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Thursday, May 2, 2019

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• (1135)

[English]

Hon. Geoff Regan (Speaker of the House of Commons): This meeting of the Board of Internal Economy is called to order.

Our first item is the minutes of the previous meeting. Are they approved? Yes.

Second, is there any business arising from the previous meeting?

Madam Chagger.

Hon. Bardish Chagger (Leader of the Government in the House of Commons): Mr. Chair, I want to raise the issue of maternity and paternity leave for MPs. On March 1, I wrote to you in your capacity as chair of the board and asked that BOIE be seized with this issue. Members of PROC had released a report in November 2017 entitled “Support for Members of Parliament with Young Children”. The committee recommended that changes be made to the Parliament of Canada Act to add that pregnancy and paternal leave be reckoned as a day of attendance of the member.

We took action with Bill C-74 and the budget implementation act. The PROC report was basically asking for guidance from the House of Commons administration for the purpose of implementing new rules, terms and conditions and/or modifying the current rules, terms and conditions that apply to members who are pregnant or on parental leave.

I'd also like to acknowledge that there was a supplementary report from the official opposition to the PROC report, which recommended that politicians not be put in a better position than their constituents. I think it would be appropriate for the House administration, when developing options, to factor in both the report and the supplementary report.

I'm hoping that the board will agree to ask the House administration to prepare some options that could be considered by both the board, as stewards of the House of Commons, and the committee on options for members who are pregnant or on parental leave.

Hon. Geoff Regan: I wonder if I could ask the law clerk to respond.

[Translation]

Can Mr. Dufresne answer the question?

[English]

Mr. Philippe Dufresne (Law Clerk and Parliamentary Counsel, House of Commons): Thank you, Mr. Speaker and Ms. Chagger.

Indeed, as you point out, section 59.1 of the Parliament of Canada Act gives both Houses the authority to:

make regulations, by rule or by order, respecting the provisions of this Act—or of regulations made under section 59—that relate to the attendance of members, or to the deductions to be made from sessional allowances, in respect of its own members who are unable to attend a sitting of that House by reason of

(a) being pregnant; or

(b) caring for a new-born or newly-adopted child of the member or for a child placed with the member for the purpose of adoption.

So that power rests with the House. A way to bring this to the House would be a report from PROC with recommendations in terms of such regulations.

The House administration is reviewing this issue. We will be prepared, should it go to PROC, to make some recommendations in terms of the content of such regulations.

Hon. Geoff Regan: Madam Chagger.

Hon. Bardish Chagger: I appreciate that.

PROC has already released a report asking for recommendations. That's why I'm bringing it back to this table, to ask the House administration to prepare those options now that there has been a report by PROC members as well as the supplementary report. I think both reports should be considered when preparing those options, but I do believe that options should be prepared, being mindful of the situations and the legislation passed.

Hon. Geoff Regan: Mr. Julian.

Mr. Peter Julian (House Leader of the New Democratic Party): I would agree with Ms. Chagger on that. I believe what she's recommending is that we have this come back to the BOIE from administration prior to us rising. I think the timing is important as well to have those—

Hon. Geoff Regan: You said to have it come back to the Board of Internal Economy, not to PROC? I thought she was suggesting that she'd like recommendations to go to PROC first. Is that wrong?

Mr. Peter Julian: I thought you were talking about the BOIE.

Hon. Bardish Chagger: PROC released a report in November 2017 asking for recommendations.

Hon. Geoff Regan: Right.

Hon. Bardish Chagger: There has also been a supplementary report to ensure that members are not put in a better position than constituents. I believe that should be factored into providing recommendations to the board as stewards of—

Hon. Geoff Regan: Oh, it's to the board; okay. I thought you meant that they were looking for recommendations to be made back; they'd asked for the recommendations and the administration could make them directly back to PROC and therefore not have to go through the step of having it here. But I'm open to what....

Again, from what Mr. Dufresne has told us, essentially, I don't think it's within the jurisdiction of the board to make these kinds of regulations. It is the House. That's under the advice of PROC, but PROC has asked for recommendations—

• (1140)

Hon. Bardish Chagger: To clarify, if I may, Mr. Chair, yes, PROC has asked for recommendations. I, as a member of this board, would also like to see those recommendations.

Hon. Geoff Regan: Okay.

Ms. Bergen first, then Mr. Strahl.

Hon. Candice Bergen (House Leader of the Official Opposition): I'm just thinking; PROC did the report prior to the legislation, and then, after the legislation, Ms. Chagger came here and asked if the Board of Internal Economy....

You wrote a letter, and then it was recommended that it go back to PROC. I'm just wondering if we're missing that PROC step right now, where PROC, subsequent to the legislation, will now look at what kind of recommendations they would suggest for changes, or whether it's felt that their report encompassed what the legislation covered. I'm wondering if we could get clarification on that.

Hon. Bardish Chagger: I would say that the legislation responded to the request of PROC. Now we just need options as to how we proceed.

