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# **Standing Committee on Public Safety and National Security**

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**EVIDENCE**

**Tuesday, October 29, 2013**

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**Chair**

**Mr. Daryl Kramp**



## Standing Committee on Public Safety and National Security

Tuesday, October 29, 2013

•(1100)

[English]

**The Chair (Mr. Daryl Kramp (Prince Edward—Hastings, CPC)):** Welcome to meeting number two of the Standing Committee on Public Safety and National Security in the second session of the 41st Parliament.

Today's agenda of committee business will consist of the adoption of routine motions and the planning of business.

Before we start the official part of the meeting, let me acknowledge the past accomplishments of this committee.

To both the members and certainly the staff, I extend a sincere thank you and an expression of gratitude on behalf of all Canadians to all members for their cooperation and their contribution to this committee.

As your chair my desire is to build upon these past successes, and obviously, to complete unfinished business and to deal effectively with all new business before this committee.

I would advise all members that the chair is always open to dialogue that will advance the positive interests of this committee. Of course, as your new chair, I'm at your service, and as always, open to an extension of courtesy and cooperation in setting the tone for where we'll go with this committee.

With the little niceties aside, we'll now turn to business.

I would like to thank both the government and the opposition members for notifying the chair that they plan to introduce motions today. That's a marvellous courtesy going forward and it adds, obviously, to the expeditious movement of our committee here. Of course, should we get caught up in debate on these motions, which has been known to happen once or twice over the history of this Parliament, then I would hope we would recognize that we do have responsibilities as well to complete some planning of future business.

As such, I'm hopeful that we will proceed as normal and have plenty of time to deal with future planning. Should we not, I'm asking for the consideration of this committee to ensure that we have at least 15 minutes at the end of today's meeting to provide for the fact that we are not here on Thursday. In order to give our staff, analysts and clerk the opportunity to prepare for Tuesday's and Thursday's meeting the next week, we have to do something with regard to future business today.

I'm hopeful that we will get through the motions, but if not, I'm asking for unanimous consent from this committee to at least

dedicate the last 15 minutes to future business. Do I have that consent?

**Some hon. members:** Agreed.

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

The floor is now open for routine motions. Ms. James.

**Ms. Roxanne James (Scarborough Centre, CPC):** Mr. Chair, being new to this committee, I did review the routine motions that were adopted in the previous session. From past members on this side who were on this committee, they all agreed that they seemed to work well. Therefore, I'm proposing that we adopt the routine motions that were set out in the previous session as they are on the sheet that was handed out to all the committee members today.

•(1105)

**The Chair:** Do I have a seconder to the motion?

It is seconded by Mr. Norlock.

Madame Doré Lefebvre.

[Translation]

**Ms. Rosane Doré Lefebvre (Alfred-Pellan, NDP):** Thank you very much, Mr. Chair. Congratulations on your election as chair of the committee.

I would like to welcome the new members of the committee and the previous members whom I recognize on either side of the table. This committee is very pleasant and I look forward to seeing how things will unfold over the next few weeks. I am pleased to be back here.

If I may, I would like us to go over every routine motion that was passed in the previous session. We would like to propose a few improvements to what was presented during the last session, including the following motion:

That the Committee may meet *in camera* only for the purpose of discussing:

- (a) wages, salaries and other employee benefits;
- (b) contracts and contract negotiations;
- (c) labour relations and personnel matters;
- (d) a draft report;
- (e) briefings concerning national security; and

That all votes taken in camera be recorded in the Minutes of Proceedings, including how each member voted when recorded votes are requested.

That is one of the improvements we are suggesting. That is why we would like to review the motions individually instead of as a group.

[English]

**The Chair:** Thank you very much, Madame Doré Lefebvre.

Ms. James.

**Ms. Roxanne James:** Mr. Chair, I think I heard you say that you planned to put forward a motion after we accept the routine motions from the last committee. Again, I would propose that we vote on the routine motions as set out in the last Parliament and then move to the next thing on the agenda which would be the motions from both sides of this committee.

**The Chair:** Mr. Easter.

**Hon. Wayne Easter (Malpeque, Lib.):** Mr. Chair, would the point that the official opposition is making here not be considered an amendment to this particular motion? I believe it should be considered as such. This is not a motion on calling in certain witnesses, doing a certain study, or an attack on the government. This is a proposal by the NDP to improve how the committee operates.

I'll make my point now, Mr. Chair, in terms of that. I haven't sat on this committee for a while, although I have been on it before, but I've sat on other committees. The same procedure has become the norm in the last few years; that is, even on motions whereby an opposition party is making a certain point or wanting a certain study, the tendency seems to have been for government members, for whatever reason, to move the motion in camera.

