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

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**EVIDENCE**

**Thursday, February 4, 2016**

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**Chair**

**The Honourable Larry Bagnell**



## Standing Committee on Procedure and House Affairs

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• (1105)

[English]

**The Chair (Hon. Larry Bagnell (Yukon, Lib.)):** I call the meeting to order. Good morning, everyone.

Just so everyone knows, this meeting is televised. This is meeting number 6 of the Standing Committee on Procedure and House Affairs for the first session of the 42nd Parliament.

Today, first of all, we're going to examine the order in council appointment of Huguette Labelle to the position of chair of the Independent Advisory Board for Senate Appointments. We'll review her qualifications. Second, we will return to our study of the initiatives to make Parliament more inclusive, more friendly, and more efficient, with an informal report from our researcher on what other parliaments around the world do. Last, we will work on our agenda for the next meeting, which we haven't set yet.

The witness is going to make a few statements, and then I will just make a comment before we go to the questioning, unless anyone has anything they want to raise at this time.

Pursuant to Standing Orders 110 and 111, we are examining the order in council appointment of Huguette Labelle to the position of chair of the Independent Advisory Board for Senate Appointments, as referred to the committee on Friday, January 29, 2016. I welcome the witness.

Thank you for coming on such short notice. This committee seems to be moving so fast that we can't give people very much notice. You only had a day or so, so it's fantastic that you could make it. I started to read your CV this morning. It's as long as the meeting. That's great.

I'm looking forward to hearing from you, and then we'll have some questions from the committee.

**Ms. Huguette Labelle (Chair, Independent Advisory Board for Senate Appointments):** Thank you very much, Chair. It's been quite a long time since I appeared in front of a parliamentary committee, something I used to do quite frequently as a deputy minister, so I'm looking forward to the discussion this morning.

As you know, our mandate is to make non-binding, merit-based recommendations to the Prime Minister for appointments to the Senate.

I would just like to say a few words about my background so that it can perhaps help you with your questions.

As a deputy minister for 19 years, I was able to see the work of Parliament first-hand, because there are many pieces of legislation that come from various departments, as you know. As a deputy minister, you have to follow the process as it goes through the House of Commons and through the Senate, and be able to work, and rework sometimes, with the minister and the Department of Justice, some of the content of that legislation. That is one area where I was able to see first-hand the, let's say, architecture of the Parliament of our country.

I was also brought close to the work of the House and the Senate when I was president of CIDA. Many countries around the world wanted to learn from our own experience here. I'm thinking in particular of South Africa, for example, with which we worked very closely on their constitutional review. They were very interested in our form of federalism but also in how the institutions of the state were working in Canada. They were looking elsewhere, of course, but we were the key supporter to help them learn from the rest of the world, and then, of course, to adapt and make their own decisions at the end.

I'm using South Africa, but there were many other countries that were in the same situation. Especially after 1989 and the fall of the Soviet Union, many countries in central and eastern Europe were also interested in what we were doing. We were able, during that period, to do some twinning with various institutions of our own country to help those countries to think through how they could improve the situation in their own country.

Perhaps the last point I would like to make is that when I was chair of the board of Transparency International, which is an anti-corruption organization, people used to tell me that I would have work for the rest of my life to deal with this issue. However, one has to be an optimist, and we worked very hard in this very important area to try to help countries around the world build the kinds of institutions that could prevent corruption and deal with it when it happens. Also, to ensure that the rule of law works in the countries where corruption is high, we worked on conventions and recommended legislation. Again, there was quite a lot of work in this regard, which I think will be helpful to the work that we need to do at this time.

That's all I'd like to say, Mr. Chair.

• (1110)

[Translation]

It will be my pleasure to answer your questions.

Thank you.

[English]

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

I want to make one quick comment before we go to questioning.

I'm hoping this committee will show great leadership and cooperation. It's the first committee meeting, and I hope we continue in this way. Personally, I am focused on two things. One is for this new Parliament to show a good example of respect and appreciation to outside witnesses as they come before us, whoever they are and on whatever committee, because we appreciate them. The other is that we perform the task that Parliament assigned to us. I'll just read it again. I read it at the end of the last meeting.

This meeting is being held pursuant to Standing Order 111, which states:

"The committee, if it should call an appointee or nominee to appear pursuant to section (1) of this Standing Order, shall examine the qualifications and competence of the appointee or nominee to perform the duties of the post to which he or she has been appointed or nominated."

Members may also refer to pages 1011 to 1013 of *House of Commons Procedure and Practice*.

We will start questioning with Ms. Petitpas Taylor, who will be followed by Mr. Reid.

[Translation]

**Ms. Ginette Petitpas Taylor (Moncton—Riverview—Dieppe, Lib.):** Thank you very much, Mr. Chair.

Ms. Labelle, thank you once again for joining us this morning. We know this meeting was called in a hurry, and we are extremely grateful that you were able to find the time to participate.

I also want to thank you for your contribution to Canada over your entire career. Your resumé is so impressive that we're not sure where to begin.

Finally, I want to thank you for accepting to chair the Independent Advisory Board for Senate Appointments. That's a very important role and, once again, we appreciate you agreeing to chair the board.

We sometimes ask witnesses to tell us about their credentials, qualifications and all accomplishments. They're often a little embarrassed to be putting their resumé on display like that. However, in order for the committee members to get a good understanding of your accomplishments, we would like you to give us a detailed account of your credentials, contributions, and so on.

**Ms. Huguette Labelle:** Thank you, Ms. Petitpas Taylor.

In addition to what I mentioned in my introduction, I was also chair of the Public Service Commission of Canada during my career. Back then, just like today, the law stipulated that our role was to ensure that public service appointments were based on merit. Over those five years, I spent a lot of time making sure we could be proud of our public service. We had a system that enabled us to ensure that the candidates applying for a position met the selection criteria. That helped me realize how important it is to select individuals for important positions based on their merit, their qualifications, their experience and their knowledge. And that is something I wanted to bring up.

I will raise another point. I have also worked closely with the OECD, where I still work. I sit on a committee of the OECD Secretary General where we are trying to figure out what the OECD can do to ensure greater integrity among its members, but also beyond. In fact, the OECD also works closely with developing countries. Its work is not only focused on OECD countries. The committee is tasked with reviewing the work done by the OECD so far in terms of integrity and the fight against corruption, as well as giving the Secretary General relevant recommendations. For instance, we are trying to determine whether the OECD could increase its impact if it moved toward different or additional options.

I will stop here.

● (1115)

**Ms. Ginette Petitpas Taylor:** Great.

Can you tell us about your studies and university degrees? We know that witnesses are a bit embarrassed to talk about that, but we want to understand properly.

**Ms. Huguette Labelle:** Yes.

I have always thought it was important to continue our studies for as long as possible. In my case, I mostly went to school part time, because I had a family and a job while I was doing my master's degree and my doctorate.

Every department I have worked for has had teams of researchers. Therefore, in order to better understand how those researchers worked, what they did, and to ensure that I had the right people in place, I told myself that I should earn a doctorate. That helped me learn a lot more about research, research methods, statistics, and so on.

That is why I continued my studies. In fact, I did not earn my doctorate until the age of 40, while being the Assistant Deputy Minister of Aboriginal Affairs and Northern Development Canada. That is why I wrote my thesis from 3 a.m. to 6 a.m., but it was done.

I have been a mentor to many young and not-so-young Canadians. I always encourage them to continue their studies, not only because it helps them acquire additional knowledge, but also because it gives them more confidence in themselves and in what they could do in the future.

**Ms. Ginette Petitpas Taylor:** Thank you.

[English]

**The Chair:** Mr. Reid.

**Mr. Scott Reid (Lanark—Frontenac—Kingston, CPC):** Thank you, Mr. Chair.

First of all, Madame Labelle, welcome to our committee. It's a pleasure to have you here. I'm very interested to learn more about your mandate and some of the things you're expected to do in that mandate, and to find out exactly how you go about them.

I wanted to ask about phase 1 of the Senate nomination and appointment process, which is under way right now. It was announced on Friday, January 29, at 6:30 p.m. that all applications under this process must be submitted by noon on February 15, at which point your role would kick in. I recognize that you have no role at the moment while the applications are under way.

I have concerns about the constitutionality of the phase 1 process. In particular, I am concerned that the way in which it's structured may result in a compromise of the independence of people being appointed to the Senate unconstitutionally. I wanted to ask you about

**The Chair:** We have a point of order.

**Mr. Arnold Chan (Scarborough—Agincourt, Lib.):** Mr. Chair, I have some concerns that this goes beyond the premise of today's review of the competency of the witness before us. An examination of the mandate of this independent Senate appointment committee is not within the scope of the particular standing order by which this witness was called.

• (1120)

**The Chair:** Yes. If Mr. Reid could stay on the competence of the witness, that would be appreciated.

**Mr. Scott Reid:** Mr. Chair, I'm just going to ask that this point of order, which has taken, I think, something in the nature of a minute, not be taken off my time. Is that reasonable?

**The Chair:** Yes. It is not being taken off. We stopped the time. You still have about six minutes left.

**Mr. Scott Reid:** Thank you very much, Mr. Chair.

Here's what I'm wondering about. You are being submitted nomination and application forms, which will, after they have been submitted and filled out, be considered "Protected B". I'm just wondering whether that means that the names of the nominated individuals and of the agencies will remain confidential and whether you will regard yourself as being bound to not reveal the names of the agencies or organizations that have put forward the nominations. Will that be something which you will not be able to—

**Mr. Arnold Chan:** Mr. Chair, my point of order is on the table, and he's continuing the line of questioning. I think you need to rule on my point of order.

**The Chair:** Mr. Reid, if you could stay to the qualifications and the competence of the witness to perform this role, that would be appreciated.

We stopped the time again.

**Mr. Scott Reid:** Just so I can be clear, Mr. Chair, what I'm doing is trying to deal with the fact that we may have a witness who is being drawn, not through her own fault by any stretch of the imagination, into a process that is unconstitutional and does irreparable harm to the credibility and independence of people appointed to the Senate of Canada. This might be a process that will be kept confidential and secret so that we cannot confirm whether that compromise of independence has occurred. This is due to a process that she is being embroiled in whereby she would be required to treat certain information as secret. That information would be absolutely essential in determining this critical matter of public interest, that is, whether the independence of newly appointed

senators has been compromised by means of the nomination process and the tight links that must be formed between the individual making the application and the nominating agency.

This is a process that has never occurred before in our Confederation, and it could well, as I say, violate the requirement that senators not be appointed in a manner that compromises their independence. It's something the Supreme Court is being very strict about. It is of concern to me, and I think it should be a concern to all of us. This is our only chance to ask her before the appointment process is actually over, and at that point the harm will have been done. I think it's reasonable to ask in this form and in this way.