Hon. Geoff Regan: Go ahead, Mr. Strahl, and then I'm going to ask Mr. Dufresne to educate us a bit.

Mr. Mark Strahl (Chief Opposition Whip): I'd like to get clarity as well.

I believe, Mr. Speaker, you have replied to Ms. Chagger with the indication that.... I know that the royal we wants to deal with this, but I think we need to determine who should be asking for those recommendations. Are we asking for recommendations that we then give to PROC, or should PROC be asking for those recommendations that they then report back to the House?

I think we're all in agreement that we want to address this matter. I think we just want to make sure we're doing it in a manner consistent with the law and your guidance on this matter. That's simply where we are, wanting to know the right path.

Hon. Geoff Regan: I'm going to ask, Mr. Dufresne, has the procedure and House affairs committee, or PROC as we call it, already asked for these recommendations? Is there any difficulty

before it goes to the procedure and House affairs committee in sharing those with members of the board or if members wish to have it discussed here, even though it's not the jurisdiction of the board to make these regulations or to recommend them to the House?

Mr. Philippe Dufresne: Ultimately, the decision needs to be made by the House in terms of adopting those recommendations. The way to bring it to the House seems to be to go through PROC. This board could make a request to PROC to consider this matter with the view of presenting recommendations to PROC and to hearing recommendations from the House administration. The House administration could make those recommendations to the board prior to, and then that could become the basis for the referral to PROC. There are options in terms of sequencing. The board could immediately request that PROC look into this and offer the House administration as being available to provide advice. If the board wishes to see this advice prior to it going to PROC, the board could ask the House administration to bring it here. Ultimately, at some point, in my view, we need to go to PROC and then to the House.

Hon. Geoff Regan: First of all, isn't PROC in a sense already seized of this in that it has worked on this? I guess it's completed its report, but it's raised the issue and asked for recommendations. I guess the question is, does the board wish to deal with this rather than have the administration report directly to PROC and for the board to ask PROC to deal with this? Does the board wish to have a discussion before then on the recommendations before it goes to the procedure and House affairs committee?

Ms. Chagger.

Hon. Bardish Chagger: I would definitely consider that. I do believe, since PROC is asking for recommendations, that they should be responded to. Since BOIE is a consensus body, if we could look at the recommendations, we might be able to develop consensus and be able to move this along, which I think is important to do.

Hon. Geoff Regan: Ms. Bergen.

Hon. Candice Bergen: Are there currently recommendations? What would the timeline be if that were the option that we choose, that you would prepare recommendations, we would form a consensus, and then send it back to PROC?

Mr. Philippe Dufresne: We will adjust to the board's timelines. I understand the next board meeting is scheduled.

Hon. Geoff Regan: The first question is, are there recommendations already prepared?

Mr. Philippe Dufresne: They're not finalized. We're looking at the issue. We will complete it. If it's the board's request that it come back here, we will do so.

Hon. Geoff Regan: I think that's what the board is asking for. Is that right?

Ms. Bergen.

Hon. Candice Bergen: I think so. I think that, in order to accomplish what we want, there could probably be a bit of work as you're preparing those recommendations working with our teams, if possible, so that we'll discuss them here. I think it would be good to give you the time to prepare them and then bring them here. Give us time to look at them.

• (1145)

Hon. Geoff Regan: It seems to me that leaves the option open to the members of the board that, if everyone agrees on what's proposed, to have them go directly to PROC and not have to come here, if everyone is already agreed. That's always an option, should the members let me know that's their wish.

Hon. Candice Bergen: That sounds good.

Hon. Geoff Regan: For the time being, we'll ask for the recommendations to be brought to the next board meeting.

Is there anything else on this?

Ms. Chagger.

Hon. Bardish Chagger: To reference Ms. Bergen's comments, if, as they're being prepared, they want to keep our teams in the loop, it might make for a smoother process to see if we're close or not.

Hon. Geoff Regan: Absolutely.

Thank you.

Is there anything else from the previous meeting?

Seeing nothing, we're on to number three, updating rules respecting political party executives.

[Translation]

We have the law clerk with us.

Mr. Philippe Dufresne: Law clerk—or *greffier législatif* in French—Mr. Chair.

Hon. Geoff Regan: Also with us is Mr. Parent and Mr. Paquette.

Gentlemen, the floor is yours.

Mr. Philippe Dufresne: Thank you, Mr. Chair and members of the committee.

This item pertains to updating the rules respecting political party executives. The Members By-Law prohibits members and House officers from employing or contracting with political party executives.

According to the by-law, party leaders must also provide the names of all political party executives to the House Administration.

[English]

This concept of “political party executive” exists in the Members By-law, and it is currently defined as someone who has been identified under the Canada Elections Act as “an officer, auditor or chief agent...of a political party” or someone who “holds an office or occupies a position identified in the constitution of a registered political party”.

Some of the issues that have arisen in light of these definitions and this requirement of providing a list are that the political parties have varied constitutions and include varying levels of individuals. There has been some uncertainty about whether “political party executive” would include members of an electoral district association. There have been clarifications given that it does not, but the language of the bylaw currently could lead to some confusion. Likewise, the provision of the list of members has proven unwieldy, and the sections of the Canada Elections Act are no longer up to date given amendments to the act.