That wasn't normal procedure prior to 2006, Mr. Chair. It happened on some committees, but I can tell you that when I chaired the fisheries committee, there were 32 motions in my time, 11 of them by government members. All were critical of government policy, all 32 of them were debated in public in full, and all but one of them carried.

There seems to be a tendency for government members, who are members of the government party, not members of the executive council—the government is the cabinet—to hold a sentiment that they have to be supportive of everything the government does. In my view, they don't have to be. Committees are structured to investigate, to be critical of government, to look at new ideas. They're structured for a purpose and to be done in an open and democratic way.

What's been happening here, and the reason we have this motion today, I submit, Mr. Chair, where we're getting down to technicalities and procedure, is that tendency to move in camera and not debate issues in public. In my view, it doesn't speak well for democracy.

Mr. Chair, I'm supportive of the motion. I think we have to go the way the NDP is suggesting, so that when a motion comes forward, it is known who voted which way, that going into an in camera session can't nullify.... When we come out of an in camera session on a motion, we can't talk about who voted which way. I mean, most of us know....

I think what you're going to see, Mr. Chair, is that if we continue to move routine motions in camera, eventually people are going to speak out and say who voted which way and what they said, because that kind of strategy is becoming a farce to our democracy.

I'm supportive of the NDP motion. I believe it should be considered in routine proceedings as an amendment.

●(1110)

**The Chair:** Thank you very much for your input.

The chair had hoped we could have dealt with this separately, but I do take Mr. Easter's comment that it could and should, in his opinion, be considered as an amendment.

Actually, the chair agrees that it is and can be considered as an amendment. As such, we will proceed with it as an amendment to the main motion at this particular point. We will have speakers both for and against. What I will do is read the motion to the committee, so that it will be considered as an amendment to the main motion of approving the routine proceedings.

**The suggested amendment reads as follows:** That the committee may meet *in camera* only for the purpose of discussing:

- (a) wages, salaries, and other employee benefits;
- (b) contracts and contract negotiations;
- (c) labour relations and personnel matters;
- (d) a draft report;
- (e) briefings concerning national security; and

That all votes taken in camera be recorded in the Minutes of Proceedings, including how each member voted when recorded votes are requested.

We have now had speakers for at this particular point, and I think we will now recognize Ms. James.

**Ms. Roxanne James:** Mr. Chair, I understand some of the points from the opposition parties. However, we must not forget the committee that we're on. It's SECU, public safety and national security. There will be times that are not going to fall within this very small, pre-defined list on this motion. There will be times when we will need to go in camera for various reasons, such as witnesses and other security issues, routine committee business based on schedules, and proposed witnesses coming in whose presence should not be public knowledge until the point in time that they appear.

On the government side, we cannot support a motion that would confine us to a very small defined, narrow perspective of when in camera should be used. The very nature of this committee dictates that we need to be able to use that for various reasons.

Last, Mr. Chair, it's a parliamentary right of everyone on this committee to be able to voice their opinions and have a say, and sometimes that requires you to go in camera. Taking that privilege away would be taking away something which Parliament has had the privilege of doing since the beginning of time.

On the government side, we cannot vote for any motion that's going to take away parliamentary rights, and we can't accept any motion that's going to limit when we can or cannot go in camera for various reasons, obvious reasons.

Thank you, Mr. Chair.

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

Madame Michaud.

[*Translation*]

**Ms. Éline Michaud (Portneuf—Jacques-Cartier, NDP):** I would like to say something about that. I think the interpretation of the motion that has just been presented is a little too narrow. When we are dealing with major issues that are directly related to national security or when we wish to receive witnesses who need to share more confidential or sensitive information with the committee, we can always decide amongst ourselves to go in camera at that time. However, the motion being introduced seeks to curtail the types of abuse that occurred in the past.

In the past, I had an opportunity to briefly sit on the Standing Committee on Public Safety and National Security and I have been a long-standing member of the Standing Committee on Official Languages. We have seen an abusive use of in camera meetings when the government felt uncomfortable or when we had to deal with various hot issues. Often, the members of the opposition are seeing their privileges as parliamentarians taken away. As a result, they can no longer hold the debates that the Canadians who sent them to Parliament wish to see. That is the problem we are trying to solve with this motion.

Before I became a member of Parliament in 2007, I was a parliamentary guide. During the tours, I used to tell people that, in committees, members of Parliament could work together in a non-partisan or less partisan way than what we usually see in the House. However, since I became an MP, the reality has changed completely and, unfortunately, my message to Canadians today would be completely different from that of 2007.

In our view, the government uses in camera meetings only to hide behind the rules and to avoid being as accountable to Canadians as it should be. Canadians deserve better. Debate on public safety is important and affects everyone. The motion we are presenting would enable us to do our job as MPs better, and that is why I fully support it.

I thank my colleague for introducing the motion today.

