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Chair

Mr. Harold Albrecht

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● (1210)

[*English*]

The Chair (Mr. Harold Albrecht (Kitchener—Conestoga, CPC)): I'd like to call to order this second meeting of the Subcommittee on Private Members' Business of the Standing Committee on Procedure and House Affairs. Our orders of the day are to determine whether or not certain items are non-votable.

We have four bills before us: two from the Senate and two from the House. We're going to go in the order in which they were received. Bill C-350 is the first one. I am going to ask our analyst to give his comments on the four criteria.

The other thing all of you should have received is the list of criteria relating to House bills and the criteria relating to Senate bills. There are two separate sets of criteria.

Proceed.

Mr. Michel Bédard (Committee Researcher): Bill C-350 provides "that any monetary amount awarded to an offender pursuant to a legal action or proceeding against Her Majesty in right of Canada be paid to victims and other designated beneficiaries".

Members of this subcommittee will recall that we looked at a similar bill earlier in this current session, a bill that had been designated as non-votable. Bill C-350 is similar to its predecessor; nonetheless, it is an improvement as regards its constitutionality.

I note in particular that the provision distributing the money awarded to an offender to victims groups instead, when there are no other claims against an offender, has been removed from the new version. I still have reservations about the constitutionality of this proposal.

I must note, however, that a case could be made for the constitutionality of Bill C-350. Proposed paragraph 78.1(1)(a), it could be argued, could be linked to the power of Parliament over marriage and divorce. Proposed paragraphs 78.1(1)(b) and (c), it could be argued, could be linked to the power of Parliament over criminal law.

I am still not totally convinced that this bill is within federal jurisdiction. However, at this stage of the legislative process, when no debates on the bill have taken place yet, debates may then cast some light on the intent and effect of the bill and where the bill could still benefit from amendments. It may be that some restraint may be appropriate before designating the bill as non-votable.

The Chair: Are there any questions or comments on Bill C-350?

Mr. Toone.

[*Translation*]

Mr. Philip Toone (Gaspésie—Îles-de-la-Madeleine, NDP): I have a question. The previous bill included a fairly specific, and very vague, order of priority. Do you have any comments to make about the order?

Mr. Michel Bédard: We could look at the provisions of the bill. In particular, we are creating four categories in clause 2 of the bill. The first category, with respect to the order of priority, deals with support orders made by a court. I said in my comments that we could potentially make an argument under the authority of the federal Parliament on marriage and divorce: the federal Parliament could grant priority to this kind of support order.

The proposed paragraphs 78.1(1)(*b*) and (*c*) deal with restitution orders and victim fine surcharges. These two types of order have been deemed constitutional by the Supreme Court of Canada in one case—in another case, it was the Nova Scotia Court of Appeal, if I'm not mistaken—and have been deemed to come under the authority of Parliament under criminal law, since they are related to the sentence.

I was saying in my remarks that, once more, we could make the argument that it falls to the justice system to set a kind of precedent so that offenders pay their penalty, by which I mean pay the victim fine surcharge, in the amount of the restitution order that was made.

Finally, the last category states that the money that remains goes to the offender. Obviously, the offender will have other obligations that will have to be honoured with those amounts and his or her other assets.

I compared this bill with the first version of Bill C-292. I noted one difference, among others, in the previous version of Bill C-292: the balance of the money was being distributed to a victims' group. Regardless of whether there was a complaint or an action of some kind, offenders did not have the money that was rightfully theirs, and that money was quite simply transferred to a victims' group. So this is not in the new version of the bill.

[*English*]

The Chair: Okay, is there any other discussion or questions?

Mr. Dion.

[*Translation*]

Hon. Stéphane Dion (Saint-Laurent—Cartierville, Lib.): Could you please explain all that again? If I've understood correctly, in your opinion, the former bill was problematic because it was unconstitutional?

Mr. Michel Bédard: That's what I said when we studied the bill.

Hon. Stéphane Dion: Was it unconstitutional because it ventured into the territory of the administration of justice?

