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# **Standing Committee on Environment and Sustainable Development**

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**EVIDENCE**

**Thursday, November 15, 2007**

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**Chair**

**Mr. Bob Mills**

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## Standing Committee on Environment and Sustainable Development

Thursday, November 15, 2007

•(1535)

[English]

**The Clerk of the Committee (Mr. Normand Radford):** Honourable members, *honorables députés*, I see a quorum.

[Translation]

We can now proceed to the election of the chair.

[English]

We can now proceed to the election of the chair. I am ready to receive motions to that effect.

Mr. Warawa.

**Mr. Mark Warawa (Langley, CPC):** Mr. Clerk, I would nominate Bob Mills as the chair.

**The Clerk:** Mr. Mills has been nominated as chair. Are there any other motions?

I declare Mr. Mills elected as chair of the standing committee.

**Some hon. members:** Hear, Hear.

**The Chair:** Just remember, I once spoke for four days in the House. You don't want to ask for a speech.

**The Clerk:** Congratulations.

**The Chair:** Thank you.

**The Clerk:** I'm now prepared to receive motions for the first vice-chair.

**Hon. John Godfrey (Don Valley West, Lib.):** I nominate Mr. Regan.

**The Clerk:** Mr. Regan has been nominated for first vice-chair.

**Some hon. members:** Agreed.

**The Clerk:** I'm now ready to receive a motion for the second vice-chair.

Monsieur Lussier.

[Translation]

**Mr. Marcel Lussier (Brossard—La Prairie, BQ):** I nominate Bernard Bigras.

[English]

**The Clerk:** Monsieur Bigras has been nominated as second vice-chair.

**Some hon. members:** Agreed.

**The Clerk:** Thank you. That's it.

**The Chair:** We'll have the clerk pass out the routine motions and we'll try to go through those and set up the rules for the committee.

I believe, as in the past, we can deal with these in the order they appear on the routine motion sheet.

On the first one, the use of the Library of Parliament, I did warn Tim that this could be a very controversial one and we may debate this for some time, but he's sitting there on pins and needles waiting.

I think all of you understand this.

Mr. Regan.

**Hon. Geoff Regan (Halifax West, Lib.):** Mr. Chairman, do we have a copy of the routine motions that we had in the last session? Is that available for members to look at to compare this to?

**The Chair:** Sure. You're just getting those right now.

**Hon. Geoff Regan:** Thank you.

It's very controversial, no question.

Mr. Chairman, the first one on services of analysts from the Library of Parliament appears to be the same as what was before.

**The Chair:** Yes. As far as that goes, Mr. Regan, I think you'll find most of them are the same as before and are now up for either approval or amendment or whatever members choose.

So I would entertain the first one, then, in terms of the use of the Library of Parliament. Of course, Tim has been our representative for a number of years.

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

**The Chair:** Tim, we saved your job. Welcome.

The next one is on a subcommittee on agenda and procedure. That, again, we talked about. I'll open that for discussion, if we follow the order here.

Yes, Mr. Cullen.

**Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP):** Thank you, Chair.

One thing the committee faces in this current session of Parliament must be the experience of our previous session, in which—the committee and chair will remember this well—the committee was probably its most dysfunctional perhaps in the last 10 or 15 years. We had to excuse witnesses. The chair was challenged a number of times. The tone of partisanship that entered into this committee was one of the highest it's been from the reports of many who've watched this committee for a number of years.

In an effort to avoid this happening again—and the committee members are well aware that it has been my intention to find ways to deal with the issues that I think Canadians are pressing upon us to deal with around the environment—we need a more coherent and less partisan way to approach dealing with the issues that come before us.

The place where that starts is in the setting of the agenda. As we all know, whether it be a meeting or a study, the terms of reference that guide us through that study can be as important as the testimony and the eventual results: they set the direction.

I think the subcommittee, in the past, has worked well. I know it was refused last time, but in this effort I think it's important for us to consider striking it again to ensure that we have the best agenda possible, that we have the best focus possible, and that we don't waste time.

I can recall discussions around the agenda that went on, with the entire committee involved. They were prolonged. There were partisan shots going back and forth across the table, which were unhelpful. I think all committee members should have in our interests, at the foundation, the ability to proceed with work as quickly and effectively as possible.

• (1540)

**The Chair:** Mr. Regan, we're just discussing this motion. I think we can do this in that sort of manner.

**Hon. Geoff Regan:** The only question I had was whether it had been moved.

**The Chair:** Yes, it has.

**Hon. Geoff Regan:** It has. Okay, that's good.

**The Chair:** It has been, in the form in which we find it here, and we're now discussing pros and cons, changes and whatever.

Mr. Regan, did you have a comment?

**Hon. Geoff Regan:** It looks fine.

**The Chair:** Yes, Mr. Warawa.

**Mr. Mark Warawa:** Chair, the way it's being proposed here is that the subcommittee on agenda and procedure be composed of the chair, the two vice-chairs, and a member of the opposition party, the other opposition party. So it would have you, Mr. Regan, Mr. Bigras, and Mr. Cullen. You, again, would be chairing a subcommittee.

I would propose an amendment.

Do we have a motion on the floor?

**The Chair:** We do.

**Mr. Mark Warawa:** Okay. I would propose an amendment that we also have a representative of the government on the subcommittee. That leaves you, as the chair, to be able to run the meeting, and you'd have a representative of the government on the committee.

Without a member of the government on a subcommittee, the committee will not be successful, and it will all be rehash when it comes back to the full committee. So I'd strongly recommend having a member of the government. Otherwise I think we'd have rough waters ahead.

**The Chair:** Mr. Cullen is next.

**Mr. Nathan Cullen:** I think Mr. Warawa makes a good point. I think having a representative of the government there is worthwhile in achieving the best consensus possible.

**The Chair:** Mr. Bigras.

[*Translation*]

**Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ):** I do not see what my colleague is getting at. Is he saying that he would like the parliamentary secretary to be on this committee? That is the question that must be asked.

While I am not speaking for the party here, I would point out that I think this committee is first and foremost a committee made up of parliamentarians. I think that is an important point. If there is a member of the government on the parliamentary committee, on this parliamentary committee, I think that could change the dynamics within the committee. I know that this happens on other subcommittees: the parliamentary secretary is present. I think that in order to ensure the committee functions properly, the members should be restricted to parliamentarians. I do not think the parliamentary secretary must necessarily be present at this committee.

[*English*]

**The Chair:** Mr. Godfrey.

**Hon. John Godfrey:** I'm a little confused about the source of the template, if I may put it that way. What this would suggest is that the normal procedure—if this is what this is—is to have the subcommittee on agenda and procedure be as described, having four people with all four parties represented.

I, myself, have not observed that you, Chair, are such a retiring fellow that the views of your party have gone missing in action when you've been asked to present them. This is simply a committee that has to have all its decisions ratified by the full committee anyway. I think for proper functioning, you perfectly well represent the views of your party and your government, and a four-person committee would be a perfectly reasonable thing to have.

**The Chair:** Mr. Vellacott.

**Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC):** I would like to speak to that, and Mr. Bigras' comment as well.

I think the motion is plain enough in terms of the amendment itself, that it be a government member. It could be any one of us, but the government would make that decision in terms of who that would be on a meeting-by-meeting basis as they chose. With respect to Mr. Godfrey's suggestion—and he's been around this place long enough to know that if you're a chairperson moderating a meeting, it's awkward to be bringing forward your issues at least in any assertive manner. That's why you would have another member there, so that man is free to moderate the discussion, as he does here. It leaves him in a less awkward position. I think that's the whole intent, Mr. Godfrey and Mr. Regan.

• (1545)

**The Chair:** Mr. Harvey.

[Translation]

**Mr. Luc Harvey (Louis-Hébert, CPC):** The main objective is not to hold a vote or whatever within the committee, but rather to find the best possible way of proceeding for this committee. Whether it is three against one or three against two, the opposition has the majority. If this were to change the balance, I would understand Bernard's concern or that of Mr. Godfrey, but this changes nothing at all with respect to the absolute majority. Given the government's position, and given as well that everyone is working hard to achieve a consensus, and given important issues regarding the environment, I see no problem in having the parliamentary secretary present on the steering committee. Moreover, as was said, there is no absolute rule regarding the participation of the parliamentary secretary, who represents the government.

[English]

**The Chair:** I'm going to go to Mr. Cullen, but we can also consider not having a subcommittee, as has been done in the past. Again, as has been mentioned, we do regurgitate quite often. So that's another option I would like all members to think about as well.

Mr. Cullen.

**Mr. Nathan Cullen:** Debating this motion in front of us, Chair, I think what I agreed to in terms of the point raised by the government...there's an important distinction between the representatives as outlined here, and in this case, Mr. Warawa is representing the minister, which is his role on this committee. That's the job of the parliamentary secretary—to be at committee representing the minister's views, eyes, and ears, as has been commented on in the past.

I think we've branched off a bit here; let's focus on the intention, which is to create an agenda that works. We would be open to the notion of there being both you, Chair, and a government member on that committee, but not the parliamentary secretary. This is not to cast aspersions on Mr. Warawa's work, but it's the role that's important. In creating the agenda, in setting the focus for this committee, I think where we have fallen down in the past—and this is just this past spring—is that there's been too much overt partisanship in the design of what we're doing.

The suggestion I would make to this motion is that the subcommittee be composed, as it is written here, with the inclusion of a government member, not the parliamentary secretary.

**The Chair:** Does everybody understand this potential amendment?

I don't believe we need to do this in a formal way. I think we can look at this and discuss it as we are doing and then come up with the final motion.

I'll take that under consideration, Mr. Cullen. Everybody will, and then we'll come up with a final motion, which we'll vote on, if that suits the members' method.

Mr. Regan.

**Hon. Geoff Regan:** Thank you.

Mr. Chairman, as much as I would like to hear the explanation from my Conservative colleagues as to why they so strenuously and consistently opposed this kind of a motion to include, for instance,

the parliamentary secretary when they were in opposition, I think it notable that we are only on the second item on the list, and I would hope we could try to have an expeditious process by moving to a vote on these things.

**The Chair:** I just want to be sure. Going through these, this is probably the most controversial one.

**Hon. Geoff Regan:** We'll see.

**The Chair:** This is only the second motion. Whether we have meals when we're here from 12 to 1 p.m. shouldn't be too controversial.

**Hon. Geoff Regan:** That one's easy.

**The Chair:** Mr. Warawa.

**Mr. Mark Warawa:** Thank you, Chair.

There is that old adage, haste makes waste. We've got to get it right. To quickly build on a foundation that is unsound, we will have problems down the road. I think Mr. Cullen's comments were right, that we need to make sure we have rules that are fair, and then we get on with the agenda and dealing with the issues this committee is tasked with. We have to build that foundation, that structure that is sound.

A question to the clerk, through you, Chair. For the subcommittee that's being discussed, can a subcommittee pass a motion to recommend to the committee of the whole? Can they accept a motion and vote on it? Can there be a vote at a subcommittee?

• (1550)

**The Clerk:** Yes.

**Mr. Mark Warawa:** The tradition is that you would have an odd number at a committee so that you would not be in a stalemate where it could be at least two, two, two, two—two against and two in favour. The tradition is that you would have an odd number in a committee so you would never be able to be in a deadlock. Is that correct?

Chair, I've had many years in government and in local government, which is a very honest form of government. I think it served me well to learn the basics of a very functioning committee structure. I haven't seen the dysfunction of committee until, as Mr. Cullen said, the last experience. We need to build a structure that is effective and fair. So I think the question is relevant, through you to Mr. Regan, that we need to make sure that we're not at a deadlock.

My understanding is that you would have an odd number. We have an odd number here. If there were a tie, you would then have the chair, being the odd number, to break the tie. In a subcommittee, then, to avoid that type of deadlock, you would have an odd number. My question is, what is the norm? Then I have another question.

