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Chair

Mr. Garry Breitkreuz

Standing Committee on Public Safety and National Security

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•(1115)

[English]

The Acting Chair (Mr. Phil McColeman (Brant, CPC)): Welcome, committee members, to this meeting requested by four committee members.

I've just been notified by the clerk that as per the rules of committees, it is the responsibility of the vice-chair to take the chair. I'm not certain how that relates to the discussion that just ensued, but I've just been given that notification, sitting in the chair now, that that is the normal practice of committee business, so this is veering away from committee business.

The purpose of the meeting today, as requested by four committee members, is that the committee discuss their request to undertake a study to consider the threat to Canadians created by the reported failure to confirm the identities of passengers travelling by air.

That is the purpose of the meeting. I might just say that I will, as chair, hold people responsible to speak to this issue and not to other issues. If committee members decide to veer off this issue, I will interrupt you and stop you from proceeding on to other subject matter.

This is the subject matter. This is why we were called here and why we are constituted today.

Hon. Joseph Volpe (Eglinton—Lawrence, Lib.): I have a point of order, Mr. Chairman.

The Acting Chair (Mr. Phil McColeman): Yes.

Hon. Joseph Volpe: Mr. Chairman, first of all, my compliments for taking that position and letting some embarrassing situations from not realizing themselves.

I'm glad that you mentioned this business about what the procedures might normally be. And the parliamentary secretary for transport talked about the cost—

The Acting Chair (Mr. Phil McColeman): Is this a point of order?

Hon. Joseph Volpe: No, I'm coming right to it, because I do want to raise this.

The point of order concerns Standing Order 108(2) and the mandate of this committee to study the matter before us today. There are several issues, as I started to say, that concern me about the request for this meeting, but let me deal with 108(2) first.

Standing Order 108(2) gives committees the power, and I quote, “to study and report on all matters relating to the mandate,

management and operation of the department or departments of government which are assigned to them”.

Mr. Chairman, the department responsible for the subject that the government members are wishing to study at this committee is actually Transport Canada. Indeed, the policy that is the subject of this potential study is contained in the identity screening regulations, which fall under Transport Canada through the Aeronautics Act. Further, the screening authority, CATSA, is also responsible to Transport Canada.

Now, Transport Canada, Mr. Chairman, is not one of the departments that fall under this committee's jurisdiction. Rather, it falls, appropriately, under the Standing Committee on Transport, Infrastructure and Communities.

Indeed, the transport committee, of which I am vice-chair, is currently undertaking a comprehensive study of air safety and security. In fact, it has already conducted over 20 hours of hearings on this matter, and we're looking to continuing this study when the House resumes.

Mr. Chairman, the Speaker of the House of Commons has been very clear about the appropriateness of committees undertaking studies on matters beyond their mandate and as prescribed by the House. Though committees are masters of their own agenda, limitations are spelled out in *House of Commons Procedure and Practice*, second edition, which states on page 1048, and I quote, “committees are free to organize their proceedings as they see fit provided that their studies and the motions and reports they adopt comply with the orders of reference and instructions issued by the House”. As you can imagine, Mr. Chairman, no such orders have been issued.

In a ruling delivered on April 2, 2009, the Speaker made this distinction clear when he stated, and again I quote, “the House has taken great care to define and differentiate the responsibilities of its committees, particularly where there might at first glance appear to be”—appear to be—“overlapping jurisdictions”.

In other words, Mr. Chairman, one committee cannot arrogate resident authorities and powers from another committee. This study, prompted by the Conservative members opposite, would be out of order. The former Minister of Transport has called for a departmental review of procedures and regulations relating to the proof of identification. He did that on August 1. The current minister, one can only assume in discussing with his cabinet colleague, is continuing in this study.

It is my view and the view of the Liberal members of the opposition that a committee study by this group is premature; secondly, that we should wait until the results of the review initiated by the minister be received; and thirdly, that following this, any study that would be undertaken would be undertaken by the relevant committee of transport.

Thank you, Mr. Chairman.

• (1120)

The Acting Chair (Mr. Phil McColeman): I'm going to briefly recess to discuss this with the clerk.

• _____ (Pause) _____
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The Acting Chair (Mr. Phil McColeman): Can I call the committee back to session, please?

First of all, thank you, committee members, for bearing with me in this role. I wasn't expected to sit here today and to have to make such an immediate determination.