What we are recommending here is to amend the bylaw so that the only definition for “political party executive” is the one that is in the Canada Elections Act, that is, a list that is clear. There is a registry that is public. It would do away with the uncertainty in terms of political parties' constitutions.

We're also recommending that the bylaw be amended to update the sections of the Canada Elections Act more in the nature of housekeeping, and that would remove the need for party leaders to provide the list of individuals, because that list would be the one from Elections Canada.

[Translation]

That's what we are recommending. I would be happy to answer any questions you have and accept your approval should you wish to adopt the recommendation.

[English]

Hon. Geoff Regan: Are there any questions or comments?

Is it the will of the board to adopt these recommendations?

Some hon. members: Agreed.

Hon. Geoff Regan: That's adopted.

[Translation]

Thank you very much.

We will now hear from Charles Robert, Clerk of the House of Commons, on the 2019-22 strategic plan for the House.

[English]

Before we go ahead, do members wish to have a presentation? The question is, if members have looked at this already, they may or may not be already content with it, so would they like to give an indication of whether they want to have the presentation or whether they want to agree to this and go onto the next thing?

An hon. member: Approved.

Hon. Geoff Regan: We're agreed to this?

Mr. Julian.

Mr. Peter Julian: Does the presentation include any new information from what's already been distributed?

Mr. Charles Robert (Clerk of the House of Commons): No.

Hon. Geoff Regan: All right, then?

Sorry, Mr. Clerk.

Mr. Charles Robert: I'm good with that.

Hon. Geoff Regan: We adopt and approve your recommendation on the strategic plan and move on to number five. This is the use of House resources with respect to a former member's secondary residence.

[Translation]

I will now give the floor to Mr. Paquette, Mr. Dufresne and Mr. Fernandez.

• (1150)

Mr. José Fernandez (Deputy Chief Financial Officer): I'm not speaking now. The first two will be speaking.

Hon. Geoff Regan: My apologies.

Mr. Daniel G. Paquette (Chief Financial Officer, House of Commons): Thank you, Mr. Chair.

I am here to present the findings of the House Administration's review on the use of House resources by a former member. The review focused on the member's secondary residence and related expenses from 2012 to 2016, while he was still a member.

On January 23, 2019, the Speaker received a letter from a member asking the House Administration to review the use of House Resources by the former member.

[English]

The current policies allow the members whose constituency is not located in the national capital region to designate a primary residence in the constituency or in the national capital region, and establish a secondary residence additional to their primary residence. Expenses for the secondary residence may be charged under the travel status expense account. This allows members to defray some of their additional costs of maintaining that secondary residence.

Furthermore, in the current policy, a primary residence is defined as a residence ordinarily occupied by the member, available for the member's occupancy at all times, and its main purpose cannot be to generate income. The current policy also provides criteria to help determine which residency to declare as primary. That is, members must consider various criteria such as which residence they will declare on their income tax returns, in which province they vote, have a health card, a driver's licence and register their vehicle, and what living arrangements they will have for their spouse and dependants.

Although the current policy has been in effect since May 2016, the former member's secondary residence expenses were reviewed while considering the board policies and bylaws that were in effect during the period of 2012 to 2016, which is the period in question when he was a member. Prior to April 2013, the applicable bylaws and policies defined that primary residence as a residence other than a seasonal or recreational dwelling. They did not specify that members had to provide supporting documentation showing their primary residence was their ordinary place of residence or was available for their use at all times. Once having met the requirements outlined by the bylaws, it remained the members' discretion to decide the location of their primary residence.

In June 2015 the board approved several changes to that policy relating to secondary residence and per diem expenses. These changes modernized the residency policy by revising the definition

of a primary and secondary residence. They required that members provide that supporting documentation clarifying ownership or rental of their residence. They required that members declare at the start of every parliamentary session any changes and which one of the residences is the primary residence and which one was a secondary residence, and allowed members to claim those secondary expenses only if they maintained a primary residence that meets the definitions that are in the policies.

Finally, at its meeting in 2016 the board approved the criteria to help determine which residency members would declare as their primary residence.

The House administration has reviewed this matter and can report that the former member claimed secondary residence and per diem expenses while in the national capital region, and claimed expenses for travel between Ottawa and his constituency during that same period. The House administration has reviewed all the relevant proof of the primary and secondary residences that supported the expenses claimed by the former member and is satisfied that they all met the requirements that were in effect during that period of time.

The board, however, does have the exclusive authority to determine whether the use of the House resources by the member is or was proper.

Mr. Chair, this concludes my presentation.

Hon. Geoff Regan: Thank you very much.

Mr. Strahl.

Mr. Mark Strahl: First of all, I'd like to thank House administration for their review that found in all time periods and at all times Mr. Kenney abided by all the requirements that were in effect. Quite frankly, this board should be very concerned that this process was engaged for what can only be determined to have been partisan considerations to affect the ability of Mr. Kenney to conduct his campaign to become premier of Alberta, which he did with 55% of the vote in a historic victory in his province.

