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# Standing Committee on Procedure and House Affairs

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**Tuesday, February 15, 2005**

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**Chair**

**The Honourable Don Boudria**

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## Standing Committee on Procedure and House Affairs

Tuesday, February 15, 2005

•(1105)

[Translation]

**The Chair (Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.)):** Pursuant to the Order of Reference of Tuesday, November 23, 2004, we will now proceed with consideration of the question of privilege relating to the usurpation of the title of Member of Parliament by the Honourable Serge Marcil.

[English]

The question of privilege—and I'm reading from the journals here—was raised by Mr. Guimond,

[Translation]

member for Montmorency—Charlevoix—Haute-Côte-Nord,

[English]

and the Speaker ruled that there was a prima facie case of privilege. That is why the issue is before us.

[Translation]

Mr. Guimond, seconded by Mr. Boire, moved, and I'll read you the motion that is before this committee:

That the question of privilege regarding the usurpation of the title of Member of Parliament by Mr. Serge Marcil be referred to the Standing Committee on Procedure and House Affairs.

The question was put on the motion and it was agreed to. The matter is thus before this committee. As is customary, the person who rises on a question of privilege in the House of Commons has the opportunity, if he or she so wishes, to make a statement before the committee, after which we will hear the second witness here this morning, the Honourable Serge Marcil. Then, today, or another if our time is short, we will also hear Mr. William Corbett, Clerk of the House of Commons.

Do you have a statement to make, Mr. Guimond, before we go any further?

**Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord):** Yes. Thank you, Mr. Chairman.

I would like to make a very brief statement. Like you, I'm anxious to hear what our former colleague Mr. Marcil has to say on this question. As you know, following the June 28 election, the deputation in the House of Commons changed. There were 301 members in the last Parliament; that number was increased to 308. Of the current 308 members, 201 are members who have been re-elected, 101 were re-elected for the first time, and six made a return to federal politics.

So as I mentioned, if 101 colleagues were elected for the first time, that necessarily means that 101 members who were here in the 37th Parliament are no longer with us, for various reasons. Either they decided not to seek another term or they were defeated at a nomination meeting of their own party or in the general election.

Regardless of the reason, those former colleagues from the 37th Parliament are no longer members in the 38th Parliament. You will therefore understand that they no longer have the title of Member of Parliament and that, as a result of the outcome of the June 28 election, they are no longer empowered to use the title of Member of Parliament.

I'm roughly halfway through my presentation. I'll explain the context in broad terms. The member for Beauharnois—Salaberry, Mr. Alain Boire, who was elected in the election of June 28, 2004, came to see me as Chief Whip of my party, to show me an advertising booklet that had been issued some time earlier to mark the twentieth anniversary of an association for the defence of the rights of cancer patients, an association that, incidentally, is very dynamic and very credible in the riding of Beauharnois—Salaberry. That should not be called into question. Moreover, that was not the point of my question of privilege.

In that booklet, there was an advertisement bearing the signature of Serge Marcil, Member of Parliament for Beauharnois—Salaberry and, further on in that same booklet, reference was made to Alain Boire, Member of Parliament for Beauharnois—Salaberry. There clearly must have been some mistake, misunderstanding or event as a result of which Mr. Marcil's advertisement was not withdrawn from the booklet.

In a moment, I'll have questions to ask Mr. Marcil about the sequence of events and the rules underlying the terms and conditions of the closing of a member's office.

So, Mr. Chairman, that broadly is what I wanted to say, emphasizing, once again, the fact that the association is not to be blamed. In any case, that was not the point of my remarks. I don't believe we have to ask representatives of the association to testify before us. It was not my intention to do that or to recommend it to you. In my view, Mr. Marcil's explanation in his testimony, which will follow mine, may be largely sufficient to resolve matters. In any case, we'll see what Mr. Marcil has to tell us.

Thank you, Mr. Chairman.

•(1110)

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

Before hearing Mr. Marcil, are there any questions for Mr. Guimond on his presentation or on the question of privilege he raised in the House of Commons?

Thank you very much, Mr. Guimond. We will now hear the Honourable Serge Marcil. This of course concerns this advertising booklet in which the name of the Honourable Mr. Marcil was mentioned. I also want to inform you that each of you has an information kit that the clerk has prepared, which contains a copy and translation of the advertisement in question in which the event in question, the twentieth anniversary of what is called “A Break-through for Life: Heading for Healing”, of an organization called OVPAC.

**Hon. Serge Marcil (As Individual):** Thank you, Mr. Chairman.

In my public life, I did not expect to be required to appear before a committee almost as an accused. I'm 61 years old and I have devoted nearly 40 years to public life. I also worked for a long time in the field of education. I was a municipal councillor and a member of the Quebec National Assembly for nine years. I held the position of Minister of Employment in Quebec City, and I also had the privilege of sitting in the House of Commons. I would never have thought my professionalism could be doubted in the case of the charge that has been made against me.