I've reviewed with the clerk and the analysts the point of order, as Mr. Volpe has articulated it, under section 108 of the Standing Orders. I won't read the section on the powers of standing committees, because I believe, having consulted and also just having read it and reviewed it, that this section could be interpreted either way on this issue. This is, in my opinion, a public safety issue in terms of what has been requested here. We could look at this and probably determine it one way or the other.

So in light of the fact that we are here to deal with this significant issue of public safety, I'm ruling the point of order out of order.

• (1125)

Mr. Andrew Kania (Brampton West, Lib.): I challenge the chair.

The Acting Chair (Mr. Phil McColeman): Okay.

The chair has been challenged. That's non-debatable, so I'll call the vote.

Mr. Mark Holland (Ajax—Pickering, Lib.): Just as a point of order on that, you have to be clear: voting for would sustain the chair, and voting against would overrule the chair, correct?

The Acting Chair (Mr. Phil McColeman): Okay.

So what you are voting on is whether my ruling should be sustained or not sustained. In the affirmative, you're voting that my ruling be sustained. In the negative, you're voting that my ruling not be sustained.

All those in favour of my ruling, please indicate.

(Ruling of the chair overturned)

The Acting Chair (Mr. Phil McColeman): Okay. The chair is no longer valid then. I'll leave the chair...

So the ruling of the chair is nullified and we move forward.

How does the committee wish to proceed?

Mr. Holland first, and then Ms. Glover.

Mr. Mark Holland: Thank you, Mr. Chair.

Given that the item has been ruled out of order, the next item of business, I would suggest, was this committee's discussion with respect to setting dates and witnesses for a study of G-20 security. If you recall, at the last committee meeting we ran out of time and didn't get to even a vote on that matter.

The Acting Chair (Mr. Phil McColeman): Mr. Holland, before you proceed down this line, I said in the chair from the outset that we will consider the reason this meeting was brought here. It was not brought by four other members to discuss the issue that you're leading into here, and I'm going to stop you.

Mr. Mark Holland: Mr. Chair, if I—

The Acting Chair (Mr. Phil McColeman): You can challenge the chair if you wish, Mr. Holland—

Mr. Mark Holland: Mr. Chair, I don't—

The Acting Chair (Mr. Phil McColeman): —but please don't go down this road.

Mr. Mark Holland: Can I finish my point?

The Acting Chair (Mr. Phil McColeman): No.

Mr. Mark Holland: With respect—

The Acting Chair (Mr. Phil McColeman): No, because it's not germane to what we came here to discuss.

Mr. Brian Jean (Fort McMurray—Athabasca, CPC): A point of order.

Mr. Mark Holland: With full respect, Mr. Chair, that has been ruled out of order. It is no longer in front of us.

Mr. Brian Jean: A point of order.

The Acting Chair (Mr. Phil McColeman): I'm recognizing his point of order—

Mr. Mark Holland: But I'm making a point of order, Mr. Chairman.

The Acting Chair (Mr. Phil McColeman): You didn't start with a point of order.

Mr. Mark Holland: I'm making a point of order.

The Acting Chair (Mr. Phil McColeman): Well, you can make a point of order after Mr. Jean has made his point of order.

Mr. Jean.

Mr. Brian Jean: Thank you, Mr. Chair.

I am curious, Mr. Chair; in past meetings, public safety has asked, and Mr. Holland in particular has asked, to study things like aviation security, CATSA, passenger protect: it's a matter of record. It was clearly indicated in the past that this committee wanted to study things to do with aviation security because they wanted to deal with it, I think, on a micro basis.

Transport Canada, as Mr. Volpe has said—

Mr. Mark Holland: A point of order: a point of order on the point of order.

Mr. Brian Jean: —is studying aviation security.

Mr. Mark Holland: What's the point of order?

The Acting Chair (Mr. Phil McColeman): I'll ask Mr. Jean to make his point of order instead of a speech.

Mr. Brian Jean: I will make my point of order, thank you. I don't like speeches at the best of times, as you know, Mr. Chair. But I will say that we all know his game now. He didn't want to take the chair, even though—

Mr. Mark Holland: What's the point of order, Mr. Chair?

Mr. Brian Jean: —in Marleau and Montpetit it clearly indicates that he's supposed to take the chair. He didn't want to take the chair—

Mr. Mark Holland: What's the point of order?

Mr. Brian Jean: —so that he could change the agenda of the meeting that we all travelled here to take.

The Acting Chair (Mr. Phil McColeman): Mr. Jean, make your point of order.