**The Chair:** Mr. Reid, that is a process question. The committee could look at that process if it so willed, but today's meeting is to look at the qualifications of the witness to perform this role. If you want to pursue process questions, it doesn't mean the committee can't proceed with those in its committee business, but not today. This is just to ask the witness about her qualifications for this particular job.

**Mr. Scott Reid:** It's my understanding that we would be able to ask the witness any question that is germane. I don't recall having decided that we would only be able to ask her questions that were related to her own competence. That's something, quite frankly, I'm not challenging. I have no qualms about the witness's competence or ability to perform her task. I think Madam Labelle is eminently qualified. What I'm worried about is that she is being drawn into a process that will be unconstitutional and that we will not be able to remedy.

Mr. Chair, if I may go on for a moment here, the critical point here is that we're about to go on break. When the break is over and we come back, it will be February 16, and the nomination process will be closed at that point. It will be of no use to ask her those questions then.

I didn't design this. The government decided to rush it, and we are now limited in a way that we can't correct unless we have a special meeting next week to ask her these questions. It's problematic, to say the least.

**The Chair:** Mr. Reid, we're operating under a standing order of the House of Commons, which this committee has no authority to change or to expand at this time. If you like, you can continue with your last five minutes on the qualifications of the candidate, and if you want to discuss those other items.... We have to start the time soon, because other witnesses will lose their time.

**Mr. Scott Reid:** Mr. Chair, are you saying that we are incapable of holding a meeting at which we ask her the kinds of questions I'm trying to ask about the constitutional ramifications of how she performs her job and so on? Is that literally outside the remit of this committee? Are you saying that when we adopted a motion to hold this meeting, the motion forbade the asking of these questions?

That's important, because if it's just that we moved the motion in a certain way that forbade us to ask these questions, then I will seek the consent of the committee to open up the questions so that I may ask her about these critical issues, which really need to be dealt with before February 15th.

**The Chair:** I've read this twice to you, Mr. Reid, so you should be aware of this. You've been on the committee before. Standing Order 111 states:

If the committee decides to call the appointee or nominee to appear, it is limited by the Standing Orders to examining the individual's qualifications and competence to perform the duties of the office sought.

That's the understanding of all the committee members who are here and the witness who is here. Because our time is going to run out, we're going to have to limit your time, and unless you want to continue asking on the competence of the member—

• (1125)

**Mr. Scott Reid:** You know—

**The Chair:** —we'll go on—

**Mr. Scott Reid:** Madam—

**The Chair:** —to the next questioner.

**Mr. Scott Reid:** Madam Labelle is ostensibly an individual who is independent. That's been emphasized over and over again in the government's statements with regard to her and the panel that she chairs. "Independent" must mean—

**Mr. Kevin Lamoureux (Winnipeg North, Lib.):** On a point of order—

**The Chair:** Mr. Lamoureux.

**Mr. Scott Reid:** I'm actually on a point of order, Mr. Lamoureux.

**Mr. Kevin Lamoureux:** No, you're not.

**Mr. Scott Reid:** Kevin, I am.

**Mr. Kevin Lamoureux:** No. You didn't start off by saying "On a point of order".

**The Chair:** Mr. Lamoureux.

**Mr. Kevin Lamoureux:** Mr. Chair, sitting back here, it looks more as though Scott is just arguing with the chair.

You raised a point of order. The chair made a determination on that point of order. Now you're choosing to dispute the point of order. You haven't stated "On a new point of order" or anything of this nature.

Let's put this thing into proper context. The Standing Orders allow for the committee to call a witness of this nature. The chair has been very explicit, both at the beginning and now twice to you, in explaining what the standing order allows us to do. It was actually a Liberal member of the committee who moved the motion, believing that the will of the committee was to do exactly what it is the standing order dictates: deal with the competence and qualifications of an appointment.

If you wanted to question the policy aspect—and that's really what you're getting into—it would have been more appropriate to possibly suggest that it be debated in the House or in another forum.

The standing order is very, very clear, and I think we should respect the standing order. Scott, you've been very respectful of the rules in the past. I would suggest we just continue to ask questions related to the standing order.

**The Chair:** I have ruled already, Mr. Reid. You have one last chance.

**Mr. Scott Reid:** My concern, Mr. Chair, is that we are not respecting the Constitution of Canada, which, because of the tight deadlines in this committee, can only be defended at this meeting. It was after our January 29 meeting that we learned this process would occur and it would be finished on February 15. This is our only opportunity to ask some critical questions about whether or not information will be kept secret from us permanently with regard to whether or not the independence of future senators is being compromised by the nomination process.

**The Chair:** Mr. Reid, we—

**Mr. Scott Reid:** If you shut me down, you are shutting down the only opportunity we have to find the answers to these critical questions. We're talking about the independence of a body of the Parliament of Canada. That surely deserves the opportunity to be discussed.

**The Chair:** Mr. Reid—

**Mr. Arnold Chan:** On the same point of order—

**The Chair:** Okay, there will be no more points of order. We're going to move to Mr. Christopherson. The committee has lots of time. If people want to talk about the process, the committee can decide that in committee business, but that's not the grounds for this particular meeting.

Go ahead, Mr. Christopherson.

**Mr. David Christopherson (Hamilton Centre, NDP):** Good. Thank you, Chair.

Thank you again, very much, for your time today. At some point I hope we get to you.

I don't have a lot to say on the qualifications side. I mean, the paper speaks for itself. The only thing that struck me was that when you were going through your regular day-to-day background, you said you really thought you needed a Ph.D. and then you went out and got it, like you buy a shovel over at Canadian Tire. That's impressive. For me, somebody with a grade 9 education, that looms large in terms of your qualifications.

Competency takes us into some other areas. Let me just say, though, Chair, before I get into the area of competency questions, that the little skirmish we just saw between you and Mr. Reid, to me, right from the get-go, is a perfect example of the absolute impossibility of jamming the square peg of appointments into the round hole of democracy. No matter what part of this process we dissect, it's never going to add up because it doesn't work. It doesn't fit in a democracy.

Having said that, and being left with no alternative—and it's a shame, because we could use some real common sense on this whole issue—I want to ask about your thinking, madame, the criteria you use.

You, through the appointment of the Prime Minister, replace what Canadians do during an election, which is to make a merit-based evaluation, usually on the doorstep or on the phone or through an email exchange. We repeat it thousands and thousands of times, trying to convince people that we would meet their merit qualifications as they see them. The cumulative effect of that is that we have an election, and as tough as it is, it's usually very clear. Canadians decided who was merit-based and who wasn't. The beauty of the system is that if they get it wrong, if the Canadian people in a riding feel they got it wrong, then they get a chance in the next election to do something about it.

We don't have that. Once you're a senator and you're appointed, you're there till you're 75, and that's it. I'm wondering what process, what talent, what experience, and what training you are looking for that, in your view, would give Canadians the ideal lawmaker. This isn't just about having a gilded life on the red carpet; it's also a fact that senators make laws. In fact, their vote is worth more than our vote, because there are fewer of them.

What qualifications are you looking for when you're trying to replace the process that Canadians go through on the doorstep? What are you looking for when you're trying to choose a person Canadians would consider to be their ideal lawmaker?

• (1130)

**The Chair:** Ms. Labelle.

**Ms. Huguette Labelle:** Thank you.

I must tell you that I have had many employees who had grade 9, and they did much better than I did because they had used their own lives to become experienced people.

In terms of the criteria, we have those that are in the Constitution already, which are age, residency, property—

**Mr. David Christopherson:** But really, that's not much more than a pulse.

**Ms. Huguette Labelle:** Yes.

Then what we also are looking at, and this is public, is, first of all, people who have a very strong ethical background, extensive knowledge and experience, and hopefully an understanding of the institutions of our country. We're also looking for the identification of people with diversity, be they women or men. We're looking for cultural diversity and linguistic diversity in addition to professional diversity, so that more than the same kinds of professions being recommended. The list is longer, but these are the kinds of criteria we use.

We're also looking at people who are ready to work in the Senate on a non-partisan basis, which is part of the mandate that was given. These are the kinds of things that we're looking at. We look for recognized leadership in the field they are in. We look for people who have been strong in serving their community.

We have quite an extensive list of public criteria, and those criteria are known to everyone who wishes to be considered.

**Mr. David Christopherson:** Thank you for that.

Given the fact that there is no built-in structural method of accountability and it's really only now that the media are beginning

to ask senators the kinds of questions they ask us on a day-to-day basis—so there is some accountability starting there—what traits are you looking for that would indicate that senators-to-be understand there is some element of accountability in this process somewhere? I mean, it's the greatest lottery win in the entire world. You not only get a beautiful paycheque and pension until you're 75, but you get to make laws. How great is that for a G7 country? What traits are you looking for that would give you the sense that future senators understand there is some element of accountability? It's not there structurally. What would you be looking for in their personalities to give you a sense that they understand there is accountability? Do you believe that's a part of it?

I ask because you didn't mention that as one of your criteria.

• (1135)

**Ms. Huguette Labelle:** Thank you very much.

I think that this is a very important part. It can be demonstrated by the track records of the individuals in what they have done, how they have done it, how they have accomplished the responsibilities they have had in the past. Words take you only so far in this regard, so it is very much the background. It is what they have done and how they have done it, how they have succeeded in demonstrating accountability in the responsibilities they have had in previous positions.

**The Chair:** Thank you.

I'm sorry. Your time is up.

**Mr. Scott Reid:** Mr. Chair, on a point of order, Mr. Christopherson asked a number of questions about how Madam Labelle is conducting herself in the role of chair of the advisory committee, which is precisely what I was trying to deal with.

He was permitted to go there, whereas I was not. I agree with letting him go, but the fact is that if you ruled me out of order, he should have been ruled out of order too. He did not ask a single question about Madam Labelle's own qualifications. Therefore, it's clear that you think it's okay to ask questions about how she will conduct herself and how she regards her mandate, which are precisely the kinds of questions that I was seeking to ask.

I assume, therefore, that if we now, on the Conservative side, ask those same questions, you will permit them, and that the Liberals who did not object to Mr. Christopherson's questions will not object to those questions from Conservatives.

**The Chair:** Thank you, Mr. Reid. If you want to use up all the time of the committee, the witness doesn't get any questions.

If it's okay with the committee, since the Conservatives did not get time yet to get their competency questions in, I'm going to move Mr. Richards' five-minute round ahead, and then there will be two Liberal rounds. That's just to give them a chance to get some questions in on the topic of this meeting.