• (1115)

[*English*]

**The Chair:** Thank you very much, Madame Michaud.

Are there any other speakers on this?

Mr. Menzies, please.

**Hon. Ted Menzies (MacLeod, CPC):** Thank you, Chair.

With all due respect to Madame Michaud, I think you just contradicted the motion that was put forward, because it specifically says “only for the purpose of discussing”, but that binds us.

Your suggestion, which I think makes sense, is that there are times when we need to do this for public security reasons. We would be contradicting the motion that just came forward. We need to protect the witnesses as well. There is great concern about those people and whether or not they would come and be forthright with this committee if they were concerned. I think we would be able to encourage them at the appropriate time if we could actually do some of this in camera.

**The Chair:** Thank you. Any more speakers on this issue?

Madame Doré Lefebvre.

[*Translation*]

**Ms. Rosane Doré Lefebvre:** I would like to thank all the members for considering this motion. Mr. Chair, I would also like to thank you for considering this motion as an amendment to what has been proposed here.

If my colleagues are ready to vote on the amendment, I would like to request a recorded vote.

Thank you.

[*English*]

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

The chair will proceed with a vote and this will be considered an amendment to the main motion. We are not voting on the main motion here but on the actual amendment first.

We will take a call, please, on a recorded vote.

(Amendment negated: nays 6; yeas 5)

**The Chair:** We will now go to the main motion, and I will ask the parliamentary secretary something.

Would you like to consider the motion you are bringing forward as an amendment to the main motion, and would you like to deal with it separately and just have the main motion voted on first?

**Ms. Roxanne James:** Mr. Chair, I'd like to actually proceed with adopting the routine motions from last session. Then we'll be putting forward our motion to amend it by adding another principle.

**The Chair:** Thank you.

Are there any more speakers on the main motion?

**Hon. Wayne Easter:** Maybe you could clarify this, Chair.

On the times for questioning of witnesses, this is different. There are seven minutes in the first round for the government and the official opposition, then the government again, and then the third party, and then five-minute rounds. I think I've sat on three other committees and normally in the first segment it's seven minutes for the official opposition, seven minutes for the government, and seven minutes for the third party.

Has it always been standard procedure to give the government members double the time in this committee? Certainly the government members, especially when a minister is here, are getting more than ample time versus, in my view, what the opposition party is getting. Usually it's seven, seven, seven. I don't want to get into a long-winded debate about it, but I do think it's a little out of sorts and a little top-heavy on the government side.

• (1120)

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

I will simply tell you that this was the previous practice. When we look at the timeframe, it works out to 28 minutes on the first round, 30 minutes on the second round, and that actually means 29 minutes for the government, 22 minutes for the official opposition, and seven minutes for the third party, which I believe is very close to the actual seat count in the House of Commons.

That is what has existed. I leave it to the committee's will to adopt what exists or to make any changes. Of course, the chair is open to the will of the committee.

**Hon. Wayne Easter:** If it has worked, Mr. Chair, I don't have a huge problem with it. We'll see how much of that 14 minutes is spent praising a minister when they're here rather than on constructive criticism. I'll be watching for that.

**The Chair:** I appreciate your observation, Mr. Easter.

We will go now to the vote on the routine motions. It has been put forward by the parliamentary secretary, Ms. James, that the motion be adopted as previously passed in the first session of the 41st Parliament.

Do we have a unanimous vote on this? We do not. Then we will call for a vote.

(Motion agreed to: yeas, 6; nays, 4 [See *Minutes of Proceedings*])

**The Chair:** The routine motions have now been adopted and I do believe now there is a motion on the floor.

Ms. James.

**Ms. Roxanne James:** Mr. Chair, I'm not sure whether I need to read this out in its entirety or whether copies have been passed out.

**The Chair:** I will check with the opposition.

Does the opposition have a copy of this? Then if we have a chance to pass around a copy, we would do so. If not, we will certainly read it out and/or do both.

Does everybody have a copy of it now?

I have a quick little comment from the chair. Most people should recognize that this same motion is before a number of different committees. I think it's reflective of, I suppose, the challenge we all faced in the last session of Parliament. The chair will not comment any further on that, as this is the purview of the committee, but this is obviously not a one-off situation. I think most members are aware of that and the content of this.

I will ask the parliamentary secretary to read it into the record, please.

• (1125)

**Ms. Roxanne James:** Mr. Chair, on the copy that you have, the first line may be slightly cut in half, so I'll read this starting with the first line. The motion reads as follows:

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.

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

Do we have unanimous approval to pass this?

**Some hon. members:** No.

**The Chair:** We do not, so we will have speakers both for and against it, as is due; first, the parliamentary secretary proposing the motion, and then we will have an opportunity for the opposition.