Mr. Brian Jean: This is a very important issue for Canadians. We're here today to deal with it. I would suggest that we need to deal with it. It's an issue that is...quite frankly, I think Canadians are standing up and want to deal with it. I don't understand why we would have this meeting today and not do so.

The Acting Chair (Mr. Phil McColeman): Mr. Jean, that's what I've expressed to Mr. Holland.

Mr. Holland, your point of order now.

• (1130)

Mr. Mark Holland: If I could—and I have a real point of order.

The Acting Chair (Mr. Phil McColeman): Are you making a point of order?

Mr. Mark Holland: Absolutely.

The Acting Chair (Mr. Phil McColeman): Okay.

Mr. Mark Holland: Mr. Chair, with respect, we have voted as to the admissibility of dealing with this issue. The committee has said it rightfully belongs at transport, where they're already conducting a study on this matter. They're in the middle of it. So there is no longer that item before us.

My point is that the committee's next step would be to continue the matter that it was last dealing with. So it would be a continuation of the committee's former business.

The Acting Chair (Mr. Phil McColeman): Excuse me, no—

Mr. Mark Holland: That would be my understanding of the rules.

We no longer have the item that Mr. Jean is debating. I would welcome an opportunity to debate—but I know I can't in a point of order—the points that he made. My point is that we are no longer dealing with that item. The committee has ruled it out of order, and therefore it is now time to proceed to the business that the committee was previously undertaking.

An hon. member: Since we're here already.

The Acting Chair (Mr. Phil McColeman): Members, just give me one moment on this.

Mr. Holland, on your point of order, I am going to rule it out of order—subject, again, to challenge. But there is a procedural way that you can introduce another subject matter, if you wish. If you haven't produced it prior to the meeting, in the 48-hour period before, by committee members, you can put on the floor of this meeting at this point in time a motion to that effect. It will require the unanimous consent of the committee to proceed on another subject matter.

Mr. Mark Holland: Mr. Chair, I will seek unanimous consent for the committee to move to deal with the item that we were dealing with in the previous meeting.

So do I have unanimous consent?

The Acting Chair (Mr. Phil McColeman): We're going to allow speakers to your motion.

Mr. Mark Holland: Do I get to speak to my own...?

It's not a motion. It's a request for unanimous consent.

The Acting Chair (Mr. Phil McColeman): It's non-debatable.

Let's move to another item....

It's non-debatable.

Mr. Mark Holland: Correct.

The Acting Chair (Mr. Phil McColeman): Okay.

So you're putting the motion on the floor to study....

Could you place the motion on the floor, please?

Mr. Mark Holland: I put the motion on the floor that we continue with the business of the last meeting relating to the setting of a schedule for the G-8 security meetings.

Mrs. Shelly Glover (Saint Boniface, CPC): A point of order, sir.

The Acting Chair (Mr. Phil McColeman): Yes.

Mrs. Shelly Glover: I hate to use process, because it interferes, frankly, with what I think Canadians expect us to do here. But I was on the speakers list, and I was waiting patiently while all of these procedural shenanigans happened. And that was before he made a motion.

He made a point of order. You ruled on it. I'm on the speakers list. Unless it's another point of order, I believe I have the right to speak. Then he can make his motion and follow the speakers list as it is.

If I'm incorrect, I apologize, but I would like to speak at some point, because I think it's very important that Canadians hear why we convened this meeting.

The Acting Chair (Mr. Phil McColeman): I follow exactly what you're saying, Ms. Glover. What happened here was that after the challenge to the chair was...you know, that was turned down, Mr. Holland did not put a point of order on the floor. He just started to discuss, as on the speakers list, what he felt should happen next. You were recorded as the next speaker after he started to speak.

That was interrupted by a point of order from Mr. Jean. We dealt with Mr. Jean's point of order.

So we go back to the point where Mr. Holland was making his remarks. I stopped him on his remarks, because he was going into an area in which I did not believe this committee came together for.

You are next on the speakers list after that, but I believe we first have to deal with and vote on the motion that has been put on the floor. I believe we have to deal with Mr. Holland's motion—

An hon. member: The motion doesn't get...*[Inaudible—Editor]*... without unanimous consent.

The Acting Chair (Mr. Phil McColeman): Order.

Right. It requires unanimous consent.

A voice: You need a vote.

The Acting Chair (Mr. Phil McColeman): Okay.

So the motion is—

An hon. member: A point of order.

The Acting Chair (Mr. Phil McColeman): Just a second.

The clerk is advising me that the next step would be that the committee would need to vote on whether we proceed to another order of business.