Mr. Michel Bédard: That wasn't the reason. When we studied Bill C-292, I said that it encroached on the provinces' authority on property and civil rights. We changed the restitution order. It's often under provincial authority, unless the federal government has jurisdiction.

Furthermore, we were "expropriating" from offenders money that belonged to them. It's as if we said that everything that remained of an order no longer belonged to the offender, but would now belong to a victims' group, whether the victims' group, or a victim advocacy group, had a claim of some kind against the offender. It was practically expropriation.

This problematic provision no longer appears in Bill C-350. In the preliminary remarks when we did the study, I said that some questions could still be raised, constitutionally speaking. But we are at the start of the legislative process. As you know, when the courts are required to look into whether a bill is constitutional or not, they are going to study the intrinsic proof, meaning what is said in the House. They will try to determine the pith and substance, justly, through debate and study in committee. Right now, this proof doesn't exist because the debate hasn't happened, and it seems that the bill could still certainly benefit from amendments at the committee stage.

● (1215)

Hon. Stéphane Dion: Perfect. Thank you.

[*English*]

The Chair: Okay, I think we're coming to a consensus. All those in favour of allowing Bill C-350 to be considered votable?

Okay. Bill C-350 is deemed votable.

On Bill S-206, we'll ask our analyst to comment.

Mr. Michel Bédard: Before we go to Bill S-206, I just have one comment with respect to Senate public bills. I think it's the first time this subcommittee is looking at a bill originating from the Senate. I would like to draw your attention to the fact that these bills are not subject to the four criteria; they are only subject to one criterion. A note was distributed to the members of the subcommittee in that regard. The only question that remains is whether or not a similar bill has already been voted on in the current Parliament by the House of Commons.

Senate public bills cannot be designated as non-votable because of the Constitution or any other reason.

Hon. Stéphane Dion: Do we know why?

Mr. Michel Bédard: Do I know the origin of this rule? It's in the Standing Orders.

Hon. Stéphane Dion: Yes, but why? Why is it there?

The Chair: We could ask that about a hundred standing orders.

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): It's a good question, though. Without presuming to extend my knowledge beyond what it is, I think it's a general principle that each Parliament, or at least each session of Parliament, can only deal with one issue one time. Otherwise, the danger is that you will get—

Hon. Stéphane Dion: My question is why the Senate is not subject to the same rules for constitutionality and so on.

Mr. Scott Reid: Oh! Now, that's a vexed question. That's a valid question.

The Chair: Are those precautions at another level within the Senate, before it's introduced there?

Mr. Michel Bédard: No. I think it was out of courtesy to the other House of Commons. Now, what the committee is looking at is not a bill sponsored by one member of Parliament only. It's a bill that has already been adopted by one house of Parliament—by the Senate. That's probably why the criteria are different.

Hon. Stéphane Dion: You mean we are receiving a bill accepted by the Senate?

Mr. Michel Bédard: That's right.

Hon. Stéphane Dion: Do we know if the Senate has the same process as we do at the outset of the process, with somebody like you telling them if you think it's constitutional or not?

Mr. Michel Bédard: There is no such process in the Senate.

Hon. Stéphane Dion: So we should have one in the House?

The Chair: Are you talking about reforming the Senate, Mr. Dion?

Some hon. members: Oh, oh!

Hon. Stéphane Dion: I am talking about reforming Parliament. It's good reform. Good reform.

Mr. Michel Bédard: There's no subcommittee or committee in the Senate with a similar mandate.

Hon. Stéphane Dion: Does that mean that this bill will be scrutinized by the House without any assessment of its constitutionality before it goes to the House, since the Senate is not doing it?

Mr. Michel Bédard: Well, there's not—

Hon. Stéphane Dion: Well, we should talk about that, colleagues, one day. It's not for today, but....

The Chair: Go ahead, Mr. Reid.

Mr. Scott Reid: I concur. I think there's a double standard here, at two levels.

First, you're right that if you want to pass something that might be unconstitutional, it's best to start it as a private member's bill in the Senate rather than in the House of Commons.