**Ms. Roxanne James:** Thank you.

It's a rather long motion, the result of which is very short. It would basically allow members of the House outside of this committee, those not represented on this committee— we're obviously Conservatives, NDP members, or Liberals in this room—an opportunity to have a say on bills that go through this committee.

In all fairness, because they do not have a voice on committee, I feel it is actually extending an opportunity for them to be part of something that they normally would not be. I can't see why anyone in this committee would disagree with that viewpoint. If there is disagreement, I'd like to hear what those reasons are.

**The Chair:** First, Madame Doré Lefebvre.

[*Translation*]

**Ms. Rosane Doré Lefebvre:** Thank you very much, Mr. Chair.

The proposed motion would significantly change how the House operates and I think it will certainly have an impact on the rights of MPs. If I may, I will quote from O'Brien and Bosc, which is rather clear. On page 1019, it states:

It is the House, and the House alone, that appoints the members and associate members of its committees, as well as the Members who will represent it on joint committees. The Speaker has ruled that this is a fundamental right of the House. The committees themselves have no powers at all in this regard.

Furthermore, on page 1018, it states: "The Standing Orders specifically exclude a non-member from voting, moving motions or being counted for purposes of a quorum." In other words, the committee does not have the power to make this type of procedural change by itself. This power belongs to the House and the Speaker.

In my view, that would completely change the legislative procedures in our Parliament. Those changes are too significant to be made in committee. We should deal with this issue in the House. That is partly why we are very much opposed to this motion, Mr. Chair.

[*English*]

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

Now we have Madame Michaud.

[*Translation*]

**Ms. Éline Michaud:** Thank you very much, Mr. Chair.

I would like to echo the comments made by my colleague. Yes, the motion we have before us contains some major changes. This motion deals with the rights of independent MPs. Yet they cannot even sit here to debate the motion with us. This motion has also been introduced in a number of other committees that have no authority at all to make those types of decisions. That is another breach of democracy.

The suggestion has been made that the rights of independent MPs are not trampled. They are allowed to introduce amendments, but they are not allowed to participate in the study at hand and to vote on the amendments they propose.

Finally, our dear government has introduced omnibus bills in the House. Independent MPs have introduced a number of amendments to those bills, which has forced us to sit very late in the House. I understand that it is an inconvenience, but that is how our system works. Independent members of Parliament are not allowed to be active participants in committee studies. Now, they are asked to proceed in a new way, which, honestly, is rather a way to violate their rights and the rights of the opposition. In order for an independent member to introduce amendments, one of the members of the opposition must agree to give them their seat. In addition to limiting the rights granted to independent members through the usual House procedures, we would be restricting the rights of the members of the opposition by partially excluding them from debate in order to avoid any House procedures that the government might find unpleasant.

That is not really the way to go. We think this amendment is completely unacceptable and it shouldn't be discussed in the various committees as is currently the case. Our committee does not have the authority to make decisions that have such an impact on our system. The other committees that have dealt with this issue so far do not have that power either. I do not understand why we are debating this motion today, unless the goal is to further limit the rights of MPs.

I cannot understand how someone can be in favour of this motion. I would have liked to hear more convincing arguments because, so far, I have not heard one good reason to convince me to support a motion like that.

Thank you, Mr. Chair.

• (1130)

[English]

**The Chair:** Thank you very much, Madame Michaud.

Now, Mr. Easter, please.

**Hon. Wayne Easter:** Mr. Chair, I want to speak to this, but first I have a question for the parliamentary secretary on how this works. Under paragraph (c), I assume this applies to all members of the House, including independent members. Is that correct?

**Ms. Roxanne James:** It's actually for members outside of those represented by the three parties here in this room.

**Hon. Wayne Easter:** So it's for independent members.

With paragraph (c), if during clause-by-clause consideration of a bill, an independent member put forward 10 amendments, would they be given the opportunity to come before committee to speak to each of those 10 amendments?

**Ms. Roxanne James:** They would have the ability to bring their amendments to this committee, because otherwise they would have no ability to participate whatsoever in this particular committee. If the amendments come in from a member who doesn't sit on this committee but who is in the NDP or the Conservative Party, they would obviously filter through our committee members who are

present, but for someone who is not in one of the three parties recognized within the House, it would give them the opportunity—

**Hon. Wayne Easter:** I understand that.

If an independent member puts forward 10 amendments, or as was the case with the omnibus bill, 400 amendments, would that independent member have the right to come before committee and speak to each and every one of them?

That's my question.

**Ms. Roxanne James:** Thank you.

They would not necessarily get half an hour or 10 minutes on each amendment, but they would have the ability to bring those amendments to committee.