**Mr. Blake Richards (Banff—Airdrie, CPC):** Madam Labelle, I appreciate your being here today. With regard to this process, I think Canadians have a lot of concerns about the fact that there's a lot of information that won't be made available to Canadians. Mr. Reid has raised some questions today that I know are of concern as well.

Certainly the idea that you'll be making recommendations to the Prime Minister that will never be known to the public—and no one will ever know whether the Prime Minister chooses from that list or not—and the secrecy around that are things that I know many Canadians are quite concerned about, so we certainly do appreciate the fact that you are here today so that Canadians can at least have some sense of and confidence in the people who are appointed to this board.

The subject matter we have today indicates that in the transitional process, your advisory board would undertake some consultations with groups, and it lists a number of these. I would like to get a sense of your experience in being able to undertake such consultations.

Obviously, there are a lot of questions around these consultations, such as how they'll be undertaken, whether groups will be approached or whether they'll be able to apply to come forward, under what criteria those groups are going to be chosen, how the board would interact with those groups, and whether those groups will be made public so that people are aware of who they are. I wonder if you can give us some sense as to how that process will be undertaken, how the consultations will be undertaken, and whether the groups will be made public. That will allow us to assess that against your previous experience undertaking similar types of consultations.

**The Chair:** Ms. Labelle, you can tell him your qualifications to undertake that process.

**Mr. Blake Richards:** Just to be clear, Mr. Chair, are you indicating that the witness will not be allowed to answer my questions about how that process would look?

That's important, because if we have no sense as to what the process of the consultations would look like, what types of consultations are being undertaken, and whether those groups are going to be made public, etc., we have no way of being able to assess the witness's abilities to undertake those processes. If we don't know the description of the job, we cannot assess whether someone can do the job.

**The Chair:** The witness can answer what she likes, but she knows she's not compelled to answer questions about anything outside of her competency and qualifications for this job. The witness can go ahead.

**Ms. Huguette Labelle:** Briefly, Mr. Chair, what we do first of all is to put up a website so that it can be available to any Canadian. Second, we have worked very hard through press releases and media advisories to ensure that more and more Canadians and organizations are able to understand and, hopefully, make recommendations and apply.

In terms of the organizations, which was your question, we're reaching out very widely to organizations around the country. We're doing this as we're talking, whether we're talking about business, labour, non-governmental organizations, arts, culture, or development. I could go on; the list is very long. There's law, employment, and so on. We are really reaching out very widely at this time, and we are continuing to do that.

They will be reporting—

• (1140)

**Mr. Blake Richards:** Sorry to interrupt, but the Chair's indicating that I don't have much time left, and there's something else—

**Ms. Huguette Labelle:** I'm sorry, I just want to say that we'll also be reporting on a regular basis, and I would presume that our report would be public.

**Mr. Blake Richards:** Thank you.

It's been made quite clear today that some of the questions that Mr. Reid had, which are very critical questions, have not been allowed. Some of the questions I'm asking, which I believe are very important to be able to assess the qualifications, are not being allowed.

Mr. Chair, I would like to put forward a motion. Given that the committee has called the chair of the Independent Advisory Board for Senate Appointments to appear before this committee to examine her qualifications and her competence to perform the duties for this post, to which she has been appointed under Standing Orders 110 and 111, and given that the full process has not been launched or made public, how is the committee to properly be able to question the witness?

Therefore, I would like to move a motion:

That the Committee invite the Minister of Democratic Institutions to appear before it to respond to questions concerning the Independent Advisory Board for Senate Appointments.

In this way we can get a better sense of the process involved and properly assess the qualifications of the individuals on this board. I would ask that the clerk be instructed to invite the Minister of Democratic Institutions to appear before this committee to answer those questions so that we can properly conduct our duties here.

**The Chair:** Okay, Mr. Richards, when we get to committee business later, we will.... We're not going to take time from the witness right now.

We'll go on to Ms. Vandenberg.

**Ms. Anita Vandenberg (Ottawa West—Nepean, Lib.):** Thank you, Mr. Chair.

Thank you very much, Madame Labelle, for taking the time to come here today.



I have looked through your CV. It is incredibly impressive. You have 13 honorary degrees. You've been on numerous advisory boards and have been the chair of a number of organizations, including the WHO, the United Nations, and Transparency International, and there's all of the work that you've done on anti-corruption. I think that's tremendously impressive. I particularly wanted to also note that you were the chair of the board of Algonquin College, which is in my riding of Ottawa West—Nepean, and also of the Ottawa-Carleton United Way, which has done a lot of good work in my riding. I thank you for the tremendous contributions you've made.

This particular position will require a competence to be able to use good judgment, to look at merit-based appointments, and to use the judgment to be able to do that independently. I would like to go through some of your qualifications and background that will allow you to be able to be competent to perform the tasks you will have.

I notice that your understanding of governance is obviously very strong. You've been deputy clerk of the Privy Council and a deputy minister. You were on the board of the International Centre for Human Rights and Democratic Development, which did a tremendous amount of work until it was disbanded. It was a very effective board that promoted international best practices of good governance. Also, of course, all of the anti-corruption work you've done also goes to your understanding of democracy and of governance.

Could you talk a little bit about how you would be able to use your qualifications, your background, and your expertise in order to do the tasks that we've asked you to undertake?

**Ms. Huguette Labelle:** Thank you very much.

First of all, you raise the position of deputy clerk of the Privy Council. The deputy clerk, of course, works very closely with the committees of Parliament, because in the position of the clerk, you're assisting as the secretary to cabinet in this regard. That, I found, was very useful in giving me an overview of the government as a whole and in getting closer to the institutions of Parliament as well, to the infrastructure of Parliament.

My work at the UN has been ongoing for many years, but more recently, in the last six years, I have been on the board of the UN Global Compact, which is chaired by the Secretary-General and which really has 10 principles that it is trying to promote around the world in working with governments, with business, and with various organizations. They include human rights, labour, development, and the tenth principle on anti-corruption as well.

I'm still working with some of the staff of the UN Global Compact on one aspect, the Business for the Rule of Law framework, which is trying to get businesses around the world to not just live by the minimum standard but to be ready to top it up and be ready to make representations to those governments that are weak and help in the work they can do. That's one aspect of it.

Also, of course, when you chair an organization, you have to look at the overall functioning of that organization, which I've had to do a number of times, not just with Transparency International but with other institutions in Canada and outside the country. I think that has been very helpful to me.

In terms of the laws of our country, when I was in the Privy Council, but also beyond that when I was working with organizations, I was able to see the importance of the privacy law in protecting private information for people.

• (1145)

**Ms. Anita Vandenbeld:** That's wonderful.

I also see that you're a Companion of the Order of Canada and you've received the Order of Ontario. You've also been on the Advisory Council to the Order of Ontario, where you had to make selections, look at people's qualifications and merit, and draw from a wide variety of people with professional backgrounds.

Can you tell us a bit about that?

**Ms. Huguette Labelle:** Yes, thank you.

Also—I'm adding to your question here—when I was deputy minister of the Secretary of State, which is now Heritage, by virtue of the position I automatically sat on the selection advisory body for the Order of Canada. I was there for five years. Basically, what I learned through these two processes and a number of others was very important.

I'm also chairing a panel to select young people from developing countries to study at the master's level in sustainable energy development so that they can go back to their country and deal with that big issue in their own sphere.

You need to ensure you have the broadest information possible about individuals so that you're then able to work as a committee. We have an excellent committee, the advisory board, with Indira Samarasekera, who is the former president of the University of Alberta and a research scientist and engineer. We have also Daniel Jutras, who is dean of the faculty of law at McGill University. Again, he's someone with a tremendous background. Then we have two people for each of the three provinces that we're looking at right now; they are also outstanding people. With these people together, we have the wisdom of more than one individual coming to the table. Each one of us identifies who, from all of these people who have surfaced, these individual candidates, are the top people that we could recommend.

**The Chair:** Thank you.

Mr. Graham.

**Mr. David Graham (Laurentides—Labelle, Lib.):** Mr. Chair, my colleagues across the room seem to be far more interested in the process than in the phenomenal quality of the candidate before us.

I'd like to go a little bit deeper into these qualifications in understanding the context of the role she's getting herself into here.

How do you, Madam Labelle, see the historical role of the Senate as the House of sober second thought?

•(1150)

**The Chair:** This is not on your qualifications; it's a point of order. You can relate it to your qualifications, or you can answer whatever you want, but you don't have to.

**Ms. Huguette Labelle:** Perhaps my answer would be that as a deputy minister I of course had to appear before the House of Commons, but I also had to appear before the Senate. I was able to see, as the senators reviewed legislation, how sometimes particular aspects were identified and how they were able to improve the legislation in the long run. It's been mostly through that kind of experience that I've been able to witness the responsibility of the Senate.

**Mr. David Graham:** That's fair. The question does tie into your qualifications in that having experienced the Senate and seen it, you understand the type of person you're looking for. You have the experience needed to have the judgment to do this. I think that was the purpose of the question.

Through your career you've also had to keep a lot of secrets, and I guess when you're hiring somebody in any role you don't want to make public the names of the people you didn't hire. It's sort of bad for them and bad for you. Can you talk about your background in keeping secrets at high levels of government?

**Ms. Huguette Labelle:** We have to look at conflict of interest here. You also have to go back to the order in council, which means that you are bound to keep the information that is there in front of you. I think it's through those instruments that one learns to keep information that cannot, either because of the privacy legislation or otherwise, be made public.

**Mr. David Graham:** I see that you understand the requirement for privacy for these applicants very clearly.

I'm reading your CV. I'm amused by two words at the very bottom, where I see "January 2016". I was wondering what the previous months looked like.

**Some hon. members:** Oh, oh!

**Mr. David Graham:** When you started, where did you see your career going? Was helping to guide this country the type of thing you'd hoped to do as you built your career up?

**Ms. Huguette Labelle:** I started my life in Health Canada and moved on to Indian and Northern Affairs in the Government of Canada. I was able to discover the rest of Canada, discover our country and its people, to a greater extent than what I had known before. Basically, this was an impetus to stay as a public servant for as long as I did. When I left, I could have stayed as a deputy minister, but I had had 19 years in that position, and I felt it was time to leave the space to others and also to give back to the country and to the international community.

You will see that most of what I have done is voluntary. It has not been paid work, and that's fine. That was part of the decision. It also meant that it gave me an opportunity to see our country in a very broad way, through the departments I was responsible for. Before being a deputy minister, I was in Health Canada and in Indian Affairs and Northern Development, and I did a lot of volunteer work both outside the country and in Canada.

It was a personal choice, but I felt there were many other Canadians who were also doing the same thing. I think all avenues can contribute to our country, whether you're in business, a member of Parliament, or in a non-governmental organization.