Second, this was something that bothered me in the last Parliament, because it's a long-standing problem. It would be nice if the Senate accorded us the same treatment we accord them. It's been a bit of a one-way street, and it is a bit frustrating.

● (1220)

The Chair: Yes.

Back to the issue at hand, Bill S-206, we'll ask our analyst to comment now on the one criterion that exists for Senate bills coming to the House.

Mr. Michel Bédard: With respect to An Act respecting World Autism Awareness Day, the House of Commons has not already voted on a similar bill in the current Parliament. Therefore, I see no reason to recommend to the subcommittee that it be designated non-votable.

The Chair: Monsieur Dion.

Hon. Stéphane Dion: Did we decide that this very day should be allowed to be something else? We have so many days for this and that, and there are only 365 days in a year.

The Chair: Mr. Dion, the purpose of this committee is not to determine those kinds of issues. That will be debated, with all due respect. I would say this whether or not I were actually sponsoring this bill. We have to stick to the substance at hand and the criteria that we've been briefed on. I think it's a legitimate point for debate—

Hon. Stéphane Dion: It would be at some time.

The Chair: —in a future House, in a future spot.

Are all in favour of Bill S-206 proceeding? Seeing no objections, so ordered for Bill S-206.

Next is Bill C-377. I'll ask our analyst to comment on it.

Mr. Michel Bédard: This bill will require that labour organizations provide financial information to the minister for public disclosure.

You may recall that a similar version of this bill was examined by the subcommittee when we first met in the current session. The Speaker made a ruling to the effect that the bill should have been preceded by a ways and means motion, because there were some taxation provisions in the bill. The bill has been modified, and all the provisions pertaining to taxes have been removed and replaced with a fine. The bill was designated as votable by the subcommittee when we first looked at it. Therefore, I have no comment in respect of the four criteria. I see no problem with them. It is within federal jurisdiction. It is not unconstitutional. And there's no similar bill currently on the order of precedence, either from the government or a private member.

The Chair: Okay.

Is there any discussion?

Do you have a question, Mr. Toone?

Mr. Philip Toone: Yes. First of all, I would argue that it violates criterion number 2, still.

We have the ruling from the Speaker, and I think we need to look at that attentively.

It's true that a whole section dealing with the Income Tax Act has been taken out, and now we're looking at a fine. It's certainly not the first bill that's going to come before the House that speaks of fines. On that level, I can see that it does agree with the Speaker's ruling.

Where I do have a problem with it, though, is that in my opinion, it's certainly violating the freedom of association provision in the charter.

The Chair: Just as a reminder, this committee did not turn this bill down in the previous decision, on any of the four criteria before us. So unless there's something new about this bill in terms of its constitutionality, I would argue that we may be reinventing the wheel.

Mr. Philip Toone: It is a new bill, and the previous one was rejected by the Speaker. So if we follow the ruling of the Speaker, we are looking at a new bill. Mr. Hiebert was given an opportunity to resubmit a bill, which I think was a very fair ruling. This is what we have before us now.

First of all, a union is not a static organization. It's not the Rotary Club, with all due respect to the Rotary Clubs of the world, of which I'm a member. It's not the Canadian Taxpayers Federation, which doesn't even have any clear membership guidelines. I don't know how you become a member.

The Chair: You're not a member of that?

Mr. Philip Toone: I don't think very many people are members. I've called them, actually, to ask them how to become one, and I did not get an answer.

Mr. Scott Reid: I feel like calling a point of order. It would be nice to get back to the actual substance of this bill, when you're done with the structure of the Taxpayers Federation.

● (1225)

Mr. Philip Toone: Fair enough. I appreciate that, Mr. Reid.

We are creating provisions for an organization with a constitution that falls under the auspices of many federal and provincial laws as it is. There are already criteria for them to be responsible to their membership; it is a form of responsible government in fact.

The criteria being proposed here are quite onerous and, frankly, I think these would be very, very detrimental to the ability of unions to fulfill their obligations.

