English]

**The Chair:** Mr. Comartin.

**Mr. Joe Comartin:** I'll support the motion.

I'll just draw the committee's attention to the fact that for part of this bill, the former Bill C-22, the age of consent, when we went through that in the previous session there was a reasonable amount of sensitive testimony that came forward from people who had been victims of sexual abuse. I could see there would be a need for sensitivity on the part of the committee to decide that, if requested, assuming we're going to go back to that testimony, we would give them the opportunity to not have to be telecast across the country.

**The Chair:** Thank you, Mr. Comartin.

Mr. Ménard.

[*Translation*]

**Mr. Réal Ménard:** I echo Mr. Comartin's comments completely. This is why we always leave ourselves this flexibility. A witness might ask to appear in camera. It is possible.

[*English*]

**The Chair:** I will call the question, but I do want to add one point. I have been told that there is the potential for us to be in a committee room where it cannot be televised. That will be subject to availability, just so that everyone is aware of that.

I call the question on the amendment.

(Amendment agreed to)

(Motion as amended agreed to)

**The Chair:** Now we have notice of motions.

**Mr. Derek Lee:** I'll move it with 48 hours' notice, Mr. Chair.

**The Chair:** The motion is moved, with 48 hours' notice for any potential amendments that may be required.

Mr. Moore.

**Mr. Rob Moore:** I'd like to move another amendment, to delete the words "unless the substantive motion relates directly to business then under consideration". We would still give the 48 hours, which would mean that 48 hours' notice would be required for all motions.

[*Translation*]

**Mr. Réal Ménard:** Could you repeat that?

[*English*]

**Mr. Rob Moore:** It's what Mr. Lee had said about 48 hours' notice. In addition, we would delete "unless the substantive motion relates directly to business then under consideration". It would mean that 48 hours' notice would have to be given for any motion.

**The Chair:** Ms. Jennings.

**Hon. Marlene Jennings:** This is a point of order.

Mr. Moore's suggestion is that the section that says "unless the substantive motion relates directly to business then under consideration" be deleted. Let's say at some point in our committee meetings—presuming the 48 hours' notice is adopted but with the deletion being requested by Mr. Moore—someone has given 48 hours' notice for a substantive motion and it's now in the course of being debated. If, as a result of the debate that's ongoing, several members of this committee, or one member, wish to either amend the substantive motion or, as a result of the debate, attempt to bring

another directly related motion—it directly relates to the substance, the content of which is being debated—they would not be able to bring that motion. Is my understanding here correct?

**The Chair:** I think what you're referring to, and what would be allowed at that time, is an amendment to the motion that had been given 48 hours. In that case, it would obviously be allowed to happen right away.

**Hon. Marlene Jennings:** Right. And in the second scenario, as a result of debate on a substantive motion for which 48 hours was given, if someone attempts to bring a motion—not an amendment but a new motion directly related to the substance that is up for debate—they would not be able to do so at that point without unanimous consent. Is that correct? Is my understanding correct?

• (1140)

**The Chair:** That's a good question. You raise a good point, Ms. Jennings.

The difficulty here is that, technically speaking, we determine what a substantive motion is. So we'd have to determine at the time whether or not that motion required 48 hours' notice based on it being substantive.

It's a little difficult to try to—

**Hon. Marlene Jennings:** No, I understand that. I understand that. And that goes directly to my question: if this notice of motion was amended in the way suggested by Mr. Moore, and there was an attempt in future business of the committee to bring a motion while a discussion was going on, and you deemed it to be a substantive motion, the individual would not be able to table the motion and have it debated then. They would simply have to give 48 hours' notice, and it wouldn't be until 48 hours later that it could actually be moved, debated on, and voted if necessary. But this motion, as it is currently worded, would allow someone to move a motion during a discussion or debate; you deem it to be a substantive motion that is in fact directly related to the business then under consideration; and there would be the possibility of having it actually debated and determined at that point, while the business then under consideration continues to be under consideration.

So this amendment being proposed by Mr. Moore is actually quite substantive and could actually change the way in which the committee works. I've sat on legislative committees before. Normally the notice of motion, except for the number of hours' notice required, which has changed—in some cases it was 24 hours, in other cases there was no notice required—has always permitted that a substantive motion that related directly to business then under consideration could be moved and debated without the deadline notice.

**The Chair:** There are a couple of things.

It is a point of order insofar as it concerns putting it out here.

The first I would offer is that we are not a standing committee. We're a legislative committee with a very specific purpose. I would assume that any motion that would come forward would relate only directly to the bill we are studying. It would relate to nothing else.

I would offer and ask that if the amendment carried, then obviously I would have to have a little bit of latitude from the committee to be able to make a determination of what would be substantive and what would not be substantive. But that would be based on whether it related directly to the bill or not.

**Hon. Marlene Jennings:** That still doesn't answer my question, which is that should Mr. Moore's amendment to this motion for notice of motion be adopted, and then the motion itself, the main motion as amended, be adopted, then if at any point in the future this committee is dealing with business, is considering certain business obviously directly related to Bill C-2—that's the business and main mandate of this committee—and someone attempts to table a motion without the hours' notice, whether we decide that's going to be 48 hours', 24 hours', 36 hours', 35 hours', 23 hours' notice, or whatever—

**The Chair:** Forty-eight is on the table right now.

**Hon. Marlene Jennings:** Whatever we decide, we could have another amendment to change that. But whatever the hours' notice would be, we would not be able—and you, as chair, would not be able—to receive that motion. You would only be able to receive it as a notice of motion, and it would not be debatable immediately even if you deemed it to be a substantive motion directly related to the business at hand, because the motion would have been adopted if the motion were adopted with Mr. Moore's amendment.

