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# Standing Committee on Justice and Human Rights

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**Tuesday, April 1, 2008**

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**Chair**

**Mr. Art Hanger**

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## Standing Committee on Justice and Human Rights

Tuesday, April 1, 2008

• (1530)

[English]

**The Chair (Mr. Art Hanger (Calgary Northeast, CPC)):** I'd like to call the Standing Committee on Justice and Human Rights to order, this being Tuesday, April 1, 2008.

The orders of the day are before the committee: the order of reference of Wednesday, January 30, 2008, for study of Bill C-27, An Act to amend the Criminal Code (identity theft and related misconduct).

On a point of order, I'll hear Mr. LeBlanc.

**Hon. Dominic LeBlanc (Beauséjour, Lib.):** Thank you, Mr. Chair. I hope this doesn't take much time at all.

Mr. Chair, you will remember that at previous meetings of this committee we have sought to have a vote taken on a ruling of yours with which we disagree, on a matter unrelated to this particular hearing today. We're very conscious that we have witnesses, some of whom have travelled a considerable distance. We're anxious to hear their testimony on what we think is an important piece of legislation.

Mr. Chairman, I would ask that you immediately dispose of an undisposed-of matter, that being the challenge to your ruling that was made by my colleague Mr. Ménard, in which case we would be then prepared to immediately proceed to hear witnesses.

I would remind you, Mr. Chair, that in no way are we seeking to disrupt the regular business of this committee. That's why in the motion I presented, which you ruled out of order, we were suggesting additional hearings, in other words supplementary meetings.

**The Chair:** I did indeed, Mr. LeBlanc. You cannot move a motion on a point of order, I should point out.

**Hon. Larry Bagnell (Yukon, Lib.):** The motion's already been moved. You just have to call the vote.

**The Chair:** Yes. Well, on that basis, I'm sure the committee members, including you, Mr. LeBlanc, are very much aware of the Speaker's comments in reference to disrupting the committees by putting matters forward that are not of the mandate of the committee. This is the same thing you're attempting to do here today.

I'm sorry, I have ruled on that motion as being out of order. In this particular case, because there happens to be a majority role, including all the opposition members who insist on bringing this motion forward, the Speaker has made comment in reference to that. If you want, I can go over his comments.

He speaks of, first of all, the mandate of the committees, the responsibility to maintain that mandate. Secondly, when it comes to the issue of the sheer force of numbers in dealing with matters that come before committees, the procedures and the purposes of the committee should not be overruled or overrun by the majority, and that is the case right here.

As far as your motion is concerned, Mr. LeBlanc, it is a point of order, and you cannot move a motion on a point of order.

**Hon. Dominic LeBlanc:** No, Mr. Chairman, with respect—

**The Chair:** Monsieur Ménard.

Excuse me one moment.

[Translation]

**Mr. Réal Ménard (Hochelaga, BQ):** Mr. Chairman, I know that you are a man of honour and that you believe in this institution. You know full well that all of the members here have tried very hard to ensure that this committee works well. When I challenged your ruling and called for a vote, you left the Chair, in a move that you have yet to explain. If you look to the clerk, you will see that the Standing Orders state that this is not debatable; you must immediately call the question on a ruling that has been challenged. In the interests of ensuring that the committee runs smoothly, I would ask that you respect this rule.

You know full well, Mr. Chairman, that the steering committee discussed the fact that the House has given us an important mandate. Our colleague, Mr. LeBlanc, wanted us to meet on Wednesday. He had the support of the Bloc Québécois. You cannot rewrite the Standing Orders.

This is the third time that this has happened in a committee under conservative chairmanship. Your colleagues did the same at House Affairs and in the Standing Committee on Official Languages. You did not want to abide by the Standing Orders because you knew that you would have had to have a vote. Instead, you chose to leave the Chair and paralyze the committee. The time will come when you will have to explain yourself.

I want you to take a recorded vote immediately. I am calling for a recorded vote on your decision to rule out of order... You had your rationale for doing so, I appreciate that, but the Standing Orders provide that I am entitled to challenge your decision. You can check with the clerk, it is not debatable. All of the experienced members on this committee know that it happens automatically. Perhaps the clerk would nod to show that I am right. You have to call the question straight away on a ruling that has been challenged.