As far as freedom of association is concerned, I think we have to make that freedom of association vital. If an organization is constantly having to report back the minutiae of its daily activities, I don't see how that in any way is in the public interest. It certainly isn't in the interest of the union as a judicial entity. Again, they already have reporting mechanisms. It's a democratic institution. Members are free to ask questions of their leadership at any given time, and disclosure is already done.

What we're talking about is creating public disclosure for all Canadians to see, and frankly there are even accounting principles of the House of Commons that aren't that publicly disclosed. I don't see why we would benefit from a certain degree of interpretation of accounting rules whereas unions would not.

I think it's putting a very heavy burden on associations, which, quite frankly, I think violates their constitutional right to exist. If we have a union that has that level of burden, I'm not sure that people would even want to join it. This would put in doubt a union's ability to gain membership. The provisions being proposed here are so onerous that, personally, I would think twice about becoming a union member, and I think a lot of people would agree.

Again, we are attacking the very foundation of a constitutional right to freedom of association. I think this bill takes that a step too far. We've had decisions in the past where the courts have ruled regarding the importance of the unions having the right to exist. In one particular ruling, Berry v. Pulley, one of the questions that came out of it was the loss of control of the union over its ability to represent its members.

Mr. Scott Reid: Excuse me, this was in the Supreme Court, was it?

Mr. Philip Toone: This was Chris Pulley. It's a B.C. Supreme Court ruling.

Mr. Scott Reid: Was that subsequently appealed?

Mr. Philip Toone: Not to my knowledge.

Mr. Scott Reid: What date was this, if you don't mind my asking?

Mr. Philip Toone: This was 1975. I can give you the reference.

Mr. Scott Reid: It was 1975, so it's not a charter case.

Mr. Philip Toone: It's not a charter case, but the ruling is still indicative and useful for the debate. We have a question of whether a loss of control over internal affairs would undermine the ability of a union to present a united front to employers and pursue the collective interests of their members.

I think this would undermine the ability of the union to represent its members, because we'd be divulging internal information to the very people they're supposed to be protecting their members from.

I don't agree with this bill, and if we go back to the criteria, I think it's a clear violation of freedom of association.

The Chair: Are there other comments?

Mr. Reid.

Mr. Scott Reid: I haven't had a chance to look at that particular case. In fact, I hadn't heard of it before, although I'd be happy to read it.

The relevant part of the charter being referred to—and this is the only constitutional argument, I think, Mr. Toone is making—is section 2 of the Charter of Rights: “Everyone has the following fundamental freedoms...”. It goes through a series of them, and then gets to paragraph 2(d) and the freedom of association. That's the constitutional issue we're discussing here.

I gather the objection is that the law, to be within the Constitution, and not to be interpreted [*Inaudible—Editor*], that is, broadly the protections that it offers, and that if they were merely technically... but not in spirit, you'd have an unconstitutional matter. Would that be a fair assessment of the general thrust of what you're getting at?

Yes, okay.

That's a good way to interpret the law. However, I think this does not conform with that, for a variety of reasons. I confess that, not having had the chance to review this in detail, I am working merely from what I can pull out of my head at the moment. I've just observed, with regard to the disclosure required here, that this does not strike me as being is in excess—indeed, it's substantially less, I would think—of the kind of disclosure one has to provide to the Canada Revenue Agency. The actual compliance costs or the actual costs imposed on the organization would not be novel, new, or excessive, as compared to requirements that already exist, so that unions can carry out their activities as outlined under our country's tax laws. They have a certain status, they have to report, they have to make sure they're not taking all their money and devoting it to excessive salaries. If they run a pension system, they have to make sure they're conforming with the rules that govern that pension system, and so on.

These are detailed reporting requirements. What's required here, it seems to me, is less onerous than that. On that basis, I would reject the argument that the compliance costs here are such as to endanger the operation of unions in Canada. That's the first argument that was presented.

The second argument presented was that the disclosure of internal information to a company with which you are negotiating would reduce the negotiating clout of the union. I've only been involved in union negotiations on one occasion, when I was one of the negotiators with the steelworkers. I am mystified as to how the steelworkers would have been at a disadvantage in dealing with the organization. One of their locals negotiating with a company had to disclose the information laid out here, which is about how the steelworkers operate, not about the budget that had been used for the actual negotiations. This certainly doesn't require them to reveal their negotiating strategies, what their plans are, and those internal discussions.