**Mr. David Graham:** I have 20 seconds left.

I note that in your plethora of honorary degrees, you have some that are not from Canada. I was wondering if you had some time to address your international experience, but I think we're out of time. Just tell us a bit more about what you did outside the country.

**Ms. Huguette Labelle:** About countries—

**Mr. David Graham:** What you did outside Canada. We'll have to come back to that later.

•(1155)

**The Chair:** No, I'm sorry. You'll have to answer that later.

Mr. Reid, you have a five-minute round.

**Mr. Scott Reid:** Thank you, Mr. Chair.

My question follows on Mr. Christopherson's questions about how, given your previous role in Transparency International, you would treat confidential and secret information, and it follows on Mr. Graham's question on how your experience as a public servant would cause you to treat confidential information.

The nomination forms for senators, filled out by organizations in the phase 1 process, are Protected B once completed. Do you regard this as meaning that you would be unable to reveal not only the content but also the name of the nominating organization for a person who's applied to the Senate, and has been accepted by the Prime Minister, and then placed in the Senate? Would the information regarding who the nominating agency was be something that would itself be protected and be information you would be unable to reveal *ex post facto*?

**Ms. Huguette Labelle:** I think there would not be any problem in revealing the names of the organizations that have been consulted as widely as possible. I think if we linked the name with the candidate, then we would get into the privacy issue, because one would have to deal with the name of the individual.

This is one of the things that our committee will need to work at as soon as this first phase is completed and we prepare our report. We will need to work at how to best include what we should include in our report. As I said before, we are consulting very widely at this time. The wider the better, because it makes it possible for more outstanding people to be identified.

**Mr. Scott Reid:** I am only referring to the phase 1 process, in which I assume you're not actually consulting. I could be wrong here, but I'm assuming you're not consulting and that you have to wait for organizations to send nominations to you. That doesn't really create a capacity to reach out. I'm not talking about what happens after phase 1. Am I correct that in phase 1 you have to simply wait for the nominations and applications to be submitted to you, and then see if you have two that match up?

**The Chair:** Ms. Sahota.

**Ms. Ruby Sahota (Brampton North, Lib.):** On a point of order, I think we've been quite fair. There have been a lot of lines of questioning about process, and this one is completely and utterly about process. It is not tied into Ms. Labelle's qualifications or experience at all.

**The Chair:** Ms. Labelle, do you have any comments on your qualifications in dealing with protected information?

**Ms. Huguette Labelle:** I guess I need to go back to my time in the Privy Council and as a deputy minister. We had to respect the laws we have but also respect the individuals. In that context, private information is private and needs to be protected, based on the legislation we now have.

**Mr. Scott Reid:** Based on your experience dealing with issues of conflict of interest, how would you determine whether or not someone has effectively had to solicit an organization to support them or has been chosen by an organization because that organization believes this is the person who will best represent that organization's interests in the Senate, a problem that clearly would violate the constitutional injunction that senators be independent? How would you deal with that concern?

**Ms. Huguette Labelle:** If you look at our website, you will see that the applications do not come only from organizations; there is also a need for three separate reference letters in relation to the candidate. That broadens, I think, the extent of what the individual can bring, and brings us more information in looking at the credentials of the individual. The organization makes the recommendation, but at the same time letters of reference are part of the process.

**The Chair:** You have 50 seconds, Mr. Reid.

**Mr. Scott Reid:** Thank you.

I'm not sure I understood that. Are you saying that you can go back to the individual and say, "Please submit additional information; what you submitted in your application form piques our interest, but it's insufficient for us and we require further information", or does it all have to be submitted at one shot by noon on February 15?

I'm asking about the phase 1 process.

• (1200)

**Ms. Huguette Labelle:** Sure.

**The Chair:** You don't have to answer process questions, but answer what you want.

**Ms. Huguette Labelle:** Again, Mr. Chair, the information may not all come at the same time, as long as it is in by the deadline that has been provided. You can get the recommendation, you can get the letter, but then you can get the letters of reference afterward. It

doesn't all have to come together in one package, as long as it is completed by the time that's been set.

**The Chair:** Thank you.

Mr. Chan.

**Mr. Arnold Chan:** Thank you, Mr. Chair.

I just want to clarify how much time I have. I do note that the clock is past 12 o'clock.

**The Chair:** We started late, so you have a five-minute round. Hopefully we can get to Mr. Christopherson.

**Mr. Arnold Chan:** Great. Thank you. I appreciate that, Mr. Chair.

I want to echo my colleagues on the government side in terms of first thanking you for appearing before this committee on such short notice. We are all duly impressed by the incredible.... I mean, I couldn't even get past the first paragraph before I started asking myself, "What have I done with my life?"

**Voices:** Oh, oh!

**Mr. Arnold Chan:** Like you, I'm an individual who actually got his fourth degree by the time he was 40. I take to heart that learning is a lifelong process. I appreciate that we want to encourage younger individuals to pursue that as part of their own career development.

Madam Labelle, this wasn't necessarily clear when I had the opportunity to review your curriculum vitae, so I'd like you to expand a little bit on your experience as it relates to bicameral parliaments or bicameral institutions. Obviously your experience here with the Parliament of Canada, dealing with the House of Commons and the Senate, is clear. Are there other experiences you bring to the table, through your international work, that you feel contribute to your role and competency to serve on this particular advisory board?

**Ms. Huguette Labelle:** Thank you, sir.

I think it was more as president of CIDA that I had the opportunity to work on and listen to requests regarding issues around the world, because we were working in over 100 countries. Not every request was focused on their parliament, but many were, and sometimes they had to decide how to reconstruct what had become very dysfunctional in their country or sometimes rebuild from close to scratch.

I'm thinking of a number of countries that are still really struggling to see if their parliament can work much better than it does. I'm thinking of countries like Haiti and a number of states that are currently in a failing situation or are fragile. They have worked very hard, but somehow....

That's one aspect of people who were looking to benefit from our experience, and we were always able to match them with a number of countries that had a bicameral system, because that was what they were looking for.

Also, through the OECD and through the European Commission work that I was brought in to do, especially in the last few years, I was able to see how a number of countries that have parliamentary infrastructure similar to ours were asking themselves a number of questions.

I think it is not so much in having focused only on that but also in seeing how those parliaments were able to try to find the best way forward. Some that did not have a bicameral system might have said that it would be better for them to go that way.

I think that's all I can say at this time on that, but that international experience was very useful to me, and a number of G7 or G8 countries, as you know, have bicameral situations.

•(1205)

**Mr. Arnold Chan:** Thank you, madam.

How much time do I have, about a minute?

**The Chair:** You have one minute.

**Mr. Arnold Chan:** I wanted to very quickly follow up on whether, in doing part of that review, particularly through your work with the OECD or other institutions, you ever dealt with a situation like the one we have here in Canada, where one of the Houses of Parliament is an elected body and the other one is an appointed body. If so, how did you see that within the frame of democratic legitimacy as you looked at these countries that were facing the particular challenges you just described?

**Ms. Huguette Labelle:** I don't think, sir, that I can say.... Whether we look at Germany or the United States or Australia or France, they are all in very different time frames, as you know, in terms of what they have and what they are trying to do at this time. The U.K. Parliament is the one I've been closest to. We've looked at it in terms of what they have been doing with their House of Lords, so that's the one I think I'm more familiar with.

**The Chair:** Thank you.

We'll close with Mr. Christopherson with a three-minute round.

**Mr. David Christopherson:** Chair, I do appreciate the extra effort to make sure the full rounds were completed. Thank you.

Madame, just to come back again to competency, in terms of what you would be thinking about as you have each of these in front of you, my understanding is that a person would have to be recommended by an organization to get their name in the hopper. I'm not 100% sure on that, but if someone could find a way to get put on the list unilaterally, here's my concern. Are you not worried at all, when you think about applying this, that there is the potential for an elite body—and all of us here qualify as elites—to appoint other people through the lens of that elitism, so that we end up with more elites? I say that as a person with a working-class background. Although I've been in electoral politics for over three decades, I'm just from the working class. If my resumé went in to you the first time I was elected, it wouldn't even stay on the table, let alone be considered.

My concern, then, is how you go about selecting candidates that may not even find themselves in front of you. If we use the benefit of democracy, people like me can get elected, because there are certain traits that electors want in a lawmaker. There are a lot of other things. I know there are lots of lawyers and doctors, and that's good, but I'd like somebody in there who knows what it's like to get up every day and have to get their fingernails dirty to make a living.

I'm wondering how we avoid the continuation of the view that the Senate is full of elites—because they are all connected to somebody

—and how this process and your thinking and your colleagues' thinking are going to give us a different result. Can you help me understand how you think we can get there?

**The Chair:** You have one minute to answer the question.

**Ms. Huguette Labelle:** Thank you, sir.

I think we're dealing with the first phase of five appointments. After that, when we move into a more regular period, it will be individuals applying. That will give, I think, a very broad capacity, and hopefully it will also give us a broad capacity. As I mentioned before, I think it's very important for diversity to prevail.

**Mr. David Christopherson:** But the diversity would be by your definition and that of your colleagues, and that's it. Diversity as defined by Canadians doesn't come into it. Do you not think that's a problem we'll end up with in the Senate, given our trouble in the past?

**Ms. Huguette Labelle:** I hope we can demonstrate that when we're talking about diversity, we're also talking about diverse backgrounds as well as individuals from—

**Mr. David Christopherson:** But you'd be the one to decide what that mix is. You will decide what Canada looks like in terms of diversity. That small group of people will replace the thinking of all Canadians. How on earth could we possibly end up with a Senate, under that process, that reflects the will of the Canadian people?

**The Chair:** This is your last chance. You have 10 seconds left.

**Ms. Huguette Labelle:** I think that will be what people witness eventually. I hope our work will demonstrate that we can recommend the kinds of diverse individuals a Senate needs to have. I guess it's once the nominations are made and recommended by the Prime Minister to the Governor General that you'll be able to see whether we've done our work in the way you're talking about, sir.

•(1210)

**The Chair:** Thank you—

**Mr. David Christopherson:** I hope you get it right, because there's no way to get rid of them if you're wrong.

Thank you.

**The Chair:** Thank you, Ms. Labelle, for coming on short notice and being here a little bit past 12—

**Mr. Arnold Chan:** Mr. Chair, I would like the witness to hear this before you dismiss her. I just wanted to move a quick motion. We can dispense with the motion afterwards, but I did want her to hear this.

**I'd like to move:** That the proposed chair of the Independent Advisory Board for Senate Appointments, being Huguette Labelle, is deemed qualified and competent to perform the duties to which she is being appointed.

I have Ms. Sahota seconding the motion.