The thing to remember as well is that it's the members who sit on this committee who actually have the ability to debate and vote on those amendments. Regardless of whether you agreed or disagreed, you would actually have the opportunity to vote. The person coming to the committee to present an amendment, to offer their input, does not have a voting right on the committee. Again, the actual work that's being done in this committee, the results, the amendments that are actually passed or not passed, come from the people who are recognized on this committee as the official members.

**Hon. Wayne Easter:** You're still missing my point.

I think we really need to know, and I think even Conservative members who seem to be supporting this need to know what this really means for a committee. To be honest with you, if I were an independent member and I had an axe to grind, and I could find a way of making 200 amendments, then I'd make the 200 amendments. I'd ask for my right to come to committee and speak for as much time as I was possibly allowed on each and every one of those 200 amendments.

There's no question I'll speak on it, Mr. Chair, while they're trying to cook up an answer there.

I'm definitely opposed to it. In all honesty, Mr. Chair, while the parliamentary secretary put this forward in terms of how could anybody not support it, as if we're giving a privilege to independent members, I think this is a consequence of the last omnibus bill on which an independent member, because they couldn't put forward amendments in committee, was allowed, and rightly so, to put forward amendments in the main chamber, and each of those amendments had to be voted on in the House of Commons. I think this is a sly way of trying to get around that.

I do think there needs to be a way for independent members to somehow have a say at some committees of their interest. I can think of a couple of members who are extremely good members on committee who now no longer have the right to speak out at committee. That's a loss, I believe, to Canadian society.

The way this is worded... Independent members are not here; they're not having a say. I believe these people were elected in their own right by citizens in their ridings. I believe this is a violation of the rights of independent members in terms of what they can do in the House because they've been given this opportunity to put the motions to committee.

I do think this needs a little more thought, Mr. Chair, because I think that in the government's desire to try to solve the problem over the amendments in the omnibus bill, they may be digging themselves a quagmire here and they may eventually realize they've caused themselves more problems than they envisioned.

On the basis that I think it's taking away the rights of independent members rather than giving them some, I will certainly be opposing this motion.

• (1135)

**The Chair:** Thank you very much, Mr. Easter. I appreciate your directing your thoughts through the chair.

We now have Mr. Pilon, Mr. Rousseau, and Mr. Norlock.

We'll start with Mr. Pilon, *s'il vous plaît*.

[Translation]

**Mr. François Pilon (Laval—Les Îles, NDP):** Thank you, Mr. Chair.

Since almost everything has been said, I will be rather brief. I would still like to go back to the fact that the Conservatives rejected our amendment. In their view, using the word “only” would deny the rights of parliamentarians. They are now proposing a motion that takes away the rights of independent members of Parliament. In my view, they are talking out of both sides of their mouths.

I would also like to quickly respond to the statement that a third opposition party is not allowed to participate. I don't know if that has happened in the Standing Committee on Public Safety and National Security, but in the Standing Committee on Environment and Sustainable Development, we invited a third opposition party that wanted to propose amendments. That is democratic.

I think this motion is completely useless.

Thank you.

[English]

**The Chair:** Fine, thank you very much, Mr. Pilon.

[Translation]

Mr. Rousseau, the floor is yours.

**Mr. Jean Rousseau (Compton—Stanstead, NDP):** Thank you very much, Mr. Chair.

It would be nice to know the true intentions behind this, even if it has to do only with the time those people will have when they come to introduce and discuss the amendments. We will be spending a lot of energy on those issues when they should be referred to the House, where this debate should take place.

I personally love sitting until the wee hours of the morning. This room is filled with great energy. It is also unbelievable to see the synergy and friendships that develop sometimes despite the heated debates.

In addition to all that—and this is what I am trying to get at—they are asking that the document be submitted in both official languages when that is a challenge for us here. We were often not able to have access to documents because they were not available in both official languages. Yet those people will have to introduce amendments in

both official languages. That is a lot of work for independent members. In addition, it is a loophole. They will be able to hold up the work of a number of committees by introducing all sorts of amendments. They will be left on the agenda and, after a while, someone will ask to go in camera. At the end of the day, we will be spinning our wheels once again.

Debating bills in this way is not democratic, especially when we are constantly dealing with omnibus bills and secrecy. We have no way of debating those issues properly for Canadians across the country to see. That is not how we are supposed to represent the people. We were elected by the people in our ridings to get the job done in the House of Commons. Our leader and our team have appointed us to sit on committees because they trusted us and believed we were capable of addressing the concerns of all our colleagues, even independent members of Parliament sometimes, so that we could talk about our concerns with respect to bills.

Once again, the government is trying to hide things from us, and this way of doing things is undemocratic. It is insulting to see that democracy is once again being thwarted by the Conservatives.

Thank you very much, Mr. Chair.

• (1140)

[English]

**The Chair:** Thank you very much, Mr. Rousseau.

Now we have Mr. Norlock, please.

