



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

# **Standing Committee on Procedure and House Affairs**

---

PROC • NUMBER 068 • 1st SESSION • 41st PARLIAMENT

---

**EVIDENCE**

**Wednesday, March 27, 2013**

—  
**Chair**

**Mr. Joe Preston**



## Standing Committee on Procedure and House Affairs

Wednesday, March 27, 2013

•(1530)

[English]

**The Chair (Mr. Joe Preston (Elgin—Middlesex—London, CPC)):** I'd like to call us to order, please. This is a meeting of the procedure and house affairs committee on the votability of a private member's bill.

Mr. Warawa, it's great to have you here today. I'm going to start with you. We'll go with a five-minute presentation by you.

**Mr. Mark Warawa (Langley, CPC):** Very good. Thank you so much, Chair.

Thank you, colleagues, for this opportunity to speak to you about M-408.

I'm here to appeal the decision of the private members' business subcommittee that deemed my motion M-408 non-votable. I refer you to the Annotated Standing Orders, which states on page 340:

There are four criteria established by the Standing Committee on Procedure and House Affairs by which bills and motions may be declared non-votable.

I'm sure you're all aware of those criteria, so I direct your attention to the statement made by the expert analyst at last Thursday's subcommittee meeting. The analyst repeatedly and emphatically stated that M-408 was in line with those criteria:

This motion will ask the House to condemn discrimination against females occurring through sex-selective pregnancy termination. With respect to this motion, I will first underline that there is a fundamental distinction between a motion and an Act of Parliament.

A motion does not enact in itself a rule of law; it's not an Act of Parliament. It does not put in place rules. This motion refers to the deliberative functions of Parliament, which are protected by parliamentary privilege. If we look at the criteria, it is within federal jurisdiction, it does not...offend the Constitution, and there's no similar motion currently on the order paper.

At the subcommittee, a member questioned if M-408 is similar to another motion. The analyst said no. They also referred to Speaker Fraser's decision of November 2, 1989, later affirmed by Speaker Milliken's ruling in November 7, 2006, which stated that "two or more items are substantially the same if, first, they have the same purpose and, second, they obtain their purpose by the same means."

There has been no substantially similar piece of business put forward during this Parliament. No other piece of government or private member's business has called on Parliament to condemn discrimination against women and girls occurring through sex selective pregnancy termination. M-408 is the first motion of its kind.

I would like to share with the committee the intent of my motion. M-408 is in response to a CBC investigation that aired on June 12 of

last year, which found that discrimination against girls through sex selection is happening here in Canada. The next day, all our official parties in the House condemned that practice. Our Conservative government said that they condemned the practice of sex selection. The NDP said that sex-selective pregnancy termination reflected the deep inequalities between men and women and that it had no place in our society. The Liberals said you wouldn't find anyone agreeing with abortion purely for the sake of sex selection.

Moreover, the Society of Obstetricians and Gynaecologists of Canada declared that they vehemently oppose sex selection. A 2011 Environics poll showed that 92% of Canadians want sex selection made illegal.

The United Nations states that 200 million women and girls are missing due to gendercide, right now. It states:

Renewed and concerted efforts are needed by governments and civil society to address the deeply rooted gender discrimination which lies at the heart of sex selection.

M-408 is about that discrimination against women and girls. Canadians abhor all forms of violent discrimination against women and girls. Why are Canadians still deeply upset that women at École Polytechnique were brutally killed? Why are people outraged that Malala, a 14-year-old girl, was shot by the Taliban? It is because these violent acts of discrimination were targeted at women and girls. The killers did not value girls.

Again, the expert analyst stated:

A motion does not enact in itself a rule of law; it's not an act of Parliament. It does not put in place rules. This motion refers to the deliberative functions of Parliament, which are protected by parliamentary privilege. If we look at the criteria, it is within federal jurisdiction, it does not...offend the Constitution, and there's no similar motion currently on the order paper.

M-408 clearly meets the criteria and should be votable. The question for each member here today is, what kind of Parliament do we want?

Canadians want a Parliament that follows the rules and procedures

—  
•(1535)

**The Chair:** Mr. Warawa, can you wrap it up? You're past your five minutes.

**Mr. Mark Warawa:** Okay, I'm almost done.

Canadians want a Parliament that follows the rules, and 92% of Canadians want the practice of sex selection condemned. The future of Parliament and the future of M-408 is in your hands.

Thank you.

**The Chair:** Thank you, Mr. Warawa.

We'll go to questions by members. I see no questions from members.

Thank you, Mr. Warawa.

The committee will go in camera then to discuss its report. I thank you all for attending today. We'll suspend while we clear the room.

*[Proceedings continue in camera]*

---







Published under the authority of the Speaker of  
the House of Commons

---

### SPEAKER'S PERMISSION

---

Reproduction of the proceedings of the House of Commons and its Committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the *Copyright Act*. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a Committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the *Copyright Act*.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its Committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

---

Also available on the Parliament of Canada Web Site at the following address: <http://www.parl.gc.ca>

Publié en conformité de l'autorité  
du Président de la Chambre des communes

---

### PERMISSION DU PRÉSIDENT

---

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la *Loi sur le droit d'auteur*. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la *Loi sur le droit d'auteur*.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

---

Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante : <http://www.parl.gc.ca>