**The Clerk:** Mr. Chair, there is no norm. It is the practice of the standing committees to elect the subcommittee the way they see fit and the way they think it would work best. There is no convention. There is no norm. It's entirely within the prerogative of the standing committee to create a subcommittee. The standing committee can decide the creation of the subcommittee and the membership.

**Mr. Mark Warawa:** Thank you.

Again, the committee has the authority to create any kind of structure they want, but the rationale for the structure of having an odd number is to avoid the problem of having a deadlock.

**The Clerk:** That is correct.

**Mr. Mark Warawa:** I'm reading from page 823 in Marleau and Montpetit. It talks about subcommittees and it says:

Where committees have agreed to establish sub-committees on agenda and procedure (steering committees), their memberships have varied considerably to suit the needs of individual committees. This sub-committee typically consists of the Chair of the committee, the Vice-Chairs, representatives of each of the other recognized parties and, on committees having a departmental responsibility, the Parliamentary Secretary.

Following this structure of tradition where you have an odd number and you also have the voice of the government, that is the tradition. It creates a functioning subcommittee. Without that structure, you do not have the voice of the government and the chair remains neutral and only casts a vote if there is a tie. You also create a structure of fairness. That is why the motion I have before the amendment, which is on the floor, is that we have a representative of the government. If I'm unavailable, then it would be one of my colleagues.

**The Chair:** Monsieur Bigras.

[*Translation*]

**Mr. Bernard Bigras:** Mr. Chairman, the parliamentary secretary can read us all the excerpts from Marleau-Montpetit he likes, I would simply remind him of what he said himself—namely that generally speaking, and usually, this is what happens.

I would point out that when the party in power today was on this side of the House, it is the one that changed the rules and tradition by literally throwing out the Liberal parliamentary secretaries. They thought these people were merely the mouthpieces for the government on the committee and on the steering committee.

So I do not think the parliamentary secretary should be trying to teach us lessons by quoting Marleau-Montpetit. The people who now make up the government are the ones who changed the parliamentary tradition established by Marleau-Montpetit. They are the ones who wanted no parliamentary secretaries on the steering committee. I think my colleague from the government side should not be trying to teach any of the opposition parties lessons in this regard.

• (1555)

[*English*]

**The Chair:** Here is just one comment to think about. The government has a lot of input into what committees do in the sense that they control the travel we might do, certainly the legislation that's coming forward, and also witnesses. They provide the witness lists and so on. So probably the PS is in a position to know much of that government position, as opposed to the chair of the committee. They may well know a lot more about government positions and so on. I'd just bring that to members' attention when they're considering this.

I think all of you know my feeling about subcommittees. Basically, I've been involved in committees that have had them and in committees that haven't. Quite often I find that, simply, the subcommittee agrees on something, brings it back to the whole

committee, we hear all the same debate again, and we literally lose a lot of time. Not to prejudice you too much, but that is my feeling about them, just from experience. Having added that, I'd be quite happy to sit on a subcommittee and work the best.... Again, you know that my aim is to make things happen that are the best for the environment and for Canadians. That's what it's all about for all of us.

I just urge everybody here and all parties, including my own, to make it work. That's what it's all about.

So we need to decide on this subcommittee, and we need to decide whether there is a government member. Let's vote on that amendment first.

Mr. Cullen has introduced an amendment to what we have here, which says that it would be a member of the governing party but not the parliamentary secretary. That's the motion. So we can vote on that. Then we'll go to whether we should have a subcommittee, as listed here.

Is everybody happy with that? So everybody understands, we're voting on the amendment about a government member and not the parliamentary secretary.

(Amendment negated [See *Minutes of Proceedings*])

**The Chair:** Now we come back to the routine motion, which is—

**Mr. Mark Warawa:** No, we have the amendment by Mr. Warawa.

**The Chair:** Sorry, we have the amendment Mr. Warawa made, which is a government member, the parliamentary secretary.

**Mr. Maurice Vellacott:** Not necessarily.

**The Chair:** It is a government member.

**Mr. Mark Warawa:** A government member....

If I can speak to that amending motion, the amendment that is on the floor....

**The Chair:** That one excluded the parliamentary secretary. This one says "a government member", period.

**Mr. Mark Warawa:** So it's a government member. So you have a representative of the government on the subcommittee, which I think is crucial. It's typical. It's in Marleau and Montpetit. It's typical, and I don't know why Mr. Regan would be laughing at having a structure that's typical.

If the subcommittee would prefer having somebody other than the parliamentary secretary, I have no problem with that, and I would honour that. If that's the consensus of the committee, I would honour that, and it would be one of the other members. But we need to have a balanced structure. You have to have the voice of the government on there.

Even on that committee there would be three opposition members in that structure—we are in a minority government, Chair—with three votes, possibly, against the one. For the Liberals and the Bloc to suggest that the government have no voice—you would have three against zero. The chair does not vote except to break a tie. So if you pass—

We did not have a subcommittee, Chair, last time, except for two. We broke because we found ourselves so dysfunctional, and one of them came back with a bunch of mischief motions from the Liberals, and it was a mess. So to build a structure, a committee, that's going to be effective, you have to have a voice of the government. I think it's a reasonable motion, and I hope I can count on Mr. Cullen's support.

• (1600)

**The Chair:** Can we vote on this amendment, then? This amendment says that a member of the government be on this subcommittee, in addition to the chair.

**Hon. John Godfrey:** In addition to the chair?

**The Chair:** Yes. The difference between the two amendments is that you had the exception of the parliamentary secretary.

The clerk pointed out to me it was agreed that the subcommittee on agenda and procedure be composed of the chair, parliamentary secretary, and critics from the three opposition parties. That's what we agreed to last time, but then we didn't set up the subcommittee.

Does everybody understand the amendment being proposed by Mr. Warawa, that a government member, not specifying who that government member is, besides the chair...?

(Amendment negated [See *Minutes of Proceedings*])

**The Chair:** We're back to the original motion that you see in front of you from this template, as it's been called. It basically says:

That the Subcommittee on Agenda and Procedure be established and be composed of the Chair, the two Vice-Chairs, and a member of the other opposition party.

The only thing I would add is that I hope this subcommittee will become one that recommends the schedule and then comes back here for a vote. I hope we don't see a lot of votes in that subcommittee, because that will create the problems that Mr. Cullen and Mr. Warawa have talked about.

It is my intention, in chairing this group, that we come to a consensus and bring it back to this committee for a vote. That's how I see it working. That's the only functional way it can work; otherwise we'll have the problems you mentioned.

Mr. Vellacott.

**Mr. Maurice Vellacott:** This is more a question at this point. In terms of precedence, your other suggestion, or what is done in a lot of committees, is there is no subcommittee at all, and I concur, because sometimes it is a bit of a ramble and it chews up people's time for no good reason. Then you go over it again. So if having no subcommittee at all were to be a consideration for this meeting today, would that be considered first before we...?

**The Chair:** We'd have to consider that before we consider this, simply because there'd be a conflict here.

**Mr. Maurice Vellacott:** I would propose that.

**The Chair:** Mr. Vellacott is proposing that we have no subcommittee.

This motion is on the table.

**Hon. Geoff Regan:** On a point of order, I suggest that this is contrary to the nature of this motion. If this motion were defeated, it

would be in order to bring forward a motion of that type afterwards, to not have one at all. In fact, I don't see how you would have one if you didn't pass this motion.

**An hon. member:** We've tried every variation.

**The Chair:** Mr. Warawa.

**Mr. Mark Warawa:** A comment I heard is that we've tried every variation, but in fact we haven't. The suggestion from Mr. Cullen was that we have a government member, excluding the parliamentary secretary, and that was defeated. We had a motion that we have a member representing the government, and that was defeated.

Another option is the model we had before, where instead of having just a member from the government, the parliamentary secretary is named, which would be myself. So I move that as an amendment.

**The Chair:** Perhaps we could formalize this with a vote saying that as a subcommittee we will review whatever the situation is, try to establish a consensus, and bring it back to the whole committee for a vote. That means the subcommittee won't be making final decisions on anything, which isn't the case anyway, but this would kind of formalize it and possibly—

**Mr. Mark Warawa:** Are you saying to defer the motion?

**The Chair:** Let me hear what you think of that idea. I'm trying to break this difficulty we're having.

Mr. Cullen.

**Mr. Nathan Cullen:** First of all, to be clear, the reason I'm not in favour of that is I think it leads to the very thing you're afraid of, which is the repetition of conversations. In order to have the vote, then we'll have the discussion, and if we've already had the discussion in subcommittee...

The ideal was how the thing worked before, which was the casting out of a calendar, looking at the issues that had come to us all as MPs and deciding which ones were to be proposed forward. Remember that we went through that on the Bill C-30 committee and on Bill C-28. Whenever we're looking at something specific... We'll do the same for Bill C-377, which is in front of committee, I imagine.

To then put it into the prescription that we have to then take everything back to a vote... Is it voting on each of the witnesses? Is it voting on the order? I think the best way to do this, as people have described tangentially, is to avoid the issue of voting. As the government has admitted, if the opposition chooses to just use that in concert, then the voting system doesn't work for their favour.

The reason I had originally posed my motion was to allow a government member on the table. The reason I had prescribed not a parliamentary secretary was to avoid what we'd seen last time, which was not the only factor but I believe was a contributing factor to the partisanship.

I think we should just vote on this motion as is. I appreciate you trying to achieve some consensus, but I think we have what we have and we need to try this and look at the Bali conference and the Bill C-377 legislation, which will likely be the first two areas of concentration. Try this at least until Christmas.

• (1605)

**The Chair:** Mr. Godfrey.

**Hon. John Godfrey:** I think it's generally understood that it's the main committee that is the master of its own destiny and will make any decisions on whatever the recommendation is from the subcommittee. I think we should simply vote on the template resolution under the routine motions to at least find out whether we've got a subcommittee, and then let the subcommittee make recommendations to be ratified by the main committee. But I don't think we need to put it to a motion.

**The Chair:** My only thing is I feel a little bit awkward if I'm chairing the meeting and then also trying to represent the government position.

You're right, Mr. Godfrey. I think you mentioned I won't be shy, but the point is it is a little bit of a conflict I think if I'm honestly trying to be neutral and also presenting a position. But it's up to the members to make that decision.

Mr. Harvey.

[*Translation*]

**Mr. Luc Harvey:** I have a very simple question. Given that before today there were meetings involving Mark Warawa, who was the parliamentary secretary and represented the government, was there ever any talk about a single problem or difficulty because of this practice?

If not, I fail to see why we have spent the last 35—or actually it is close to 40—minutes talking about something that worked well in the past. We have an expression—if it ain't broke, don't fix it.

[*English*]

**The Chair:** Mr. Harvey, maybe some would agree that there were some times when things were broken. I think that's what we're trying to work out. But I really think that if everyone understands how we're going to look at this, this is going to be to try to establish an agenda, try to establish witnesses, topics, and recommend those back to the committee, and the committee then makes the final decision. Hopefully we will not redo everything the subcommittee does; otherwise, why have it?

Let's see if it works until Christmas. I think we have however many meetings, and I would ask you to vote on this as it is.

Mr. Warawa.

**Mr. Mark Warawa:** Chair, just for clarification, what are you asking us to vote on?

**The Chair:** I'm asking you to vote on this as written here. We've had two amendments that have been defeated, so I would suggest that we vote on this as it is and revisit it in the new year and see how the subcommittee is working. If it's not working, then obviously we need to revisit this and make other plans and so on.

**Mr. Mark Warawa:** Chair, I don't agree with that. I believe what you're asking us to vote on is a structure, a routine, that would leave the Government of Canada with no voice on the subcommittee, which is absurd.

It would also leave you in a position that to be a chair, you have to be neutral. Therefore, again, it supports the notion that the government would have zero voice in the direction.