In fact, Mr. Chairman, unless there are new factors that have been added to what was said earlier, what happened in this situation is that Mr. Réal Sarault, who was the president of that organization for 20 years, was stricken with cancer. He had founded the organization precisely to help people suffering from cancer. It was especially humanitarian work. Mr. Sarault gave himself to the organization body and soul. He was probably in a way the only leader in that he accumulated all the information for himself, and, since it was a non-profit organization, there was a high turnover rate among the staff and volunteers.

In this particular case, Mr. Chairman, I was asked, as was done every year, to take part, in my capacity as Member of Parliament, in an event, a golf tournament, which was held every year in late summer, in early September.

The previous year, in January and February, sponsors had been contacted to renew sponsorships, to buy advertising that was to appear in a program. That's what's done every year.

What happened in this case? Mr. Sarault died during that period, and the team that replaced him, including the acting president, Mr. Caron, probably had a lot on his plate and didn't see this.

I never used the title of Member of Parliament. I understood; I know a little about how politics works. After June 28, I was no longer the member for the riding of Beauharnois—Salaberry, and I never insisted on using that title; I never used it afterward. It appeared simply because a circumstantial error was made in a few places. We contacted a number of people from whom we had bought some advertising, in particular billboards set up in arenas. There were four arenas, and people removed the billboards.

In programs, there are things you can't control. If you buy advertising in January, February or March, you don't know when it's going to come out. I had been in Africa for three and a half months when I received an e-mail in December informing me that the Bloc

Québécois had introduced a motion to that effect in the House. I was unpleasantly surprised to be called to account for myself.

Mr. Chairman, I believe you received a letter from the president of OVPAC explaining the situation. I think it's quite clear. So I won't go back over that.

It also seems to me, Mr. Chairman, that, in the current electoral context, there are things that can occur following a defeat or a victory. I was in the same situation in November 2000, when I was elected. In the summer of 2001, I faced a similar situation because there was a sign bearing the name of Daniel Turp, member for Beauharnois—Salaberry, painted on a St. John Ambulance truck. I didn't break out in spots or hives as a result. I went to see the people and I informed them that Mr. Turp was no longer the member and that it might be a good idea to remove the advertisement. They told me it was painted on. I told them I was going to buy one to replace it. I didn't introduce a motion in the House; I wasn't insulted by the incident. I can understand that non-profit organizations don't have the time to think of everything.

Is it the responsibility of the defeated member to go around and take back the business cards he handed out left and right over four years, to remove the signs that have been made for events that have taken place during his term, and to ensure that his name no longer appears anywhere? What can I say? I did what I had to do.

• (1115)

For 30 days, my staff busied themselves closing my office and contacting a lot of people. Some mistakes may have been made during that time. We regret it, but, as regards the motion that was introduced, I answer, no, I did not usurp the title of Member of Parliament. I have never done so, and I will never do so either. Thank you.

**The Chair:** Thank you for your statement, Mr. Marcil. We will now move on to the question period, starting with Mr. Johnston.

[English]

Mr. Johnston, the floor is yours.

**Mr. Dale Johnston (Wetaskiwin, CPC):** Thank you, Mr. Chairman.

Thank you for your presentation, to both of you actually. From reading through the documents and from listening to your statement, it seems fairly evident to me that this wasn't something you wilfully did. You didn't set out to knowingly advertise yourself as a member of Parliament when you knew you had been defeated on June 28.

In my opinion, that's about all the information I need to know. Maybe you'd like to just have an opportunity to enlarge on that.

[Translation]

**Hon. Serge Marcil:** Thank you, Mr. Johnston.

I have an enormous amount of respect for the institution of the House of Commons and for the title of Member of Parliament. So, no, I never did that. That was thus not my intention. I didn't even see the program as such. I didn't even see the advertisement either. I don't even know what happened. I think this is an unfortunate incident, but I can't assume all the responsibility for it myself, in view of the fact that we had previously made efforts to prevent this kind of thing from occurring.

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

Ms. Boivin.

**Ms. Françoise Boivin (Gatineau, Lib.):** Out of simple curiosity, I looked at virtually all the information that was given to us. In the document in question, we see both your advertisement and that of the current member for Beauharnois—Salaberry, Alain Boire. I too think the information there is quite clear. I don't sense there was a desire to usurp anything in this regard. However, we are here because there is a motion, and so on.

In your letter to our Chairman, Mr. Boudria, dated November 30, you wrote:

The new chairperson sent Mr. Boire all the information and a full explanation regarding this matter. He even took the time to explain the situation on the night of the golf tournament, precisely because he wanted to avoid creating an ambiguous situation.

Have you spoken with Mr. Boire? Have you had any reaction, for example, regarding that event, any reaction from the member? It seems to me, in light of the information you've given us, that no one senses there was a desire to withdraw his privilege as a member. I'm trying to understand the logic behind this.