**The Chair:** On a point of order, Mr. Ménard.

[*Translation*]

**Mr. Réal Ménard:** I want to be part of this debate. Mr. Moore's motion may not be in the interests of the committee's work. I also think that 48 hours may not work for the committee, in the sense that the kind of motion that we would like to table might involve matters that the committee is dealing with right then, like adding witnesses or other questions like that. Since we may find ourselves sitting three times a week, could 48 hours notice not be an obstacle for the committee's work? I would like to change it from 48 hours to 24 hours, but I do not want us to vote on Mr. Moore's motion. I think that we have to ask ourselves what kind of motion we want the committee to deal with. I think that 48 hours notice could be an obstacle, unless someone can give me examples that are not occurring to me. I do not want us to vote on Mr. Moore's amendment.

• (1145)

[*English*]

**The Chair:** Mr. Lee.

**Mr. Derek Lee:** Provisions like this are inserted to facilitate the work of the committee. The government may have some concerns that it would be used for some ulterior motive here.

An example of a motion that could pop up, which you'd want to deal with quickly if there was a strong consensus, would be concerning a witness who didn't show up. The committee would want to give an order. You'd want to move a motion. The clock is running on this committee. You don't want to wait for a long period before you respond to that. During clause-by-clause consideration, if you had a very strong consensus to make an amendment, whether it were technical or otherwise, based on this, you wouldn't be able to move that motion. You'd have to send the bill back to the House

without an appropriate amendment that had a strong consensus behind it.

I don't see any problem with the current wording. Rarely have I seen it abused. I can't recall a case. I can appreciate the government's caution here, but whether it's 24 hours' or 48 hours' notice, it really doesn't make too much difference.

Has somebody moved 24 hours' notice?

**The Chair:** No. We have 48 hours' notice.

[*Translation*]

**Mr. Réal Ménard:** I move 24 hours.

[*English*]

**Mr. Derek Lee:** All right.

Mr. Ménard has another—

**The Chair:** Sorry.

Someone has moved 48 hours' notice.

Mr. Ménard, you moved 48 hours' notice?

[*Translation*]

**Mr. Réal Ménard:** I think that Ms. Jennings would accept 24 hours in the spirit of cooperation and of our friendship.

[*English*]

**The Chair:** Okay. Twenty-four hours' notice. With or without the amendment, I believe your point is substantiated either way.

**Hon. Marlene Jennings:** My point is only substantiated if the amendment is defeated, and I think the examples given by Mr. Lee—

**The Chair:** Let me thank you for your comments. What I would consider not to be a substantial motion is the case of two witnesses showing up and one having to leave early so they ask if they can appear in reverse order. That, to me, would be nothing substantive. That's something we could determine.

**Hon. Marlene Jennings:** It's not like the example we gave.

**The Chair:** No, it's not, but once we move past that, we are going to get into substantive issues, I believe, and when that's the case, we're going to need 48 hours' notice, and that's how I'm going to rule.

**Hon. Marlene Jennings:** And if we're in clause-by-clause?

**The Chair:** Once we get to clause-by-clause—

**Hon. Marlene Jennings:** I don't wish to engage in an argument. I've explained my position and my viewpoint concerning the amendment that has been proposed by Mr. Moore. I don't support it.

**Mr. Rob Moore:** If that will speed things up, I'll withdraw it.

**The Chair:** Let's move forward. I think we've determined that there will be 24 hours' notice for a motion. Agreed?

**Some hon. members:** Agreed.

**The Chair:** So to the motion as it stands.

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

**The Chair:** Regarding rounds of questioning, do I have a mover? Mr. Harris.

**Mr. Richard Harris:** I so move.

**The Chair:** Agreed?

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

**The Chair:** Mr. Keddy.

**Mr. Gerald Keddy:** I have an amendment.

**The Chair:** You're speaking to the list of witnesses?

**Mr. Gerald Keddy:** Yes.

• (1150)

**The Chair:** Let's get a mover on the list of witnesses.

**Mr. Gerald Keddy:** I move the motion, but I also have an amendment.

As it's written, we need at least a couple of days for everyone at the table here to get a list of witnesses in place, and there's no way you can just simply pull that up and have it ready for today.

**The Chair:** What would be your suggested date, Mr. Keddy?

**Mr. Gerald Keddy:** I would think in at least 48 hours. You folks have been through a lot of this already. I have not, but 48 hours should give everyone time to get a list of witnesses in place.

**The Chair:** Do you mean forty-eight hours beginning right now, or at the end of this meeting?

**Mr. Gerald Keddy:** Yes.

**The Chair:** Thank you.

Ms. Jennings.

**Hon. Marlene Jennings:** We have no objection. We were going to suggest Friday, November 2, but just as a point of information to Mr. Keddy, the justice committee had begun hearing from witnesses on Bill C-27, for example, and the list of witnesses that had been agreed to by the justice committee, including which ones had actually been heard from, is available. I actually have a copy here. It's quite substantive. I would be surprised if it were not all-encompassing given that I think most, if not all, of the members on the justice committee did a very good job, including the government members, to ensure that all viewpoints were going to be heard on Bill C-27. Obviously our clerk and our research analyst can easily get this list. If they can't, I can provide it to them. Therefore I suggest November 2 for the list of witnesses.

[*Translation*]

**The Chair:** Mr. Ménard.

**Mr. Réal Ménard:** Actually, I know that this will certainly be discussed at the steering committee, but I would have liked a look at it first. Do my colleagues want to see a list of all the witnesses? When we discussed it with our leaders, we definitely said that we wanted the committee to concentrate its efforts on the contentious matters from the previous session, that is to say Bill C-27.

I would not want us, for example, to hear again from all the witnesses that we heard in the last session when we were discussing Bills C-10, C-22, C-32 and C-37. I would like us to spend more time on Bill C-27 that caused us difficulty. I wonder if all my colleagues are of the same mind, given that it is more or less what the leaders agreed among themselves when they were discussing the legislative committee.