**Mr. Rick Norlock (Northumberland—Quinte West, CPC):** Thank you very much, Mr. Chair.

Through you to other committee members, I have a couple of comments based on what I've heard.

I've heard that this amendment is an infringement on democracy. Quite frankly, I think it is just the opposite. It increases our democracy by allowing independent members, who have never been given or had the right to make amendments before committees where items are discussed, to do so.

There was also mention made that they don't know what we've done on committee so how could they possibly put amendments, because they don't have the information the committee has. Well, to the best of my knowledge, all the business of the committee, with the exception of that which is in camera, is readily available to members of the public through the blues. They would almost within 24 hours be privy to the information the committee had and can, if they wish, be in the body of the room when witnesses appear, if that particular independent member has a desire to be fully apprised of what the committee is saying, or what witnesses have to say, or the dialogue that goes on between members of the committee.

I've heard also that the committee doesn't have the authority to do what we are about to do. Well, my comment on that is that I've heard the Speaker say ad infinitum that committees are masters of their own domain. The committee can do a great many things, and the only arbitrator as to whether or not the committee can do it in the end, I would suggest, is Parliament itself and/or, depending on the circumstances, the Speaker.



I don't think this restricts an independent member's ability to exercise his or her democratic right as a member of Parliament. I think it expands on that by allowing them a venue which they didn't have before to put forward their opinions or amendments, or even have a dialogue. When I say that, this permits that at the committee level.

It was also mentioned that if someone comes here with all these amendments, using the example of 200 or 400 amendments, the committee will sit too long. Well, in actual fact, the House sits a long time when these amendments come up, so irrespective of who is sitting a long time, eventually you are going to sit a long time to discuss them. I might add, at this particular time these amendments are generally grouped by the Speaker, so we could as a committee group them and exercise the same duties that the Speaker does when he's dealing with these amendments. In that way we could somewhat shorten the time the committee meets. I disagree that it restricts an independent member's ability. I think it expands it.

Mr. Rousseau wondered what the real intention is. I think the real intention is quite obvious. The real intention is to expand the rights of independent members and not restrict them. When Mr. Rousseau mentioned that he is prepared to sit at two in the morning, he has sat actually longer than that. He sat for almost 48 hours, or for however long we sat before in the House of Commons. I don't have a problem with that. I used to work double shifts.

I won't belabour the debate by quoting Mr. Churchill's statement, but I'll paraphrase it, that in a democracy, action is one of the most cumbersome, terrible things, but there is nothing better that we have come across so far. Sometimes democracy can be a little on the ugly side, and we are prepared, as I know Mr. Rousseau is—when I say “we” I think I can speak for most Conservative members—to ride the bumps and blemishes and warts of democracy, because in the end that's the right way to do things.

When we talk about independent members having the ability to put forward their motions in both official languages, yes, each of us is limited by our budgets, but we have something that's very valuable. Our analysts work for the Library of Parliament, and I know for a fact that independent members have access to the Library of Parliament to make sure that the linguistic requirements of this Parliament are upheld.

• (1145)

We talk about the blocking of amendments. We have the same democratic rights at committee in many respects as a member of the House of Commons, so once again I do think that this expands rather than restricts the ability of an independent member.

I know that the opposition always is fearful that the evil government is doing something bad, and the government thinks that whatever the opposition does is bad. At this committee, many times I've heard people say that this isn't a partisan issue. Everything that happens in this place is partisan. If somebody blinks an eye, someone is trying to have a partisan slant to it or they're doing something, so let's not go down the road of “we're the true saviours of democracy”, because we all have our partisan coats on when we're in this place.

I do think that this motion actually expands the right of independent members and gives them and the people who elect them even more stature here in the House of Commons.

Thank you, Mr. Chair.

**The Chair:** Thank you.

We have another speaker now.

Madame Michaud.

[*Translation*]

**Ms. Éline Michaud:** Could I have some clarifications?

[*English*]

I would need to understand a bit more something about the Standing Orders, because I don't understand exactly how this motion can actually be in order in this committee.

[*Translation*]

I will once again read the quote from O'Brien and Bosc that my colleague read. On page 1018, it says: “The Standing Orders specifically exclude a non-member from voting, moving motions or being counted for purposes of a quorum.” My understanding is that it is up to the House of Commons and the Speaker to amend the Standing Orders. It is not our committee's responsibility. I don't see how our committee could pass a motion that violates the already established Standing Orders. Could someone tell me?

[*English*]

I really don't understand how this is in order if you read the Standing Orders right now. I would need clarification on that before we vote, because if you read the Standing Orders correctly, I don't think we should be voting on this.