In fact, it seems to me that it's very much like the kind of information that a publicly traded company has to disclose in order to comply with securities regulations, which are far more onerous and time-consuming than these would be. Nobody thinks that a publicly traded company is therefore unable to function or negotiate effectively with its trade unions, and therefore that trade unions and collective bargaining ought to be restricted to privately held companies. We make no such restriction.

I personally don't think either of those two arguments have much weight. I could provide further information, if I had more time to research it and to dig up the reference cited by Mr. Toone. The essential point here is that these are really such insubstantial arguments they can be disregarded.

● (1230)

The Chair: Mr. Dion.

[*Translation*]

Hon. Stéphane Dion: May I ask Philip to repeat all that for us, without reading his notes or anything? What is the basic reason this committee should block this bill?

[*English*]

The Chair: Mr. Toone.

[*Translation*]

Mr. Philip Toone: Yes, of course.

Before responding, I would like to highlight what Mr. Reid brought to our attention. We didn't have a lot of time to discuss and analyze this bill. We were really down to the wire. I would like to come back to that. What should our time frame be to debate a bill and determine whether it is constitutional? I had barely 24 hours to think about it, and I don't think that's enough. I know that it's an exceptional situation, that there was the decision of the Speaker of the House of Commons and all that. But we didn't have time to really think properly. Having said that, I would like to come back to this a little later, Mr. Chair. So we could talk about the time frames we expect when a bill is presented to us.

To come back to Mr. Dion's question, the freedom of association is constitutional and fundamental in Canada. Unions must have the right to benefit from all the opportunities to properly represent their members. It's the law of trusts, in the end. It's as if they were trustees. Their responsibilities are extremely heavy. But they must do everything they can to properly represent their members, the same way as members must do everything they can to represent the constituents in their ridings. We cannot keep them from doing that.

I would say that it's the same as tackling the law of privilege. Of course, the law of privilege isn't the same thing; it concerns elected members. All the same, the unions must represent their members, which is even recognized in the Canadian Charter of Rights and Freedoms. I don't want to encroach on that freedom, and I also don't want to encroach on those responsibilities. It's a basic freedom.

● (1235)

Hon. Stéphane Dion: What's wrong with the bill from this perspective?

Mr. Philip Toone: There are a number of requirements that are so heavy that I cannot see how the unions could really represent their members properly. We have heard that the bill did not make government accountability to the public overly burdensome. We have heard that it didn't harm the representations, the negotiations between unions and management.

For instance, though, unions will have to declare the state of their disbursements relating to staff relations activities. It's a heavy burden, which could enable management to be aware of something that the unions would not have access to from the other side. It's a burden that would be carried by only one party.

I'll give you another example. There's the state of disbursements relating to the payment of overhead. It's so vague we would be able to accuse unions of infractions for all kinds of reasons. But, once again, management's burden in this respect isn't as heavy.

The state of disbursements relating to the organization or activities, what's that? It's very heavy. What we're asking the unions is exceptionally heavy, while what we're asking management, even if the corporations are publicly listed, is not an equal burden. The freedom of association is [*Editor's note: inaudible*].

[*English*]

Mr. Scott Reid: I apologize, but on a point or order, I'd just like to find out which sections you're referring to.

Mr. Philip Toone: I can specify exactly. Now we're looking at subparagraphs 149.01(3)(b)(ix), and 149.01(3)(b)(xvi).

Mr. Scott Reid: I apologize for interrupting.

The Chair: Mr. Dion, is this a point of order?

Mr. Toone, are you through with your intervention?

Mr. Philip Toone: I have one more point.

The personal liability issue of the fiduciary responsibility has to be looked at very attentively as well. The simple ability to recruit members and obtain certification is put in doubt because of the onerous criteria involved here. The ability to bargain collectively is certainly put into doubt.