[*English*]

**The Chair:** That's a fair comment.

Mr. Keddy.

**Mr. Gerald Keddy:** My point is quite simple. We're only dealing with the number of hours, whether it's going to be 48 hours or 72 hours. I recommend 48 hours. That gives everybody time to get their lists in. It wasn't a point of debate; it was just 48 hours. If someone disagrees with that, that's their position on it. I think we can move on.

**The Chair:** November 1 would be the day.

Mr. Comartin.

**Mr. Joe Comartin:** I share the concerns.

I have a correction for Ms. Jennings. Bill C-27 was actually in front of a special legislative committee as well; it wasn't in front of the justice committee.

It's a bit out of order, but for this item and I think the final one on the subcommittee, do we have any understanding...? I know a number of people on the government side did not sit through any of these bills. I think three of the six who are on the government side did sit through some of them. But do we have an understanding that we're not going to go back over four of the five and that we're only going to spend time, as far as witnesses go, with what was Bill C-27 in its former incarnation?

If that's the case, Mr. Chair, the reason I'm raising it at this point is that the witness list should only be addressing that portion of Bill C-2 that is reflective of the dangerous offender and recognizance sections.

**The Chair:** I must say we're not dealing with the timeframe anymore.

On the amendment with respect to notice of November 1, can we at least vote on that? We'll then move to what sounds like an amendment that you'll make, Mr. Comartin.

**Hon. Marlene Jennings:** That will be at the end of the day?

**Mr. Joe Comartin:** Yes.

**The Chair:** November 1 is the deadline.

(Amendment agreed to)

**The Chair:** Mr. Comartin, are you prepared to move an amendment or further your point? Actually, you've made your point. I think we need to get general agreement from the group that this is how we're going to proceed, or we need to have an amendment on your point with respect to Bill C-27 and the additional bills dealt with in the previous session.

**Mr. Joe Comartin:** Perhaps, Mr. Chair, what we should do is finish the next two points. Maybe this issue should be resolved by the.... I don't know if we're going to set up an agenda and procedure committee, if that's necessary given the shortage of time that we're dealing with, but perhaps we should finish this and then add that for discussion.

• (1155)

**The Chair:** Is there agreement?

**Some hon. members:** Agreed.

**The Chair:** Okay. We have agreement.

What we'll do then is move to—

**Mr. Gerald Keddy:** I just want to be clear on one point, Mr. Chair.

**The Chair:** Mr. Keddy.

**Mr. Gerald Keddy:** The point of clarification is quite simple. We're not precluding revisiting any witnesses. We're simply saying we'd sooner not go back over the information in the same groups we've heard from before, but we're not precluding that because there may be instances where we need to. We're not trying to tie our hands either.

**Mr. Derek Lee:** We're not there yet.

**The Chair:** No, I would actually like to finish this and then come back.

On amendments, are we agreed?

**Some hon. members:** No.

**The Chair:** Questions?

Mr. Ménard.

[*Translation*]

**Mr. Réal Ménard:** We have an amendment. In the next-to-last section, after “clause-by-clause consideration”, we would like to add: “except that additional amendments may be made during the session in progress”. Everyone understands that, when we get to clause-by-clause consideration and amendments are proposed, it is quite possible for us to have sudden flashes of inspiration, since the material we are working on is right in front of us. We do not want to prevent spontaneous amendments from being made during a meeting of the committee.

[*English*]

**The Chair:** Are you making—

[*Translation*]

**Mr. Réal Ménard:** It is an amendment to an amendment.

[*English*]

**The Chair:** Can you repeat your amendment, please?

[*Translation*]

**Mr. Réal Ménard:** After “clause by clause consideration”, we would add: “except that additional amendments may be made during the session in progress”. I can pass it to the clerk if she likes. Were you able to write that down? Would you like me to repeat it? OK, “except that additional amendments may be made during the session in progress”.

[*English*]

**The Chair:** Specifically to the amendment, Madame Freeman.

[*Translation*]

**Mrs. Carole Freeman:** No, that is fine. That is the point I wanted to make.

[*English*]

**The Chair:** Are there no more questions on the amendment?

(Amendment agreed to)

**The Chair:** Mr. Comartin, you have another amendment.

**Mr. Joe Comartin:** I would like to change the 48 hours to 24 hours. Given the shortage of time that we're going to have to deal with this, especially if we do get into some of the other former bills, we may not have enough time with 48 hours, so I'd want to move it to 24 hours.

**The Chair:** Comments or questions? Is Mr. Comartin's amendment agreed to?

(Amendment agreed to)

(Motion as amended agreed to)

**The Chair:** Prior to commenting on the subcommittee on agenda and procedure, I just note that we have worked through most of the work and effort here. Whether or not we actually need a subcommittee or a steering committee may be something we may not want to pursue at this time, but I certainly turn to the floor for a motion to start.

Mr. Comartin and then Mr. Lee.

**Mr. Joe Comartin:** My inclination is to say that we don't need a subcommittee. The two major issues the committee will have to deal with are scheduling and the witnesses. But, Mr. Chair, I'd like to have an understanding that we would meet on Thursday afternoon for at least a one-hour meeting to finalize the witness list.

**Mr. Derek Lee:** No one is going to move that motion. Monsieur Ménard is not going to move that.

**Mr. Réal Ménard:** No, I'm not going to move it. I want to speak.

**Mr. Derek Lee:** Then can we dispense with that motion?

**The Chair:** In terms of order—

[*Translation*]

**Mr. Réal Ménard:** I want to speak.

[*English*]

**The Chair:** —if I don't have a motion from anyone, obviously we're not going to deal with it and we're going to go back to a list of witnesses.

Mr. Ménard.

[*Translation*]

**Mr. Réal Ménard:** The fact that an agenda and procedure subcommittee is not involved always scares me for two reasons. First, the idea of a group of twelve people discussing the witness list...