• (1120)

**Hon. Serge Marcil:** Thank you for the question. First, I did indeed speak to the president, Mr. Caron. He explained to me that, on that very evening, all the participants in the golf tournament had been informed of the mistake that had been made. That was explained to Mr. Boire then. At that time, I was in Kinshasa, in the Democratic Republic of the Congo, when the event occurred. So I didn't know first of all that the event had occurred. I learned about it from journalists in my region, who tried to contact me to determine my reaction to a news release that had been sent to the local papers by the member in question.

It seems to me that the information president Caron gave that evening should have been enough for the member to understand that a mistake had been made by the organization and that he should have closed the file, and not tried to engage in petty politics with a thing like this. I feel this was a cheap shot reaction. I thought that, at some point, people could rise above the melee and understand that organizations can make mistakes. I could have made a mistake—I want you to know—but that was not the case. People knew it. It seems to me that, when the current member decided to take part in the purchase of advertising in that booklet, he could have asked whether mine had been withdrawn. These are things that could have happened. I wasn't there, so I can't answer on his behalf. I nevertheless find it unfortunate that my name is associated with this. In fact, what I deplore is that I'm now being accused in the newspapers, and even here in Ottawa, and in the weeklies in my region, of usurping the title of Member of Parliament. It seems to me money could have been better spent.

**The Chair:** Mr. Guimond.

**Mr. Michel Guimond:** Thank you, Mr. Chairman.

I'm going to start by making a comment. Mr. Marcil, you're a veteran parliamentarian. You sat in the Quebec National Assembly. Earlier you stated your political CV. I believe you were even a minister for some time in Quebec City. Is that correct?

**Hon. Serge Marcil:** Yes.

**Mr. Michel Guimond:** You started by saying that you didn't think you had to testify. But we live in a democracy. If we managed to convince the Speaker of the House of the validity of the question of privilege, the consequence is that you were summoned to testify. Presidents of the United States have had to resign as a result of investigations concerning them, whereas, in their capacity as President of the United States, the most powerful man on the planet, they could have said that they did not expect to have to testify before a commission of inquiry.

I'm fully aware that what I'm telling you is a matter of opinion, but I want to qualify your remarks. You've come to testify because we have questions to ask you.

As a veteran parliamentarian, you know there are rules governing the closing of riding offices for a member defeated in an election. Is that correct? Are you familiar with those rules?

**Hon. Serge Marcil:** Supposedly.

**Mr. Michel Guimond:** You know that the defeated member has 30 days to take inventory, remove furniture and officially close his office. Is that correct?

**Hon. Serge Marcil:** Yes.

**Mr. Michel Guimond:** You trivialize the action again. For the benefit of my colleagues, I want to tell you that it is not my intention to make a big deal out of this. I'm looking for the truth. You stated some interesting facts in your testimony. Of course, you denounce petty politics at times, but you varnish the tale a little yourself. We know each other Mr. Marcil; we've previously rubbed up against one another, you and I. In any case, most people have already rubbed up against me; it's not a privilege. Whatever the case may be, you somewhat trivialize the matter by saying that, when a member is defeated, he doesn't have 30 days to take back all the business cards he has distributed. That seems obvious; it's a bit normal. There are definitely still cards in your name in the hands of people in that riding. You're making this seem a bit ridiculous.

That hasn't happened to me yet, since I was re-elected. In a democracy, you have to accept the fact that you can lose. I'm not claiming... Unlike certain wonderful democracies in the world where people are elected—we could cite the example of Togo, where the son succeeds the dead father—here we're in a democracy and we acknowledge that we can lose. I acknowledge that I can lose, and I acknowledge that I might have to go through that 30-day period. It's on that point that I'm asking for an explanation from you.

What does one do during those 30 days? Among other things, did you examine each of your files to see whether you had advertising “lying around” somewhere? How did that work?

●(1125)

**Hon. Serge Marcil:** One may not have the opportunity to do that in all ridings. This wasn't my first defeat. I was beaten in the provincial election in 1994; the margin was 900 votes. You have to accept that. There's life after politics. I'm not battered by my defeat in June. That was the verdict of the people of Quebec and Canada, and I accept the result.

I don't want to trivialize the fact that I'm here, if I was genuinely at fault. I can understand that a motion can be introduced in the House and that the Speaker can say it bears reflection and refers it to committee. But from the moment the Speaker sends you a letter explaining the situation and literally tells you, and I quote:

Mr. Sarault put Mr. Marcil's photo and text in a file including all the business cards that he had sold as sponsorships for the gala evening [...] When the election was called [...] and the results were announced [...] it was not really surprising that Mr. Marcil did not think of what he had provided to OVPAC...

We had been doing business with them for four years. When I was at the provincial level, I did it as well; I also helped that organization. I'll continue reading the letter:

... It is even less surprising that it never occurred to him that the people who took over for Mr. Sarault, who died on August 22, would use his name, address, phone number, etc., in a publication.