The Chair: We're wandering into some areas that could be debated when the bill comes forward.

Mr. Dion.

Hon. Stéphane Dion: I agree with that, Mr. Speaker. I think these are valid preoccupations, but they are a matter of interpretation. On your own part, you are using words like “one may think”, “one may consider”, or “one may not consider”. I think our colleagues will have an opportunity to look at this very carefully, and your points will be discussed in the House and in committee.

The Chair: Okay.

Mr. Reid, and then I would like to bring this to a close as soon as we can.

● (1240)

Mr. Scott Reid: Criterion number 2 is that bills and motions must not clearly violate the Constitution Acts, 1867 to 1982, including the Canadian Charter of Rights and Freedoms.I take it from that, although the wording is not perhaps as we might have wished, that they cannot violate in their pith and substance—as the courts would have said it—the charter. That is to say that the bill cannot be so constructed as to be, in its essence, a violation of the Constitution or of the charter.

It seems to me that the concerns Mr. Toone is expressing relate to things that could be amended. One can deal with these things via amendment. I'm not sure I actually concur with him on this point, but they could be dealt with via an amendment. For example, if you think that the level of precision that's required is such that the bill becomes onerous, then the logical thing to do is to say, let's pick a larger number we deal with, in the same way that governments have to disclose their grants and contributions down to $10,000, but not below that because we understand that it would be onerous to go beyond that. Something like that could be done. Thus, one could deal with the problems associated with any burdens being too great. Obviously it would only be in the course of debate that we could establish actual examples of how this is too great.

I think this is an argument for careful debate of the bill and perhaps for amendment otherwise.

The Chair: I think we're approaching the point of being ready to make a decision.

I want to make a couple of points. First of all, in terms of time, my understanding is that this is the same bill—other than the section on fines, which was changed from a de-registration—and that we had had enough time to study the essence of the bill prior to this.

The second point is that maybe we need to reflect upon the current four criteria to either add or subtract from them, and possibly think about, if there is obvious need, having a ways and means motion as one of the criteria in the future. That's not to do with this particular issue alone.

However, I think we're ready to move ahead on the question. I'm going to ask, all those in favour of allowing Bill C-377?

Mr. Philip Toone: Can we take a recorded vote.

The Chair: Sure, if that's requested.

The motion is that Bill C-377 be designated as non-votable.

All those who agree that Bill C-377 should be non-votable?

(Motion negatived: nays 2; yeas 1)

The Chair: So that bill, by definition, is votable.

We will move to Bill S-201, a Senate bill, and I'll ask our analyst to speak to it.

[*Translation*]

Mr. Michel Bédard: Bill S-201 establishes November 15 of every year as National Philanthropy Day. As was just explained to us, the only reason a bill from the Senate would be designated as non-votable is because a similar bill has already been voted on over the course of the same legislature. In this case, no similar bills have been voted on during the same legislature.

[*English*]

The Chair: Are there any questions?

Hon. Stéphane Dion: It's not the same day proposed for autism awareness, so....

Some hon. members: Oh, oh!

The Chair: We're back into debate of the substance of the bill.

Mr. Scott Reid: [*Inaudible—Editor*].... I know of at least one other MP who has made similar comments, I was just saying.

The Chair: All in favour of allowing Bill S-201 to proceed as votable?

Okay, so ordered.

We now need someone brave enough to make this motion that the subcommittee present a report listing those items that it has determined should not be designated non-votable, and recommending therefore that they be considered by the House.

Is someone prepared to make that motion?

Mr. Philip Toone: Mr. Chair, do we need them, because nothing has been determined as non-votable?

The Chair: I think we still need the full.... Procedurally, we need to do this, and then this is reported directly to the House as opposed to through PROC.

An hon. member: I'll move that, Mr. Chair.

(Motion agreed to)

The Chair: That'll be reported to the House, which means it's basically—

● (1245)

Hon. Stéphane Dion: Mr. Chair, if we have time, I would like to come back to Mr. Toone's point that we don't always have time to react. You've told us that this bill has been looked at before, but not by us.

The Chair: Yes.