**The Chair:** That's a standard motion; we'll deal with it after we suspend. Then we'll go to the Library of Parliament report.

- \_\_\_\_\_ (Pause) \_\_\_\_\_
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- (1220)

**The Chair:** Thank you, and we'll thank our library researcher for doing a report. We look forward to hearing from him.

Because he's not a called witness, this will be very informal. As he discusses, if you have a question, we'll just interrupt him while he's talking—

**Mr. David Christopherson:** I apologize for interrupting you, sir. I'm just not clear where we are. We had a motion, and then we dropped it, and now we're talking about the next piece of the agenda, so I'm a little unclear.

**The Chair:** There are a number of things under committee business. We'll do that, the motions and all of that, after we hear the report.

**Mr. David Christopherson:** You say the report. I'm sorry; the analyst was bringing a report for the second part of the meeting.

**The Chair:** Yes.

**Mr. David Christopherson:** But we're not there yet. We're still on the first part of this meeting.

In other words, we had the witness, and there was a motion that flowed from that, and then that's when we broke. Are we in camera now?

**The Chair:** No.

**Mr. David Christopherson:** Are we in public? Yes. We're still public. Okay, that's what I thought.

You had a break for a moment, as the witness excused herself, and now it seems to me that we should be dealing with the motions in the proper order, or we would say that we're finished with that part of our agenda and we're moving to the second part, in which case we'd pick up at the next meeting where we left off, and that would be the placement of the motions in the proper order.

I'm just a little unclear where we are, Chair.

**The Chair:** What's the committee's will on that?

**Mr. Kevin Lamoureux:** Thinking about what David just finished commenting on, the first part of the meeting's over. The second part was to settle on the agenda. We deal with that, and after that's dealt with we go into new business, at which point in time I understand that there's the potential for a couple of motions. Even Mr. Christopherson had something that he wanted to potentially get on to the table.

In fairness to Mr. Christopherson's comments, I think we should just continue on with the pre-set agenda.

**Mr. David Christopherson:** Sorry, Chair, can I ask for another clarification?

The motion that was moved by the government was that this committee—I'm paraphrasing—affirms or agrees with the appointment. Do we have to deal with that motion before we have concluded our business with this witness?

The other question is whether the process of ultimately appointing senators hinges on this committee giving this approval, or is this something that runs parallel to the actual process of them sitting down and doing their work, and what we say is maybe interesting to somebody but doesn't have any role in the trigger point of decision-making?

**The Chair:** To answer your second question, if the committee makes a motion—sometimes they do and sometimes they don't—it doesn't have any effect on that. It's just giving feedback from the committee, but it doesn't have any effect on whether the appointment goes ahead.

**Mr. David Christopherson:** Okay.

**The Chair:** As you probably know, after having such a witness in an order in council appointment in the past, sometimes committees have made a motion saying that they had the person before them—

**Mr. David Christopherson:** So if that motion failed, it would have no impact on the process?

**The Chair:** Right.

**Mr. David Christopherson:** Interesting.

Just as a matter of housekeeping, then, when are you suggesting that we would deal with that motion and Mr. Richards' motion?

**The Chair:** I think it's up to the committee, but my suggestion would be, in respect of the researcher who's done this work on the report and who was expecting to start at 1 p.m., that we do that and then we do all of those committee business types of things in our next agenda at the end.

**Mr. David Christopherson:** Very good. What I would leave you with is just this thought. It sounds as though it doesn't matter whether we pass that motion or not. Fair enough. However, Mr. Richards' motion was critically important, because it spoke to us wanting to have a second step in our process of approval vis-à-vis inviting in the minister to talk about the context of the appointment.

When would that be dealt with? Do you not see us dealing with that now?

Here's the option, Chair, and then I'll shut up. We can deal with that now, as a continuation, because this hour of the meeting is ours to control. It's our staff reporting to us. It's not like we're tying up witnesses or there are timelines that we have to meet.

I would leave with you one suggestion: that there is some merit in at least seeing if we can deal with those two motions to put paid and finished to the file on this witness, but I leave it with you and, obviously, the will of the committee.

- (1225)

**Mr. Arnold Chan:** I would propose that we deal with my motion first, then.

First of all, let me ask the question. Did you receive my motion? You suspended right after I moved it.

**Mr. Blake Richards:** Mr. Chair, obviously, that would be inappropriate. My motion was moved first; therefore, it would be first in the order of precedence.

**The Chair:** My preference is, as I said before, to go on with the report. I don't think Mr. Chan's motion is time sensitive, but your motion and a number of other things we have are part of potential committee business, so we have to do that today. I'm not saying we won't do it, but there are a number of other things related to it. We could do that all in the discussion at the end.

Go ahead, Mr. Reid.

**Mr. Scott Reid:** We're down to 35 minutes before the end of our meeting. I suppose we could agree to continue on past one o'clock. Failing that, I suggest that we actually deal with motions first, and then with Andre Barnes and his report later.

I apologize, Andre. I guess you're used to our doing stuff like this from previous parliaments.

I would strongly recommend that. There is a matter of urgency here. Of course, unless we create a special meeting, which I'm going to recommend in an amendment to Mr. Richards' motion, it would be impossible for us to meet until after the phase 1 process is completed and all nominations are in, which, as you know, is very important. I say we stay on the motions.

**The Chair:** Are there any other comments? The other thing we can do is have a subcommittee meeting. We have a lot of potential agenda items now. Mr. Richards, we have your motion, and then we have the electoral officers item and a few other things.

**Mr. Kevin Lamoureux:** Mr. Richards, can you provide us with a copy of your actual motion? Did you move the motion already?

**Mr. Blake Richards:** I did move the motion, yes.

**Mr. Arnold Chan:** Can we have the clerk read back the original motion, please?

**The Chair:** Madam Clerk, do you want to read the motion back? Do you have it?

Mr. Richards, maybe you could read your motion again.

**Mr. Blake Richards:** I'm glad to do that, certainly.

The motion I would move is:

Given that the committee is unable to properly examine the qualifications and competence of the appointees of the Independent Advisory Board for Senate Appointments without first knowing the full mandate and process involved for the new Independent Advisory Board for Senate Appointments; and given that the full details of the transitional and permanent Independent Advisory Board for Senate Appointments' process have not been made public; that the committee ask the clerk to invite the Minister of Democratic Institutions to appear before the committee to answer questions and give details regarding the Independent Advisory Board for Senate Appointments' process.

**The Chair:** Are there further comments on how we proceed at this time?

**Mr. Arnold Chan:** On a point of order, I just want the chair's clarification that the matter was in fact moved and seconded.

**The Chair:** It doesn't have to be seconded, but it's moved. Whether it was moved then or moved now, it's moved.

Go ahead, Mr. Lamoureux.

**Mr. Kevin Lamoureux:** Mr. Chair, not to make matters more complicated, but all I heard earlier from Mr. Richards was that he would like to move a motion to have the minister appear before a committee. What we just heard was a detailed motion. That's the first

time I heard the detailed motion. That's why I'm questioning. Was there in fact a formal movement of that motion? I don't think you can say, "I'm going to move a motion on X", and then an hour later say, "Let me provide the details of that motion."

What Mr. Chan had moved was actually the detail of a motion, and the record would clearly demonstrate that to be the case.

**The Chair:** I don't want to get into all this arguing about who proposed what and when. There was a lot of preamble, but the motion is that we bring the minister.

What I need to know now is the order in which we want to do things. Do we want to carry on with motions? Do we want to go in camera to do committee business? Do we want to hear the report?

Go ahead, Mr. Christopherson

• (1230)

**Mr. David Christopherson:** Chair, my sense is that somehow we'll manage through the next 30 minutes and do whatever. I think you can see that we desperately need a subcommittee meeting to start getting some of these ducks in order.

There's a little bit of partisanship in some of it, but there's still a whole lot of other work that is non-partisan that we want to get to. I urge you to please call a subcommittee as quickly as possible to help sort out this whole thing. Hopefully, we can make recommendations back to the full committee.

**The Chair:** Is the committee in agreement with that?

Mr. Reid.

**Mr. Scott Reid:** On that, before we agree, as long as we don't have the effect of causing Mr. Richards' motion to be shunted off to the subcommittee—

**Mr. David Christopherson:** No.

**Mr. Scott Reid:** That wasn't the intention—

**Mr. David Christopherson:** You can't do that anyway.

**Mr. Scott Reid:** In that case, I think that's a good point now. A subcommittee would be very handy, and I'd like us to move if possible directly to consideration of the motions after that.

**The Chair:** Okay. It's agreed that we're going to have a subcommittee.

Now, let's quickly pick a time when the members on the subcommittee.... Are you talking about this week, which is basically the rest of today, or the first day back?

Mr. Christopherson.

**Mr. David Christopherson:** Well, I guess common sense would dictate it would probably be the day we get back.

**The Chair:** Are people in favour of that? Okay.

**Mr. David Christopherson:** Quite frankly, until we actually sort out a time, and that can't happen till we all sit down—

**The Chair:** Right, and look at your calendars.

**Mr. David Christopherson:** —I'd be prepared, Chair, to see if you could try to work with the other appointees, because there are only a couple of them, to find a time that works.

**The Chair:** Okay.

**Mr. David Christopherson:** Use your judgment, call the first one, and then see if we can come to an agreement on a regularized time for the subcommittee.

**The Chair:** Okay, so we'll likely have a subcommittee meeting on the Monday when we return. We'll figure out a time with the people, and we'll—

**Mr. Arnold Chan:** I would simply note that we're actually not returning on the Monday. We're returning on the Tuesday—

**The Chair:** Oh, sorry—

**Mr. Arnold Chan:** —because of Family Day, so we're not scheduled to return on the 15th.

**Mr. David Graham:** That means we sit the day we come back.

**The Chair:** We might see if we can meet before the committee meeting that day.

**Mr. David Christopherson:** Otherwise, Chair, we're going to be repeating this same circular discussion.

**The Chair:** Okay.

Now, for the rest of this meeting, we could do motions or we can do our report.

Mr. Christopherson.

**Mr. David Christopherson:** As much as I want to get to the report because it's an important matter and we're all trying to get that moved as quickly as possible, I still think that in this case, because that motion flows directly from the witness we just heard, we should probably hear Mr. Richards' motion first. It did come first, and it's germane to the matter that we've had in front of us for most of this meeting. Maybe we'll wrap that up by one o'clock.

It'll put us a little bit behind, but at least we would have completed totally the work of the witness and ensuing motions today, and we can move on to the next meeting instead of bouncing all around. Those are just my thoughts.