**The Chair:** Thank you very much. The chair will comment briefly on that before we go to the next speaker.

The chair does not have a full understanding of whether it would or would not be. I certainly will discuss this with the clerk. The only point I would mention is that it has been declared in order at every other committee that it's been at, including PROC. Whether we are the exception to the norm under that with your question, I don't know yet, but we'll certainly go to the clerk for advice on that.

**Ms. Éline Michaud:** On that same point, before we decide to vote on this motion, could we have a clarification from the chair before we put this to a vote? I'm not comfortable voting if you yourself admit that you're not sure if it's in order or not. I'm not sure that I'm comfortable voting on it.

**The Chair:** That's fine, but I will have a discussion with the clerk. We will proceed with the line of questioning in the meantime.

Madame Doré Lefebvre, please.

• (1150)

[*Translation*]

**Ms. Rosane Doré Lefebvre:** Thank you, Mr. Chair.

In fact, I would like to echo the comments made by a number of colleagues in the debate on this issue. My colleague Ms. Michaud has raised a major point. I agree with her. I am also more or less comfortable with the idea of voting on a motion that should not perhaps be voted on in our committee.

My colleague's question is very relevant. The quote from O'Brien and Bosc's reference work on procedure is very relevant in this case. I don't think it is necessary to rely on what the other committees did or didn't do, decided or didn't decide. Every committee is master of its own decisions. For some motions, I think it is very important to give full consideration to the laws that govern our parliamentary system and to rely on them. That is the duty of parliamentarians.

I would also like to echo the remarks made by my colleague Mr. Norlock, who is on the government side. We had a number of good discussions and heard from various witnesses in this committee. The clash of ideas is extremely interesting. I think it is important to go back to what my colleague said about partisanship. This is the Standing Committee on Public Safety and National Security. So it is perfectly normal for parties like ours with differences of opinion to hold discussions and not always agree. In our election platforms based on which Canadian voters elected us, we must not lose sight of why we were elected.

I would not call it partisanship. This has to do with doing a good job representing our communities and our values. In this committee, we have always done so with great respect. Since my colleague has sat with us on this committee since the first session of the 41<sup>st</sup> Parliament, he knows we have a very interesting clash of ideas and it is normal for us to disagree on some issues. This is a democracy and we are here to express our views. We do so with respect and we sort of set our partisanship aside in our debates. We defend our viewpoints while respecting each other's. That is what I really like about this committee.

I just wanted to reiterate the point raised by my colleague Ms. Michaud. I would like us to look at the rules on that. Once this point is clarified, we will be happy to vote on the motion.

I appreciate all the comments on this issue.

Thank you, Mr. Chair.

[*English*]

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

Now we have Mr. Easter, and then Madam James.

**Mr. Rick Norlock:** Was I not up next?

**The Chair:** Oh, excuse me. I missed you, Mr. Norlock. I'm sorry.

You're correct, sir, you're up first.

**Mr. Rick Norlock:** Thank you very much, Mr. Chair. I have two items.

Madame Doré Lefebvre, on the true meaning and the true ability of parliamentarians to get along, I call it the big word "respect". Thank you for mentioning that. I've been on this committee for going on seven years, and having sat on many other committees part-time and full-time, I can say that you're right. This committee has functioned well because even though we may disagree, at times

vehemently, we do treat each other with respect, and I hope we never lose that.

Mr. Chair, this particular amendment has passed other committees, but I think the most important point to make here is, if I recall correctly, when the House of Commons was debating the so-called omnibus bill—I like to call them comprehensive bills—the Speaker did rule because I think there was some disagreement or debate over the independent members' being able to put forward all the amendments, etc.

If we read the Speaker's ruling, and I'm going by memory so that can be dangerous, he said that it was definitely—if I recall correctly, and I'm paraphrasing—within the power and ability of committees to hear amendments from independent members at committee level. If I remember his ruling correctly, committees—and once again I go back to "we are masters of our own"—make the determination whether they want to hear amendments from independent members.

When we talk about who in the end will have to rule on this, of course Parliament in the end can vote, and I suspect that even when the Speaker disagrees, if Parliament says it's going to do something, it does, but before we get to that stage, the Speaker has ruled that it is within the power of committees to allow this procedure to occur. I suspect very strongly, and I don't want to belabour the exercise of democratic rights, that the Speaker would not have ruled thus if he felt that this in any way infringed on a member's democratic right.

Thank you.

•(1155)

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

The chair is actually prepared to rule on this. However, we have Mr. Easter and Madam James, if you'd like to speak.

**Hon. Wayne Easter:** I think Mr. Norlock makes a valid point, Mr. Chairman. I really am looking for some clarification on the impact of the motion. It's still up in the air whether an independent member can speak to each and every amendment before committee.

Could the promoter of this amendment tell me what the net effect of this motion would be if an independent member were to forgo the right to file amendments on business before this committee? If they haven't done that, does that deny them the right to put amendments in the House of Commons?

