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CANADA

# **Standing Committee on Foreign Affairs and International Development**

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**EVIDENCE**

**Tuesday, October 29, 2013**

—  
**Chair**

**Mr. Dean Allison**



## Standing Committee on Foreign Affairs and International Development

Tuesday, October 29, 2013

• (1530)

[English]

**The Clerk of the Committee (Ms. Miriam Burke):** Honourable members of the committee, I see a quorum. We can now proceed to the election of a chair.

Pursuant to Standing Order 106(2), the chair must be a member of the government party.

[Translation]

I am ready to receive motions for the election of the chair.

[English]

Ms. Brown.

**Ms. Lois Brown (Newmarket—Aurora, CPC):** I nominate Dean Allison.

[Translation]

**The Clerk:** Are there any further motions?

Is it the pleasure of the committee to adopt the motion?

**Some hon. members:** Agreed.

(Motion agreed to)

[English]

**The Clerk:** I declare the motion carried and Mr. Allison duly elected chair of the committee.

Before inviting the chair to take the chair, if the committee wishes, we will now proceed to the election of the vice-chairs.

Mr. Goldring.

**Mr. Peter Goldring (Edmonton East, CPC):** I nominate Paul Dewar.

**The Clerk:** It has been moved by Mr. Goldring that Mr. Dewar be elected as first vice-chair of the committee.

Are there any further motions?

[Translation]

Is it the pleasure of the committee to adopt the motion?

**Some hon. members:** Agreed.

(Motion agreed to)

[English]

**The Clerk:** I declare the motion carried and Mr. Dewar duly elected first vice-chair of the committee.

Pursuant to Standing Order 106(2), the second vice-chair must be a member of an opposition party other than the official opposition.

I'm now prepared to receive a motion for the second vice-chair.

Mr. Anderson.

**Mr. David Anderson (Cypress Hills—Grasslands, CPC):** I nominate Mr. Garneau.

**The Clerk:** It has been moved by Mr. Anderson that Mr. Garneau be elected as second vice-chair of the committee.

[Translation]

Is it the pleasure of the committee to adopt the motion?

**Some hon. members:** Agreed.

(Motion agreed to)

[English]

**The Clerk:** I declare the motion carried and Mr. Garneau duly elected second vice-chair of the committee.

I now invite Mr. Allison to take the chair.

**The Chair (Mr. Dean Allison (Niagara West—Glanbrook, CPC)):** Thank you, everyone.

What we do need, though, is unanimous consent to look at routine motions today. I thought what we would do is get the routine motions out of the way and then end the meeting, and we'll come back on Tuesday to discuss committee business.

Do I have unanimous consent to look at routine motions today?

Okay. Then what we'll do is pass those out. Let's look at trying to get these settled for today. Then we'll finish the meeting if we can do that.

Mr. Garneau, do you have a copy?

We'll take these one by one. We'll start on the first page. The first routine motion is:

That the Committee retain, as needed and at the discretion of the Chair, the services of one or more analysts from the Library of Parliament to assist it in its work.

(Motion agreed to)

**The Chair:** Come on up and join us at the table.

Number two is:

That the Subcommittee on Agenda and Procedure be established and be composed of five (5) members; the Chair, the two Vice-Chairs and two Parliamentary Secretaries.

(Motion agreed to)

**The Chair:** The third one is:

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 and one member of the government, but when travelling outside the parliamentary precinct, that the meeting begin after fifteen (15) minutes, regardless of members present.

Is that all right? Are there any concerns with that?

(Motion agreed to)

• (1535)

**Ms. Hélène Laverdière (Laurier—Sainte-Marie, NDP):** There's a correction in French.

**The Chair:** All right.

The fourth motion is:

That witnesses be given ten (10) minutes for their opening statement; that, at the discretion of the Chair, during the questioning of witnesses, there be allocated seven (7) minutes for the first questioner of each party as follows: Round 1: New Democratic Party, Conservative Party, Liberal Party; and that thereafter five (5) minutes be allocated to each subsequent questioner as follows: Round 2: Conservative Party, New Democratic Party, Conservative Party; Round 3: Conservative Party, New Democratic Party, Conservative Party; Round 4: New Democratic Party, Conservative Party.