**The Chair:** Are there any other comments on where we go now?

**Mr. Arnold Chan:** Mr. Chair, my only comment is simply that we have two motions before us on the floor. If we're going to dispense with them, we should try to dispense with both before one o'clock.

**The Chair:** Okay. Is the committee in agreement that we'll try to dispense with both motions by one o'clock?

**Mr. Scott Reid:** What was that again?

**The Chair:** Let's try to dispense with both. I guess we'll have you at our next meeting.

Okay. We have two motions. One was saying that we had the witness and the other was on the committee meeting with the Minister of Democratic Institutions.

Which motion does the committee want to do first?

**Mr. Blake Richards:** Mr. Chair, I would argue that because mine was moved first, it should be dealt with first.

**The Chair:** Are there any objections? Okay.

We'll read the motion as the clerk feels that she has been able to collect it:

That the Committee invite the Minister of Democratic Institutions to appear before the Committee to respond to questions concerning the Independent Advisory Board for Senate Appointments.

Is there discussion on the motion?

Mr. Lamoureux, and then Mr. Chan.

•(1235)

**Mr. Kevin Lamoureux:** Yes, Mr. Chair, I do have some questions with regard to that. I thought it was interesting. Through good will, we're trying to work with the opposition. At the last meeting, I sat and observed a member of the Liberal caucus actually move a motion, by using the Standing Orders, our rules, to have an appointment come before us, and everyone seemed to be quite encouraged about it. The Standing Orders provide the details of what we're able to ask and not ask.

This is something, Mr. Richards and Mr. Reid, that you would have known. You guys are not new to this system. I thought the idea of the qualifications and competence had validity. That's what the rule said. That's what we asked them to do. My concern is that we're saying we didn't really want that, and that is what I'm hearing. I'm hearing you didn't really want that, and that what you really wanted was to talk about government policy, government process, and to take an issue and debate it before the PROC committee. If you were to use that same process, you could take a wide variety of different issues and say, "Well, today we want Minister X; tomorrow we want Minister Y", and where does it end?

I can understand and appreciate that there might have been some frustration on your part in terms of not necessarily getting to ask the types of questions you really wanted to ask, but maybe that should have been raised on Tuesday, when there was a sense of good will and good faith with regard to trying to accommodate an appointment.

We went in good faith, believing that members were genuine in wanting to get a better understanding of the qualifications and the competence. I was actually quite pleased to see that the chair was able to make herself available to come to committee within 48 hours of the board making that decision. The issue of process wasn't being dealt with, and that seemed to be your primary concern. Why did we even call for the chair? Why didn't you just express at the outset that you would rather have the minister? If legislation is referred to our committee or if the House, as a whole, refers an issue to our committee, then there is a lot more validity in calling the minister to appear.

I'm just not clear. Mr. Richards, I would look to you to provide some clarification so that all the committee members understand. Even though I'm not a committee member, I am obviously very interested in getting a better understanding, because maybe it's something we should be taking into consideration on rule changes. We're looking at rule changes. Maybe this is something that's suited to a discussion we should be having. I don't quite understand your motivations. At one time you were leading the committee to believe that all we would do is talk about qualifications and competence of a particular appointment, and then somehow you turned that around to wanting to talk about the process of Senate appointments.

You have many other forums in which that can be done. Today in the House we are debating one of the official opposition's motions. The debate that's taking place on the floor of the House of Commons today could have just as easily been about the Senate. You, and particularly Mr. Reid, have posed numerous questions in question period to the minister you're trying to call before the committee. There are many other forums, and I'm just questioning why it is that, on the surface, 48 hours ago you were suggesting we would like to review the qualifications and the competence of an appointment, and we bought into it. That's the reason we were the ones who actually moved the motion to have her come before the committee. That was a gesture.

We talk about parliamentary reform, and two or three days into it we're already calling a witness. We weren't trying to hide anything. The witness comes and performs, and then right away you're deviating away from competence and qualifications, wanting to pick up a line of questioning that would have been better posed to the minister of democratic reform, quite possibly.

●(1240)

I'm beginning to think that maybe this was your original agenda, the original purpose for having the discussion. That's why I think at the very least, if not to me but to committee members, you need to better explain why you even wanted to have this particular appointment come before the committee if your real intent was to talk about process and mandate.

If it was to talk about process and mandate, I would highly recommend that there be, at the very least, some discussions to make it clearer what the committee is being asked to do. That's at the very least. If you couldn't develop that consensus, then there's a responsibility, as an official opposition, to raise the issue. Instead of talking about deficits and whether there was or was not a deficit, we could have been talking about this issue today. If we'd actually had the minister come before the committee, we could have had that discussion then.

My concern is on whether or not you have other intentions. Are there other ministers that you ultimately want to be able to call?

I would appreciate it if you could comment on the real reason you wanted the appointment to be called. Do you not believe there are other ways in which you can achieve your questioning on process?

**The Chair:** Do you want to respond, and then go later again?

**Mr. Blake Richards:** Yes.

**The Chair:** Okay. Go ahead.

**Mr. Blake Richards:** Yes, it sounds as if the parliamentary secretary certainly has a number of questions that he wants to have responses to there, so I'm happy to provide those and I think that's precisely the point. Their government doesn't seem to want to provide answers to questions, and I'm happy to do that.

The bottom line here is that under Standing Orders 110 and 111, this committee has the duty and the ability to have a nominee come before us so that we can examine their qualifications and assess whether they are able to perform the duties of the post they have been appointed to.

In order to be able to assess those qualifications and determine their ability to perform those duties, we must have a good sense of what those are. Because the government has been very secretive in terms of what the process would look like—sure, there has been some detail provided—there is a lot of detail lacking in terms of the consultation process with a variety of different groups, as one example. There are a number of examples.

The problem here is that we have a government that has created this process to appoint senators, which they claim is some kind of a reform to the Senate, but it's a very secretive process. Canadians won't even have any idea at the end of that process whether any of the people who have been selected by this board would even be appointed by the Prime Minister. There will be no way to ever know whether the committee was actually able to perform its duty.

To be able to properly assess this, we have to have a better sense as to what that process is, what those consultations would look like, and what the outcomes would be, because when you look at the permanent phase of the program, you see that it's the board that would be providing recommendations on what that permanent process would look like, and we have no idea what that would look like now.

If we aren't able to assess the board, we really have no way of knowing whether those changes that are being recommended by the board are going to be based on any kind of logic, so we have to actually have a sense as to what this process is and what the process will look like.

If you listened to the questions I had for the chair who was before us today, you'd know I was trying to get some sense as to what that process would look like so that I could assess the ability for the board and the members to be able to do the job, but we weren't able to get any answers because we were told that she couldn't answer that part of the questioning.

There were other members who had questions. Mr. Reid had some very significant and serious questions. If it isn't the job of a committee like ours to be able to have a sense as to whether the Constitution of Canada is being followed in a process the government is trying to set up, I think that's a pretty sad statement about this government. If they are not interested in knowing whether the Constitution is being followed in a process, that's a pretty sad statement. For us to be able to properly assess this, we must have a far better sense of the process, which the government is trying to keep secret.



The question I have for the parliamentary secretary is this: is it the position of this government that this minister shouldn't be responsible for this process to ensure that Canadians have confidence in it? How can they possibly have confidence in the work that's being done if we have no sense as to what the work is supposed to be, and what it will look like, and if it's going to be held secret from Canadians? That's exactly what the government is doing .

To bring the minister here and properly assess the process so we can lay that against the qualifications of the people who are charged with doing that process is the only way we can properly discharge our duties under these two standing orders. That's why it's so vitally important that the Minister of Democratic Institutions appear before this committee. It's so we can properly do our job.

If the government is going to try to prevent us from doing our job as a committee, that's also a pretty sad start on what they would call "real change".

• (1245)

**The Chair:** Before I go any further, in a minute we'll have Mr. Lamoureux respond to the question he was just given, and then the order is Mr. Chan, Mr. Reid, Mr. Richards, and Mr. Christopherson.

Mr. Reid and Mr. Richards, when it does come back to you, the clerk has pointed out that she's not sure where this would fall in our mandate.

While you have some time while they're talking, would you look at section 108(3), which describes our committee's mandate, to see whether this actually falls in the mandate and just describe to us where it does.

Mr. Lamoureux, could you reply to the question from Mr. Richards?

**Mr. Kevin Lamoureux:** I appreciate the answer, Blake, I really do, but I think that in good part it's somewhat misguided.

In the type of questions that you're putting on the table, you're raising issues about constitutionality. You're talking about the process. You're talking about the kinds of consultations. These are all questions, and I'm not going to say whether they're good questions or bad questions. That's fine. You're entitled to ask whatever questions you want.

My concern is that we had this discussion 48 hours ago when concern was initially raised by the official opposition in regard to the qualifications of one of the appointees. In a gesture of goodwill, you made reference to the committee doing things differently. It was a committee member—Ruby, was it you, or one of—

**Mr. Blake Richards:** Mr. Chair, I will be very brief on this point of order.

The parliamentary secretary has just indicated that we had expressed concerns about the qualifications of one particular employee. Nobody expressed concerns about the qualifications of any one particular employee. We're simply trying to get a sense as to the qualifications to be able to do the duties that are asked of them. If we cannot be given the information by this government about what those duties are, how can we possibly assess the qualifications?

It's like asking us to do an assessment of someone's ability to do a job without giving us the job description. That's what this government is doing. It's keeping the process a secret, the consultation process a secret, and therefore we cannot properly assess the qualifications. It's not questioning anyone's duty. It's the ability to do the job. We have no way of being able to assess that, because we don't know what qualifications they need, because we don't know what the process is.

**The Chair:** I agree with the point of order, so don't touch on the qualifications of the person.

**Mr. Kevin Lamoureux:** Thank you, Mr. Chair.

Mr. Richards, you—

**Mr. David Christopherson:** I have a point of order.

While we're dealing with points of order, I want to ask, Chair, if you think this is acceptable in terms of the regular business of this committee.

Mr. Lamoureux is not even a member of this committee. The government members went out of their way to say how grown-up they were, that they were quite capable of leading themselves, and they didn't need Mr. Lamoureux for that. The guy's not even a member of the committee. He represents the government, the PMO. He's leading all the discussions, and the real members of the committee are just sitting there.

Is that regular business to you, Chair? Is that a new era? Do you see anything a little bit amiss here with this kind of dialogue?

**The Chair:** Mr. Christopherson, the official opposition asked Mr. Lamoureux a question, so I can't refuse him that opportunity.

**Mr. David Christopherson:** I'm not pointing just to this one question. He's the only one who's been talking all along.

**The Chair:** Well, we have a long list, actually, of—

**Mr. David Christopherson:** This is ridiculous. This government said they were going to do things differently. This is not different. At least Mr. Lukiwski had the legitimacy and decency to sit in the driver's seat when he was driving. This member is not even a member of the committee, and he's driving the committee.