To think that any member of Parliament, currently sitting or not, could be subject to a partisan investigation request going back, in this case a number of years, based on the flimsiest of evidence by people with partisan interests, I think puts us all at risk, quite frankly, that at some point in the future someone will come to this board demanding an investigation, and that we're now a public body, damages the reputation of a member of Parliament simply being under investigation, a former member of Parliament who is no longer able to defend himself in the House. I think we should be very concerned with that.

Quite frankly, it also questions the integrity and the competence of our independent public servants who evaluate each one of our claims to have 12 or 13 years of those claims suddenly questioned for partisan political purposes. We count on those independent financial management officers to ensure compliance, and when there is not compliance, members are immediately informed and have the opportunity to come into compliance or to pay back monies they should not have charged to taxpayers.

Quite frankly, I think this was a very disturbing case, because we can all play this game. We can go back to times when members of the Liberal Party were found to have been illegally claiming housing allowances. If that's what we want this board to become, where these sorts of things come forward and we turn these things into an opportunity to settle old political scores, this will quickly devolve into a body that is not as it is intended, which is to be a consensus body that looks in a non-partisan way at the governance of this place.

I thank the House administration again for finding very clearly that Mr. Kenney did nothing wrong. I'm just disappointed that we arrived at this point where his name was intentionally dragged through the mud for a number of months for partisan political purposes.

• (1155)

Hon. Geoff Regan: Mr. Holland.

Hon. Mark Holland (Chief Government Whip): Mr. Speaker, I understand the concern. Particularly when in a public forum there are questions about expenses, there is an important need to verify the veracity of those expenses. Sometimes that process yields, as this one did, that the policies were appropriately followed. There's a question with secondary expenses in this instance, whether or not staying in your mom's basement constituted a principal residence.

I think it's important to explore the fact that those questions were out there. There have been instances where members have been found to have not utilized resources appropriately, so when things are raised in a public forum, I think it's important that those matters be vetted.

I'm satisfied with the conclusions here, and effectively those questions are answered in this matter, as far as I'm concerned.

Hon. Geoff Regan: Ms. Bergen.

Hon. Candice Bergen: I would concur with what my colleague Mr. Strahl has stated, and the fact that Mr. Holland just said what he did about Mr. Kenney and his mother is, frankly, shameful that we have come to this place at this really important body that has worked in a consensus. I think we have to think very seriously about what happened and how we were a part of it. I think we need to make a decision, regardless of the political party that is trying to attack their opponent, that we cannot go down this route.

I would caution everyone, because we could all play this game. We could start talking about Judy Sgro or Wayne Easter giving their condos to their kids and then charging the taxpayer rent. We could rehash a lot of things, but that is not what we are here to do. I think we need to have a very hard look at this and not go down this route again.

Thank you.

Hon. Geoff Regan: Thank you.

There's no recommendation here. There's nothing else you require from us. I thank colleagues for their comments on this matter.

[*Translation*]

We now move on to item 6, the use of House resources with respect to a member's designated website.

Mr. Paquette, you may go ahead.

• (1200)

Mr. Daniel G. Paquette: Thank you, Mr. Chair.

I am presenting the findings of the House Administration's review on the use of House resources with respect to a member's designated website.

On January 29, 2019, the Speaker received a letter from a member asking that the House Administration look into the matter.

[*English*]

The Members By-law specifies that funds, goods and services provided by the House of Commons may only be used for carrying out members' parliamentary functions. It also states that the activities related to the solicitation of memberships of political parties and activities related to meetings of electoral district associations are not deemed to be parliamentary functions; therefore, House resources cannot be used for these purposes.

Under the current board policy, members must designate one website as their official site, and only that website, whether it is paid for through the member's office budget or not, must be compliant with the conditions set out in the Members' Allowances and Services Manual. It may also be linked to the Parliament of Canada website and it may also be used in their advertising ten percenters and their householders.

The House administration has reviewed this matter and can report that as part of the administration's periodic review, the member's designated website was evaluated a total of five times between July 2016 and January 2019, and the House administration identified restricted content on the member's website on three separate occasions during this period.

At its most recent review, in January 2019, two pages which contained content related to solicitation of memberships of a political party and an invitation to nomination meetings were identified. The House administration has not contacted the member since the last evaluation; however, these two pages have since been taken down. The member has not claimed or charged any expenses related to his website posting to his member's office budget since the last general election in 2015. There is a letter addressed to the Speaker. The member has affirmed that these expenses were incurred by his member's district riding association, which is not restricted under the board's currently policies.

Since the House administration first identified restricted content on the member's website in June 2017, there have been several ten percenters and householders all featuring the designated websites that were produced and distributed to the member's constituency. The content of these documents was all found to be compliant with the board's current policies related to printed materials; however, the House administration is unable to confirm whether the member's designated website featured restricted content while the website appeared in these documents.