To begin this session of the environment committee, it appears that instead of creating a structure of fairness, of open-mindedness to hear all perspectives so that we come up with a strategy, a plan, to move Canada forward, we are.... We heard from the environment commissioner how important it is that we have action and that we move forward on the environment. But what's being proposed here is a structure that keeps the government out of the planning.

Mr. Chair, we are in a democracy, and you have to give the government a voice at that committee. What's being proposed is against the norm in our procedural guide, in Marleau and Montpetit. It's against that and it's against logic. Again, the Government of Canada has no voice on this committee that is going to be directing.

If the issue is a personality, if the issue is me, having me not participating in that, I am okay with that, as I said. If Mr. Cullen wanted to introduce his motion excluding—which would be, instead of amending my amendment, he would be amending the original motion—I would appreciate that.

• (1610)

**The Chair:** Here's another suggestion, which I have to ask our very experienced clerk to put forward. I think we should listen to our clerk when we do have that opportunity.

His suggestion is that basically we create a subcommittee but we attempt to make the decisions in committee; that the subcommittee only go back when there is total disagreement here, and we go back and use that subcommittee on that sort of basis.

Now, that is another compromise, and, you know, that fits with my thinking better than anything else, simply because I have not seen very many successful subcommittees work, in 15 years of being here.

That would just be a comment.

Mr. Godfrey.

**Hon. John Godfrey:** I think it's the function of the subcommittee to deal with some of the detail in a small group that follows the general direction of where the committee wants to go. I'll give you a very precise example.

We don't need to debate the witness lists in committee of the whole, but we do need to make sure that no witness appears who hasn't been approved of by the four parties. That's really important, but we don't all need to be present for that.

With all respect to the clerk, I think it's almost the contrary, that the big decisions—well, maybe it's the same thing—are taken by the committee, but it's the realizations of those decisions and the detail that this subcommittee is about.

I suggest that we get on with the vote.

**The Chair:** That's what we're trying to accomplish.

Mr. Warawa.

**Mr. Mark Warawa:** Chair, through you to the clerk, could I make an amendment to that original motion that would be similar to what Mr. Cullen had as an amendment—a subamendment to the amendment? Procedurally, can I reintroduce a motion very similar to what Mr. Cullen had?

**The Chair:** It's in order, Mr. Warawa.

**Mr. Mark Warawa:** Okay.

I would move that there also be a member of the government on the subcommittee, and excluding the parliamentary secretary.

**The Chair:** That has been moved and defeated. I guess if everybody agreed, we could re-vote....

**Some hon. members:** No.

**The Chair:** We don't have agreement.

**Mr. Mark Warawa:** Then I would move that there be a representative of the government on the subcommittee, and that the person be Mr. Jeff Watson.

That is an acceptable motion?

Thank you very much.

**The Chair:** That's a new motion. You specified a person, that person being Mr. Watson. Then that amendment to what we have here, of course, would be the way it is—

**Hon. Geoff Regan:** What's the salary that would go with that?

**Some hon. members:** Oh, oh!

**The Chair:** But we would add Mr. Watson's name to this motion.

Those in favour?

**Some hon. members:** [*Inaudible—Editor*]

• (1615)

**The Chair:** Can I call the question so we're very clear on this? Who is in favour of having Mr. Watson added to the list as the member on the subcommittee, along with the chair, the vice-chair, and Mr. Cullen...well, a member of the party?

(Amendment negated)

**The Chair:** Now we go back to the main motion.

**Mr. Mark Warawa:** Chair, again, the goal is to come up with a fair structure.

Mr. Chair, I really hope I'm wrong, but I read in the newspaper that there was a tactical strategy of some opposition members to try to make this not work. It appears it's going down that road. I'm still hoping for the better, Chair, and I'm going to try to come up with a motion that is going to create fairness and not dominance.

Chair, my concerns were what I saw previously. Bill C-377 is going to be coming up, a very important private member's bill that we will deal with. We need to come up with a witness list, as was mentioned. So, again, we need to have a member on that.

I think Mr. Luc Harvey would provide a balance, a francophone perspective.

[*Translation*]

**Mr. Bernard Bigras:** That is out of order.

[*English*]

**Mr. Mark Warawa:** So I would then nominate Mr. Harvey to be on that.

[*Translation*]

**Mr. Bernard Bigras:** He is going to go through each one of them in turn.

[*English*]

**The Chair:** Again, it's an acceptable amendment.

(Amendment negated)

**Mr. Mark Warawa:** Chair, we'll keep on trying to create a structure here.

Again, I would ask my colleagues across to be patient. We're trying to come up with a structure that is fair.

**Some hon. members:** Oh, oh!

**Mr. Mark Warawa:** I don't find it particularly funny. I'm hoping for better from my colleagues across the way.

Chair, the concern about the structure that's being proposed is that you will create a structure where the Government of Canada has zero voice. It would have zero voice on the witness lists, because you, as the chair, have to remain neutral. That is the structure being proposed.

So if they want to have a meeting under the title of subcommittee with no representation from the government, they should not be able to move any motions. That, again, is in the purview of this committee. If they want to create a structure called a subcommittee, I think that committee should not be able to move a motion.

Now, is that in order?

**The Chair:** Well, my understanding of the subcommittee is that they can't pass a motion any way, because everything has to come back to the main committee and would be voted on. That's my understanding of how subcommittees have always worked.

**Mr. Mark Warawa:** In the last subcommittee report, Chair, we did have a motion that came from the subcommittee. I think it was a motion.

Were the subcommittee meetings in camera? Can I give a name?

**The Chair:** We're in public.

**Mr. Mark Warawa:** We're in a public meeting, but are the minutes of the subcommittee in camera?

**A voice:** They're in camera.

**Mr. Mark Warawa:** Okay. So it was a Liberal member who made a motion in the last subcommittee meetings we had, and that motion came forward. Now, when I asked the clerk about 15 to 20 minutes ago whether a subcommittee could make a motion, he said they could.

That's my concern, that you would have a committee with the authority to make a motion, bringing it back here, with zero representation from the government. The chair doesn't vote.

**The Chair:** Just to make this very clear, the motion that might come forward from the subcommittee, if in fact it did happen, would have to be approved by the whole committee. The whole committee could then defeat that motion, even though the steering committee had advised it. So the final decision is always that of the whole committee.

Again, it comes back to my argument about subcommittees. So every decision will be made here in this forum, not in the subcommittee. The subcommittee, in effect, is making recommendations to the committee.

I think it has to be understood—and I would hope that Mr. Regan, Mr. Bigras, and Mr. Cullen would understand—that if this goes ahead this way, I am going to present my point of view, even though I am chairman.

•(1620)

**Mr. David McGuinty (Ottawa South, Lib.):** You always have.

**The Chair:** Yes, just so that's very clear.

**Mr. David McGuinty:** We want your point of view, Mr. Chair. That's precisely the point. We want your point of view, not someone else's.

**The Chair:** Anyway, does that help, Mr. Warawa?

**Mr. Mark Warawa:** No. I have great concerns, Chair, because when we come back to the full committee, you will have lost that impartial position. You have now spoken at the subcommittee, and that motion, coming back from that subcommittee, involves your participation in what's being proposed; therefore, you lose that impartiality. That's a motion coming back from you. And whenever that motion is being dealt with, you would have to remove yourself from the chair. You would have to have a vice-chair.

But the vice-chair is on that committee. That vice-chair has impartiality. It's not impartial. And again, it would create an unworkable—

**An hon. member:** We are politicians.

**Mr. Mark Warawa:** Yes, we are politicians.

Mr. Chair, that's why we have a policy that guides us to use a typical structure, and to suggest that you do not have the government involved is absurd. We're off on the wrong foot.

I would recommend, then, that we defer this. I think that was what your recommendation was about a half-hour ago. Obviously, what's being proposed by an opposition is to create a structure that won't work, and it's going to take us down a path of chaos.

I would move deferral.

**The Chair:** Let's hear Mr. Regan.

**Hon. Geoff Regan:** Mr. Chairman, I'm sure Mr. Warawa is going to get a gold star from the PMO for his performance and his tenacity here today on this issue, but I would ask him if it's his intention to tie up this committee in this way on an ongoing basis.

We're on the second item under routine motions. We've gone nearly an hour here, and I would say, Mr. Warawa, that you are wasting the committee's time. I would urge you to let us proceed and get moving with voting on these motions.

**The Chair:** Mr. Warawa, the procedure would be that if you want to table this, as suggested, you make a motion. We'll vote on it very quickly, then we'll go whichever way the group decides.

**Mr. Mark Warawa:** Chair, I believe I made a deferral motion.

**The Chair:** So there's a deferral, a tabling motion.

(Motion negated)

**The Chair:** Now to the main motion.

Mr. Vellacott.

**Mr. Maurice Vellacott:** I would just reiterate as well that it makes

**Mr. David McGuinty:** Why don't we nominate Donald Duck?

**Mr. Maurice Vellacott:** Pardon?

It's a reasonable, common proposal, Mr. McGuinty.

**Mr. David McGuinty:** Donald Duck would be really good.

**The Chair:** Mr. Vellacott has the floor, please, gentlemen.

**Mr. Maurice Vellacott:** I think, Mr. Chair—

**The Chair:** Mr. Watson and Mr. McGuinty, Mr. Vellacott has the floor, please.

**Mr. Maurice Vellacott:** Thank you.

I am very much of the view—and I think these good people in a saner moment would also acknowledge the fact—that if the chair has exposed his biases or prejudices or preferences or whatever in a subcommittee.... How can he be reasonably perceived by opposition members—having been smoked out, if you will, on the subcommittee—to be objective? It's ludicrous, and I don't know how anybody in their right mind would even see it otherwise.

I hear what you've said, Mr. Chair, that you will assertively inject your views and so on into the debate, but I caution you. I recommend you reconsider or you weigh that pretty carefully, because the fact, then, is that you're setting up a scenario and a dynamic in the committee meeting that follows in terms of where you stand on all these things.

So I think it's patently absurd and not very realistic to be doing it in the manner that's suggested here by the members. We're going to bring it all back to this committee anyhow, it appears. I'm not on that subcommittee, so I'm not wasting my time at it, thankfully. We'll debate the whole stuff in committee again.

I feel for you, Mr. Chair, and the others on the committee who will spend their time, but if they have nothing better to do, I guess it's up to them.

• (1625)

**The Chair:** I might be overly optimistic, but I think I can work with all members on the committee.

Having said that, I believe you had your hand up, Mr. Watson, and then Mr. Harvey.

**Mr. Jeff Watson (Essex, CPC):** Thanks, Mr. Chair.

I want to respond to some of the comments of Mr. Regan.

As a member, I have my own aspirations here, apart from what the Prime Minister's Office may or may not think about something here. My aspiration is to see that somebody is on that committee from the government. I think that's important. That's what I want to see from that. Nobody's telling me that that's what I want to see. That's what I want.

I also want a chair to function in a subcommittee that doesn't violate neutrality. I think that's a fundamental principle of how the committees work. While I appreciate that you have strong views, my aspiration is that you don't violate a position of neutrality sitting on a subcommittee. That's important to me.

I think it's not only important to have somebody from the government, but when it comes down to planning, I would think it would be even more important to have the parliamentary secretary there who has intimate knowledge of what the minister is up to, or not up to, what may be coming down the line from the government in terms of legislation, or other things that I think are critically important to have when you're looking ahead at the agenda.

Are we on simply the main motion itself?

**The Chair:** We are on the main motion, yes.

**Mr. Jeff Watson:** It's because of those reasons, Mr. Chair, that I would like to amend this to specifically add the parliamentary secretary to this subcommittee. I think it's vital.

That has not been voted on yet, and I want to specifically articulate that, because I think it's important to my aspirations as a member. I don't want you to violate neutrality. I want you to sit on a subcommittee that has a government member on it to articulate the position of members like me on that committee. I also think it's important that it be a parliamentary secretary, because they have intimate knowledge that I don't have as a government member. I think that's vital if you're going to be making decisions.