• (1250)

**The Chair:** We have a list of five members, so he will finish answering the question.

**Mr. David Christopherson:** This is just ridiculous.

**Mr. Kevin Lamoureux:** Thank you, Mr. Chair.

Just to do a very quick response to Mr. Christopherson, we had a witness here today. I did not even ask a question. At least four members of the committee asked the question. I wasn't the one who moved the motion to ultimately call upon the witness. I didn't move the motion, David.

**Mr. David Christopherson:** You did.

**Mr. Kevin Lamoureux:** No, I did not. I said a member of the committee.

**Mr. David Christopherson:** Sorry. I thought you said "I move". I apologize.

**Mr. Kevin Lamoureux:** So in good part I'm responding to a question currently. I raised the issue earlier, prior to the question, based on my experiences from the chamber and the committee.

This is what I'd like to go back to, Mr. Chair. There are changes.

Mr. Richards, you raise some valid points, but the points you raise are more on policy and process. If I understand what you were saying in your last statement, you're saying we need to have a better understanding of a number of issues in order to be able to question the qualifications and the competence.

If that is the case, then in all likelihood maybe we should not have called for the appointed individual to come before us, since the official opposition was not actually questioning the qualifications. You were right when you made the statement that you're not questioning the qualifications or assessing whether or not that person's qualified. I think we heard—

Pardon me?

**Mr. Blake Richards:** We want to assess the qualifications. It doesn't mean we're questioning them. That's different. That's a very big difference.

**Mr. Kevin Lamoureux:** That's right. It's a big difference.

**Mr. Blake Richards:** We want to assess the qualifications, not question them.

**Mr. Kevin Lamoureux:** And there's nothing wrong with that, and that's the reason the government members on the committee had agreed to it. It's not only that particular member. If you will recall the discussion we had within the last 48 hours, it was about seeing if we could get some of the appointments to come before the committee, and that it would be better to have it Thursday, even if it's one or two, as opposed to waiting the extra period of time so we might be able to get a larger number. That was the compromise.

At the end of the day, once it's all said and done, I think the first hour was fruitful in the sense that it provided members of this committee—as Mr. Chan had put forward in a motion—confidence that the person who's chairing it does have qualifications and does have the competence to do the task that has been asked of her. In regard to the process, well, let's debate that. Let's debate it in the House of Commons. Let's debate it in many different venues. I'm just not convinced this is the venue in which we do that, unless the committee ultimately decides they want to do this.

However, keep in mind that what we do in PROC might have ripple effects that affect other committees. Then you could have other committees saying they want Minister Y or Minister Z. There are occasions when different committees will get those ministers, whether it's the estimates or legislation or something else.

**The Chair:** On a point of order, Mr. Reid.

**Mr. Scott Reid:** I get the impression that Mr. Lamoureux, who is not a member of this committee, is engaging in a filibuster designed to take us past our concluding point. I couldn't help notice that you were looking at the clock. You must have the same inquiries. Therefore, I wonder if you could wrap up his comments and let us proceed.

Mr. Chan. I'd be happy to forgo my comments if we can come to a vote on this motion. There are only five minutes left. Alternatively,

we could agree to extend the time that we are meeting today in order to provide a more extensive discussion. One way or the other, let us deal with this motion.

**The Chair:** Ms. Sahota, is this on the point of order?

**Ms. Ruby Sahota:** Sorry, it's not on the point of order.

**The Chair:** Our list is Mr. Chan, Mr. Reid, Mr. Richards, Mr. Christopherson, Ms. Sahota.

Mr. Chan.

You were finished, Mr. Lamoureux?

**Mr. Arnold Chan:** I want to back up quickly because I recognize the time here. The government side is prepared to drop all our comments on this motion before you and bring the matter to a vote, but let us simply note that it's weird that we're in this situation. We're in this situation because your government didn't deal with 22 appointees for over two years, and now, constitutionally, we have to fill those vacancies. Otherwise, at a certain point the Senate simply cannot function.

That issue aside, at the end of the day a constitutional requirement sets this body in the Constitution. It needs to operate. It was getting to the point where it was becoming dysfunctional because the previous government chose not to fill those vacancies.

That issue aside, can I simply ask the clerk to read back the motion again? On this side we're prepared to vote on the motion right now.

● (1255)

**The Clerk of the Committee (Ms. Joann Garbig):** The motion reads:

That the committee invite the Minister of Democratic Reform to appear before it to respond to questions concerning the Independent Advisory Board for Senate Appointments.

**The Chair:** We have not yet determined whether it fits in the mandate of the committee, but....

Mr. Reid.

**Mr. Scott Reid:** Thank you.

Mr. Chair, with regard to the mandate of this committee, which is laid out in Standing Order 108(3)(a):

Procedure and House Affairs shall include, in addition to the duties set forth in Standing Order 104, and among other matters:

Then it has a list. The "among other matters" means that we have a mandate that can be interpreted as expanding to include not merely the narrow objects laid out in section 108(3). In other words, there's no problem in hearing from the minister.

I'll just point out, Mr. Chair, that under our Constitution from time immemorial, or at any rate since the development of responsible government both here and in the mother country, all ministers have to report to the House of Commons. The House of Commons has oversight over all of them. The Minister of Democratic Institutions and her predecessor, the Minister of Democratic Reform, always reported to this committee. That's an established practice, so that is the authorization for doing this.

I have a final comment here on a somewhat different subject. It's critical that she be invited here—so this is going to you, since you're in charge of timing—to meet with us during the break week, unless she can meet with us tomorrow, because of the fact that the phase I appointment process closes. It's a process that I'm arguing is unconstitutional. I asked her about this in the House of Commons, and she did not answer when I said I thought it was unconstitutional and asked if she had legal advice.

That process closes on family day, on the Monday before we reconvene, so this must be a special meeting. Therefore I am imploring you, as chair of the committee, to set a special time between now and February 15 and not wait for our regularly scheduled meeting, which will be too late. Our regularly scheduled meeting will be on February 16, after that process, which may be unconstitutional, is closed, and after the damage done by following that process has been done.

**The Chair:** Mr. Richards, you're up.

**Mr. Blake Richards:** I'll forego my spot, although I will point out, Mr. Chair, that I really believe it's important for us to deal with this motion and have a vote on it before the conclusion of this meeting. If that requires a little extra time, we should take it.

**The Chair:** Mr. Christopherson.

**Mr. David Christopherson:** Chair, in that regard, I have a few things to say—I really do mean a few—but I would like to get them on the record. If we can agree on a small extension, my purpose would be to come to a conclusion and have the votes.

**The Chair:** We're at the time when we need a committee decision on whether we're going to extend the meeting.

Are there any comments?

**Ms. Ruby Sahota:** I'm sorry, but comments on what? I missed the last sentence.

**The Chair:** The time is up. Does the committee agree to extend the time? We're past one o'clock now.

• (1300)

**Ms. Ruby Sahota:** For how long?

**The Chair:** How long do you suggest, Mr. Christopherson?

**Mr. David Christopherson:** I only need five or six minutes. I really don't have a lot. It's just a couple of things that I want to get on the record on the motion, and that's it. I don't know about anybody else. Otherwise, we don't pass motions. It's that simple.

**The Chair:** Mr. Graham.

**Mr. David Graham:** I'd like to amend it so that the end of the motion concludes with "subject to the availability of the minister".

**The Chair:** You're amending the motion. We have to vote on the time first, though. We're past the time.

**Mr. David Christopherson:** How about an end time? Availability could be "never".

**A voice:** Make it 1:15.

**Mr. David Christopherson:** No, I mean the availability of the minister.

We're talking about the motion, right?

**Mr. David Graham:** I'm talking about the motion. We've already agreed to extend, haven't we?

**Mr. David Christopherson:** Yes.

**The Chair:** You are proposing that the committee extend to 1:15?

**A voice:** Yes.

**An hon. member:** We could do it in blocks of a few minutes.

**Mr. Kevin Lamoureux:** Why are you extending it, David?

**Mr. David Christopherson:** Because you, the government, seem to want to get these motions passed today. We in the opposition are not looking to delay that, but it's partly because you took the floor for so long that there's not enough time to get the comments in before one o'clock.

All I'm asking for individually is about four to six minutes, or five minutes, to get my piece on the record, and then I'm ready to vote, but we can't do that if we don't get an extension. I can't speak for my colleagues, but that's where I am. They've already indicated that they are looking to see this come to a vote.

It's up to you. If you want the motion, you have to give us another 15 or 20 minutes. If you don't care, let's adjourn.

**Mr. Kevin Lamoureux:** Go ahead and start speaking, then.

Mr. Chair, I suspect... I don't want to speak on behalf of the committee.

**Mr. David Christopherson:** Ha. Why not? You speak on behalf of that half.

**Mr. Kevin Lamoureux:** David, you're not—

**Mr. David Christopherson:** Go ahead. What's your point?

**Mr. Kevin Lamoureux:** You're not being fair, David, on this. It's now past one o'clock—

**Mr. David Christopherson:** I'm not being fair? You shouldn't even be here.

**Mr. Kevin Lamoureux:** Typically, every member has a right to sit in the committee. Every member has a right. Don't try to deprive me—

**Mr. David Christopherson:** Nobody's buying that. Say it.

**Mr. Kevin Lamoureux:** Mr. Chair, all I'm trying to do is just help facilitate—

**Mr. David Christopherson:** Yes, yes, yes, you're a big help.

**Mr. Kevin Lamoureux:** I appreciate it. Thank you.

If you want to speak for another three or four or five minutes, fine, go ahead. I don't have a problem with that. I don't think any other committee member does.

Talk.

**The Chair:** Okay. For now we'll extend for five minutes for Mr. Christopherson to make his comments.

**Mr. David Christopherson:** Thank you. I appreciate the PMO allowing me to have a few words.

All I wanted to say in support of the motion was that it sounded as though there might have been a compromise in the works, and if there is, that would be excellent. That would mean that the government really is trying to make committee business different.

Here's my point. I'll tell you one of the reasons I would support this idea. I don't always support bringing in a minister, because the politics are such that you could always haul in a minister and play politics with it, but as a rule we do not. I try to be judicial about when I support calling in a minister, because ministers have their own table, the cabinet room, and this is ours, the committee room. However, in this case, given the importance of what's going on, how quickly everything happened, and the fact that there really hasn't been a lot of public discussion, I do.