[*English*]

**The Chair:** We don't have a motion on the table right now, so unless you'd like.... You're going to propose a motion. All right.

[Translation]

**Mr. Réal Ménard:** I am making a motion for two reasons. The Chair can decide, but we do not have to meet as frequently as we did at the Committee on Justice. But I think that it is useful to discuss witnesses at the agenda and procedure sub-committee. I would be concerned if I heard that we planned on having that discussion at the full committee.

Mr. Comartin will recall that finalizing the witness list required a good discussion at the agenda and procedure sub-committee. Of course, your predecessor did not have your intellectual agility, Mr. Chair. But it is still a fact that it is not always easy to agree on a list of witnesses. I think it would be useful to have the discussion at a sub-committee on agenda and procedure.

• (1200)

[English]

**The Chair:** If you have moved a motion that we have a subcommittee, and if there is agreement on that, we will have one. If there is not agreement on that, we will not have a subcommittee.

Are there any comments on the motion moved by Monsieur Ménard?

Is it agreed?

**Mr. Joe Comartin:** Are you asking us to...?

**The Chair:** Mr. Ménard's motion is that we in fact have a subcommittee. I'm asking if there is agreement.

**Some hon. members:** No.

**The Chair:** There is no agreement, so the motion is lost.

[Translation]

**Mr. Réal Ménard:** We are going to discuss the witness list at the full committee?

[English]

**The Chair:** Speaking of which, we are now back to our list of witnesses, and we have not passed the motion. Bearing in mind that we have not moved a subcommittee, we will have to strike the portion in this motion that suggests or recommends a subcommittee.

Mr. Ménard.

[Translation]

**Mr. Réal Ménard:** I am ready to strike the motion in part, but I have another one to make, Mr. Chair.

[English]

**The Chair:** I'm sorry, before we discuss your amendment, are you prepared to move the motion in general so we can have discussion?

**Mr. Réal Ménard:** *Oui.*

**The Chair:** Thank you, Mr. Ménard.

To Monsieur Ménard's amendment that we would strike the subcommittee on agenda and procedure, basically the sentence would end at "2007" and the last portion of that would be taken out. Is there agreement on that?

Mr. Ménard.

[Translation]

**Mr. Réal Ménard:** I would like to get a feeling of whether my colleagues would like to meet more often. Given that we are now full of the spirit of cooperation, I feel that we should not rule out the possibility of meeting three times per week. The Bloc Québécois wonders whether our colleagues would agree to meeting on Tuesday morning from 9:00 a.m. to 11:00 a.m., on Wednesday after question period until 5:30 p.m. and on Thursday morning from 9:00 a.m. to 11:00 a.m. I know that our NDP colleagues are in agreement, but I have not yet checked with our Liberal colleagues, and government members.

[English]

**The Chair:** Mr. Ménard, you're now dealing with our meeting times?

[Translation]

**Mr. Réal Ménard:** I am making a proposal about our meeting hours because...

[English]

**The Chair:** You're making a motion, under the "Lists of witnesses" motion, on meeting times?

[Translation]

**Mr. Réal Ménard:** No, no.

[English]

**The Chair:** Okay, because that's the way... Right now the motion that's on the table is to deal with our list of witnesses.

[Translation]

**Mr. Réal Ménard:** We have passed it. Let us pass it, and I will come back to the list. We passed the motion. Fine.

[English]

**The Chair:** We agreed on the amendment, but we never actually passed the motion that the list of witnesses be provided to the clerk no later than November 1, 2007.

Agreed?

(Motion agreed to)

**The Chair:** Thank you.

Monsieur Ménard.

[Translation]

**Mr. Réal Ménard:** I am making a different motion.

Since we are not going to have a steering committee, I would really like us to know before the meeting, so that we can arrange our schedules accordingly, if it is the will of my colleagues that we meet... We are ready to meet three times a week, without, of course, creating a precedent for other bills, I would add. We are in favour of meeting, if the committee wishes, on Tuesday morning from 9:00 a.m. to 11 a.m., on Wednesday after question period, because we have a caucus meeting in the morning, and on Thursday from 9:00 a.m. to 11 a.m. If that is what my colleagues want, I can make the motion.

[English]

**The Chair:** Mr. Keddy.

**Mr. Gerald Keddy:** I'm assuming, Mr. Chair, that the reason the schedule is set up this way is so that we can have televised hearings. I'm assuming that those are the times available for the room where televised hearings are held.

**The Chair:** There will definitely be an attempt to do that. We don't have full control over that. There may be days that it just doesn't work out, that we don't have a televised room, but yes, that certainly is the intent.

**Mr. Gerald Keddy:** I concur, 9 to 11 is a much better time. I like that time. But if this is the only window that's open, then....

I'm asking if the chair has more insight into the meeting times.

**The Chair:** Here's the issue we have. We have to meet a minimum of 16 hours. If we go by Mr. Ménard's suggestion with respect to...I would assume then that Tuesdays and Thursdays would be 9 to 11. Wednesdays would be 3:30 to 5:30.

Looking at your calendars, based on that scenario, by November 15 we will have had 16 hours. Then on I guess either that Monday or Tuesday—

• (1205)

[Translation]

**Mr. Réal Ménard:** No, we are not sitting.

[English]

**The Chair:** Sorry; we'd meet three times a week, right?

[Translation]

**Mr. Réal Ménard:** Yes, but not during the break.

[English]

**The Chair:** Plus the number that we....

No, we're meeting three weeks. We're meeting today, we're going to meet tomorrow, we're going to meet Thursday, and then we're going to meet on November 13, 14, and 15. Today's meeting counts. There are two hours today. So once we hit November 15, we'll have hit 16 hours. Then on November 19 we could potentially do clause-by-clause in the afternoon for two hours.