I will ask Monsieur Dufresne to provide some options for consideration for the board.

[*Translation*]

Mr. Philippe Dufresne: When the Board of Internal Economy is of the view that the Members By-Law or requirements in the manual have not been complied with, the board has a number of tools at its disposal. It can ask the member to take corrective action. It can ask the House Administration to develop a process to issue reminders and ensure follow-up. It can also decide that a financial reimbursement is in order.

[*English*]

In this case the board, faced with this situation, has a number of options. It may wish to ask the House administration to provide periodic reminders to members on this issue in the sense of the use of the designated website. It may ask the House administration to further develop processes in terms of putting in place mechanisms whereby members would be given notices of concerns and opportunities to address them. If it finds there has been a breach, they can set an amount for compensation.

Those are the options the board has, and we're happy to assist.

Hon. Geoff Regan: I have Mr. Holland, and then Mr. Julian.

Hon. Mark Holland: Mr. Speaker, I have some sympathy for this because I think the rules are somewhat opaque right now. Things have evolved such that there's a number of different online fora that people can advocate for the work that they're doing in Parliament. It becomes complicated when you have something like a free website or a website that is paid for by an electoral district association, or a Facebook page which is provided completely free, or an Instagram page, where you're talking about your work. But then, when you drive traffic to it, I think that becomes the issue.

I think we're going to have to be clear on where that boundary is. I recommend setting in place fines but on a prospective basis once we've made these rules very clear. I'll suggest to you where I think the difference lies.

If your electoral district association pays for your website and that website simply talks about your work as a parliamentarian and it can also talk about your work in the constituency on a partisan basis, I think there's no problem. When you put that into a householder or when you use House resources to advertise that, then you're using House resources to promote it and therefore to drive traffic to something that could raise money, drive people to fundraisers or things of that nature. I think that is the concern here, if I understand it.

If I were to go one step further—and I think this a more salient point that isn't addressed here—if we take a look at a medium like

Facebook and you use your House of Commons resources to buy targeted Facebook ads to get more people to like your Facebook page, then you subsequently use the people who have been added to that Facebook page as a result of House resources targeting those people to then invite them to a fundraiser or invite them to a nomination meeting or a rally for an election purpose, then this is where I think we have a problem. If you're using House resources to promote something, that then pulls it into the domain of being a vehicle of your job as a parliamentarian and therefore it has the usual restrictions around not being able to use it to promote fundraisers and things of this nature, it's an important boundary to keep. This is particularly in view of the fact that a lot of advertising is moving in that direction.

I don't think it's particularly clear to members, as it would not have been to Mr. Angus, that, hey, look, my EDA is paying for their website so no one should be hassling them about this. The answer is that they're using House resources to promote it. I think we have to be very clear with that, and it has to extend beyond websites. Giving anything in the way of a punishment up to this point would be unfair because it is not as clear as I think it needs to be. On a prospective basis, we need to be very clear and we should have fines. I suggest that they be escalating because if the fine is small enough, then somebody can say that it's worth it. If they can add 10,000 people to their Facebook and they can do a lot of fundraising off it, then frankly, it's worth some small fine.

That would be my recommendation: to come back with fines on a prospective basis that would be escalating and a policy that would relate to more than websites but also include Instagram, Facebook or other digital channels that people could use, where they would use House resources to promote it. That line has to be drawn exceptionally clearly.

• (1205)

Hon. Geoff Regan: Mr. Julian.

Mr. Peter Julian: As the new guy on the block, when I got my book, I looked at a few dozen MPs' websites and I found a number of them that had fundraising in one way or another.

I'll ask a question, and then I'll have a comment afterwards for Mr. Paquette and Mr. Dufresne.

We do this compliance check once a year, I understand. I'm interested in knowing what percentage, in doing that compliance check for websites, are turned up that are non-compliant. I would agree with Mr. Holland. It's a much larger issue. It seems, from my quick look at a number of websites, that it's something that happens very frequently.

Hon. Geoff Regan: We have Mr. Ben Moussa who can answer some of the technical aspects from the IT perspective.

Mr. Soufiane Ben Moussa (Chief Technology Officer, Information Services, House of Commons): Essentially, we check 30 members a month and we ensure that every member is at least checked once a year. Last year, we did around 449 checks of websites.

Mr. Peter Julian: Of the 449 checks, how many did you find that were non-compliant on websites?

Mr. Soufiane Ben Moussa: Seventy-four.

Mr. Peter Julian: Seventy-four? Okay.

Mr. Soufiane Ben Moussa: About 16%.

Mr. Peter Julian: Okay. That's a big number. That's important. Thank you for that. I think that's very helpful.

Getting back to Mr. Holland's point about having in place not just the periodic reminders, but looking forward to how we will deal with the 74 cases of non-compliance we have, I think that's something the BOIE should be looking at.