**The Chair:** Ms. James, go ahead.

**Ms. Roxanne James:** Thank you for the question.

The motion before us is related to this committee and this committee only. I'm not going to talk about anything outside of the committee in this particular motion, which is really to give other parties and other representatives across this country who do not have a say in any of the committee's business right now because they do not have official party status.

There's another thing that's interesting with some of the comments I heard earlier. When I think of this committee and the knowledge sitting on this committee, and the fact that we have heard from witnesses, and we're preparing a report, and we're putting forward our own amendments, this would be the place and the people around this table would be the ones who should hear amendments coming from other independent representatives across this country.

We're the best ones to take a look at those amendments. Some of them might fall in line with some of the things we're proposing. This is the right place to hear those amendments. It gives the people who normally do not have a say a better opportunity to voice their opinions and be part of what goes on.

Again, the motion before us is related to this committee only.

**The Chair:** That was a point of information, so you still have the floor.

Go ahead, Mr. Easter.

**Hon. Wayne Easter:** Through you, Mr. Chair, it still doesn't answer my question. We need to know the impact.

Sometimes when you speak to amendments at committee, it's not public, and sometimes it is, but if you were to move amendments in the chamber, it definitely is public. We certainly need to know this. If someone doesn't accept this, and it is considerably different from how parties operate, if somebody doesn't take the offer to put amendments at committee, then how does that impact their rights in the chamber? We need to know that before we vote on this.

**The Chair:** Madam James, do you wish to respond?

**Ms. Roxanne James:** I don't need to respond. I have already stated the position we have on this side, the government side. To give more independent individuals the opportunity to have a say in bills that are passed, we're extending that out. It's a good thing, and this committee is the place where we should hear those amendments. We are the ones who are the experts. We are the ones who have heard the witnesses. We are the ones who ultimately have to decide on those amendments.

• (1200)

**The Chair:** Thank you.

I will just bring forth the ruling, and then if there is further discussion, we will have that.

I thank Madame Michaud for raising the issue looking for some clarification with regard to admissibility, etc. The chair has investigated and the ruling is that once an issue and/or a motion or an amendment is deemed to be moved in the House, it is allowed, and committee is no different. This has been duly moved and duly seconded, and so it is an order.

Go ahead, Madame Michaud.

[*Translation*]

**Ms. Éline Michaud:** I am looking for the same clarifications as Mr. Easter. For the time being, we cannot have an answer on the real impact of this motion, including the time allocated to independent members of Parliament for debating a motion.

Given the non-answer from government officials, am I to understand that it would be up to the members of this committee

to decide together on the time to be allocated to independent MPs? Are we going to vote on that the way we voted on the routine motions passed today? Will that be done in the same way? It is also possible that the time allocated to those members has already been determined and we will not have all the information we need to cast an informed vote.

Thank you.

[*English*]

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

Is there any further comment?

[*Translation*]

**Ms. Éline Michaud:** It is not a comment, but a question and I would like an answer from the government through you, Mr. Chair.

[*English*]

**The Chair:** Okay, the question is put. Is there any answer forthcoming from the government, or do you feel it has been answered?

The parliamentary secretary, Madam James.

**Ms. Roxanne James:** Thank you.

The motion itself is pretty clear: "an opportunity to make brief representations in support of them". Obviously, on a case-by-case basis, we could determine what "brief" meant, but we all know that "brief" is not something that is going to be permitted to go on for days and days and days. Everyone here has a common knowledge of what "brief" stands for.

**The Chair:** The chair certainly isn't going to, and shouldn't, comment on the direction on this, but there appears to be a consensus that there is nothing definitive, because each issue in Parliament takes on a life of its own. In this particular case, a committee would be entrusted with putting the right level of responsibility on that, so that would fall back on the committee to work with at that point to hopefully either question or set its own standards, and it would be held accountable for that, at that particular point. The chair isn't going to belabour the issue any further.

Thank you very much. I appreciate the dialogue. It is helpful on issues like this. It is important to bring out information, to have further discussion, to bring it forward.

Now, with no more conversation, the chair will call for a vote.

Do we have another speaker?

[*Translation*]

**Ms. Rosane Doré Lefebvre:** I will be quick. Can we have a recorded vote on this motion? Thank you.

[*English*]

**The Chair:** Yes. That certainly is in order.

I instruct the clerk to ask for a recorded vote.

(Motion agreed to: yeas 6; nays 5)

**The Chair:** I thank my colleagues for working through that issue and certainly giving us the latitude of time to be able to go to prospective business.

With that motion having passed, we would be delighted to  
welcome our analysts to the table at this time.

We will suspend for a couple of minutes and then deal with future  
business.

*[Proceedings continue in camera]*

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