I stand to be corrected if I'm wrong, but I don't believe there was a motion with a full debate in the House about this whole process. I don't believe there was a bill in the House with a full process that allowed full debate about it, so really, as Mr. Richards pointed out, this thing has been created in the dark, in secrecy. The end result is that the rules have been made public, but there's been no opportunity to have discussions on things such as why it's okay that a small group of people gets to decide what the definition of "diversity" is in Canada and why a small group of Canadians gets to decide whether someone's personality traits are such that they're going to be democratic and accountable or not.

Remember, Chair, that these are fair questions to ask when we're talking about appointing a chamber, each of whose members has more legal weight than each of ours does, because there are fewer of them.

I think it's fair for the official opposition to ask the government to bring in the minister to bring us up to speed. When we say "us", we know, give or take some of the details, that means the public. Again I come back to the fact that this government said they were going to do things differently—that they were going to be more democratic, more transparent, more accountable—and I will not stop coming back to that fact. It's a reasonable motion to bring in a minister to talk about what the government has done so far, given that we haven't had the other usual opportunities, those being House discussion or committee discussion, to get at those answers.

Therefore, I think there's good reason to think this process here at this committee would serve the public interest. If we had the minister come in, we could ask some of the questions we have and the public has, before even getting into the partisanship aspect. They would just be legitimate questions about the process. We've had no opportunity to do that. I would argue that is legitimately Canadians' right, as well as the right of the opposition, particularly in light of this government's platform that they were going to be different and were going to provide accountability.

I heard Mr. Graham ask a minute ago if we would accept it depending on the minister's availability. That sounded like the beginnings of negotiations, an attempt to listen to what the opposition was saying and to try to accommodate it. I would respond to Mr. Graham that I certainly would be open to that kind of an amendment, as long as there's a deadline on it. Otherwise, guess what? The minister's never available, and therefore the intent of the motion would be negated through passive-aggressive measures.

Therefore, if the government said, "No later than five calendar days after returning" or something—

● (1305)

**Mr. Scott Reid:** It could even be before the deadline. There's a deadline.

**Mr. David Christopherson:** There's a February 15 deadline. Well, so be it. That's their problem, not ours. They created the process. We can't change the calendar. We can only do what we can do. If the government's actually looking for a compromise and looking for a little flexibility about when we would bring the minister...

I don't think you can say this is really a partisan attempt. In light of the fact that there's been so little public discussion, I think in this case you can legitimately make the case that the minister should come in somewhere in our democratic process and give detailed answers about why they did certain things, why they didn't do other things, and what the expectations of the government are. All those things are quite legitimate.

Before I go any further, Chair, I would just ask if Mr. Graham and/or any other members of the government are interested in trying to find a motion that we could all agree on, or whether we're just heading for a majority vote and the rest of it's just smoke and mirrors.

**The Chair:** Ms. Sahota's next on the list, but we'll let Mr. Graham —

**Mr. David Christopherson:** I was saying before that I was just seeking clarification from Mr. Graham, but I'll take clarification from Ms. Sahota.

**Ms. Ruby Sahota:** Thank you, Mr. Chair.

I must state for the record that we are more than willing to compromise on the government side. We've shown this time and time again since this committee started.

First of all, a few days ago we were asked to bring in the chair of the committee for the advisory board. We did that with very short notice. I believe the official opposition wanted the whole committee to come in. We were more than willing to try to get as many people in as possible.

Today I witnessed that we had the chairman here, and the whole time, barely anybody was listening to her qualifications and her answers.

On the record, I want to state that as I sat here watching this process—I am new to this committee—I found it really interesting that the opposition was so interested in bringing somebody in to question their abilities, but then, when she was here, they didn't care to listen to her abilities. I found that a little bit appalling, actually.

Once again, I'm not opposing what you're saying, and we are more than willing to compromise on this one as well. I just hope that going forward...

We have another witness we were supposed to question today. He's been sitting here all day, prepared to give his answers and prepared to speak today, so we've been showing a lot of compromise.

I think we are ready to vote on this side and to continue to show that we are more than willing to cooperate and make things work on this committee.

Thank you.

**The Chair:** Mr. Graham, do you want to answer Mr. Christopherson's question?

**Mr. David Graham:** I'm certainly willing to compromise. That's why I'm suggesting that we make it subject to the availability of the minister. We can't prescribe when that is.

**Mr. David Christopherson:** You can't leave it completely open-ended, David. There has to be some kind of deadline. I mean, suddenly the minister is just never available.

**Mr. David Graham:** It's much more likely to happen if you give a deadline than if you don't.

I moved the motion, but I don't know how to make it go to a vote. Can I put the amendment to a vote?

**Mr. David Christopherson:** You can't. What are you doing?

**Mr. David Graham:** I'm asking what I can do. Is that fair?

**Mr. David Christopherson:** That's fair, yes, as long as you don't try anything. Asking is fair.

**Mr. David Graham:** David, this is how we get along. I like it.

**The Chair:** Could you repeat the amendment?

I think we're going to have to agree to extend the time some more, because we're past the five minutes.

**Mr. David Graham:** It can't go too much longer, or we'll end up running into tomorrow.

The amendment was simply to add, at the end of the original motion, "subject to the availability of the minister".

**Mr. David Christopherson:** That's all well and fine, but I have the floor.

**The Chair:** Okay, we're back to you.

• (1310)

**Mr. David Christopherson:** I would say we're probably close, but when you leave it to "availability of the minister"....

I just finished dealing, for the better part of 10 years, with a government that played every single game possible. I haven't seen a lot of indication that you will do things a whole lot differently, so I'm sorry: I'm quite prepared to accept that motion as one member of this side, but I have to hear a deadline. There has to be some kind of end to it, rather than just "availability". Otherwise, the minister miraculously is never available when we're meeting, and as I said, it effectively negates the motion.

**Mr. Arnold Chan:** Can I speak to this—

**Mr. David Christopherson:** I said I would take only a few minutes to make my point. I will do that and let it go.

Madam Sahota was trying to move it along, saying, "We're listening, but now we want to vote." Well, that's just using their majority, waiting until everybody is finished talking so they can use their majority to shut everything down.

I'll end with this. I think the motion has legitimate value. I think it's quite legitimate. I was very pleased to hear Mr. Graham; it sounded as though they were interested in having the minister in, and we just had to agree on the time frame. It can't quite be the way they're suggesting, but I think it would just take a minor tweak to get a unanimous vote.

I remain optimistic that it will happen, but whether it does or not, I think it has great merit. I'm pleased to support that motion.

*C'est tout.*

**Mr. Arnold Chan:** The only point I—

**The Chair:** Hold it. You can't speak yet. We have to extend the time. We're out of time again.

Is there agreement to extend the time another five minutes?

**Some hon. members:** Agreed.

**The Chair:** Okay. We're extending another five minutes.

Could you keep the time, Clerk?

Mr. Chan.

**Mr. Arnold Chan:** We're prepared to put it to a vote, but the issue for us, on our side, is that we simply need to consult to see when the minister is available.

In terms of the time frame you're talking about, Mr. Richards, we don't know. We're on break next week. It's constituency week, right? We just want the opportunity to go back and actually ask the minister when she is available. We have no issue with the minister appearing. That's why I said I'm prepared to bring this to a vote. We're prepared to bring the minister before this committee, but we have to be able to consult and have her check.

**Mr. David Christopherson:** Let's come back for a day next week and hold a hearing.

**Mr. Arnold Chan:** I don't know if she's available.

**An hon. member:** I drive right through her riding. I'll pick her up.

**Mr. Arnold Chan:** I yield the floor. The amendment is put.

**The Chair:** Is there any more discussion on the amendment, which is subject to the availability of the minister?

Mr. Reid.

**Mr. Scott Reid:** It's always subject to the availability of the minister. I've never yet seen, except in the most extraordinary circumstances where there was an attempt to bring down the government over allegations of a contempt of Parliament, a situation in which we were saying we were effectively issuing a writ for the minister to be forced to testify here. In fact, the only time anything like that has ever been done was when we brought in Schreiber. Remember that?

**Mr. David Christopherson:** Yes.

**Mr. Scott Reid:** That's it. It's always subject to availability. We expect her, morally, and she must know this, because I assume this is on CPAC, so she can watch it if she wants to. Someone is monitoring it in her office. She knows that we, on this side, want her here before February 15 and that we'll make ourselves available. I'm confident the government can find enough members to be available, even if the specific individuals here can't be here.

I will be voting against the amendment, but not because I don't think we should try to accommodate her. I do think, however, she should try to accommodate us and allow us to be assured that her process is constitutional before the clock runs out on the 15th. I think she can understand the importance of that.

**The Chair:** Is there any more discussion on the amendment?

Mr. Christopherson.

**Mr. David Christopherson:** It doesn't sound as if the government is going to give the assurance we need so I have two choices: I either take them at their word that the minister will come in, in a timely fashion, or not.

Given that we've done this in public—usually we get screwed over when we're in camera and these things don't come out publicly—at least this time everybody has seen the discussion, and if the minister is still not here weeks later, then we have a lot of grounds to make a case. Therefore, I'm going to trust the government that the minister will make herself available in a timely fashion vis-à-vis our needs too, and we'll be supporting the amendment.

**The Chair:** Ms. Sahota.

**Ms. Ruby Sahota:** I don't understand why, if it's always subject to her availability, there is any opposition to this amendment.

**The Chair:** Mr. Reid.

**Mr. Scott Reid:** It's simply because while it's subject to her availability, any minister who is unwilling to appear before a committee to deal with the constitutionality of the system that she designed, on a deadline she designed, before that deadline expires, is

not formally in contempt of Parliament but is acting contemptuously before Parliament. Morally, she can clear anything off her agenda, aside from some kind of personal health crisis or tragedy in the family, to be here. Therefore, she should damn well make herself available, and I want to make that point by voting against this amendment.

That said, if the government pushes the amendment through, I'll then be voting for the main motion as well, and I'll be asking that we make every effort to get her here next week.

• (1315)

**The Chair:** Mr. Christopherson.

**Mr. David Christopherson:** We'll support the amended motion at the end of the day.

**Mr. David Graham:** Can I put the motion?

**The Chair:** Do you mean your amendment?

**Mr. David Graham:** Yes, it's the amendment. Thank you.

**The Chair:** You've already put the amendment.

I will call the question on the amendment, which says “subject to the availability of the minister”.

(Amendment agreed to [See *Minutes of Proceedings*])

**The Chair:** Now we are on discussion of the motion, as amended.

**Mr. Scott Reid:** Just call the question on the motion.

**The Chair:** Is there any discussion?

**Mr. Scott Reid:** I would like a recorded vote, Mr. Chair, if you don't mind.

**The Chair:** We will have a recorded vote.

(Motion as amended agreed to: yeas 9; nays 0)

**The Chair:** The meeting is adjourned.









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