Mr. Chair, I—

**The Chair:** We have had an amendment to remove the parliamentary secretary. Now we have an amendment to add the parliamentary secretary. I think you've heard Mr. Watson's reasons, and I would ask you then to vote on that particular amendment, which is that we add to this list the parliamentary secretary.

Those in favour?

Mr. Warawa.

**Mr. Mark Warawa:** Mr. Chair, I have a question. What is being proposed? Is it the structure we had last time?

**The Chair:** Yes, we're going back to the structure we had last time with the parliamentary secretary on that list, as you had from our last—

[*Translation*]

**Mr. Bernard Bigras:** Have we not voted on that?

[*English*]

**Hon. Geoff Regan:** You mean this motion would propose that?

**The Chair:** This motion would propose that, and we have to vote on that. That is to add the parliamentary secretary to the list you see on this.

(Motion negated)

**The Chair:** Back to the main motion.

Mr. Harvey, I think you had your hand up.

[*Translation*]

**Mr. Luc Harvey:** I am trying to find a way so that the government can have a voice in the debate. We are in a democracy. I have often heard several...

**A voice:** [*Editor's Note: Inaudible*]

**Mr. Luc Harvey:** Mr. Chair, I would ask my colleagues to listen a bit more carefully.

**Mr. Bernard Bigras:** It is Mr. Watson who interrupted you.

**Mr. Luc Harvey:** I have a hard time seeing how you can justify and explain the fact that, in a parliamentary system, the governing party has no voice in the Steering Committee. I cannot justify that. How can the opposition—

• (1630)

**Mr. Bernard Bigras:** It is what you proposed.

**Mr. Luc Harvey:** Each time you have spoken, I've listened. I would ask that you show the same kind of respect. Is it agreed?

I am saying that I cannot understand how the government can be excluded from taking part in a debate. How is it that it can be silenced and not even allowed to vote? A motion to censure the government could even be adopted unanimously. That is beyond me.

I realize that you are taking advantage of the fact that you have a majority opposition to set the agenda. I can understand that, but I believe there are lines that should not be crossed, such as muzzling the government, preventing it from taking part in debate and withdrawing its right to vote. You are using the chair's position to neutralize him and prevent the government from speaking out. I have a very hard time understanding that.

We have offered to appoint someone other than the parliamentary secretary to speak on behalf of the government. You have voted against both Jeff Watson and myself, as possible replacements for the parliamentary secretary. I see Mr. McGuinty is quite busy reading the newspaper, as is Mr. Regan. If that is how you operate, it is very sad.

[English]

**The Chair:** Maybe we need a few minutes to think about this.

Can we go on to some of the others and come back to this?

**Hon. John Godfrey:** Chair, call the vote.

**The Chair:** Mr. Warawa.

**Mr. Mark Warawa:** Thank you, Mr. Chair.

I used the analogy of building before. I think it's a good analogy to use to try to help understand what is going on here. For us to build that foundation that I spoke of earlier...if the plans call for rebar in that foundation and Mr. Regan is saying, hurry up, forget the rebar, we have a foundation that is not as strong. As we build this beautiful house on this foundation, we have a structure that can crumble and jeopardize the whole structure if we do not build on solid ground and a strong foundation.

Mr. Chair, what I believed in having talked with some of my colleagues across the way is that we wanted to look at solutions, that the game of tactics and the game of chess, those days, were over and there was a willingness to work, particularly after hearing the encouragement of the environment commissioner. He came and told us that we need to find out why the previous government did not meet the targets, why they made commitments and plans and nothing happened. We were challenged to ask the departments why. I think we need to get the environment commissioner back.

It wasn't that many months ago that I came back with some of my colleagues across the way from Berlin at the Globe G8 plus 5. I want to share with the committee what I heard and learned about some of the solutions that we were encouraged to debate here in Canada—carbon sequestration and clean coal energy. We were even challenged to talk about nuclear energy and carbon sinks with a growing forest and what we can do out in British Columbia. I met with some people there and shared with them the challenges we have in Canada with the mountain pine beetle, which has killed so many trees. If we harvest them and replant, we have a growing forest and we now create a carbon sink.

Those are some of the things that I was hoping we were going to talk about, positive things that are solutions to deal with the issue of pollution, climate change, and the environment—that we can provide clean drinking water, that we will reduce the—

• (1635)

**Hon. Geoff Regan:** I have a point of order.

**The Chair:** Excuse me, Mr. Warawa, Mr. Regan has a point of order.

**Hon. Geoff Regan:** I have to ask about the relevance. Mr. Warawa was talking about what would be decided by, or proposed by, a subcommittee and decided by the committee, in terms of what we would study, as opposed to the nature of the question before the committee. I would ask you to keep him to the topic.

**The Chair:** I think, Mr. Regan, that the problem is the concern about a motion coming out of the subcommittee without the government's having a full voice on it. That's the concern. He's using examples of issues that might involve that situation.

The rules in this place say that as long as there is debate on a motion, I can't shut it down. I believe he is giving you an example, and I would ask Mr. Warawa to make the example as brief as he can, so that we can carry on.

**Mr. Mark Warawa:** Thank you, Mr. Chair.

I will make it quite brief. The point I wanted to make is that the subcommittee is an important committee, and if that subcommittee wants to be a valuable part of this environment committee and avoid rehashing and causing a problem for this committee, it has to have proper representation. I have shared some of the things that are very important to me and I hope to other members of the committee—topics and solutions that we will take a serious look at. Those are the reasons, Mr. Chair, that I have expressed so much concern. I'll end my comments with that.

I'm very disappointed that what I've read in the media appears to be true; it appears that there is a concerted effort by the Liberals, and the Bloc supporting the Liberals, to try to stall this committee and also to stall and keep the government from participating. I find that very disappointing; I wish we were working together.

Thank you.

**The Chair:** Go ahead, Mr. Regan.

**Hon. Geoff Regan:** I don't think any objective observer would look at this committee today and accuse the opposition of stalling things.

With all due respect to you, sir, I have confidence that you will conduct the meetings of this whole committee on a fair basis. Having said that, I'm also very mindful of the fact that you sit on the Conservative side of the House. You don't absent yourself from debate in the House of Commons. Clearly you can speak on behalf of your party in the House and you can do so in subcommittee; you're there for that purpose. I have confidence you will do that effectively, and I hope the filibuster is now over.

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

Go ahead, Mr. Harvey.

[Translation]

**Mr. Luc Harvey:** I have a hard time grasping that the members opposite are saying that the Conservative Party is filibustering, when it is only trying to have a voice on the steering committee. As a parliamentarian, I am at a loss to justify the fact that the Conservative Party not try to have a voice on the committee. Is the chair entitled to vote? Normally, chairs do not have the right to vote, unless there is a tie. Stop trying to convince me otherwise. The truth is that you are trying to prevent the Conservative Party, the party in power and in government, from having a voice on the committee. That is unacceptable.

[English]

**The Chair:** Always remember that the final voice is this entire committee. Let's always remember that. That steering committee is not going to make decisions for this committee. Just make sure that's extremely clear.

Do you have a comment, Mr. Warawa?

**Mr. Mark Warawa:** I'm fine.

**The Chair:** The motion is as follows:

That the Subcommittee on Agenda and Procedure be established and be composed of the Chair, the two Vice-Chairs and a member of the other opposition party.

Do you have a question, Mr. Warawa?

**Mr. Mark Warawa:** I would like one clarification.

**The Chair:** Yes.

[Translation]

**Mr. Bernard Bigras:** You have called for the question.

[English]

**The Chair:** This is for clarification.

**Mr. Mark Warawa:** Could I have clarification? The definition of the duties of the chair is...?

**The Chair:** I think I've explained that the chair will chair these meetings to make recommendations to the main committee.

• (1640)

**Mr. Mark Warawa:** Thank you very much.

**The Chair:** I would hope that the votes will be few and far between, because they can be overthrown here anyway. The decisions will be made by the full committee. That's how I see it as chair.

(Motion agreed to)

**The Chair:** Can we talk about working meals?

We will go in order, but I want to talk about working meals. If the clerk and I decide that we're having a meeting over a lunch hour, is anybody opposed to our ordering lunch? Those in favour?

**Some hon. members:** Agreed.

**The Chair:** Next is witness expenses. We're on a roll here.

The motion reads as follows:

That, if requested, reasonable travel, accommodation and living expenses be reimbursed to witnesses, not exceeding two (2) representatives per organization; and that, in exceptional circumstances, payment for more representatives be made at the discretion of the Chair.

Is there any discussion?

(Motion agreed to)

**The Chair:** "Staff at *in camera* meetings":

That, unless otherwise ordered, each Committee member be allowed to be accompanied by one staff person at an *in camera* meeting.

Mr. McGuinty.

**Mr. David McGuinty:** Mr. Chair, I'd just like to perhaps expand this slightly so that each party is then able to bring in one House representative per party so that we can get the full staff complement we all need here—all four parties.

**Hon. Geoff Regan:** Can I just help a bit?

**The Chair:** Yes, Mr. Regan.

**Hon. Geoff Regan:** I think what we're looking for is to say that each party should be permitted to have one staff member from either their House leader, their whip, or their research bureau, in other words, from their House leadership.

**The Chair:** So you're still talking about one member for Mr. Regan.

**Hon. John Godfrey:** Sorry, no, one staff per member.

**The Chair:** Yes, one for Mr. McGuinty, one for Mr. Godfrey.

**Hon. Geoff Regan:** Then each party can have one person from their House leadership team, basically.

**Mr. Mark Warawa:** So if you have three staff, you could have four people.

**The Chair:** In other words, the Conservative Party could have four staff members plus one member from somewhere else. So that's five members.

**Hon. John Godfrey:** No, six because you get one too.

**The Chair:** Yes, I get one, but that's to help me keep everybody in order.

**Hon. John Godfrey:** If you're a committee member, accompanied by one staff, that makes five.

**The Chair:** Yes, Mr. Regan, if you'll read that motion, please.

**Hon. Geoff Regan:** It would read:

In addition, each party shall be permitted to have one staff member from either the office of their House Leader, their whip, or their research bureau attend in camera meetings.

**The Chair:** Those in favour?

(Motion agreed to)

**The Chair:** Mr. Warawa.

**Mr. Mark Warawa:** As we're talking about in camera meetings, there was a breach of confidence in the last committee. Do we want to discuss that? Hopefully, it never happens again. Do you want to discuss consequences?

**The Chair:** I think we should deal with that. We would hope it would never happen again. If it does happen, then it's a serious matter for the committee to discuss, and I think we should deal with it in that way. That's how I would prefer to deal with it: we have an incident, we deal with it. Hopefully, we don't have to deal with that.

Is there any problem with in camera meeting transcripts being kept in the clerk's office?

That one copy of the transcript of each in camera meeting be kept in the Committee Clerk's office for consultation (at the Clerk's office) by members of the Committee.

**Mr. Mark Warawa:** Is this on the routine motions?

**The Chair:** I'm turning the page. I'm trying to nitpick here and pick the easy ones.

**Mr. Mark Warawa:** Where is that?

**The Chair:** On the back, the top one.

Those in favour?

(Motion agreed to)

**The Chair:** Okay. I started with meals. Let's go back up the list here.

"Distribution of Documents":

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

I think we did have a problem occasionally when someone would go around and hand out something that either wasn't translated or that the clerk or the chair had never seen, and sometimes it was through not understanding how it works. But in some cases it could be something rather controversial. So this way it goes through the clerk, and all documents go through the clerk.

Those in favour?

(Motion agreed to)

• (1645)

**Hon. Geoff Regan:** Does this mean that if a document is brought forward by witnesses in one language and it's brought to the clerk, the clerk would then proceed to have it translated in due course and then distributed?

