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—
Chair

The Honourable Larry Bagnell

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•(1105)

[English]

The Chair (Hon. Larry Bagnell (Yukon, Lib.)): Good morning. This is meeting number 23 of the Standing Committee on Procedure and House Affairs for the first session of the 42nd Parliament. This meeting is being held in public. Our first item of business is the proposed change in Standing Order 28(3) concerning the meeting time of the House in an emergency situation. Members received a note on the subject, and on page 3 of the note there's a motion for consideration. Members working from their iPads can find the note with the documents for today's meeting.

The second item, then, will be the drafting instructions for a report on the initiatives towards the family-friendly House of Commons, which will be in camera.

The next meeting would be on Tuesday, May 31. The acting clerk and law clerk will return to answer questions on the question of privilege concerning premature disclosure of the contents of Bill C-14.

Mr. Blake Richards (Banff—Airdrie, CPC): Did you say that will be the Tuesday right after the break?

The Chair: Yes, it's our first meeting back, May 31.

Is there a mover for the motion?

Mr. Chan.

Mr. Arnold Chan (Scarborough—Agincourt, Lib.): I want to discuss the matter first. We talked about this earlier with respect to the first item on the agenda, Mr. Chair. I think that, given the circumstances with respect to members' privileges, we should look at everything as a totality, as a package, in terms of its impact on members' privileges. Therefore, I might suggest that we simply defer the first matter on the agenda for future discussion.

Mr. Scott Reid (Lanark—Frontenac—Kingston, CPC): I'm not sure [Inaudible—Editor].

Mr. Arnold Chan: This is the emergency motion that was referred to us by the Speaker.

Mr. Scott Reid: Arnold, I think you're worried that it would take up some time. I was just going to make the modest suggestion that we can actually probably dispose of it in under five minutes. Would that be acceptable? For the queuing of an item, it's just out of the way.

Mr. Arnold Chan: Given the context of what's happened with respect to issues of members' privileges—and this also has an impact with respect to members' privileges—in retrospect I'm basically

saying that now maybe we might want to think about this within the totality of members' privileges as a whole.

Mr. Scott Reid: Okay, maybe I'll just get on the record—

Mr. Arnold Chan: You had also spoken, Scott, with respect to your seeking some instructions from your House leader on this.

Mr. Scott Reid: Right.

Mr. Arnold Chan: I'd be curious to have a sense of where you're going on this.

Mr. Scott Reid: That's all I wanted to say. I did speak to our House leader, of course, the former speaker of the House, and this was after he had spoken with our chair and they'd reviewed it together. He confirmed to our chair that he could see no improvement that he thought was needed to the wording as submitted by the Speaker. Notwithstanding my trusting nature, I wanted to go and confirm that independently, so I did that and I can report back that as far the government House leader goes—who knows more than anybody on this side of the House—there is no need to change anything in the wording.

That's all I wanted to get on the record.

Mr. Arnold Chan: Do you mean the opposition House leader?

Mr. Scott Reid: Yes. It's a force of habit, sorry.

Mr. Arnold Chan: No problem. I appreciate your updating us with respect to Mr. Scheer's position. I simply raise the concern that it's just popped into my head in the last little while, especially given the context of what happened yesterday, and the activities of the past week. I think we should look at everything as a total package.

The Chair: Mr. Christopherson.

Mr. David Christopherson (Hamilton Centre, NDP): Thanks. I don't know about the total package stuff. I don't quite fully understand what's being referred to there. I understand what he's referring, but I'm not sure what he means by the “whole package”, and what context this should be put in. I'm more than willing to listen and consider what's being said.

The NDP has had an outstanding problem with the language around consultation from the beginning. We've identified it that way. There has not been a resolution to it, so we're not in a position to give our support to it until we get that resolved, Chair.

Mr. Arnold Chan: Rather than moving to the question, Mr. Chair, I would propose that we simply defer the matter, especially given that we now also have a member of the opposition who has some concerns as well.

The Chair: There's a proposal to defer the matter.

Scott, and then David.

Mr. Scott Reid: I'm not sure what Mr. Christopherson meant by "consultation". I just want to ask him to explain.

Mr. David Christopherson: Fair enough. The language proposed, if you take a look at "Key Elements of the New Standing Order", says, at the third bullet point, "Consultation with all officially recognized parties is necessary for the Speaker to exercise this power". Our concern is consultation in these kinds of situations often amounts to just telling. We're looking for a bigger commitment than just consultation.

• (1110)

The Chair: Did you want to come back with other proposed wording for the next time we discuss this?

Mr. David Christopherson: I'm in your hands as to procedure. This has been our concern. It's no surprise. We've had that there for some time. It remains, and I'm open to any process you want to offer up, Chair, that will help us resolve it. I just can't give my support to agreeing to it today for that reason. Mr. Chan has other reasons. It looks to me as though it's not likely going to carry.