[Translation]

**Mr. Réal Ménard:** November 19 is a Monday.

Have we agreed on the timeframe? Can we vote on the timeframe? Of course, then we would have to make sure that we have the right number of hours.

Mr. Chair, I was under the impression that legislative committees had priority access to the television facilities. So we have priority if ever other committees want to use them. There are two rooms.

Let us vote on the timeframe motion to start with.

[English]

**The Chair:** As I understand it, there isn't any disagreement, or I have not heard any, with the Tuesday and Thursday and Wednesday timeframe that you suggested.

So we have agreement on that?

**An hon. member:** In general.

**The Chair:** In general? Yes, okay.

So now we can proceed to determine our days, which is I think what you were suggesting.

[Translation]

**Mr. Réal Ménard:** Right. The proposal is to meet Tuesdays, Wednesdays and Thursdays from 9:00 a.m. to 11:00 a.m., bearing in mind that legislative committees have priority access to rooms set up for television. There are two in the West Block.

[English]

**The Chair:** Yes. Good point.

So we have agreement on the days? The only suggestion I would make, if I could, is that if everyone is comfortable with the one exception, on Monday, November 19, we would do clause-by-clause from 3:30 to 5:30.

**An hon. member:** It's all right.

**The Chair:** If we have agreement on that, then I think we have our days—

[Translation]

**Mr. Réal Ménard:** Why do we not start with clause-by-clause consideration on November 20, since we do not have a tight schedule? People may not necessarily be here on the 19th.

[English]

**The Chair:** Madam Jennings.

[Translation]

**Hon. Marlene Jennings:** I am in favour of Mr. Ménard's motion that, this week and the week following the break, the committee meet on Tuesdays and Thursdays from 9:00 a.m. to 11:00 a.m. and then on Wednesdays from 3:30 p.m. to 5:30 p.m., and that clause-by-clause consideration start on Tuesday.

I have a suggestion to make, but I will not propose an amendment to the amendment yet because I would first like to see what people think. I suggest that, once we get to clause-by-clause consideration, the committee look at the possibility of meeting from 9:00 a.m. to 1:00 p.m. on Tuesday. So on Tuesday, November 20, the committee would meet from 9:00 a.m. to 1:00 p.m., and on Wednesday, November 21 from 3:30 p.m. to 5:30 p.m. If we needed to, we could meet on Thursday, November 22 from 9:00 a.m. to 1:00 p.m.

**Mr. Joe Comartin:** There are going to be meetings on Tuesday and Thursday. I don't know if we are going to start with these.

• (1210)

[English]

**Mr. Gerald Keddy:** I have two points on Ms. Jennings' comments.

First of all, on Thursday the bill is supposed to be reported back to the House by midnight, but if we're making amendments, getting them translated, and reporting the bill back to the House, that doesn't give us much time to have a two-hour meeting on that day.

**The Chair:** That's a very good point. I should clarify that it needs to be back to the House by Friday, the 23rd. That is just to clarify that.

**Mr. Gerald Keddy:** Okay, thank you.

Either way, it still jams us for time, and that was the intent of going with the Monday. If we go with a two-hour session on Monday, it saves us from sitting for four hours on the Tuesday. It's exactly the same amount of time. If you want to double up meetings on Tuesday, then we may have to do that, but the point of sitting on Monday is to avoid doing that on Tuesday and to avoid sitting on Thursday, unless we get into some kind of an impasse. It's a much better agenda to sit on Monday for two hours, Tuesday for two hours, Wednesday for two hours, and if we have to meet on Thursday morning as an absolute necessity, we could, but that is really jamming the clerks and everyone else to report it back to the House.

**The Chair:** Madam Jennings and then Mr. Ménard.

[Translation]

**Hon. Marlene Jennings:** I am having trouble understanding Mr. Keddy's logic. He is proposing that we sit two hours on Monday, November 19, two hours on Tuesday, November 20, and two hours on Wednesday, November 21 if necessary.

My suggestion is to sit for four hours on Tuesday, November 20 and two hours on Wednesday, November 21. If people are worried about all the work for the clerk and the support staff at that point, we could agree, if we have not finished by 5:30 p.m. on Wednesday, November 21, to continue until we finish clause-by-clause consideration. That way, the support staff would have all day on November 22 to do the work necessary and the Chair could report on the bill to the House.

[English]

**The Chair:** Mr. Keddy, I'll give you a chance to respond, but first we have Mr. Ménard and Mr. Comartin.

[Translation]

**Mr. Réal Ménard:** We try not to have meetings on Mondays and Fridays because some people are in their ridings on Mondays. I prefer Ms. Jennings' motion. We have time for clause-by-clause consideration. Some people are not on the Hill on Mondays and others are not here on Fridays. We have to bear that in mind. Let us sit for longer on Tuesday, and on Wednesday and Thursday evenings if necessary. We really have to keep Mondays for our constituency work.

[English]

**The Chair:** Mr. Comartin.

**Mr. Joe Comartin:** I'm opposed to doing them on Monday as well, but more because of the need for the 24 hours' notice. We're going to finish evidence on the 15th, so that gives us one working day and then the two days on the weekend to prepare any final amendments we may not have ready, and then give the notice on Monday morning so that it would be ready to go on Tuesday. I think we should do the Tuesday and Wednesday and then fall back on Thursday if we have to.

**Hon. Marlene Jennings:** Mr. Chair, if I may just jump in—

**The Chair:** Actually, no.

I'm going to let Mr. Keddy go and then Mr. Kramp, and then back to you.

**Mr. Gerald Keddy:** Thank you, Mr. Chair.

My point is very simple. It's not a big debatable item for me. I thought it was more convenient for everyone. The hours are still the same.