**The Chair:** That's correct.

Our biggest concern has always been, and it will be again, that witnesses show up with their document in one language and we don't have it in advance of questioning them. Obviously, my instructions to the clerk—and he already knows this—are to try to get them ahead of time, to try to get them in the members' hands a week before, so that we all have time to go through them. We can say that, but there will be witnesses who will not be able to do that.

**Hon. Geoff Regan:** I presume that if a member decides to walk down to the witness and ask for a copy of whatever he's offering, whatever he has, there is nothing to stop them from doing that, obviously. It's not a question of the committee, really, is it?

**The Chair:** That's right.

Okay. On "Reduced Quorum":

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

Mr. Warawa.

**Mr. Mark Warawa:** Chair, a quorum is seven for this group, so we're talking a reduced quorum:

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

So what that's saying is that—

**The Chair:** We have witnesses here—

**Mr. Mark Warawa:** Through you to the clerk, I want to make sure this is recorded. This is assuming that there is a representative.... Now it's mentioning the opposition. There have to be at least three members of the opposition, so if we're in a structure where there's a majority government, the government cannot dominate, the government cannot call a meeting and have decisions made without the opposition present there.

My question is for clarification on the opposite, where we find ourselves in a minority government and there are more opposition members present than government members. So is this assuming—it's unwritten, but is it assuming—that there also must be members of the government for there to be a quorum?

**The Clerk:** It's assuming that the chair is from the government.

**Mr. Mark Warawa:** It's assuming that the chair is from the government.

**The Clerk:** That's correct.

**Mr. Mark Warawa:** So if the chair from the government were not available, and it would be a vice-chair, and if there were no government members, the meeting could not go ahead. Is that correct?

**The Clerk:** Well, then you have to fall back to the vice-chair only assuming the chairmanship of a committee meeting if the chair designates the vice-chair. So if the chair is a member of the government and he knows he will be away and he knows that there will be no government members, then it would be unbecoming of the chair to—

**Mr. Mark Warawa:** I would agree, but the logic in the rules—through you, Chair, to the clerk—assumes the spirit of fairness. You want to make sure that you cannot have a committee meeting without opposition. You must allow the opposition to have an opportunity to speak and be involved and participate in the committee.

So in the situation we find ourselves in, I would like to have that clarified, that it also would have to be, say, at least two members of the government.

**The Chair:** I think we could rephrase this so that it does include the assumption or say definitely that there must be a member of the opposition and a member of the government.

**The Clerk:** Including one member of government.

**The Chair:** Including one member of the opposition and government. That would then ensure that.... Suppose the vice-chair were chairing it and no other members came, this would clarify it in writing.

Mr. Cullen.

• (1650)

**Mr. Nathan Cullen:** Chair, just to understand this, the assumption is that for a scheduled meeting that we all have notice of, none of the government members chooses to show up. The chair knows that you in fact can't show up and that the meeting went ahead anyway with the chair's discretion.

I understand the government's concern over not having...but I can't imagine that the scenario described has ever happened, that the government would choose not to show up to a meeting—it's not like these are surprise meetings suddenly popped on that day, since there's always notice—and that the chair would, given that notice, also decide not to be present and not to inform....

It's beyond plausible. I don't know why there would be a meeting scheduled as such. We've never done it. I can't imagine why we would.

**The Chair:** But this would clarify, Mr. Cullen, if we simply added "and a government member".

**Mr. Nathan Cullen:** And that is duplication, because the chair is a government member, but fine. It's a grassy knoll.

**The Chair:** Can we put that amendment?

**Mr. Mark Warawa:** That would be fine. I would prefer if we had numbers in there: at least three members of opposition and at least two members of government. That provides—

**The Chair:** Now that's changing the whole thing. I'm not really making this amendment, but I'm suggesting it, I guess, that we add "including one member of the opposition and government". That now very clearly states that there must be a government member there, assuming the chair isn't there; we must have an opposition member; and I don't know who the third member is.

Mr. Cullen.

**Mr. Nathan Cullen:** Saying "and a government member," which is the chair, is thoroughly redundant, because the chair is a government member. So if the chair is there, which is necessary for the meeting to take place—

**The Chair:** If the chair isn't there, there can't be a meeting—

**Mr. Nathan Cullen:** Exactly.

**The Chair:** —according to the way this is written. So if the chair isn't here, there is no meeting.

**Mr. Mark Warawa:** Mr. Chair, the reason I bring this up is that we have just passed a motion to create a subcommittee with no representation from the government on the subcommittee. So I want to make sure that, at this committee, the opposition cannot have a member unless there is at least one member of the government represented, actively participating at that meeting. I think that's reasonable.

**The Chair:** I guess what we're saying is if I trip and fall coming into the meeting and the vice-chair takes over and there are no other government members here.... I guess that's a plausible thing. So by adding "and a government member", it seems to me that fixes everything, in case I slip and fall—which I'm not intending to do, but anyway.

Can you entertain that? That would get us on. I don't believe it should be that controversial.

Mr. Bigras.

[*Translation*]

**Mr. Bernard Bigras:** By stating that a government member must be present to have a quorum, that may allow the government to systematically block the work of a parliamentary committee. The committee has to be a parliamentary committee. A government member might decide not to show up, which could prevent the committee from meeting. And yet, this is a parliamentary committee.

[*English*]

**The Chair:** We're not talking about what a quorum is. We're talking about a reduced quorum and something that I don't believe has ever happened, at least not that I'm aware of. As I say, by adding that wording, we clarify it totally, assuming I slipped on a banana.

**Hon. John Godfrey:** And assuming that you would count as a member of the government, your side.

**The Chair:** But in this setting I would be neutral; therefore, that would be the reason to add "government member".

**Hon. John Godfrey:** Sorry. Now, in addition to you being there, we need—

**The Chair:** One government member.

**Hon. John Godfrey:** —more than just you. You're not good enough, apparently, for this operation?

**The Chair:** I am neutral.

**Hon. John Godfrey:** Well, I don't know. It seems to me that you'd be looking after the interests of your party. I'm having a problem with this scenario.

**Mr. Maurice Vellacott:** You don't trust him? I don't understand.

**Hon. John Godfrey:** You don't want that to be the role, right?

• (1655)

**The Chair:** Can we entertain that amendment and ask you to vote on that so we can move on?

Mr. Warawa.

**Mr. Mark Warawa:** Chair, as I'm thinking this through, I'd also like one additional change to that, to say "also representing at least two political parties". That way, you would not have just one group creating a quorum and not anybody else.

It's very unlikely to happen, but very clearly, a quorum has to be participation by members representing at least two parties and members from the opposition and from the government. So there should be at least two political parties represented in a quorum, in the definition of quorum.

**The Chair:** This is a reduced quorum. This is when we're travelling and there's a reduced number of members. This is when we have witnesses here and there's something happening on the Hill, and the witnesses are here but members are not. This allows us to proceed.

Should it happen? Never. Will it happen? I don't think so. But by making that amendment, I think you cover what's not going to happen.

Are there any other comments?

Do you wish to place that amendment, Mr. Warawa?

**Mr. Mark Warawa:** Yes.

**The Chair:** So we're adding "including one (1) member of the opposition and one (1) member of the government". That's what's being proposed that we're going to vote on?

Yes, Mr. Regan.

**Hon. Geoff Regan:** Can I just ask, to be clear, what motions have been proposed? I'm not clear on what motions have actually been moved. I'm not sure the main motion has been moved as such, but I just want to be clear on what's been moved at this point.

**The Chair:** No, we have not moved the main motion on a reduced quorum. What we are now talking about is adding an amendment to the reduced quorum—not to the quorum; quorum is seven.

**Hon. Geoff Regan:** I understand, but I guess what I'm saying is, it's not in order to consider amendments until you've actually got the main motion moved. I was trying to clarify whether in fact it was moved or not, and it ought to be moved to start with.

**The Chair:** Mr. Regan, if—

**Hon. Geoff Regan:** If we want to get somewhere. I'm sorry, but I'm trying to help.

**The Chair:** Yes. I moved on to each item, and we voted on each item without a formal motion. I'm sure we can formally move "Reduced Quorum", and then we can accept the amendment and vote on that and then vote on the main motion. That would be my intention.

Mr. Warawa, I think everybody knows what the amendment is, to add one member of the government to that list.

Those in favour?

(Motion negatived)

**The Chair:** Okay. Now to the main motion, which is:

That the Chair be authorized to hold meetings to receive evidence and to have that evidence printed when a quorum is not present

—that's the seven—

provided that at least three (3) members are present, including one member of the opposition.

Mr. Warawa.

**Mr. Mark Warawa:** Mr. Chair, I'm just looking at the third bullet. It sounded as if you were talking about quorum and not reduced quorum, so just a clarification.

**The Chair:** No, I'm talking reduced quorum.

**Mr. Mark Warawa:** And is that what is before us, the third bullet?

**The Chair:** It's the third bullet, correct.

**Mr. Mark Warawa:** That the Chair be authorized to hold meetings to receive evidence and to have that evidence printed when a quorum is not present, provided that at least three (3) members are present, including one member of the opposition.

That's the motion on the floor?

**The Chair:** That's the motion on the floor for reduced quorum—not for quorum, reduced quorum.

**Mr. Mark Warawa:** Chair, as I said previously, we have a committee structure, a steering committee, that omits the government. We do not have a member who is not neutral who can bring the government's perspective to the committee. That has been excluded and is undemocratic.

We are now being proposed that you could have a quorum of seven people, excluding all members of the government, with no participation of the government, and that committee could go ahead.

**The Chair:** No, a quorum is a different item from this—

**Mr. Mark Warawa:** You're talking about reduced quorum, Chair, and I'm talking about both. You could have a reduced quorum of five people and you could have a quorum of seven people. You could have those meetings without any member of the government. That's what's being proposed by the opposition.

**The Chair:** No, no, because the chair calls the meeting, so the chair must be there.

**Mr. Mark Warawa:** So if the chair is not available—

• (1700)

**The Chair:** Then there won't be a meeting.

**Mr. Mark Warawa:** And if the chair then asks a member, the vice-chair, that meeting could take place without members of the government. Through you to the clerk, is that a possible scenario?

**The Clerk:** According to this motion, the chair would be authorized to hold meetings, and the chair is the chair. I suppose if you read this motion, the vice-chair would not be authorized. Otherwise, you're going to say the chair or vice-chair be authorized to hold meetings to receive evidence.

So the way this is phrased, it means the chair must be there, and there must be one member from the opposition, at least. It could be two, it could be two in one—

**The Chair:** Conceivably, we could have four people at that meeting?

**The Clerk:** That's correct.

**The Chair:** And that's because a witness is here, or somewhere, and we want to hear that witness because—

**The Clerk:** This is a minimum requirement.

**Mr. Mark Warawa:** But in that scenario you could have a meeting with no voices from the government—

**The Clerk:** Absolutely.

**The Chair:** That's a possibility.

**Mr. Mark Warawa:** That's a possibility, and I don't think that is right. It's not democratic.

**The Chair:** I don't know why the chair would call that meeting if that were the case.

**Mr. Mark Warawa:** Would it put the chair in a position to be challenged if he didn't? We saw that.

**The Chair:** No, because the rules say the chair calls the meeting. That's how I interpret the rules, as we are going to vote.

Mr. McGuinty.

**Mr. David McGuinty:** Following up on Mr. Warawa comments, does he actually believe that the chair of this committee, who is a member of the Conservative caucus, is going to call a meeting without advising his own colleagues? If the members of the government caucus decide not to show up for one reason or another, as they did in several instances last spring in different committee settings, that's their choice.

This is a minimum threshold, as the clerk has pointed out. The chair is the person authorized to call the meeting. If there is this minimized quorum available, we go on and do business.

I don't see what this is about at all, Mr. Chair.