He admits in his letter that:

The persons responsible for the [...] souvenir program prepared it less than three weeks beforehand, and unfortunately did not check its contents carefully enough before it was printed.

He clearly states that it was their fault. I thought that, on reading this letter, you would probably have concluded that a mistake had been made. That can happen in politics. When you lose, you have 30 days to close your office. We tried to contact the new member for 30 days and were never able to speak to him. Fortunately, they took the same premises, so didn't have to move at that time. We processed the files one by one before...

**The Chair:** We'll move on to the following questions because time has long been up. You'll immediately be entitled to a second round, Mr. Guimond, if there is one.

Are there any other questions? You have the floor, Mr. Casey.

[English]

**Mr. Bill Casey (Cumberland—Colchester—Musquodoboit Valley, CPC):** I don't have a question; I just have a comment.

Unless I'm missing something here, it sounds like it was an honest mistake. It sounds like the organization involved apologized and accepted responsibility. They even apologized publicly. The former member has said so, and I think we should accept the apology and move on. I don't know why we're wasting all this time on it.

I'd like to move that we accept the apology and move on.

**The Chair:** Yes, but just a second. Of course, if you put a motion, I will have to accept it, but I think there are other colleagues who might ask questions, and additionally, there's the clerk here. Of course, the motion is not out of order, so you can put it, but I don't want anyone to be deprived of the opportunity to say what they have to say or hear the clerk if he has something to add.

Do you want to put your motion now anyway?

●(1130)

**Mr. Bill Casey:** Yes.

**The Chair:** The motion is in order, so please restate your motion, sir.

**Mr. Bill Casey:** I just move that we accept the apology from the organization and the former member and move on. That's with no repercussions. It happens.

**The Chair:** You mean report to the House?

**Mr. Bill Casey:** Yes.

**The Chair:** Of course, the committee is free to decide as it wishes. I'm not one to want to prolong debate either, but we do have a witness here and we do have our clerk, who's ready. In any case, the motion is in order.

Does anyone want to speak on the motion?

Monsieur Guimond.

[Translation]

**Mr. Michel Guimond:** I want to tell my Conservative colleague who introduced the motion that I had two more questions to ask to determine how this happened. I don't intend to ask the committee to spend a week on this, but I'm very unhappy that this argument is being used to close the debate. I want to tell my Conservative Party colleagues that, if the same thing had happened to them and debate was quickly closed, I'm convinced they wouldn't be very happy about it.

[English]

**Mr. Bill Casey:** There's no issue.

[Translation]

**Mr. Michel Guimond:** We have a beautiful motto in Quebec: *Je me souviens*, I remember. Of course I'll vote against the motion.

**Ms. Françoise Boivin:** I would have liked to ask the witness a question.

There's a motion.

**Mr. Michel Guimond:** Really? I wanted to ask two more questions.

**The Chair:** Although the witness can't answer, because we're considering a motion, and I'm not promising you'll get answers to your questions, you can nevertheless say what your question would have been, if I can put it that way, while we debate the motion, and for the benefit of the committee. I'll no doubt do the same thing.

**Mr. Michel Guimond:** First I'd like to go back to the file closing process. We have this kind of advertising file. In my opinion, if 10, 12 or 14 of them are open, the member can very well call upon one of his assistants within 30 days. He can tell him, in a case like that, that events are on agenda but that, in view of the election results, advertising can't be published. I thought that was the way we had to proceed within those 30 days.

Then I'd like to know whether that advertising had been paid for by the comptroller. If necessary, you would have to check to see how he would have paid for a document prepared before the event.

My Conservative colleagues often act as guardians of the public purse. However, this would mean that, before the next election campaign, it would be acceptable to pay a large amount for advertising just before the election is called, and for that advertising to be published subsequently, based on the election results. Some aspects remain unknown, such as payment, billing and the comptroller. I would have liked Mr. Marcil to answer me on that subject. Was that bill paid before?

**The Chair:** As you know, we are debating a motion. Consequently, we can't ask Mr. Marcil to speak now, at least not before we've made a decision on the motion.

Like you, I'd be curious to know whether that advertising was paid for. If that was the case, is it possible that the people felt obliged to publish it in spite of everything? I don't know whether someone had that idea.

Since I was first elected, I have never been defeated, but I wonder whether the handbook that's given to members contains the slightest paragraph, chapter or whatever designed to inform former members of their responsibilities in any situation that might suggest to the public that they are still members.

You've just given us an example, Mr. Guimond, and I'm going to cite another. Suppose that sign is up in front of the riding office. Of course, the member is closing the office because the new member doesn't want it. So who removes the sign? Will it stay there forever, announcing that Mr. or Ms. So and So is the member, when that's no longer the case? I don't know what relations there are in this regard, and I too would have liked to know whether there are instructions on this subject in our handbook. We could have a document prepared explaining all that for us; we would then have the benefit of useful recommendations for situations such as the one we're addressing today.

Whatever the case may be, those were thoughts I wanted to share with you. I can't put any questions to the witness, since we're debating a motion and, consequently, can't question him.