Ms. Jennings seems to think that she would sooner work four hours on Tuesday and leave Thursday morning open. I'm fine with that. I do think we're constraining ourselves and we're expecting to do a lot of work in a very short period of time, to report it back to the House. Obviously, if there's no consideration given to the clerk, the staff, and to everyone else who works in this place, then that's fine with me. I'm happy with the motion.

**The Chair:** Mr. Kramp.

**Mr. Daryl Kramp (Prince Edward—Hastings, CPC):** If it were Monday morning, I would understand, certainly, not wanting to be back here, but with its being Monday afternoon, my thought is that this is a lot of work for the clerk at the end. The earlier we can finish up the better. Why wait until the eleventh hour? Let's come in Monday afternoon. Potentially, we can do the four hours on Tuesday, too. If we happen to be done, wonderful. If not, and if it goes on a little bit further, the extra day is certainly going to be a bonus for our clerks and staff in preparation.

I can't see any reason why we can't be back here for Monday afternoon and then go on to the Tuesday as well without trying to crunch everything in at the very end, in case we have a situation.

• (1215)

**Hon. Marlene Jennings:** I am so appreciative of the concern that Mr. Keddy and Mr. Kramp have expressed about our support staff, including the clerk. In fact, in part that was the motivation for my suggestion.

As Mr. Comartin pointed out, given that we have 24 hours in order to bring amendments, if we go to clause-by-clause on Monday, the 19th, whether it's in the morning, the afternoon, or the evening, that will require the clerk's very possibly working over the weekend, whereas if we only begin our clause-by-clause on the Tuesday, the 20th, in the morning, that will allow the clerk the entire business day of Monday, the 19th, in order to do the preparatory work so that the committee can in fact begin clause-by-clause on the morning of the 20th.

However, I do take note of this serious concern. I share it, and as a result of that, given that the committee appears to be in favour of attempting to do as much clause-by-clause at the front end in terms of the earlier date rather than the later date, I would propose changing my proposal so that this committee would begin clause-by-clause on Tuesday, November 20, at 9 o'clock, would sit until 1 o'clock on the same day, and would resume clause-by-clause again on Tuesday, November 20, at 3:30 in the afternoon.

**The Chair:** At this point we have a motion from.... Just give me a minute here to clarify where we stand, because you've actually tried to move a motion, and now you're suggesting another one.

In Mr. Keddy's motion, if I understand it, he had moved to meet on Monday, the 19th, from 3:30 to 5:30 to deal with clause-by-clause. Based on his comments, it sounds as though he's withdrawn that.

Based on that, you can now move your motion, if, Mr. Keddy, that is correct. I don't want to speak for you.

**Mr. Gerald Keddy:** As long as we get the hours in.

**Hon. Marlene Jennings:** I therefore move that the committee begin its clause-by-clause on Tuesday, November 20, at nine o'clock in the morning until one o'clock in the afternoon. If clause-by-clause is not completed, we will continue clause-by-clause on Wednesday, November 21, at 3:30 in the afternoon and will sit until the clause-by-clause is finished. So there's no end time on the Wednesday. We sit until we complete clause-by-clause.

**The Chair:** Just to clarify, Ms. Jennings, obviously, if we finish clause-by-clause on November 20, by one o'clock in the afternoon, you wouldn't suggest that we meet for no reason on—

**Hon. Marlene Jennings:** Of course not. That's why I said should clause-by-clause not be finished Tuesday, November 20, at one o'clock, the committee would resume clause-by-clause at 3:30 on Wednesday, the 21st.

**The Chair:** Okay, thank you.

Monsieur Ménard.

[*Translation*]

**Mr. Réal Ménard:** Ms. Jennings gets more reasonable with age. Ms. Jennings, I recall how feisty you were the first time I met you in the House.

**An Hon. Member:** She was in power then!

**Ms. Carole Freeman:** Where are you going with this?

**Mr. Réal Ménard:** True, she was in power.

I think that Ms. Jennings' proposal is reasonable in a number of respects. We will start on Monday, we will continue on Wednesday and we will sleep the sleep of the just only when we have passed all the amendments and the bill itself. There are advantages to that. First, support staff like our legislative clerk will be able to get the translations done, and everything else that is required for the Chair to be able to table the report in the House on Friday. That will certainly require dynamic intellects and energy, but we all have plenty of those, I am sure. I agree with the proposal.

[*English*]

**The Chair:** Mr. Moore.

• (1220)

**Mr. Rob Moore:** I think that should close it. The time that has been suggested for starting clause-by-clause, having from nine to one on Tuesday, is four hours. I would imagine that we would have clause-by-clause finished within four hours. I cannot contemplate a scenario where we wouldn't have finished clause-by-clause on this bill in four hours.

**A voice:** I can.

**Mr. Rob Moore:** Then we have 3:30 to 5:30 scheduled for clause-by-clause if necessary on Wednesday.

I do not agree with putting something open-ended in here. If we can't finish clause-by-clause within six hours on this bill, then there's something wrong.

Ms. Jennings originally said nine to one if necessary on Tuesday, and then 3:30 to 5:30 on Wednesday. I would be in agreement with

that, but we are getting a little carried away with how long it would take to do clause-by-clause on this bill. What I would propose is that we do nine to one on Tuesday, if necessary, and 3:30 to 5:30 on Wednesday—which is highly unlikely, but if necessary.

**The Chair:** On the amendment to the motion, Mr. Comartin.

**Mr. Joe Comartin:** I'll make two points.

Mr. Moore is ignoring the history of the creativity of the legal mind in this country if he thinks there is no way we can't stretch this beyond six hours. I will leave that. I'm supportive of Ms. Jennings.

The other point I would make, seriously, Mr. Chair, is I would ask either you or Mr. Moore to approach whoever is going to be the chair of the justice committee to not schedule the justice committee on Tuesday morning of that week.

**The Chair:** That is a fair point. Mr. Moore will take that into consideration, I'm sure.

Monsieur Ménard, to finish.