**Hon. John Godfrey:** It's hearing witnesses.

**Mr. David McGuinty:** It's hearing witnesses and receiving testimony and evidence. What is the problem here?

**The Chair:** Mr. Bigras.

[Translation]

**Mr. Bernard Bigras:** I do not want to repeat what I said earlier. I see where Mr. Warawa wants to go with this. But the committee's work cannot be disrupted if a member of the governing party does not attend a meeting. Given the number of people opposite, I am sure that the government can find someone to sit on the committee.

I don't know what Mr. Warawa is trying to achieve, but this is first and foremost a committee of parliamentarians. We must ensure that the committee meets and conducts its work in a proper manner.

[English]

**The Chair:** Mr. Harvey.

[Translation]

**Mr. Luc Harvey:** It is highly unlikely that the Bloc Québécois would forget to send a representative to the committee, as it is highly unlikely that—

**Mr. Bernard Bigras:** We have never missed a meeting.

**Mr. Luc Harvey:** Bernard, I have listened to you attentively—

**Mr. Bernard Bigras:** Very well, but please address the chair.

**Mr. Luc Harvey:** I apologize, Bernard.

The NDP, the Bloc Québécois and the Liberals have to be protected, but we, the government members, are being asked to step aside because we might stonewall and prevent committees from sitting. If the members of the NDP or the Bloc Québécois did not show up, that could also be filibustering. As well, opposition parties have been given some protection, but they have refused to give it to the party forming the government. I ask that all parliamentarians be treated fairly.

We are all parliamentarians, and a minimum protection should apply to us all. I demand that the Conservatives benefit from the same protection as do the NDP, the Bloc Québécois and the Liberal Party. I don't think I am asking for that much. Up until now, we have always attended meetings. We are talking about a theoretical situation, not something that has occurred often. I don't see why the opposition should be protected, but not the government.

Once again, the opposition is using its majority to engage in virtual obstruction. I cannot understand how the opposition parties can rationally explain that the government does not need to be present for there to be a quorum in committee.

• (1705)

[English]

**The Chair:** Any other comments?

The question on a reduced quorum then:

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

(Motion agreed to)

**The Chair:** “Notice of Motions”:

That \_\_\_ hours' notice be required for any substantive motion to be considered by the Committee, unless the substantive motion relates directly to business then under consideration; and that the notice of motion be filed with the Clerk of the Committee and distributed to members in both official languages.

The previous document, as you will notice, said 24 hours, and we did have some discussion about that on a number of occasions. Let's open that for discussion as to what that number should be.

Mr. Warawa.

**Mr. Mark Warawa:** Chair, I recommend 48 hours. That was one of the problems with the environment committee in the last session,

which was abused terribly. In the House it's 48 hours. That would give adequate notice to all of us as to what is happening. Previously it was 24 hours, and the 24 hours was, in practice, by five o'clock the night before. What I am proposing is 48 hours, as it is in the House, and 48 hours would be 48 working hours, which I believe it is in the House. What I'm proposing is 48 working hours.

**The Chair:** I would remind members that probably our time slot will be nine o'clock in the new year. So, conceivably, a motion coming in at five o'clock or six o'clock could be a very short 24 hours, if in fact we meet at nine o'clock in the morning. Right now we're meeting at 3:30, so it's probably less of a problem. This is just so you understand that I understand we will move as the rotation goes, so that our next time slot will be nine o'clock. Anyway, keep that in mind when you're thinking of numbers here.

Yes, Mr. Godfrey.

**Hon. John Godfrey:** Perhaps I have a faulty recall on this, but I think the 24-hour notice worked reasonably well for us. As you say, right now we're in a situation where we're meeting in the afternoons. I think the motion, with the insertion of the word “24”, works just fine. I move it.

**The Chair:** There is a question regarding when we as members receive it and when the clerk receives it. We should be sure to clarify as to whether it's when we as members receive it, which could be different. If it's filed at six o'clock at night, there are many members who may not receive it until the next morning.

**Hon. John Godfrey:** Then 24 hours later would be....

**The Chair:** If we don't specify.... But 24 hours wasn't 24 hours.

**Hon. Geoff Regan:** Whatever the number of hours is, Mr. Chairman, the problem is that members need to know that when they're filing it with the clerk, they've done it on time. Having it be when the clerk distributes it isn't in our control, and therefore you can't know if you've done it on time or not. So it seems to me that the motion as proposed is the one to go with.

**The Chair:** May I ask you this, then. If a motion is received by the clerk at five minutes to six the day before, if that's the deadline, and our meeting is at 3:30, that is not 24 hours and therefore that cannot appear until the following meeting.

**Hon. John Godfrey:** I think we all know what 24 hours means.

**The Chair:** What we're saying, then, is a true 24 hours from the time of filing.

**The Clerk:** A calendar 24 hours.

**Hon. John Godfrey:** As opposed to a lunar 24 hours?

**The Clerk:** As opposed to a House 24 hours. A House 24 hours is one night, one sleep. That's the issue.

**The Chair:** The issue is this. Is 24 hours one night or is 24 hours 24 real hours?

**Mr. David McGuinty:** Can I ask the clerk what the practice is in most committees?

**The Clerk:** Each committee varies on this issue. One way is to ensure that the notices of motions are in, say, by four at the latest and distributed by six at the latest. Anything later than six would not meet the 24 hours.

Sometimes the motions are not translated and sometimes they're not correct, so they require a bit of fiddling. They may not be sent to the members, though, till seven or eight o'clock at night. If you have a nine o'clock meeting the next day, in theory that meets 24 hours because it's one night, but a lot of members' offices are not open at eight o'clock at night. So it means your staff would come in at 8:30 and have a motion facing him or her.

• (1710)

**The Chair:** That is difficult, and that has happened and it has been difficult for all of us to be prepared for what that motion is. I think all of us can remember that happening.

Mr. Cullen, then Mr. Warawa, and then Mr. Harvey.

**Mr. Nathan Cullen:** I understand. We do remember when motions were done so quickly that people hadn't had a chance to see them.

The discretion is how you treat the 24 hours. The problem with the 48 hours in this case is if you treat it by the script, then for our Tuesday meetings you'd need to have everything in by Friday, which makes it a four-day notice, which is not, I know, the intention.

I think it's the prescription to the 24 hours. If it's submitted to the clerk, if we're having our meetings now at 3:30 on a Tuesday afternoon, and if it's not done before 3:30 on a Monday, it feels to me that there's enough time for the clerk to get it out, into our offices, and we have the entire day with it. I don't know how much more time people really need. We always want more, but I think putting it back to Friday is the problem.

**The Chair:** Mr. Cullen, I think your argument is—and I certainly argued that when I was sitting in Mr. Godfrey's and Mr. McGuinty's place—that 24 hours should be 24 hours. In fact, it hasn't been that way. We can very easily clarify with the clerk what the 24 hours are and what the deadlines are.

So reasonable deadlines, 24 hours being 24 hours, is something we haven't done. We didn't do it before.

Mr. Harvey.

He's insistent, Mr. Warawa.

[*Translation*]

**Mr. Luc Harvey:** Thank you, Mr. Chair.

The 48-hour principle currently applies in the House. Those are two working days, not calendar days. We are talking about two nights. If there is a meeting at 9:00 a.m., then there is one day when all members have been given notice of the motion. That allows them to work on the motion or plan their future business. This is not something from Mars, it is a rule used in the House and is actually quite simple. On a Friday, a motion must be submitted before 2:30 p. m. On all other days of the week, the deadline is 6:00 p.m. That means that, if you want to move a motion on Thursday, you have to submit it by 6:00 p.m. on the previous Tuesday.

Besides, there are always two days between committee meetings. The motion therefore does not change much. However, it ensures that everyone has had at least one day to read and work on the motion. As parliamentarians, we need to have that time to work on a motion. Everyone stands to gain by being able to work on a motion.

Saturdays and Sundays are not considered working days. That means that if you want to move a motion on Tuesday morning, you have to file it at the latest on Friday at 2:30 p.m.

I believe that this is a fair proposal, and it would give parliamentarians at least one day to properly work on a motion or do research and obtain information.

[*English*]

**The Chair:** Should we ask the clerk to come back with wording that covers the 24 hours, and the time, now that we've heard the arguments? He can base it on his experience, and we can see if that will be it. I think we're all saying the same thing.

I'll hear Mr. Warawa

• (1715)

**Mr. Mark Warawa:** Chair, procedurally I think I moved that 48 hours be slotted in there. I'm willing to change that, as a friendly amendment, to 24 hours. I think that's what I'm hearing. But I want to make sure we're clear. It would be very encouraging if there was consensus on at least something here today.

**The Chair:** Well, we had the meals, so we—

**Mr. Mark Warawa:** That's true.

What I'm seeing is 24 hours from when the clerk sends it. So if the clerk sends it at 6 or 7 p.m., I have 24 hours. It should be 24 hours before I deal with it the next day. If he sends it out at 9 o'clock and it needs translation, and it's 9 or 10 o'clock the next morning, it won't be dealt with until 24 hours after it has been sent to me. I may need about three, four, or eight hours before I actually get it, but once the clerk sends it, we have 24 hours. That would be a minimum.

In the past we had the Liberals sending motions the night before, we would start committee, and then they would reverse the agenda. There were a lot of shenanigans, and it created havoc in the committee. We had witnesses who appeared and were told sorry, you can't witness. They were sent walking while ignoring the expense of bringing them here. I don't want that happening. It wasn't fair. It wasn't right. It created a huge problem, not only for the committee but for the witnesses.

So 24 hours is reasonable. I suggested 48, but 24 is fine, provided that once it's distributed I have 24 hours to deal with it. I think that's reasonable. Giving any member less than 24 hours to deal with it, which includes maybe sleep time, I think is patently unfair.

**The Chair:** What I've heard, if I might translate, is that if the clerk sets a deadline or we set a deadline here of four o'clock, let's say, for when he has to receive the motion, it would then be 24 hours from that point, minimum. If we say "when it is sent out", I could see the argument coming back that "I didn't get mine", and "my fax machine was broken", or "my e-mail system was broken", or whatever. But we can ask the clerk when he received that motion, and it is then 24 hours.

**Mr. Mark Warawa:** That's 24 hours after it is sent.

**The Chair:** If it is when it's sent.... Mr. Warawa, I believe you are saying 24 hours from when it is received and filed with the clerk.

There's where we are. Do we want the clerk to—

**An hon. member:** No.

**The Chair:** Do we want to vote on the other way?

**Mr. Mark Warawa:** We have to give the clerk direction.

**The Chair:** Mr. Regan is next, then Mr. Cullen.

**Hon. Geoff Regan:** Mr. Chairman, I move that the motion be amended by adding, after the word “notice” in the first line—I'm waiting for the clerk to be ready—

, being a 24-hour period which commences with filing with the clerk,

**The Chair:** You are saying “that 24 hours notice” and then what you've added.

**Hon. Geoff Regan:** In other words, it would read as follows:

That 24 hours notice, being a 24-hour period which commences with filing with the clerk, be required for any substantive motion to be considered

etc.

**The Chair:** Mr. Cullen.

**Mr. Nathan Cullen:** This hits the mark, because the question of this is about responsibility to our staff, who are often submitting these motions on our behalf. They need to know what the firm deadline is for them to have it in. That clarifies for everybody when you have to have it in. There are no shenanigans about receiving or not receiving and all the rest. It's clean and simple, and I think we should vote on it so that we can finish this off.

**The Chair:** Is 4 p.m. a fair time?

No? Do you not want a time?

• (1720)

**Hon. John Godfrey:** No, Chair, because if you submit it at 6 p. m., then 24 hours passes by, and normally if we have any committee meeting, it's starting at 6, so the later you file it, the later you can't....

**The Chair:** For fairness to the clerk—

**Hon. John Godfrey:** You can't know where the 24 hours is.

**The Chair:** The clerk has to have a time. The clerk is not going to sit here 24 hours a day waiting for motions.

**Hon. John Godfrey:** No, but the point is that the clock starts from when he gets it, and it cannot be considered by the committee until 24 hours after that. If you submit it in the middle of the night, it isn't valid until the middle of the night 24 hours later.