[English]

Does anyone else want to speak on the motion? There is a motion before us.

Mr. Casey, it's your motion.

• (1135)

**Mr. Bill Casey:** I just wanted to say that I have had the privilege of being defeated, in 1993, and it comes as a shock. You have a very short time to empty your office, turn over your files, shut down your computers, clean them out, fire your staff, and get out of your office. I think it's in 30 days. It's a wonder there's not more of this.

Mr. Guimond hasn't gone through that. You haven't had the fortunate experience of being defeated, but I have and it's chaos. The last thing you're going to be thinking about is calling all the newspapers and everything to see if you have an outstanding ad, maybe, or calling a volunteer organization. I'm sure it happens a lot and we just don't hear about it. It has to happen a lot.

Anyway, that's all I can say.

**The Chair:** Mr. Reynolds.

**Mr. John Reynolds (West Vancouver—Sunshine Coast—Sea to Sky Country, CPC):** Mr. Chairman, I just want to make sure Michel understands that we're not taking this lightly. I think he may have had that impression. I think the point your party raises is a very important one.

I know there were a number of members—this may not have happened in Bloc ridings, especially—who were defeated, and who had paid for their ads, and who on July 3, which is three days after the election, appeared in the papers as members of Parliament through no fault of their own.

The ads were paid for; newspapers do not take ads from members of Parliament unless they're paid for in advance, for obvious reasons. Those things happened, and maybe we should be looking at how we make sure members are advised immediately that things that were paid in advance should be cancelled. But you're obviously thinking about a lot of other things if you've been defeated.

I might mention also that one of my members told me the other day he got a call from a lawyer in Calgary who had defeated a member of Parliament. The former member of Parliament still had his sign up over his office building, and it was confusing to a lot of people. So he had his people move in and take the sign down. Now they're threatening to sue him for removing the sign, which just said the person's name and "Member of Parliament". So there are a lot of issues there.

But I think in this case, the organization that put the ad in has apologized, saying that because the person running had died of cancer there was an oversight. They have apologized. The member has told us he didn't have anything to do with it. I think in this particular case I would accept the story of the honourable member, because he's still an honourable person.

In some of these other issues maybe we should, Mr. Chairman, have the clerk do some research as to what is in the book for when elections are called, so that members who are defeated can be advised that they should have a checklist of what they might have bought in advance and paid for in advance, because it's required.

Also, maybe there should be a rule on how many days you have as a former member of Parliament to take down your physical signs. I still have my Liberal opponent's sign up in my riding. It looks as if he's going to use the same office for the next election if it's held rather soon, but that's a different story.

I think in this case, we have apologies and we should accept those.

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

Madam Longfield.

**Hon. Judi Longfield (Whitby—Oshawa, Lib.):** I agree with what Mr. Reynolds said. I'm going to support the motion with respect to privilege because I think it has been explained sufficiently, but I think there are other questions that we need to explore. I know that advertising is not paid for directly by my office anyway. I frequently send the invoice off to the comptroller, who pays it. I would not know whether the comptroller had paid it before or after the given date. Certainly a sitting member couldn't be responsible for something they had submitted when they were a sitting member that was paid for subsequently.

Maybe we need to have the comptroller in. Maybe there are some things we need to discuss. But I think in this particular case the issue of whether Mr. Marcil had somehow done something untoward has been cleared up. I think it was an honest mistake and we should move on.

●(1140)

[Translation]

**The Chair:** Thank you.

Mr. Guimond.

**Mr. Michel Guimond:** Mr. Chairman, I want to make it clear that I'm going to vote against the motion introduced by Mr. Casey, but not because I don't accept Mr. Marcil's explanations. I don't know why this is urgent, since it's 11:40, and the committee meeting began at 11:10. I think it would be hard for us to be more expeditious. We're purportedly wasting our time. I didn't come here with a list of 32 witnesses, planning to address this question until July 15.

I'm going to vote against this motion because I find it premature. Even Ms. Longfield... I invite her to vote with me against the motion because the best way to get an answer to her questions is to ensure it is defeated. I would vote in favour of the motion, but I feel certain questions are still outstanding. Perhaps you know everything that happened: whether the invoice was paid before or after, or whether it was not paid at all. Imagine the impact that could have on other members. If, in your mind, you can provide clear answers to questions you didn't even ask, that means you have an extraordinary talent of reading people's minds. In that case, vote in favour of this motion.

For my part, I'm explaining to you why I won't, and I repeat that I agree on virtually all of the motion. I don't agree with Mr. Marcil's attitude in the circumstances, but that's my problem. I'm nevertheless in agreement with most of his explanations.

