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**Subcommittee on Gifts under the Conflict of
Interest Code for Members of the House of
Commons of the Standing Committee on
Procedure and House Affairs**

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Tuesday, March 24, 2009

—
Chair

Mr. Scott Reid

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• (0940)

[English]

The Chair (Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC)): Order.

We're in public session, and Madame DeBellefeuille has the floor.

[Translation]

Mrs. Claude DeBellefeuille (Beauharnois—Salaberry, BQ): Mr. Chair, I would like to finish a discussion that we started last time about the way our committee operates. I would appreciate you announcing to the committee that, as a result of the discussions that took place at the last regular meeting of the Standing Committee on Procedure and House Affairs, it is your intention to follow the rules that are in effect. That is, you will not exercise your right to vote and that you will follow the rules. I would appreciate you telling us publicly that you have thought about the matter and, in the light of the discussions at the last committee meeting, it is your intention to abide by the rules.

[English]

The Chair: Thank you.

I just want to encourage you, Madame DeBellefeuille, to remember that the discussion at that particular meeting was in camera.

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): No, it was not.

The Chair: Yes, it was, actually. The procedure and House affairs meeting actually was in camera.

Hon. Marlene Jennings: We're talking about the subcommittee, and that's what she's speaking about.

The Chair: Thank you, Madame Jennings; I appreciate that.

Madame DeBellefeuille, I think the answer to the question you're asking is that of course I'm always anxious to respect the rules.

Is there any further discussion?

Madame Jennings, please.

Hon. Marlene Jennings: Yes, I would like a clarification on that.

At the public hearing of the Subcommittee on Gifts Under the Conflict of Interest Code for Members of the House of Commons of the Standing Committee on Procedure and House Affairs, you made a very clear statement that notwithstanding the rules of standing committees and subcommittees of those standing committees, a chair

does not have the right to vote unless it's to break a tie. You declared your intention that notwithstanding that, you had every intention to vote, should a vote come to take place in this subcommittee.

So I would like a clarification. When you state you have every intention of following the rules, does that then mean you intend to follow the rule that, as chair of a subcommittee, you recognize you do not have the right to vote unless there is a tied vote of the subcommittee, in which case you do have a right to vote to break that tie? Is that your intention?

The Chair: Madame Jennings, I want to correct you on a couple of points.

First of all, I did not state that, notwithstanding the rules, I intended to break the rules by voting. I made no such statement, and I encourage you to re-examine what was stated on the record—it was of course a public meeting. Just as you were incorrect in thinking the previous procedure and House affairs meeting had been public, you are also incorrect, Madame Jennings, in asserting that I intended to break the rules.

Now, with regard to voting, I will just state that there was another meeting where you made another assertion that was also incorrect, which was that other subcommittees, in which chairs had indicated they would be voting, had passed rules permitting the chairs of the subcommittees to vote.

Hon. Marlene Jennings: I have a point of order, Chair.

The Chair: Madame Jennings, I trust you're not making a point of order simply to make it impossible for me to speak. What I'll do is finish what I'm saying, and then you're free to have any point of order you wish.

Hon. Marlene Jennings: Thank you.

The Chair: Thank you.

In fact, what has occurred on some other committees is that subcommittees similar to this one have been set up with no government representation and therefore no government ability to vote. Chairs have in fact asserted they will be voting, but there had been no rule passed by the parent committee at that time, meaning that what I'm doing is not unprecedented and therefore not outside the rules.

Madame Jennings, that was my statement. You're free to give your point of order now.

Hon. Marlene Jennings: Yes, I would like to correct your statements.

Firstly, when I referred to an open session, I was clearly referring to the open public session of the subcommittee, which was made public at your request and to which the other members of the subcommittee agreed. I was not referring to the Standing Committee on Procedure and House Affairs. That's the first correction.

Secondly, I never said it referred to chairs of other subcommittees making statements that they were going to vote or that rules were adopted. I believe if one in fact checks the record, it was you, Chair, who talked about the fact that there are other subcommittees where the chair is a government member and where the chair has indicated that he or she is going to vote or has actually voted. I never made that statement, but you did. I would suggest that you check the record.

Thirdly, in the procedure and House affairs committee or in any other meeting where this has been discussed, it has been discussed in a closed, in-camera session. I'm not therefore making any reference to any proceeding that took place in camera. Whether it was the Standing Committee on Procedure and House Affairs or any other meeting where this issue was discussed, it was in camera. I would suggest that the chair himself abide by that.

Lastly, in a public session of the subcommittee, it was clearly stated by the clerk that the rules are in fact that the chairs of a standing committee or a subcommittee of a standing committee do not vote unless it is to break a tie. Committees have the authority to change that rule. The rule has not, however, been changed by the Standing Committee on Procedure and House Affairs and the current rule therefore stands. It means that the chair of the subcommittee on gifts of the Standing Committee on Procedure and House Affairs does not have the right to vote except in the event of a tie vote.

The question that was posed to you, Mr. Chair, was on a clarification of your statement that you, of course, abide by the rules. Do you recognize that rule, which is the current rule under which this subcommittee operates, given that the regular rule wherein

chairs do not vote except in the case of a tie has not been changed by our committee of the whole? It's a simple "yes or no" question.

The Chair: I've been very patient with you, Madam Jennings, but that was not a point of order. It was debate.

Madam Charlton, please.

Ms. Chris Charlton (Hamilton Mountain, NDP): In that case, allow me to reiterate the bottom-line question. Will you respect the rules of this committee and refrain from voting except to break a tie?

The Chair: All right. Here's what I propose to do. There's been an assertion from Ms. Jennings. Madam Charlton, I gather that you concur with her.

● (0945)

Ms. Chris Charlton: I asked a simple question. You don't need to read anything into it. I only want an answer of yes or no as to the question on how you're going to conduct the business of this committee.

The Chair: I appreciate that.

Madam Jennings made an assertion, and I believe you concurred, that the rules require that this be done in all cases. This is not an assertion as to your motives; I'm only stating what I believe to be a fact.

I actually disagree with that interpretation of the rules, but I may well be wrong. I'll come back, look things over, and make a ruling at our next meeting. If you disagree after you've heard the ruling and the facts as I've understood them and laid them out, you'll have the opportunity to challenge the chair on the ruling. That is in fact the way in which these things are done.

I believe that concludes this discussion. Is there anything else, or shall we go in camera?

All right, let's go in camera.

[Proceedings continue in camera]

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