**The Chair:** No, but he doesn't receive it then. How are you—

**Hon. Geoff Regan:** You don't have to wait a day and a half, essentially, right?

**Hon. John Godfrey:** Yes, you could actually have more time, because—

**Hon. Geoff Regan:** If you submit it at 6 o'clock, you won't be seeing it the next day; you'll be seeing it the day after that.

**Hon. John Godfrey:** It's 24 hours from when you get it.

**The Chair:** Clearly, you can't have a 24-hour clock. He has to have some kind of time.

**Hon. John Godfrey:** No, he'll have a day and a half. He'll have more than 24 hours.

**Hon. Geoff Regan:** If you submit it at 6 p.m. on Wednesday, it won't come before the committee on Thursday. If you happen to be meeting on Friday, you could have it on Friday.

**Hon. John Godfrey:** It couldn't be considered before—

**Hon. Geoff Regan:** At least you would have that day to look at it.

**The Chair:** The clerk is the one who is involved in receiving these. Do you need a time, Norm, or not.

**The Clerk:** No, it means—

**The Chair:** Yes, Mr. Cullen, I'm just asking for clarification from the clerk.

**Mr. Nathan Cullen:** Yes, and the clarification says 24 hours prior to the meeting. If the meeting is at 3:30, then 24 hours prior, it seems to me, would be 3:30 the day before.

I feel as though we're going down a rabbit hole here as to what the definition of 24 hours is. It's unhelpful.

If the meeting is on Tuesday at 3:30, then 24 hours' notice to me means Monday at 3:30. Putting times into it and clarifying that is a waste of our time.

**The Chair:** Norm has suggested that he's heard the arguments and thinks he understands those. Can he bring back an amended proposal?

**Mr. Mark Warawa:** Just table it.

**The Chair:** We'll just put this aside and let Norm come back with new wording that probably fits....

Yes.

**Mr. Maurice Vellacott:** The clerk can maybe respond to us on this, because we would all be helped a little bit by it.

For example, when it comes in to your e-mail, how quickly—it depends upon the length of the motion, I guess—are you able to turn it out? What's an average in terms of getting these things out and relayed to the members?

**The Clerk:** It's difficult to answer that question because it depends on the length of the motion and the complexity. But if you're looking at an average motion, an hour, an hour and a half, maybe two, maximum.

**Mr. Mark Warawa:** Worst case.

**The Clerk:** But in some cases, you read it and it just doesn't click, where you say, “well, gee”, so you need some clarification. But it's about an hour, an hour and a half.

**Mr. Maurice Vellacott:** So sometimes you have to get back to the member, you're saying, the back and forth.

**The Clerk:** Yes, and we have to get it translated and make sure it matches. So there are little glitches here and there.

**Mr. Maurice Vellacott:** And that's all I'm asking. So in the case of something that's not very clear, or maybe very awkwardly worded, and you've got to go around the horn and reword it again....

**The Clerk:** But then I guess one could argue that it's not officially filed, unless the member says it's filed.

**Mr. Maurice Vellacott:** If it's amended or changed in terms of wording, in conjunction with you—

**The Clerk:** It's between the clerk and the member.

**Mr. Maurice Vellacott:** And then there's a new.... It might be an hour later because it was so garbled the first time.

**The Clerk:** Yes, until you're satisfied with this notice of motion, or you can tell the clerk, "I want it exactly like this".

**Mr. Maurice Vellacott:** So the translation is pretty quick. You're not sending it out. You're doing it yourself directly?

**The Clerk:** No, we send it out to translation, and it has to come back, it has to be set. So there's a bit of a—

**Mr. Maurice Vellacott:** So an hour, an hour and a half on average.

**The Clerk:** About two hours would be fair.

**The Chair:** Okay. I think I have agreement.

Mr. Harvey, briefly.

[*Translation*]

**Mr. Luc Harvey:** I am simply proposing that we follow the process recognized by the House of Commons to accept motions. But here we are, trying to pinpoint down to the minute whether a motion can or cannot be debated at the next meeting. I remember that last year, we often had to deal with motions sent by BlackBerry, for example, at any time during the day. When that happened, the clerk had to decide exactly when the motion had arrived; then the clerk had to make calls and so on.

Under the process recognized by the House, when a motion is tabled at 6:00 p.m., it cannot be debated the next day, but it can be debated the day after that. We are not talking about a notice of exactly 48 hours: it can be 36 hours. It basically comes down to this: there is a period of 24 hours, namely the first day, but on the second day, the debates can take place at 9:00 a.m., 11:00 a.m. or 3:30, depending on when the committee is meeting.

The House had the wisdom to establish a period of 48 hours. This avoids discussions on exactly when the motion was received. In the last session, people were checking their BlackBerry to determine exactly when a motion had been sent, and they argued about whether it had arrived two minutes too late. Now, we are talking about 6:00 p. m. from Monday to Thursday, and 2:30 on Friday. We are only talking about working days. It is extremely simple.

This would allow the clerk and members to do their work and not be surprised at receiving a motion sent at 6:00 p.m. In some cases witnesses might show up at 9:00 a.m., but would then be told to leave because the committee has to deal with a motion. A notice of 24 hours would allow us to tell the witnesses not to show up. When witnesses have to be sent back because we did not have the time to warn them, it's not just one person who loses face, but the whole committee.

I therefore think it would be wise to proceed in this manner.

• (1725)

[*English*]

**The Chair:** What I'm trying to do is have the clerk come back with what he's heard here and then we can discuss it further. But I think he's heard the arguments. I think he understands what we're all trying to achieve.

Mr. Bigras, unless it's something really critical, I'd like to see the clerk come back with this. We'll deal with it at our next meeting, very quickly, I hope—

[*Translation*]

**Mr. Bernard Bigras:** Fine.

[*English*]

**The Chair:** —and we'll make sure we have a timeframe that's workable for all of us and that we won't be surprised with motions in 12 hours or whatever. Do I have agreement here to do that?

**Hon. John Godfrey:** I have just one question. Does that prevent us from putting motions forward...? In other words, we would be able to cover both 24 hours and 48 hours, because...?

**The Chair:** Again, without consulting with the clerk, I would like to think that now that we have a chairman and a vice-chair, we would be able to accept motions. Now, if you say, "I'm going to put one in at eight o'clock tonight and I expect it to be dealt with inside of 24 hours", we've got a problem. But I trust no one is going to do that.

**Hon. John Godfrey:** But do we...?

**The Chair:** We don't have a rule, but between the clerk and me, we'll talk to the member.

**Hon. John Godfrey:** All right, just to be clear about that point, I think what we would like to do is give notice of motion today—and that will be covered by any kind of timeframe for next Tuesday—that deals with what we would like to have discussed. So I just want to put that out there.

**The Chair:** I would think that our next meeting would be future business—that would be the logical approach—and future business would be dealt with next Tuesday. We would look at where we're going to go and what we're going to look at.

If this is a problem, yes, let's solve it now, and maybe we can do some editorial work on it.

It will be that all motions be submitted by 6 p.m. and that we have 24 clock hours to have them in. Does that meet everybody's approval? Then we can vote on this. We'll say that in the motion.

**Mr. Mark Warawa:** I wasn't paying attention.

**The Chair:** Okay. It will be that all motions be submitted by 6 p. m. and that 24 hours expire, clock time, before they will be dealt with by this committee.

**Mr. Mark Warawa:** Is that at the earliest?

**The Chair:** The earliest they could be dealt with would be 24 hours.

**Mr. David McGuinty:** Would that be after filing?

**The Chair:** Yes, after filing with the clerk by 6 p.m. on a given day. So it is 24 hours, clock time, minimum, after having been filed with the clerk no later than 6 p.m.

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

**The Chair:** Now, on purchasing of documents:

That the Committee be authorized to purchase documents for the use of the Committee.

(Motion agreed to)

**The Chair:** The next one:

That the Chair be authorized to purchase gifts on behalf of the Committee for visiting delegations to Canada meeting with the committee or for foreign hosts when the Committee is travelling abroad.

(Motion agreed to)

● (1730)

**The Chair:** Now we have the time limits for witnesses, and I really would like to get this done, and then we can move on to what we're going to do at the next meeting.

The motion is:

That the witnesses be given [ ] minutes for their opening statement

In the past, that's been 10 minutes.

That, [at the discretion of the Chair,] during the questioning of witnesses, there be allocated

—the previous was 10 minutes for the first round of questioners—  
and that thereafter, five minutes be allocated to each subsequent questioner  
[alternating between Government and Opposition parties]

I think everybody here knows how it worked before. If we want to make any changes, this is the time to do it.

We'll go to Mr. Warawa.

**Mr. Mark Warawa:** Chair, I don't have a problem with that. What I would like to add is that no committee member be given a second chance to ask a question until all members have been given an opportunity. I think it's important, and again, it's in the spirit of fairness.

**The Chair:** So we follow the order, and I suppose this involves Mr. Cullen. It's mainly that a Liberal may not have had a turn, a Conservative may not have had a turn, but Mr. Cullen may have had two or three turns. I think that's what you're trying to accomplish.

**Mr. Mark Warawa:** Every person would have an opportunity to ask a question before anybody got a second question.

**The Chair:** In other words, rather than going to Mr. Cullen on the round, we would come back to a Liberal, an unasked Liberal.

**Mr. David McGuinty:** What if a member of the Conservative caucus doesn't want to ask a question?

**The Chair:** That's fine. Then I can move on, and that does happen, of course.

**Mr. David McGuinty:** So people could speak a second time. They would be given an opportunity.

**The Chair:** Sure. Everybody would have an opportunity, and I guess this affects Mr. Cullen the most, because that's the only time I can think of when this does, in fact, happen, when Mr. Cullen gets a second or third—usually just a second—chance.

Go ahead, Mr. Cullen.

**Mr. Nathan Cullen:** Of course, I won't take this personally as meaning that my questions aren't sound enough or strong enough. This has been tried by the government at every committee today and has been rejected at every committee today. It seems to me an interesting proposition when folks have an inability to share. If this is the message the government would like to send in terms of its proposals.... Obviously, we're opposed to this. I've watched bench members argue about time allocations and someone always taking time and the rest of it. That's for them to work out. This has always been sought to balance out what happens on committee. We've had this argument many, many times before, and I'm sure all the government hands are going to go up to argue their points over again, but they know what this is truly about, and if they choose to send that message, then we'll see it.

**The Chair:** There are many times, of course, Mr. Cullen—by the way, I think your questions are usually quite good—when all government members or all Liberals don't want to ask a question. That happens quite often as well, and it depends on the witnesses, but I certainly hear your point.

Mr. Godfrey.

No, Mr. Watson. Sorry.

**Mr. Jeff Watson:** Briefly, Mr. Chair, just to correct the record for Mr. Cullen, it was accepted today in the transport committee, for example, where I was this morning. And secondly, the government is powerless to pass that on its own.

**The Chair:** Okay.

Mr. Godfrey.

**Hon. John Godfrey:** I sympathize with Mr. Cullen, but it seems we're trying to balance three principles. One is fair representation for each of the parties, whether they're government or opposition, so that all parties have an equal start with their time. The second thing we're trying to do is reflect, to some degree, the proportional representation of the House. The third thing is to make sure that individual members of the committee, having shown up, actually get to ask a question. If they happen to be fourth in line, whether they're a Conservative or a Liberal, and they've been patiently waiting, it does seem to be unfair that it is possible that a member who has diligently served will not be able to participate while somebody else gets to ask two questions. I think what we're trying to do with the suggestion is to balance those three principles.

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

● (1735)

**Mr. Mark Warawa:** As a clarification, considering the comments that have been made, what I said was that no committee member be given a second chance to ask a question, and it should have been “to have a question-round opportunity until all members have been given...”.