The question becomes what we are going to do with it so we can dispose of it, given that we're talking about one singular item that shouldn't get us this tied up in knots.

The Chair: Why don't we, if everyone agrees, take this off the agenda now and we'll bring it back when there are a few minutes?

Mr. David Christopherson: Or we could throw it to the steering committee.

The Chair: Could you bring us some wording, David, that we could consider?

Mr. David Christopherson: If you want, I can throw the language on the floor for people to chew on. The language we're looking for is, "agreement of all parties", rather than "consultation with...parties".

The Chair: Okay, so people can take that back to their parties and we'll bring that up when we....

Mr. David Christopherson: It's "the agreement of all parties" as opposed to "consultation with".

The Chair: It's in the second bullet.

We'll discuss that option when we bring that back.

Mr. Richards.

Mr. Blake Richards: My understanding is that following the break, your intention, all things being as they are now, would be to proceed with the point of privilege that was raised and referred to our committee. Obviously, in light of yesterday's point of privilege, it sounds as though quite likely it will be referred to this committee, given its seriousness. They're both serious, obviously, but given the very unusual and highly precedent-setting kinds of circumstances that we saw take place there, and the fact that there was actual injury to a member of Parliament.... I'm not referring to the physical injury of the Prime Minister elbowing the member. I'm referring to the injury caused by her having to miss a vote as a result, and therefore the injury cost to her constituents. That's obviously quite a significant event. I would assume that it may be given precedence over that other matter.

Obviously we can't deal with something that isn't before us yet. I understand that.

In the event that things remain as they are now, and that's the point of privilege that we will be dealing with, I had asked a couple of times in the past about one of the witnesses I believe we should have, which would be the Minister of Justice. Obviously we've had some issues getting ministers of this government to appear at committee in the past. They've cited scheduling challenges. I wanted to just get a sense.... I had asked that we prescreen the dates and determine the availability of the minister so we don't get those excuses again. I'm wondering what the result of that has been.

The Chair: The clerk did send a letter. Do you want to just comment on that?

The Clerk of the Committee (Ms. Joann Garbig): Thank you, Chair.

I did advise the department that the committee may invite the minister and her officials in June.

Mr. Blake Richards: What was the response? My understanding is that we were looking to make sure that there were not going to be excuses. We wanted to check and make sure the availability would be there. Was there any indication given? I'm really quite concerned, given the past experience we've had with the Minister of Democratic Institutions, that we're going to get excuses for her not being available. I don't think that's acceptable and I want to make sure we have indicated that she needs to make herself available. We're not just saying, "We might call you." We need to know that she is available.

The problem I have is that, in good faith I think, we as opposition members have said that we have a couple of things we're trying to finish dealing with, and that's great, let's do that. But a point of privilege is an important matter and we made it clear that those would likely be the witnesses we would call. I don't think it's appropriate for the Liberal government to then say, "We didn't really realize the minister needed to appear", and create excuses. That's what I'm concerned will happen.

I just want to make sure that we've been clear that we intend for her to be here, and that we should be giving her this committee's schedule and saying, "Give us the dates you're available", so we can pre-clear that.

The Chair: The committee asked that we advise the minister that we would be calling her in June. We did write that. I can't remember the wording of the letter.

Mr. Blake Richards: Didn't we receive a response?

• (1115)

The Chair: I don't think the letter asked for a response.

Mr. Blake Richards: We should immediately ask for a response in terms of her availability during that time.

The Chair: I'm not sure the committee has confirmed that we're inviting her.

Mr. Chan.

Mr. Arnold Chan: That was exactly the point. I appreciate the point you're making, Blake, but I think at the end of the day we're dealing with a hypothetical. Let's see what we're dealing with. I recognize that we are seized of that particular issue of privilege before this committee. Let's have our meeting with the law clerk on the 31st, and we'll proceed from there. The clerk can advise us if we have a response from the Minister of Justice's office.

Mr. Blake Richards: We just better not get excuses. We've had them in the past. We don't want to see excuses again. I would certainly hope that is not what we're going to see from the government side. These things need to be dealt with. Excuses and delays are just not acceptable, so I hope that's not the intention here.

The Chair: I can tell you from any conversations I've had—probably more than you've had, but not a lot—there's been no intention to do that.

We'll move on to the drafting instructions for our Library of Parliament analysts in camera. We'll have to suspend for one minute.

Mr. David Christopherson: Don't we first need a motion to go in camera?

The Chair: I think we agreed to it at the last meeting.

Mr. David Christopherson: I move we go in camera.

The Chair: Okay, moved by David, seconded by Scott, we go in camera. Anyone opposed?

(Motion agreed to)

[Proceedings continue in camera]

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