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

[English]

I'll take the floor again, colleagues. I just want to remind you that there was a similar case in 1985. I don't know whether that's part of your kit. It was the case of an ad in a newspaper after a member had left. The case was brought by the then Conservative MP, Mr. Andrew Witer, regarding a former MP—well, he was an MP later as well—Mr. Jesse Flis. Of course, at that time, it was deemed to be a *prima facie* question of privilege. It did appear before the committee. Then the committee ruled that the privilege was not found, because of course there was no fault. There appear to be some similarities. This is fully available for those who want to see the information.

I notice our clerk is still here and I thank him. After we dispose of the motion, if some of us have questions we'd like to ask the clerk.... Perhaps we would want to ask him to remain in any case, because I think colleagues have raised a number of issues that are still important—and I believe I raised some of them myself, actually—regarding how all this works and whether there's need for improvement.

Are you ready for the question?

I'm sorry. Mr. Johnston.

●(1145)

**Mr. Dale Johnston:** Mr. Chairman, because we're debating the motion here, I wonder if that in any way usurps the right of our witness to engage in debating the motion as well. Several questions were asked of him, and I wouldn't want to have my colleague from the Bloc go away thinking he didn't get an opportunity to get an answer from the witness.

While I'm on that vein, my friend from the Bloc says I will remember. Well, I think this case could happen to any one of us. This is something for which it appears there was no *mens rea*. There was certainly no intent to misrepresent himself as a member of Parliament. I think the explanation has certainly been adequate, but I am still asking the chair if the witness can take part in this debate and, in so doing, answer some of the questions the member from the Bloc raised.

**The Chair:** Procedurally, of course, the answer is no. But if, by unanimous consent, you want to allow that, of course the chair will listen to it, if that's what you're asking, Mr. Johnston, that you wish to seek unanimous consent for that. But at the present time we are debating a motion, and procedurally, if we are debating a motion, only MPs participate in the debate on the motion.

**Mr. Dale Johnston:** Therefore, Mr. Chairman, I would ask unanimous consent to allow our witness to make statements in response to questions that have been put.

**The Chair:** All right.

Mr. Johnston has just sought unanimous consent that, prior to our voting, we allow our witness to make a statement in response to some of the things raised .

**Ms. Françoise Boivin:** No.

**The Chair:** No?

**Ms. Françoise Boivin:** Seriously.

[Translation]

**The Chair:** Ms. Boivin, it's your turn.

**Ms. Françoise Boivin:** Thank you. With regard to the motion that has been introduced, I think it's important to clarify one thing. Mr. Guimond thinks that it's outrageous not to continue the discussion, that that gives an impression of taking matters lightly.

I've carefully read this entire story. I wanted to hear from the witness what he had to say. I think we have to draw a distinction between two things. There's the fact that this matter concerns the reputations of individuals. This has been addressed in the media. We saw it on television here earlier. A person is concerned, a member who is said to be honourable. I heard Mr. Guimond say that he was more or less satisfied with the explanations. He had something to criticize about the process, but not about that. I think that, at some point, once we've obtained the answers to our questions, we should move ahead and resolve this matter.



If we have other questions after the fact... This is a process that occurs every time a member is defeated at election. The 30-day period, the checklist does not concern our witness at all. In my view, we should release him as soon as possible, if that's what people wish. If, after that, he is kind enough to inform us about his experience during those 30 days, that will be a different matter. For the moment, I refuse to be told that we're being careless in this matter. We aren't at all. I think I'm enough of an adult to understand that an error was made in good faith. Unless someone can prove the contrary, the matter is closed, and we can move on to something else.

[English]

**The Chair:** Merci beaucoup.

Questions?

(Motion agreed to)

[Translation]

**The Chair:** Mr. Marcil, we thank you for your evidence before us this morning.

[English]

Colleagues, you will know we do have some time left on the agenda and our clerk is here. I had informally suggested to you earlier that we might want to hear from him even though the item is disposed of. Is it your wish that we hear from our clerk while some of this information is fresh in our minds?

[Translation]

Is that all right?

Mr. Clerk, please approach the table. We thank you for being here this morning. We do not have to explain the matter to you because you are no doubt more familiar with it than we are, for all kinds of reasons. Do you have a brief statement to make?

**Mr. William Corbett (Clerk of the House):** When I left my office, Mr. Chairman, I had a little speech. As you have already made a decision, my speech has, in a way, become moot. The idea was to set the debate in the context of procedure and privilege, but you have already made a decision on the point. I had a rough explanation of what was going on in Mr. Witer's case, but it's moot, to a certain degree.

You've made a decision, but you've raised questions on other matters related to this situation. I'm prepared to discuss a bit of that, if the committee wishes.

• (1150)

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

What would be the first question?

**Mr. Michel Guimond:** I think we have better things to do. Our time is important.

**The Chair:** All right. And on the other side?

[English]

Madam Redman, do you have a question?

**Hon. Karen Redman (Kitchener Centre, Lib.):** I do.

Thank you all.

I do appreciate that there have been many serious issues raised, and again, I would agree with other comments that have been made by colleagues. I hope Monsieur Guimond realizes that we did take this very seriously, and it seemed to me that the explanation was compelling and straightforward.