**The Chair:** All members who wish to.

**Mr. Mark Warawa:** Yes, that no committee member be given a second chance to have a question-round opportunity until all members have been given an opportunity, or along those lines.

**The Chair:** On that amendment, I again would ask Normand to tweak it to make sure we have the wording exactly correct.

Mr. Cullen.

**Mr. Nathan Cullen:** Just so I understand this, in terms of the first round of questioning, if available to 10 minutes per member sitting on this committee, we will essentially have one round of questioning on our most typical days and will not go to a second round.

**The Chair:** Yes, you will, many times.

**Mr. Nathan Cullen:** That would be the typical scenario setting up.

Obviously, of course, this is about the NDP's position and ability to ask questions. If this is the choice that the Liberals and Conservatives are making—I recall this from when we dealt with Canada's Clean Air and Climate Change Act—it's duly noted and remembered for times when folks are looking for assistance in their efforts.

**The Chair:** Yes.

Mr. McGuinty.

**Mr. David McGuinty:** I don't think this is about curtailing anybody's participation. I think it's actually more representative, a reflection of representation in the House of Commons. It has always struck me as somewhat odd that parties with fewer seats actually end up with occasionally two or three rounds when sometimes the government's own members, the opposition members, and other parties don't even get their own members through. I think it's fair.

**The Chair:** Yes, I've been there and experienced that. It is very frustrating. You have a question and you really want to ask it and it is frustrating when you don't get a chance. I understand that.

We're voting on the amendment. We're not dealing with the minutes. I need approval on that as well as the main motion. But dealing with the amendment that Mr. Warawa put, we will get the wording correct.

Normand, do you have the wording?

**The Clerk:** I think I have the wording:

That no member be given a second opportunity to ask questions until all members have had an opportunity to ask questions.

**The Chair:** It's the word "opportunity" that's the critical thing here, I think.

(Amendment agreed to)

**The Chair:** In terms of the main motion....

**Hon. John Godfrey:** I have an amendment.

I would like to add the following:

That when a minister appears, the minister be required to take 45 minutes of questions for each 15 minutes of presentation.

**The Chair:** Having been there and done that, and having ministers who were very skilled at spending one and three quarter

hours with their presentation, I fully understand what your motion is, Mr. Godfrey.

**Hon. John Godfrey:** Three times that.

**The Chair:** Are there any comments about that amendment?

I always thought, if I were a minister, gosh, I've learned enough here to take two hours.

**Hon. John Godfrey:** That's what this is all about.

**The Chair:** I'll have ministers phoning me now.

Anyway, can you impose that on a minister? I think that could be a whole new debate.

I can suggest to the minister that he be brief—I would certainly be willing to do so—and leave the maximum time for questioning. But I rather wonder if I'm about to be able to say that they "only" have 15 minutes of presentation.

**Hon. John Godfrey:** No, they have 15 minutes—

**The Chair:** We certainly can to witnesses.

**Hon. John Godfrey:** No, no: they can have 30 minutes, but they have to wait around for 90 minutes. It's three times thirty. It's just a complete ratio.

**The Chair:** The clerk is advising me I can impose that on the minister.

**Hon. John Godfrey:** The precedent was set in the finance committee today as well. They passed a similar motion.

**The Chair:** I mean, we can pass the motion. Whether we can enforce the motion.... You might have a vice-chair that day.

Yes, Mr. Warawa.

**Mr. Mark Warawa:** From your comments, through you to the clerk, is the motion in order?

**The Chair:** Is the motion in order?

• (1740)

**Hon. John Godfrey:** We have it for witnesses.

**The Chair:** Yes, we do.

**Hon. John Godfrey:** It's the same thing. He's a witness.

**The Chair:** Basically, if we listen to what the Speaker has said many times, committees set up what they want and are masters of their own fate. I've always sort of operated under those terms.

Again, I simply caution members that imposing some of these things might become a bit difficult.

**Mr. Mark Warawa:** That's my follow-up question: is it enforceable?

**Hon. Geoff Regan:** Mr. Chairman, if the minister is aware of this rule before he comes, then he can indicate to the committee when he arrives how long he has to be with the committee. This would mean that if he has two hours, then at 30 minutes you would tell him, "I'm sorry, Minister, but your time is up, and now it's time for questions", the same way you would with any other witness.

**Hon. John Godfrey:** Yes, as he would with any other witness.

**Hon. Geoff Regan:** If he can only be here for an hour—we should ask him when he begins, obviously, and ask him to state that—then at 15 minutes you can say, “Thank you very much, Mr. Minister, now we'll have questions.”

**The Chair:** My experience is that most ministers wouldn't mind that and would in fact obey that. That's the most important part. I guess the question is when we get a minister who says no. Then I guess we can say, “Well, then, don't come.”

**Hon. John Godfrey:** Or else we'll find him in contempt.

**Mr. David McGuinty:** Or you can say, “It's time to stop talking.”

**The Chair:** Mr. Warawa.

**Mr. Mark Warawa:** Chair, I think that has worked well when the minister has been invited to come. He's looked forward to that, he's come.

Again, for some hanky-panky where we're going to be calling the minister on a point of order, interrupting him, it's an unfortunate tactic and a distasteful Liberal tactic. I won't be supporting this.

**The Chair:** We've heard the motion. I don't know that we need to discuss it too much further.

The motion is basically that for 15 minutes, it's 45 minutes of questions. If they're here two hours, it's 30 minutes, and so on. I think that's fairly clear.

Mr. Bigras, do you have a question about that, or can we move on?

[*Translation*]

**Mr. Bernard Bigras:** Mr. Chairman, I have a question. We can invite the minister to appear before the committee, but we cannot force the minister to come. Starting from that premise, how far can we go if we want to limit the minister's time, given the fact that we can invite him but not force him to appear? I think we have to develop a good relationship. I think that we are pushing it. Let's not exaggerate. We can live with certain rules. I seriously question the relevance of this type of motion.

**Hon. John Godfrey:** The minister will have 15 minutes to make his presentation and then we will move on to questions and answers. So the minister will have a lot of time. He can take as much time as he wants to answer questions. But we simply want to indicate to the minister how much time he should spend on his presentation compared to the time left for questions and answers. That's all. It's to guide the minister for when he will appear before the committee.

[*English*]

**The Chair:** I think we can provide those guidelines and I think we can have this. I feel a little bit of a conflict of interest because I once gave this speech to a Liberal minister about him dominating and not allowing us to ask questions. I remember the tirade I went through, and that wasted more time than the minister had. Anyway, that's history.

I think we should go to the question. You've heard Mr. Godfrey's motion.

Those in favour?

(Motion negatived)

**The Chair:** We will suggest to ministers, through the clerk, that they limit their time so that the maximum number of questions can be asked, and we will ask for their cooperation.

Now, are we fine with the 10 minutes, and so on?

**Mr. Mark Warawa:** I am.

I have an additional routine motion I want to present, and I'm wondering when that opportunity will be.

**The Chair:** Because of the time, I would ask the members.... Can we first of all just deal with this one and get it done?

What we're saying is witnesses have 10 minutes, and I will try to keep that as tight as I can, but sometimes I do give them a minute or two. I think it's reasonable. It's ten minutes, then, for the first round and five minutes for the next round. Are we happy with that? Can we pass this motion?

Mr. McGuinty.

● (1745)

**Mr. David McGuinty:** Just a quick question. Would this be the motion that would treat the question of witnesses who come and are not prepared to distribute something, or something has not been sent in first? There are often translation problems, we don't get text, we have no text to read prior to their arrival, we're scrambling to read text as they're presenting their testimony, and we have no chance to synthesize it. We haven't had the chance even for the government to consider it. Can we not—

**The Chair:** I think that's a separate motion.

**Mr. David McGuinty:** A separate motion?

**The Chair:** I think we need a separate motion if we want to really.... But again, the clerk sends out the advice to the witness. Sometimes these witnesses are very inexperienced; they've never been before a committee before. We can send out all the guidelines we want, but some of them will still show up without the translation and not get it to us far enough in advance.

Now we can ask for that. We can tell the clerk that every time he calls witnesses to make sure they know they must have it. Do we want to say if they show up and they don't have it, we're not listening to them? I guess that's the question.

**Mr. David McGuinty:** I don't know if that's the answer to the question, but I know that in fairness to the government, which is often having to respond to things formally, to us who are preparing and reading texts that come in—

**The Chair:** I agree.

**Mr. David McGuinty:** How many times has Mr. Bigras rightly been upset over the fact that documents come in untranslated and not ready for distribution? I don't know how formal we ought to be.

**The Chair:** I'd just hate to restrict hearing witnesses because of that. It's frustrating that you haven't read it. Certainly, as chair, I'd like to know what the heck is coming before us.

**Mr. David McGuinty:** I'm not sure if other members have other views, but I know it's been a continuing problem in many committees.

**The Chair:** Whether we want to formalize that or whether we should just try to put as much pressure on the witnesses as we can, that's how I would like to proceed.

Mr. Warawa.

**Mr. Mark Warawa:** I appreciate what David has said, and it's been a frustration, I think, for every member of the committee. We have a new clerk, and I hope the clerk can emphasize that, and it could be resolved that way.

**The Chair:** Agreed.

Now, again, I'd ask you to pass this motion—I don't believe we've done that—on the time limits and witnesses. We've made an amendment, which has been passed, but 10, 10, and 5.... Agreed?

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

**The Chair:** There are a couple of other things we could deal with, but I suggest we end the meeting, and at the next meeting we deal with future business.

Mr. Godfrey.

**Hon. John Godfrey:** I'm just wondering, because time is running out on us, if there was some consensus in the room, I'm thinking that perhaps we might even think of inviting the Commissioner of the Environment and Sustainable Development next Tuesday to deliver the report, which was part of the larger package of the Auditor General. This is a fairly routine matter; this is the committee to which that person reports. It was an important report. I think that would allow us to get going. Provided the commissioner is not out of town, it's a relatively easy thing to do.

**The Chair:** Mr. Cullen, you had a comment on this.

**Mr. Nathan Cullen:** If that Tuesday meeting is taken up with that, at what point will the committee actually establish itself? If that's happening, then I think the subcommittee or some group should meet on Monday to set out the next plans. If we go through Tuesday with this, with no planning for Thursday, we're going to lose the few days available to us.

**The Chair:** One other option would be to tell the commissioner he has an hour and a half, and in the last half hour we deal with

future business and make some decisions as to Thursday and the following week.

I have to advise the committee that I am going to a climate change conference in London from the 27th to the 29th—just to let you know there are no games being played. I have agreed to represent Canada at that meeting.

**Hon. John Godfrey:** Not knowing that this was your plan, we may wish to have the minister in on those same dates to talk for 15 minutes, plus 45 minutes of questions, about the Bali meeting, and give indication of the plans of the government.

I just thought I'd get that in.

Then perhaps we could have some expert witnesses as well during that week, because that would be a logical lead-up to Bali, despite your absence.

• (1750)

**The Chair:** Is that all right then? On Tuesday we'll have one and a half hours, and a half hour.

**Mr. Nathan Cullen:** Can I suggest one hour and one hour, because the clock's been running?

**The Chair:** Is one hour long enough for the commissioner? I know he can do it in an hour. Okay, so it will be one hour and one hour. Planning for future business will be in the second hour.

Mr. Warawa.

**Mr. Mark Warawa:** I agree with that. The commissioner will go first, and then we'll have the second hour?

**The Chair:** Yes.

**Mr. Mark Warawa:** We haven't talked about the chair's discretion, but I suggest in that round, if we only have one hour, maybe we could keep the questions to five minutes each so everybody gets a chance.

**The Chair:** I've always asked for and received cooperation from you that when we have only one hour, the maximum number get a chance. Five minutes seems to be reasonable to do that.

The meeting is adjourned.







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