Mr. Holland has talked about social media, and that becomes a lot more difficult. That would be, I think, a major shift in terms of Facebook, Instagram, Twitter. I would certainly need to talk with folks to have a better understanding. Certainly for websites, it seems to me that it makes sense to have in place measures that ensure compliance, particularly if we have 74 cases in the last year—I would assume probably from all parties, and maybe independents too—of non-compliance out of the 449 checks.

• (1210)

Hon. Geoff Regan: Ms. Bergen.

Hon. Candice Bergen: Thank you. I just have two points.

I would agree with Mr. Holland in this case. I can sympathize with Mr. Angus thinking that if his EDA is paying for it, then it would be okay to do fundraising, and it would just be looking at him linking it to his House of Commons resources. Certainly anybody who has a website paid for by the House of Commons, I think we all know you cannot get donations or memberships off of our House of Commons website. If any of our members don't know that, I think our whips should be clearly reminding us that you can't take donations out of your office, you can't sell memberships out of our office, and you can't be collecting from your House of Commons website. I think whips and parties need to remind their members.

On the issue that Mr. Holland brought up... It's interesting. I survey my riding and I've been an MP for almost 11 years. Any time I've asked my constituents where they get the majority of information and news, up until the last two years, it had always been TV or newspapers. It is now primarily online. It's like Facebook...all of that's become a new community.

If I'm at an event that I have organized—it's not a political event; it's maybe a coffee meeting with constituents and stakeholders—and if during the course of that meeting somebody says to me, “I really like what you're doing and I want to help you or maybe help in a campaign,” I wouldn't take that information now, but we obviously don't say, “Don't speak to me about that,” just like we couldn't on Facebook. We're at a very odd place where we have to figure it out. We have now a new gathering place, which is Facebook, Instagram, the social media. How do we realistically—using some common sense, because it isn't all linear—reconcile that so we're not using House of Commons resources to do political work and at the same time we're not shutting out people? This is now their community. They're not coming and meeting with us in our offices. They're speaking to us via social media.

I don't have the answer for it, but I don't think it's as black and white as.... I can have my EDA pay for my Facebook page, or any advertising—because I don't pay for the page—but then if they're looking at the work that I'm doing as an MP, how do we separate that? I'm just suggesting it isn't entirely black and white, but I'm not sure where we land, where it's responsible but also where we have some common sense in the decision.

Hon. Geoff Regan: Mr. Holland.

Hon. Mark Holland: I'll try to cut the line. I agree that it's difficult. I think that members of Parliament who are going to have Facebook pages are going to have other sorts of digital presence, and that's fully appropriate, and it's obviously fully appropriate to be partisan as well, including fundraising and organizing of events, so I'm not suggesting that at all.

The line that I'm drawing, and I'll just be very explicit to make the point, is, let's say I took \$5,000 of House resources, advertising, and paid for targeted Facebook ads to drive up the number of people who are following me on Facebook. Then I work with my EDA with those new people who have just been added as a result of the budget that I've taken from the House of Commons to drive up my numbers to promote a fundraiser in my riding. I'm then deriving a direct benefit from the utilization of House resources.

The line I would draw is to say that, if you use a Facebook page or a digital medium, and you drive traffic to it, so in other words, you buy that traffic or you promote it in a householder or a ten percenter, then you are converting that into a House asset. If you make the decision as an EDA to purchase the eyeballs using EDA dollars, it's different.

You're absolutely right, Candice, that in the course of our business.... Let's say I have a particular image—and this may be hard for members to believe—or I have a particularly eloquent speech in the House of Commons, and I post that online, and it drives a lot of traffic, and it drives a lot of people to like my page, which I then subsequently use to raise money. It's not a perfect line, but I think that we need some kind of line because—I don't do it—it would be a remarkably effective strategy for me to take all of my advertising money, spend it on Facebook, and then work in conjunction with my EDA to capitalize that for fundraising purposes and for electoral purposes.

Today, as I read the rules, there's really nothing stopping me from doing that. That should worry us a lot more than whether or not a householder is driving somebody to a website. Maybe I shouldn't even say this out loud, because it would be such an effective strategy, but the fact that this strategy exists on the table today could be capitalized with enormous effect. I'm not sure that we want to leave that out there, because I think that it's really not the intention of what the allocation we're given is for.

Let's face it. If the rules don't block something, somebody with more ambiguous morals who is industrious will fill that grey space in utilizing this. That's why I'm saying that this is an opportunity in the ambiguity of where we are today to cut clearer and more defined lines here before it becomes a larger problem, and there's a greater move towards this digital world than a smaller one. I think we all acknowledge that. That's why I think it's incredibly important for this body.

● (1215)

Hon. Geoff Regan: Ms. Chagger.

Hon. Bardish Chagger: I want to echo some of the comments as to the rule we hear often that you can't do indirectly what you can't do directly. I think that's where the concern is being raised. Are we ensuring that there is some guidance available?

I put out ten percenters in my riding. I thought it would be important for me to share with everyone that I was hosting a blood drive so people could come and donate blood, which I thought was great, but the rules did not permit me to ask people to come and donate blood, because it was asking for donations. They were not political donations. It was for blood, for the good of the people of the country and for saving lives.