My question to Mr. Corbett would be this. You've heard some of the issues that were raised in the earlier discussion amongst members of Parliament. What are the questions we should be asking as a committee, and who would be the person to take recommendations to if we were to look at how we have a checklist?

I too have anecdotally heard stories of signs that have been up, even amongst members of the same party, but when a redistribution of a riding happens, there doesn't seem to be a lot of effective follow-up. How would we go about remedying that, and, in your opinion, is that possible, or should we just be noble in the attempt anyway?

**Mr. William Corbett:** To Mrs. Redman, through you, Mr. Chair, while the debate was going on, my staff was listening to it and they quickly sent me down a copy of the table of contents from the members' "Manual of Allowances and Services", and I've had a quick look through. Section 4 covers members not re-elected and goes from pages 5 to 13. Just in a very quick glance I see a lot of provisions, but I don't see anything urging members on the subject of what to do with outstanding advertising commitments or with signage around their office. I can't see anything in there, and certainly this committee could in essence make a recommendation that the House administration look into addressing some of these concerns insofar as it's possible and bring back something to the committee in terms of recommendations before the next event occurs, shall we say.

**The Chair:** Thank you.

Do you have any other questions, Madam Redman?

**Hon. Karen Redman:** No, thank you.

**The Chair:** Mr. Casey.

**Mr. Bill Casey:** The next event. Is that what this is, what we're doing every so often?

**The Chair:** It's a new euphemism.

**Mr. Bill Casey:** Have you had other experiences of this? Are you familiar with any other problems like this?

**Mr. William Corbett:** There was the situation of Mr. Witer in 1985. The only one I'm familiar with personally is actually in the same....

[Translation]

riding.

[English]

The member who had the seat before Monsieur Marcil was Monsieur Daniel Turp.

[Translation]

Now Mr. Turp kept his member's Web site after the election. Someone raised this point privately with the House administration, which drew the attention of the Bloc Québécois' Chief Whip to the situation, and he took the necessary measures for the Web site to be closed.

[English]

Those are really the only two cases.

There was another case I know of in an instance where there was a member defeated who took extraordinary measures in terms of advertising in his constituency office that jammed the telephones of the spouse of the winning new member. Once again, there we had to intervene, but we intervened informally. We called the whip of the party in question and said, "Is there anything you can do, because this is creating quite a stir in the village where this is happening?"

Those are the only cases that come to mind when I think about this.

• (1155)

**The Chair:** Thank you.

Madame Boivin.

[Translation]

**Ms. Françoise Boivin:** I don't even know whether this is a question for the witness. Mr. Corbett, you said it might be a good thing to consider a recommendation. In view of the fact that I think flagrant cases are exceptional, I don't want the committee to lose the right... I'm not denying the fact that the Bloc was entirely within its rights and that it was even a good thing for it to submit the case to us so that we could at least check to see whether an error had been made in good faith or in bad faith. Wouldn't it be better to leave the situation there?

When we judge advertising incidents, we know—and Mr. Reynolds raised a very relevant point a moment ago—depending on the time of year when the election is held, what happened before the election was called... Is it really worth the trouble to work on a recommendation? I believe that the existing regulations provide us with all the tools we need to do exactly what has been done, that is to say to raise a question of privilege before the Speaker of the House. The Speaker refers the subject of the question to committee, where we hear witnesses; we consider the documentation and move on to something else or act accordingly. It might happen that someone becomes obstinate. In the case you mentioned, that of Mr. Turp of the Bloc, the situation appears to have been resolved. Technically, we could have found ourselves in the same situation: a complaint, a question of privilege, a reference to the Standing Committee on Procedure and House Affairs. That was more or less the gist of my remarks earlier to the witness who appeared before us on another matter. It seems to me that, once the information has been given to us, we should move on to something else. Lastly, that went further, but...

Do you still contend that it would be important to make a recommendation?

**Mr. William Corbett:** I leave that in the committee's hands.

**Ms. Françoise Boivin:** That's good. Thank you.

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

Mr. Chatters.

[English]

**Mr. David Chatters (Battle River, CPC):** Notwithstanding the discussion that has gone on, and certainly Mr. Reynolds' comment

about the July 1 ads is perfectly understandable, in this particular incident, as we're referring to it, the member of Parliament would not have been allowed to buy advertising during the writ period. That backs it up to May.

He also, in my experience, had to submit a copy of the advertisement to the comptroller before the comptroller would have paid for it. Yet this ad didn't appear for five and a half months after the date that he would have been allowed. It seems a bit unusual to me that someone, a member of Parliament, would buy advertising and submit an ad that wasn't to appear for five and a half months after the fact.

I don't know if there's a reasonable explanation for that or not, but it does seem curious to me.

**Mr. William Corbett:** I confess, Mr. Chatters, you have more information on some of this than I have. I understand you've received and examined letters that situate this in terms of time, which I've not been exposed to. I know certainly the whole question of advertising is a subject that is being actively considered in the Board of Internal Economy, so it is certainly something that can be raised with board members.