I want a recorded vote. It is in the Standing Orders.

• (1535)

[English]

**The Chair:** Thank you, Mr. Ménard.

Mr. Moore.

**Mr. Rob Moore (Fundy Royal, CPC):** On Mr. LeBlanc's point, we have witnesses who have come from away, and this is exactly in line with what I heard the Speaker say in his ruling, when he talked about disruption of committee, when he talked about the majority or minority on a committee trying to distract from what is our duty.

Our duty before us today is to study a piece of legislation, Bill C-27. We have witnesses who have travelled to bring testimony on Bill C-27. It would be a shame if we didn't first allow for witness testimony. The opposition inevitably knows where this type of challenge is going.

**An hon. member:** Call the vote.

**Mr. Rob Moore:** You have made a ruling, Chair. I think your ruling is supported by what the Speaker said. The Speaker was very clear, if anyone cared to listen to him, before we left on break. He was very clear about this type of activity. The message I certainly took from his message to us as parliamentarians was to get on with the work and the business of committee and to not try to upset and disrupt what should be a process that honours the powers that have been vested in us by our constituents and by the people who put us here.

We have a responsibility to deal with legislation. We have legislation before the committee that the House has put before the committee. We have witnesses who are here to speak to that proposed legislation. Let's get on with hearing from the witnesses.

**The Chair:** Finally, Ms. Priddy.

**Ms. Penny Priddy (Surrey North, NDP):** Thank you, Mr. Chair.

I have a very small point. I thought I heard you say earlier, and you can correct me if I am wrong, that all of the opposition brought forward the motion. I do not believe that is correct. I don't think the NDP did, and I just wanted that to stand corrected, please.

**The Chair:** That was my mistake. The NDP did not participate in that. You are absolutely right.

**Ms. Penny Priddy:** Thank you.

**The Chair:** To deal with the matter now—

[Translation]

**Mr. Réal Ménard:** Mr. Chairman, could you please give your ruling on the point of order?

[English]

**The Chair:** Absolutely.

[Translation]

**Mr. Réal Ménard:** I am talking to the clerk.

[English]

**The Chair:** I am going to—

**An hon. member:** On a point of order.

[Translation]

**Mr. Réal Ménard:** Am I correct, yes or no, in thinking that the question has to be called immediately?

[English]

**The Chair:** I am going to make a decision on the point of order first.

[Translation]

**Mr. Réal Ménard:** You have to give us your ruling on the point of order. We are all ears.

[English]

**The Chair:** There is no moving any motions on a point of order.

[Translation]

**Mr. Réal Ménard:** It is not a new motion. It is the motion that was on the table when we adjourned.

I am asking the clerk, Mr. Chairman.

[English]

**The Chair:** I will say this, Monsieur Ménard, Mr. LeBlanc, committee members, and especially to the witnesses. Unfortunately this is a situation that the committee is caught in. There have been decisions in the past—I'm talking to the witnesses right now—that unfortunately have introduced or attempted to introduce matters into the committee that are not part of the committee mandate. I have ruled that out of order on a previous motion. I continue to rule it out of order.

I apologize to the committee's witnesses for their being unable to testify here. I find that very unfortunate, because the matter is going to be bogged down again. And on that basis—

**Mr. Réal Ménard:** You are responsible for that.

• (1540)

**The Chair:**—first, please accept my apology to all witnesses.

The next point is that I am going to leave the chair.

**Mr. Réal Ménard:** Again?

**The Chair:** I'm going to vacate the chair, because I will not allow that motion to come forward.

[Translation]

**Mr. Réal Ménard:** Do not vacate the Chair, Mr. Chairman. You are behaving like a juvenile delinquent. You are bringing dishonour to the Chair. You are leaving a void that is almost impossible to fill!

[English]

**Hon. Dominic LeBlanc:** Pull the fire alarm on your way out.

**Mr. Rick Dykstra (St. Catharines, CPC):** We pulled that a long time ago. It's already going off.

[Translation]

**Mr. Réal Ménard:** This is unbelievable! He is simply refusing to cooperate. It just goes to show that people can be juvenile delinquents at any age.

**Mr. Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC):** Go ahead, Mr. Vice-Chairman.

**The Vice-Chair (Mr. Réal Ménard):** The meeting is adjourned.







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