Hon. Stéphane Dion: But not by me.

The Chair: Well, were you part of the subcommittee?

Hon. Stéphane Dion: When?

The Chair: At the first iteration of this bill.

Hon. Stéphane Dion: Okay, besides then? I don't remember.

The Chair: On the first iteration of this bill, it was agreed unanimously that it would be votable. It went to the House, and the Speaker—

Hon. Stéphane Dion: We did it in September?

The Chair: October, I think, or November maybe.

Mr. Scott Reid: How long was the current version of Bill C-377 available? It says the first reading was on December 5. So it would have been on Tuesday....

Obviously I feel quite convinced about, and am not changing my opinion of, the votability or constitutionality of the bill. But I do think that Mr. Toone has a point about the length of time. If there were a constitutional problem, I suspect it would have been of a somewhat technical nature requiring that we not merely look at the words of what was actually a very generally worded section of the Constitution, but also at the jurisprudence of it. It's a good point that maybe we do need to give ourselves a bit longer—not much time, but it's worth thinking of.

The Chair: Do you want to proceed, then?

Hon. Stéphane Dion: I agree on the same point.

Mr. Philip Toone: I've already spoken on that. Can we agree on how much time that…?

Why is it that we only.... Frankly, it only showed up on the private members' bill website yesterday.

The Chair: The bill itself?

Mr. Philip Toone: Yes, the text was only available the day before.

The Chair: But it would have been at Journals for....

Mr. Michel Bédard: Before it is introduced, it's not public.

Mr. Philip Toone: But it's just—

The Chair: I think there's another, deeper question here that relates not just to how long in advance we get the bill, but also to how we can know what our analysts' views will be. Until we get here and begin to discuss it, we haven't had an opportunity to actually consider what angle they're coming from and whether to debate for or against that particular view. I think that's another point and I'm not sure how we get around that.

Mr. Reid.

Mr. Scott Reid: I concur with that as well. That one has always been a source of some frustration to me.

I think the cause of it arising today, after it came out a couple of days ago, is the inadvertence of those of us who sit on the procedure and House affairs committee, as we simply look at how we can deal with it quickly. Is there space available where we don't have a meeting and can take the time that procedure and House affairs normally uses for the meeting? I think we've been basing it on our own convenience rather than ensuring there is a proper review.

I take partial responsibility for that and share it with everybody else on that committee. I think that's probably where the fault lies as much as anywhere else. If we establish the practice of giving ourselves a decent amount of time, that would be a first step anyway.

The Chair: Does our analyst want to comment on the time factor?

Mr. Michel Bédard: I just have one comment, and it's on the whole process. This is just to bring something to your attention, that the analyst has no opinion.

When the order of precedence is constituted, there are 30 bills or motions added to it. No debates can take place in the House of Commons before the subcommittee has looked at every item and made its decisions. At the beginning of a new Parliament, especially in a new Parliament, because there are 30 items to look at, there is a lot of pressure on staff to look at all of the bills and motions. Members want to meet very soon so that debates can take place in the House of Commons. Until there is a report from the subcommittee, there will be no debate in the House of Commons.

If you build in a timelime or delay within the system, you have to keep in mind that at the beginning of a Parliament, the start of private members' business will be delayed.

The Chair: I guess one way around that would be to make the time shorter from the beginning of Parliament until that first selection is made, which may put a new member at a disadvantage, after just arriving here on the Hill and having the responsibility of getting a piece of private member's legislation ready. I think that's part of the delay as well.

● (1250)

Mr. Michel Bédard: Yes. I don't want to speak on their behalf, but the law clerks also have many legislative proposals to draft. They may have some issues as well.

The Chair: I'm sure they would.

In general, I think we've agreed that we'll try to make more time. From here on, we do have more time. We don't have quite the rush. Once you've received the next 15, maybe we could give ourselves a week with the material, or at least four or five days. So I think in principle we've agreed and we'll try to operate under that assumption —without firm guidelines, if we're okay with that as a committee. We'll agree philosophically that we want more time.

Is there anything else?

The meeting is adjourned.

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