It is the same as it has been.

(Motion agreed to)

**The Chair:** The fifth motion is:

That the Clerk of the Committee be authorized to distribute documents to the members of the Committee only when the documents are available in both official languages and that witnesses be advised accordingly.

(Motion agreed to)

**The Chair:** The next motion is on meals:

That the Clerk of the Committee be authorized to make the necessary arrangements to provide working meals for the Committee and its Subcommittees.

There won't be many working meals at 3:30, I can assure you of that, so we'll be pretty safe this time around.

(Motion agreed to)

**The Chair:** The next motion is on travel:

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

Any comments on that?

(Motion agreed to)

**The Chair:** The next motion is on in camera meetings:

That, unless otherwise ordered, each Committee member be allowed to have one staff at an *in camera* meeting and that one additional person from each party be allowed to be present.

I'm assuming that would be from the whip's office.

(Motion agreed to)

**The Chair:** Thank you very much.

The ninth motion is also on in camera meetings:

That one copy of the transcript of each *in camera* meeting be kept in the Committee Clerk's office for consultation by members of the Committee or by their staff.

Any comments?

(Motion agreed to)

**The Chair:** The next motion is on notice for motions:

That forty-eight (48) 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.

That, for motions requiring forty-eight (48) hours' notice, the Chair be authorized to defer consideration until fifteen (15) minutes prior to the adjournment time for the meeting as indicated in the notice of the meeting, and that these motions be received no later than 4 p.m.

Any comments?

(Motion agreed to)

**The Chair:** This motion concerns gifts:

That the Committee be authorized to purchase gifts to be presented to foreign hosts and visiting delegations.

(Motion agreed to)

**The Chair:** The next motion is on documents:

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

(Motion agreed to)

**The Chair:** The last motion is regarding the subcommittee:

That, pursuant to Standing Orders 108(1) and 108(2), a Subcommittee on International Human Rights to be chaired by a member elected by the Subcommittee, be established to inquire into matters relating to the promotion of respect for international human rights, as may be referred to it by the Committee;

That the Subcommittee be composed of seven (7) members or associate members of which four (4) shall be government members, two (2) shall be New Democratic Party members, and one (1) from the Liberal Party, to be named following the usual consultations with the Whips;

That the Subcommittee be empowered to send for persons, papers and records, to receive evidence, to sit during a time when the Committee is not sitting in Ottawa, to sit when the Committee is sitting outside the Parliamentary Precinct and to sit during periods when the House stands adjourned; and

That the Chair of the Subcommittee meet with the Subcommittee on Agenda and Procedure of the Committee at their mutual discretion.

I have a draft motion here:

That, pursuant to Standing Orders 108(1) and 108(2), a Subcommittee on International Human Rights to be chaired by a member elected by the Subcommittee, be established to inquire into matters relating to the promotion of respect for international human rights;

That the Subcommittee be composed of seven (7) members or associate members of the committee of which three (3) shall be government members and two (2) shall be New Democratic Party members, and one (1) shall be from the Liberal Party, to be named following the usual consultations with the Whips;

That the Subcommittee be delegated all the powers of the committee, except the power to report directly to the House, including the power to sit during periods when the House stands adjourned.

• (1540)

That's what I have for—

**Mr. Paul Dewar (Ottawa Centre, NDP):** Is this a summary of the longer motion?

Good. Agreed.

**The Chair:** David.

**Mr. David Anderson:** Mr. Chair, we would support the previous routine motion. I'm familiar with the changes here, and we would be prepared to support what was in place before.

**The Chair:** Okay, so the one that we originally read.

**Mr. David Anderson:** Yes.

**The Chair:** Okay. All right.

**A Voice:** Why don't we take this out.

**The Chair:** All right, are there any other questions?

I'm going to go back to what I originally read, which was the original motion. Is there any more discussion on that particular one?

All right, so I'll just call the question.

(Motion agreed to)

**The Chair:** That is all I have for my routine motions from what we had established before.

Mr. Anderson.

**Mr. David Anderson:** Thank you, Mr. Chair.

We would like to make an addition to the routine motions. I have copies of what we would be suggesting here for all members.

**The Chair:** I believe everyone has a copy now.

Mr. Anderson, would you like to read out the motion and maybe discuss the motion a bit.