**Mr. David Chatters:** Sure.

**The Chair:** Very well.

Madam Longfield.

**Hon. Judi Longfield:** I'm satisfied with respect to our decision on Mr. Marcil, but I think we may need to look more closely at the guidelines, and I suspect that's something the Board of Internal Economy does, not this committee. But I think it might be appropriate that this committee suggest that the Board of Internal Economy reflect on the guidelines, particularly as they remain silent on things like signage and other things, and suggest that in order to prevent an unintended consequence of someone just not knowing what to do, that it be clarified and looked at.

**The Chair:** Do you have any reaction to this, Mr. Corbett?

**Mr. William Corbett:** Certainly that's within the powers of the Board of Internal Economy. Given what I've read in terms of duties and responsibilities for members not re-elected, I'm not in any sense saying it should be a detailed package, but there might be just a couple of sentences in that particular section of the manual that members will go to when it happens to them, and it would be a reminder to them to look into those subjects. It's certainly something the board could look into.

• (1200)

**The Chair:** Thank you.

A question that I have, Mr. Corbett, is that when we're elected as MPs—and of course that was a long time ago in my case, but I think you even do it for re-elected MPs—overnight or something like that a package is sent to the MPs at their home, saying, you're an MP now, here's what you're supposed to do. Shouldn't at least that section of the manual be similarly sent out, saying, you're not an MP any more, here's what you're supposed to do. If defeated members of Parliament had something like that, and maybe only a one pager, there would at least be a tool they could refer to and say, oh, yes, I have to close down all these offices and do this stuff. At the same time I might as well do this, because I've been notified by the authorities that this is part of what I have to do in the process.

Would you react to what I just said?

**Mr. William Corbett:** I think that might actually take place, Mr. Boudria.

**The Chair:** With respect, you just said—

**Mr. William Corbett:** With respect to members.

**The Chair:** —if that information isn't part of the manual, how can you—

**Mr. William Corbett:** Specifically with regard to signage and publicity, it perhaps is not there, but there certainly is a contact made very quickly during the time after the election between the House administration and the member. There may be deficiencies in the information that's passed at that time. It is my understanding, certainly from my staff, that it's always a difficult time for both sides, but if we can improve the information, that's something we would look at.

**The Chair:** I think Mr. Casey would like the floor again. It seems to me that in addition to the report we're going to be making to the House on the prima facie case of privilege, shouldn't we as well either report to the House that there are shortcomings in the rules? Or would you like me on your behalf to simply write to the Speaker in his capacity as chair of the Board of Internal Economy telling him that we've looked at this and there wasn't the prima facie case of privilege this time because of these reasons; however, there is a shortcoming in our procedure that we recommend the board look at. One of these two ways I think would work, and while you're commenting, you might want to say whether you think either one, if any, of these ideas is worthwhile for your chairman to follow up.

Mr. Casey.

**Mr. Bill Casey:** When I was defeated in 1993, there were very specific instructions on what to do. I had a certain time period to wind up my office on the Hill, which was very short. I had a certain different time to wind up my office in the riding. I had a certain time

to clean out my computers and turn over the files to archives that I wanted to turn over. There was a very specific list. I don't exactly remember everything on it, but I do remember that it was a very chaotic time when the event happened. The time period to clean up is very short, because you're still the member of Parliament and you're still dealing with constituency issues, and everybody is trying to get into your office. It's a chaotic time for your staff because they've just lost their jobs.

I would agree with you. I think a letter should be sent to the Speaker and that process should be reviewed, and for those who are defeated, the tasks should be made as easy as possible.

**The Chair:** Are there any further reactions or any further questions?

Can I gather that there would be some support for me writing a letter to Mr. Speaker—not a report to the House, simply a letter to the Speaker, which of course I will circulate to all colleagues?

**Some hon. members:** Agreed.

● (1205)

**The Chair:** Of course, we're going to write a very brief report on the question of privilege. We've already voted on it, but we have to report to the House. So at the next meeting, maybe we can take a few minutes at the end, after our witnesses, and review our report—which, as you might guess, probably won't be very lengthy. I've reviewed a similar report of a previous incident, and by its nature, it's not very long—if this one looks the same. We can vote on it then, decide on it, and report back to the House.

That said, there are no other items on the agenda.

On Thursday we're going to review Bill C-30. You do know about Bill C-30. That's the one regarding the salaries of MPs. You're familiar with this and with the rules regarding amendments, if there are amendments. Of course, you know how those work. I remind you of them, and perhaps remind colleagues, if they want to prepare for that eventuality.

I'm also told that the Privy Council Office, pursuant to a discussion we had some time ago, has prepared briefing material, which the parliamentary secretary has made available to all of us. If you don't have that material, please speak to the clerk or the researcher.

With that, I'll entertain a motion to adjourn.

**An hon. member:** So moved.

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





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