[*Translation*]

**Mr. Réal Ménard:** Mr. Moore's logic would be impeccable if it did not overlook the fact that we make amendments. I do not think that it is reasonable. The bills that we have studied up to now were much less complex than Bill C-2 and we have never done the work with less than four to six hours at our disposal. The bill is 50 pages long, and we do not know all the amendments. How do we propose to get through this bill in four hours when we do not even know what all the amendments are going to be about?

The merit of Ms. Jennings' motion is that it foresees the possibility of amendments and of our needing more than four hours. That said, no one wants to sit in committee for the sake of sitting in committee. If we have finished on Tuesday, if we are all ready to pass it and to authorize the Chair to table the report, good for us! But let us face the possibility that there may be amendments, Mr. Chair. If so, the Prime Minister will just have to chill out a little and show some respect for the opposition.

[*English*]

**The Chair:** Thank you.

Mr. Keddy, to the amendment.

**Mr. Gerald Keddy:** On the amendment, I support Mr. Moore. There is no reason we can't have the clause-by-clause done. However, the opposition obviously want to allow themselves an opportunity to filibuster. The clause-by-clause can go on forever and ever, and I just want to have that on the record.

**The Chair:** You have had a chance to do that.

On the amendment, is it agreed?

**Some hon. members:** No.

**The Chair:** Let me read the amendment. The original motion is as follows: Ms. Jennings moved that clause-by-clause begin on Tuesday, November 20, from nine a.m. to one p.m., and that if not completed we would resume sitting on Wednesday, November 21, beginning at 3:30 p.m., and we would sit until clause-by-clause is completed. The amendment Mr. Moore moved was that the committee meet on Wednesday from 3:30 to 5:30, if necessary.

On the amendment, is it agreed?

(Amendment negatived)

• (1225)

**The Chair:** The original motion as I read it is what we are now voting on. Those in favour of the motion? Those opposed?

It's a tie.

**An hon. member:** I had my hand up.

**Mr. Gerald Keddy:** Pay attention, guys. You only get to vote once.

**The Chair:** Thank you, Mr. Keddy. We do need to make sure that when we are voting we nail this thing so that I don't make any mistakes. I'd hate to do that and have a vote go in a way that causes all kinds of consternation. So when I do call for the vote, I would appreciate you voting when you need to.

Those in favour of the motion proposed by Ms. Jennings? Those opposed?

(Motion agreed to)

**Hon. Marlene Jennings:** I want to raise an issue that may result in my putting a motion before this committee, and it has to do with the work.

**The Chair:** We're basically finished with our agenda, so we're into other business. As long as we're able to get it done fairly quickly, Ms. Jennings, please proceed.

**Hon. Marlene Jennings:** Very briefly, a number of members from all of the different parties have raised the actual substance of what the committee should be doing when we're hearing from witnesses. If my ears do not betray me, I think I actually heard that the three parties—and if we include the official opposition, four parties—are in agreement that this committee should be hearing witnesses on Bill C-27. That's my first point.

Secondly, while we would not call back the witnesses who were already heard by the special committee on Bill C-27 before the prorogation of Parliament, there could be the possibility of calling them back.

The third point is that given that there was already a list of potential witnesses prepared by the previous special committee on Bill C-27, and we already know which witnesses were heard, which were not, and which had declined, I would suggest that this committee use that list as a basis for our potential witnesses.

I would propose that this committee agree that it will work on the Bill C-27 portion of Bill C-2, that it will use the potential witness list prepared by the previous committee as its witness list, and that the testimony—the transcripts of the testimonies—of witnesses heard by the previous committee be deemed to be part of our transcripts and therefore can be used by the members to refer to, etc.

I haven't worked it all out, but substantially it will be that the work that was done by the previous committee be deemed to be part of this work. Therefore, we can go to the transcripts, we can refer to them in our debates, in our discussions, if necessary in proposed amendments, you name it, and if the committee feels that because Bill C-27 has been amended by the government and it's necessary to bring

back the previous witnesses who have already testified, that could be a possibility as well. But I would suggest that rather than ask witnesses to come back, we propose that, unless they desire to come back, if they have comments on the government amendments to Bill C-27 found in Bill C-2, they make their views known on paper to the chair, through the clerk, and then to the members of the committee.

**The Chair:** Thank you.

On the point of additional witnesses, when we were dealing with witnesses, the suggestion was made by Mr. Keddy I think that we not deem anyone inexcusable from any of the other bills. There was general acceptance from the group on that. I hope you're incorporating that into your thoughts.

**Ms. Marlene Jennings:** That's what I am doing.

**The Chair:** Very good. Thank you.

Mr. Ménard and Mr. Moore.

[*Translation*]

**Mr. Réal Ménard:** I have three comments to make.

First, I agree, the committee should not go back over the work it has already done. However, we do wish to add names to the list of witnesses.

Then, I have two requests for our research service. I would like a table comparing the old Bill C-27 with the additions the government has made. I have asked the Department of Justice to provide it, but I do not hold out any great hope that we will get it. I want to have a table showing the additions to last session's Bill C-27.

In addition, I would someone to make us a table showing how things work in a court of law and the steps needed to declare someone a “dangerous offender”. I want a table that sets out the sequence of events for us, a summary, including the sections of the Criminal Code, of course.

Finally, the reason I wanted a steering committee—though I respect the committee's decision—is that I think that the government has been influenced by the American experience. I wish that we could hear from people from the United States who could tell us whether it worked or not. I would ask the research analyst to prepare for us a list of American scholars, jurists, and people responsible for administering the law who could come and share their experience with us. We know that Bill C-27 deals with matters in which the United States has had a lot of experience. The former clerk has already sent us studies, but I would like us, and the research analyst, to consider the possibility of having those three documents.