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): But before you deal with that, you have to deal with Mr. Volpe's motion. Mr. Volpe made a motion that the proposed study was ultra vires this committee. You ruled him out of order. There was a challenge to the chair. This committee still hasn't resolved that we're not going to study this issue.

You ruled him out of order. You were overruled.

The Acting Chair (Mr. Phil McColeman): I was overruled.

An hon. member: Challenged.

The Acting Chair (Mr. Phil McColeman): Challenged, yes.

Mr. Brent Rathgeber: You were challenged. So now we have to deal with Mr. Volpe's motion, under Standing Order 108(2), whether or not this proposed study is intra vires or ultra vires this committee. And that is debatable, Mr. Chairman.

Some hon. members: No.

An hon. member: Mr. Chair, a point of order.

Hon. Joseph Volpe: I did not make a motion. I made a point of order. In that point of order, I indicated what the appropriate procedures were. That's why I made the point of order.

The Acting Chair (Mr. Phil McColeman): Was it a motion or not a motion?

• (1135)

Hon. Joseph Volpe: I made only a point of order. I did not introduce a motion.

The Acting Chair (Mr. Phil McColeman): Okay.

It was a point of order, Mr. Rathgeber. It wasn't a motion that Mr. Volpe made.

Mr. Holland, your point of order isn't—

Mr. Mark Holland: My point of order is simply that the point of order raised by Mr. Volpe was that the matter before the committee was inadmissible because it was a matter that belonged at transport. The committee made the determination to not uphold the decision of the chair. The chair said that he felt it was in order and the committee said it wasn't in order. It is no longer before the committee.

I had the floor. I moved a motion. Now we need to proceed to the motion, which is that we go to the next item of business.

The Acting Chair (Mr. Phil McColeman): Okay.

So does the committee wish to proceed, which requires unanimous consent, to—

An hon. member: No, no.

The Acting Chair (Mr. Phil McColeman): Mr. Jean.

Mr. Brian Jean: On a point of order, Mr. Chair, I understand that Mr. Volpe did not move a motion. To my understanding, if he didn't move a motion, then why are we not back on the business of the day?

My understanding is that you were challenged and that your ruling to find it out of order was defeated. That does not mean we don't go back to where we were. It doesn't mean that we don't deal with it. The committee didn't decide to go forward with any other committee business.

Just as a matter of record, I mean, the jurisdiction of the public safety minister is fivefold: emergency management, national security, crime prevention, law enforcement policy, corrections policy.

Mr. Chair, further, we know now, we have information, that there are people boarding planes, and all Canadians know there are people boarding planes, right now in Canada, with their faces covered.

Mr. Mark Holland: What's the point of order?

Mr. Brian Jean: Is that not an issue of security that is important today, not whether—

Mr. Mark Holland: You've already ruled on this, Mr. Chair.

A point of order: you've already ruled on this.

Mr. Brian Jean: —police officers misbehaved in Toronto...?

The Acting Chair (Mr. Phil McColeman): Hold on, Mr. Jean, hold on.

Mr. Jean, I'm taking that your point of order is that it is appropriate for this committee to come back to the subject matter. Is that your point of order?

Mr. Brian Jean: Absolutely.

The Acting Chair (Mr. Phil McColeman): That's after my decision was overruled.

Mr. Brian Jean: Yes.

The Acting Chair (Mr. Phil McColeman): So it is appropriate: that's your point of order.

Mr. Brian Jean: Yes.

The Acting Chair (Mr. Phil McColeman): Okay. We'll deal with that.

We're going to suspend.

- _____ (Pause) _____
- _____
- (1140)

The Acting Chair (Mr. Phil McColeman): Could we reconvene, please, committee members?

Having discussed the procedural items that have been happening here, and given the fact that I haven't taken Chair 101 yet in terms of knowing all the procedural things—but I was very prepared to be here today to deal with this issue, to guide it forward and deal with the discussion on this issue—I will excuse myself from the chair

because of the lack of confidence in the chair in the first ruling, and someone else can take the chair.

The Vice-Chair (Mr. Mark Holland): Members, we've already dealt with the item relative to the matter that the committee was first dealt with today. That means we have only one outstanding item—namely, is there unanimous consent, yes or no, to proceed with the next item of the agenda, which is the G-8 and G-20?

Is there unanimous consent?

Some hon. members: Yes.

Some hon. members: No.

The Vice-Chair (Mr. Mark Holland): Seeing no unanimous consent, I'm adjourning the meeting.

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