Hon. Geoff Regan: Were your campaign workers involved?

Hon. Bardish Chagger: I don't know how your blood bank works.

Hon. Geoff Regan: I was just kidding.

Hon. Bardish Chagger: Ours doesn't work like that, not in Waterloo at least.

Hon. Mark Holland: It's the mind of a Speaker.

Hon. Bardish Chagger: I think it's important that there are systems in place and perhaps have a mechanism where if there is a little bit of grey, to be able to vet. I think what we're seeing here is colleagues will put out these letters and then people are being challenged and the system and the rules are changing. Even though this MP has been around for a long time, social media is a new norm that we're trying to grasp and come to terms with.

How do we ensure there are some parameters and some guidance available so that members of Parliament can do their due diligence? That might be to ask, like we do with the Conflict of Interest and Ethics Commissioner, is it appropriate for me to write such a letter or not; is this appropriate for me to post or not. Perhaps there should be some system in place where there is a resource that you can ask to confirm, and rather than be reactionary, be proactive.

I think our world is going to become more and more social media-focused. Technology is going to lead to new realities. New tools are going to become available. How do we ensure that our rules are in the 21st century and we're mindful of where the country and world is going when it comes to communications?

We've just brought our calendars and householders into full colour. That took time. How can we make sure that this conversation is not just about this issue but as to the direction of where we're going so perhaps we can be ahead of the challenges we will be facing? I really do think we might want to check out if it's okay to donate blood or not and was that the intention of the rules or are the

rules perhaps casting a net into greater areas than we intended. It might be worth checking that out.

Hon. Geoff Regan: Mr. Strahl.

Mr. Mark Strahl: Tangentially, I think we did address some of those third party website donation restrictions with our communicating with constituents changes to the ten percenter program in the last meeting. I believe there was some relaxing of the rules, in terms of putting a Red Cross flood relief link on our products, etc.

Putting that aside, I think we have to be very careful here that this is a comprehensive review. This cannot be done in a haphazard manner. I think there are unintended consequences or complications that you might have. Does a public figure who runs for office, who has 100,000 Facebook followers when they come into office, lose all of that personal branding? Do they lose all the ability to communicate with those people because they're suddenly elected as a member of Parliament? Can they never use that for a partisan purpose?

I think as well there has been some clarification offered by Elections Canada on what counts against a spending limit or what is permissible to use when it comes to social media. We need to be in close consultation with Elections Canada to ensure that we are doing things that are compliant with their rulings or their predeterminations that they have now. If we get into it and we suddenly make declarations that certain products cannot be used.... Certainly at this point in the game, six months before an election, I think Mr. Holland would probably have a riot in his caucus. Similarly, everyone would be concerned.

We've operating under a certain set of assumptions, rules and understandings and to now say that we're going to change course or prohibit things that have previously been allowed, I think would be very difficult at the end of a Parliament. This might be something that should be looked at at the beginning of a new Parliament so everyone is clear that the rules are all laid out when they start this process.

As to this website in particular, I would agree that no further action needs to be taken other than making all members aware. Again, I think this is another one. I think Mr. Angus quite clearly in his reply indicates that he feels the intention behind this letter was again to damage him politically. Look, we can all find websites from our political opponents. I have one in front of me right now. I'm not going to name the individual who has a "Donate" button and a big picture of one of the more photogenic leaders in this place. The donate page comes up. I will give that to Mr. Holland after this meeting.

Again, we are approaching an election and I think these are clearly politically motivated interventions here. If Mr. Sheehan actually wanted taxpayers to be protected, he could have gone to Mr. Julian's whip and said, "This is an issue and I would like you to deal with it." Instead, now that we're in public, this is designed to politically damage Mr. Angus. Again, if this is what we are to become, I think it will become a three-ring circus and not what we intended to be here.

We want to make sure the rules are followed for everyone, not that we're using this to now score political points. We have many committees at which this is a primary objective. I'm hoping that doesn't become the norm here.

•(1220)

Hon. Geoff Regan: Mr. Holland and then Mr. Julian.

Hon. Mark Holland: Thank you.

For the purposes of this discussion, dividing this into two parts makes a great deal of sense, further to Mr. Strahl's point.

I think we can say this matter is closed. The members advised this shouldn't be done, and that we send a reminder of the existing policy to members and encourage whips to have conversations with their caucus to ensure compliance, but it raises a very important issue, one which I think we have to draw a line on.

To make the last point on this, my view, just as Mr. Strahl said, is that it shouldn't come into force until a new Parliament, just to make it as clean as possible, but ideally, this body would deal with it before, if possible, so the new Parliament could start immediately with a fresh slate.

I'd make the following types of distinctions. I have about 30,000 followers on Facebook. If I decide to use my House of Commons budget and House of Commons resources to promote that Facebook page, it gets converted to a House of Commons resource. If that Facebook page is only ever paid for by my EDA, I can do whatever I want with it. I can fundraise on it. I can be politically active on it. I'm not suggesting that we have this full debate today, but I am saying that we have to have an understanding because, frankly—and I'll end on this point—the amount of traffic you're going to get from putting your website on a householder, the number of people you're going to get to donate is really not a big deal compared to using a medium like Facebook with your advertising dollars to drive traffic to it and to monetize that thereafter.