• (1230)

[*English*]

**The Chair:** Before we move forward, Ms. Jennings, we're dealing with committee business here. Have you formulated into a motion the suggestions you've made?

**Hon. Marlene Jennings:** No, I haven't written anything down.

**The Chair:** Okay.

Maybe you can work with the clerk. She's been taking your comments to try to form them into a motion.

Mr. Moore.

**Mr. Rob Moore:** On the floor right now are three things Ms. Jennings said and then three things Mr. Ménard said. We have a lot up in the air.

Number one, based on what Ms. Jennings said, we wouldn't even be hearing from the minister or from the experts within the department, because you're saying not to hear from witnesses we've already heard from on Bill C-27. There have been some amendments, as all members know, from what was in Bill C-27 to what is now in Bill C-2. Obviously, when we heard witnesses in the previous meetings, those would be eminent experts on this law. We need the benefit of hearing from them on the amendments that were made and on the bill. I don't think we should be limiting ourselves in that way.

Obviously, as a committee we're going to come to some agreement on who we should hear from, but we have to be careful before we come out with a broad motion that says we will not hear from certain witnesses we have heard from already. That sort of motion hampers us too much and limits potentially valuable testimony when we may need the benefit of their advice on the amendments that might be helpful.

**The Chair:** If I understand the motion correctly—and we're working on it here—that's not the case in the sense that it allows for, and we have agreement on, witnesses to come forward if they feel there is an issue or a point within the context of the bill they would like to speak to. That would not preclude them from coming forward.

**Mr. Rob Moore:** Mr. Chair, isn't that always the case, that a witness will decide whether they are going to appear or not? We can ask them. Obviously, we don't force people to appear. That's always the case, that they would appear only if they wanted to speak to the bill.

**The Chair:** I think our motion goes beyond that to exclude people who have already given their testimony.

[Translation]

**Mr. Réal Ménard:** Mr. Chair, is the research service going to provide us with the tables or not? We do not need a motion, but will we get the information I have asked for?

[English]

**The Chair:** Mr. Ménard, could we get through this first, and then we'll deal with your issue as soon as we've finished this?

[Translation]

**Mr. Réal Ménard:** The last thing I want to do is hassle you, Mr. Chair.

[English]

**The Chair:** I would never forget you; you know that.

[Translation]

**Mr. Réal Ménard:** I know, and I feel the same way.

[English]

**The Chair:** We're going to suspend for a couple of minutes.

- \_\_\_\_\_ (Pause) \_\_\_\_\_
- 
- (1235)

**The Chair:** Order. We're back live.

This is the motion as moved by Madam Jennings:

That the Committee study primarily the Bill C-27 portion of Bill C-2; accordingly, that the Committee uses the list of witnesses established by the Bill C-27 Legislative Committee in the First session of the 39th Parliament; that the evidence and documentation received by the Legislative Committee on Bill C-27 in the First session of the 39th Parliament be taken into consideration by this Committee; and that the witnesses who have testified in the First session, 39th Parliament be invited back before this committee, if needed.

[Translation]

**Mr. Réal Ménard:** I would like to move an amendment. I just want the list of witnesses to be longer. We have just voted that we have until November 1 to table it. I do not want us to have to adhere blindly to the first list, because we are going to add to it. So I would say “the new and improved witness list”.

**Hon. Marlene Jennings:** It is not...

**Mrs. Carole Freeman:** That is not what she is talking about. She is talking about bringing in witnesses.

**Hon. Marlene Jennings:** They are two different things.

**Mr. Réal Ménard:** I do not want us to be talking about the witness list...

[English]

**The Chair:** Mr. Ménard, good point, but that is incorporated in the motion. It's understood that it could be expanded. There's no amendment.

Do we have agreement on the motion?

Mr. Moore.

**Mr. Rob Moore:** My read of this, or what I think I hear, is that in general we're going to be hearing witnesses on what was Bill C-27. Does Ms. Jennings' motion mean that if we wanted to hear something on some aspect of one of the other bills, we would be absolutely precluded from doing that?

**The Chair:** My understanding of the motion is that the fifth word in this is “primarily”, as in primarily the Bill C-27 portion of Bill C-2, and that it would, in fact, if necessary, allow us to—

**Mr. Rob Moore:** Great.

**The Chair:** Okay, good.

(Motion agreed to)

**The Chair:** The clerk makes a great point here. I would just remind everyone that we have until 11:59 on November 1 to get our witness list in. The clerk and I will between us endeavour to have witnesses for tomorrow who are actually, as Ms. Jennings said, waiting on the edge of their seat to get here to present.

Now I'd like to deal with Mr. Ménard.

I don't know if your request is actually in the form of a motion or if you're asking Mr. MacKay for detailed information in terms of a chart.

[*Translation*]

**Mr. Réal Ménard:** I do not think that it should take the form of a motion. I just want to make sure that we have the three following pieces of information: a table comparing the old Bill C-27 with the additions that have been made; a table showing the sequence of events by which someone is declared a dangerous offender and the court process involved; and finally I would like to have a list of American witnesses who could inspire the committee in the same way as the Conservatives have been inspired by American practices.

• (1240)

[*English*]

**The Chair:** The only thing I would request, Monsieur Ménard, is that it come through the clerk and that it be distributed to all members of the committee.

**Mr. Réal Ménard:** *Oui.*

**The Chair:** Great.

We're now....

Mr. Comartin, this is a new issue?

**Mr. Joe Comartin:** Yes.

**The Chair:** Thank you.

**Mr. Joe Comartin:** This is just a suggestion for tomorrow afternoon. I think it would be useful, especially for the members of the committee who haven't sat through Bill C-27 before, if the officials came back for the first hour. We're not going to get much out of them this afternoon if we've only an hour with them and the minister, and at least some of them should be available, Mr. Chair.

**The Chair:** Thank you. That's a good recommendation.

Is there anything else?

The meeting is adjourned.

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