**Mr. David Anderson:** Okay. It's fairly lengthy. I'll read it in English.

That, in relation to Orders of Reference from the House respecting Bills,

(a) the Clerk of the Committee shall, upon the Committee receiving such an Order of Reference, write to each Member who is not a member of a caucus represented on the Committee to invite those Members to file, in a letter to the Chair of the Committee, in both official languages, any amendments to the Bill, which is the subject of the said Order, which they would suggest that the Committee consider;

(b) suggested amendments filed, pursuant to paragraph a), at least 48 hours prior to the start of clause-by-clause consideration of the Bill to which the amendments relate shall be deemed to be proposed during the said consideration, provided that the Committee may, by motion, vary this deadline in respect of a given Bill; and

(c) during the clause-by-clause consideration of a Bill, the Chair shall allow a Member who filed suggested amendments, pursuant to paragraph (a), an opportunity to make brief representations in support of them.

This has been proposed at a number of other committees as well. I believe it has been passed by several of them. The point or purpose of it is to basically give all members of the House of Commons an equal right to come to committee with their amendments. It would actually allow for greater integration of independent members' amendments into legislation as it's brought through committee. I think paragraphs (b) and (c) are pretty straightforward. Paragraph (b) would have a timeframe on when those amendments can be made. In (c), people would have a chance to come and explain why they're making the amendments in brief order.

• (1545)

**The Chair:** We'll start with a list. I have Mr. Dewar and then Mr. Goldring is next.

Mr. Dewar, sir.

**Mr. Paul Dewar:** I appreciate Mr. Anderson's point of view. The other part of this, of course, is that this would prohibit people bringing amendments to the House, which is what this is about. Let's be honest about what this is about.

I think it's unfortunate that the government is deciding to cut off yet another opportunity for members, in this case independent members and members not represented by enough people to form a caucus recognized in the House. I would caution anyone suggesting that they're fully in favour of this. Today you're the government, but tomorrow, who knows? Any of us, anyone around this table, might decide to be an independent. This really cuts off your opportunity to participate.

We have cited this in previous committees. One of the citations is from our green bible, O'Brien and Bosc, which states that it's the House and the House alone that appoints members and associate members to its committees, as well as the members who will represent it on joint committees. The Speaker has ruled that it is the fundamental right of the House. The committees themselves have no powers at all in this regard. We're trying to overlay at committee the powers that normally would sit elsewhere, in other words.

I don't think this motion should be supported, nor do I think it's in order. As stated in O'Brien and Bosc:

The Standing Orders specifically exclude a non-member from voting, moving motions or being counted for purposes of a quorum.

That is on page 1018, for those who are following at home.

In other words, the committee has no powers to make this sort of procedural change on its own. These powers lie with the House. I know the government has done this at other committees and I'm sure that it will pass it here, because it has the majority. However, it has to be stated for the record that this is a very dangerous procedure we're involved in. I think we should underline that deciding at committee the rights and privileges of members represents a very dangerous path.

If our Westminster system is based on the idea that we are duly elected by our constituents to represent them and to have opportunities to represent them, we need to be able to participate fully.

I know Mr. Anderson provided a certain point of view that would make it sound like it's going to help rather than hinder. I would argue, based on what I've just referenced from O'Brien and Bosc, that it actually takes away privileges from members. It is not the role of a committee to decide who brings forward amendments and who is able to be recognized in the House. Our role here is to deal with the substantive matters of foreign affairs, to allow people to participate fully, and not to constrain participation.

I won't spend too much time on this, but if you look at the studies we've had and you've looked at the trend we've seen here, we have the omnibus process that we seem to see often with the government. That's its choice. We've seen the fact that we have closure. Again, that's its choice. Now we're going down the path of deciding who can bring forward motions and amendments in the House by way of constricting those rights and privileges by a decision made at committee.

It's no way to run a parliamentary democracy. We will oppose this motion.

**The Chair:** Thank you, Mr. Dewar. Mr. Goldring.

**Mr. Peter Goldring:** I'm reading that this allows a person to bring forward suggestions or amendments. Having been an independent in the past, I thought that I had received some of these from other committees and I thought it was a good way to include the independent members and allow them to have a say in the process.