It's a completely different tactic and it would be highly effective. Right now it's the Wild West on that, and I don't think people have realized the extent to which that's the case. I agree changing the rules midstream...but I think that we need to have some rules for when this place comes back, because that digital world is moving at a very rapid pace, and right now this is a big hole.

•(1225)

Hon. Geoff Regan: It seems to me that, among other things, we need to clarify whether you can promote your Facebook or Twitter page on your own designated website or in your printed material that's paid for by the House, if you use any of those in partisan ways.

I think that may not be clear to members right now. I think we need to make that very clear.

Mr. Julian.

Mr. Peter Julian: I think it's been a good discussion, and I think we have some consensus for the websites.

I'd like to follow up on comments that Mr. Strahl made. This was a complaint that came forward from another MP to Mr. Angus, but we have found out that 74 MPs haven't been compliant in the past year. If this body became a place where political parties just threw out

complaints left and right, we would have 74 complaints for administration to investigate. That involves an incredible amount of time. I don't think any of us want to see the BOIE go down that road.

Coming back to the broader picture, about a quarter of the House of Commons hasn't been compliant in the past year. For their websites, how do we best make sure there is compliance? I think having a clear communication—and I agree with everyone about letting the whips know. Whips have a lot of influence and they can help with compliance. That's going to be very important, making sure there's a reminder to members, and then I think that having a graduated series of consequences makes sense for websites.

As far as social media is concerned, as I mentioned earlier, I think there are a lot of ramifications. I am certainly going to do some research at my end, and I think for today's purposes, we've had a good discussion on the website issue.

Hon. Geoff Regan: It sounds to me, if I'm not mistaken, that when you look at the options presented in the conclusion today, members seem to be wanting to provide periodic reminders to members about the rules that apply. It says:

That the House Administration provide periodic reminders to Members regarding the Members By-law and policy requirements not to use House of Commons resources, whether directly or indirectly, for soliciting membership to a political party or for activities that are related to a meeting of an electoral district association;

In itself, is that satisfactory or not?

Mr. Strahl.

Mr. Mark Strahl: In terms of the question of Mr. Holland, I think both of his interventions have been addressing, whether directly or indirectly, that portion of this. I think that's what's in question here, so I don't know if we can come to a conclusion. I think we're all in agreement with the idea that we want to be reminded of our obligations, but if we want to get into what constitutes an indirect use of a House of Commons resource, I think you're opening up that Pandora's box that we've all identified here.

•(1230)

Hon. Geoff Regan: If the House administration gives reminders of what the rule is, as it has presently been stated in the past, members would accept to be—

Mr. Mark Strahl: On that, I don't know.

Hon. Geoff Regan: Mr. Holland.

Hon. Mark Holland: Not to belabour the point, but I think it's an important one. Let me ask the question directly.

Let's say I decided to spend \$5,000 today on targeted Facebook ads to increase the number of likes on my Facebook page. Does that, under the rules today, mean that the Facebook page is then effectively a product of the House and I would no longer be able to advertise political partisan events on it? I don't think there's a member in the House who knows that it's the rule today.

Mr. Philippe Dufresne: I think that's an issue that would come to the board. I don't think that's an issue that has been determined to this date. You have the bylaws that set out the rules and the principles on areas where there may be developing fact situations or situations that are identified as requiring clarification. The role of the board is to bring that clarity to those matters.

One of the suggestions you have made is for the House administration to perhaps look into this with a view to having clarification of that in the next Parliament, if not earlier.

Hon. Geoff Regan: To step into what may be dangerous and tricky ground, it seems to me that the public would not want to see members being able to use public resources to advance their partisan, political.... The problem is that what you're describing to me, I can't see the public wanting that to be acceptable: using dollars provided by the House in order to develop the membership of your riding association.

Hon. Mark Holland: I'm sure there has been no audit of whether or not this activity is occurring. Whether the public wants it or not, I think it is inappropriate. However, the reality, as I understand it today, is that there are no rules against it. For all I know, it's happening today in the absence of rules. I'm not hearing that there is any validation of what's happening there, which means that this could very well be a widespread practice today. I don't know, and we don't have any guidance on it.

The only suggestion I'm making is that recommendations on this matter come back to the BOIE so that we can provide clarity in this respect.

Hon. Geoff Regan: I think we can do that. Okay? Agreed. Thank you very much.

We will provide reminders on the basis of the present rules. The administration will come back with recommendations as discussed here, including, I think, for the idea of graduated consequences. We've heard that from a number of members. There will be no further action in relation to the complaint in this particular instance. We do have to respond and let them know that, obviously.

We now have to go in camera for a number of items that require us to be in camera. We'll pause for a moment while we do that.

[Proceedings continue in camera]

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