My only question here would be whether we could be a little more definitive on what we mean by "brief". Could we be a little more definitive on that comment?

• (1550)

**The Chair:** Mr. Anderson, do you have a comment?

I think I know what it means to be brief, but I think that's subjective.

**Mr. David Anderson:** Actually, do you know what's important, Mr. Chair? That you do understand what it means to be brief, because you'll be the one defining that when the time comes.

**The Chair:** Be careful what you wish for.

**Mr. David Anderson:** Beyond that, we will....

**The Chair:** Okay.

Go ahead, Paul.

**Mr. Paul Dewar:** Thanks to Mr. Goldring for his intervention.

You're aware, I guess through our friends at the table here, that by way of constraining people to only being allowed to bring amendments here, if you bring amendments here it means you can't bring them to the House, right? That's the way our system works.

It's pretty obvious what's happening here. If you're not able as an independent member to be at a committee or be heard, or are constrained as to your intervention, it's pretty obvious your rights are being constricted. In the House you have more opportunity to actually speak, and you're not as constrained.

I would go back to the point, Peter, that this is not about and it shouldn't be about the rights of parties but the rights of members by way of, as you pointed out, this vague language of "to make brief representations", but also noting that once you've brought them forward to committee, you're no longer able to bring them to the House.

That's understood, right? Do we all understand what this is about?

Okay. As long as we all understand, then there are no surprises. This is really limiting the ability of independent members to bring amendments to the House. I think that needs to be underlined.

I also would argue that Mr. Goldring brings a good point, that when you have language that says "an opportunity to make brief representations", it's very clear we're trying to constrain here the opportunity for independent members to present their case or to participate.

**The Chair:** Thanks, Mr. Dewar.

Madame Laverdière.

[*Translation*]

**Ms. Hélène Laverdière:** I agree with my colleague Paul Dewar. Procedurally, this is a way to limit the rights of the members of the House. This should not be the decision of a committee in any way, shape or form. In terms of the substance, this manoeuvre is really anti-democratic and it will weaken our democracy once again, which is very sad.

Thank you.

[*English*]

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

Go ahead, Mr. Dewar.

**Mr. Paul Dewar:** There is one other point.

I'm looking at paragraph (b):

(b) suggested amendments filed, pursuant to paragraph (a), at least 48 hours prior to the start of clause-by-clause consideration of the Bill to which the amendments relate shall be deemed to be proposed during the said consideration, provided that the Committee may, by motion, vary this deadline in respect of a given Bill;

Until that last line, it's a pro forma cut and paste of what we have.

I again need to highlight for the record what we're voting on here. Very important is "provided that the Committee may, by motion, vary this deadline in respect of a given Bill". In other words, this 48 hours might not be 48 hours if the committee decides—with a majority government, we all realize that one day the tables might be turned; you never know—to change it to one hour. You could change it to five minutes.

So we'd all be voting in favour of that. That's what we're voting for—or you are, not me. I just wanted to underline that for the record. That clause, that particular sentence, gives the majority government the opportunity to change 48 hours to whatever it wants. We want to be clear on that.

**The Chair:** Mr. Schellenberger.

**Mr. Gary Schellenberger (Perth—Wellington, CPC):** With regard to 48 hours, if an amendment is brought forward, or something's brought forward to this committee while we're doing whatever, and it's accepted by everyone here, the thing is 48 hours, but there can be an amendment or it can be a motion made here, and if everyone's in favour of that, it goes forward.

Am I correct or am I not correct?

• (1555)

**Mr. Paul Dewar:** If we all decide, yes, of course, but you know how that clause could be manipulated. Why have it? What's the purpose? I guess that is the question. I don't know if you want to consult with your team on that. Why do we have that clause in there? That would be the question. If we have the pro forma rules here of 48 hours, why have that extra clause?

**The Chair:** Is there anyone else?

**Mr. David Anderson:** Just before we call the question, obviously that can be extended as well to give people, if they need it, more time to get their amendments in. I think Mr. Dewar should point that out as well.

We're ready to vote.

**The Chair:** If there is no more discussion, then I'm going to call the question.

(Motion agreed to)

**The Chair:** Thank you very much.

The meeting is adjourned.

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