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—
Chair

Mr. Gary Goodyear

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•(1105)

[English]

The Chair (Mr. Gary Goodyear (Cambridge, CPC)): I call the meeting to order.

Good morning, and welcome again this morning, ladies and gentlemen. We don't have a lot to do this morning, but I do want to get started on time. We have some other issues that we need to deal with.

To start with standard business, I want to remind members that today's meeting will be held in public as we begin clause-by-clause study of Bill C-16.

Before we begin that, I want to remind members, or at least let you know, that the government response to our thirteenth report that we tabled in June was delivered on Friday. I'm sure most of you have it by now. We'll talk a little bit about that at the end of the meeting. We can defer it until Thursday or we can talk about it at the end. We might want to consider whether we want to send a response.

As well, on Thursday, as members know, we're going to begin discussions—if time permits from today's meeting—on the conflict of interest code. But we can discuss that at the end of the meeting today. I will leave time for that.

Mr. Dewar, please.

Mr. Paul Dewar (Ottawa Centre, NDP): Thank you, Chair.

I want to table a motion for this committee and, if I may, read it for the record. The clerk, I believe, has a back-up for some information in reference to the motion. I would like to very quickly read the motion for the record.

I move:

That the Standing Committee on Procedure and House Affairs prepare a report to the House of Commons before November 10, 2006, recommending changes to the Standing Orders of the House of Commons based on the June 22, 1992 report of the Special Advisory Committee to the Speaker on unparliamentary language, and the Speaker's authority to deal with breaches of decorum and behaviour.

That's the motion, Chair. The back-up that is being passed around in both official languages is in fact that said report, for people's reference.

As many of us have been concerned as of late about decorum in the House, it's always important to look back at what has been done in recommendations. Since this is the committee that deals with the Standing Orders, I thought it would obviously be the place to not only table it, but for us to deal with it, since there is a lot of concern

around not only the most recent events but concerns around decorum in the House in general.

That's the motion, and I thank you for your indulgence.

The Chair: Thank you, Mr. Dewar.

We're tabling the report. I understand that we can talk about this later, and we can move to clause-by-clause on Bill C-16. Thank you.

I want to advise members that as we move through clause-by-clause on Bill C-16, we will do so in the usual manner.

Perhaps I can ask the officials at the end of the table to introduce themselves, please.

Mr. Warren Newman (General Counsel, Constitutional and Administrative Law, Department of Justice): Thank you.

Warren Newman, general counsel,

administrative law section, Department of Justice.

Mr. Douglas Wolfe (Senior Policy Advisor, Legislation and House Planning, Privy Council Office): Good morning. Douglas Wolfe, senior policy adviser with the Privy Council Office.

Mr. Dan McDougall (Director of Operations, Legislation and House Planning, Privy Council Office): Dan McDougall, director of operations with legislation and House planning of the Privy Council Office.

The Chair: Thank you.

Members, the officials at the end of the table are here to help us with any technical questions we may have. Members, the amendments package was distributed on Monday. Amendments are marked by the party presenting them and are in the order in which they are stipulated by the bill. Indeed, we'll come to each amendment as we go through the bill. That's the order we've decided makes most sense.

We have an agenda in front of us, but before we begin, I'd like to introduce Mr. Wayne Cole, the legislative clerk assigned to this bill. He will also help with the process of walking us through it.

As the first order of business, everybody has Bill C-16 in front of you. I'll simply note for members that there are no amendments to clause 1.

Oh, I'm sorry. Let's deal with the amendments to clause 1, which are the Bloc motions of Monsieur Guimond.

(On clause 1)

•(1110)

[*Translation*]

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

I think it is clear from our comments and the questions asked of the various witnesses that the choice of the third Monday in October is a problem for the Bloc québécois. I don't intend to go on very long. I would simply like to reiterate that in October, there is a holiday that comes around on the same cycle. Since the beginning of time — unless we decide to change it — Quebec and Canada have celebrated Thanksgiving on the second Monday of October. If elections are held on the third Monday of October, advance polling will always be held during Thanksgiving weekend.

We believe that such a situation would not support the exercise of voting rights, neither in terms of a general vote nor of advance polling, even if there is no longer a legal requirement to reveal why we are unable to vote on Election Day and why we vote in advance. Over the years, we have abandoned that idea and people may now vote in advance. In any case, if the vote is cast by mail, they can send it in to the returning officer at any time. Our objective is to support the exercise of voting rights. We believe that that weekend is not a convenient period for advance voting. Consequently, we believe that the timing is not right. The objective of our amendment is to change that. We therefore suggest the fourth Monday in April. From a seasonal point of view, the end of April is as favourable as October. In fact, in October, winter has already arrived in some Western Canada provinces. We believe that the fourth Monday in April is more convenient from a seasonal point of view.

Some opponents to this date could raise a question concerning students. We have done some checks in this regard. Normally, universities end classes in the last days of April. The preceding week, students could vote in their campus constituency or, if required because their classes have already ended, they could choose to vote in their home district. On the fourth Monday of April, students have not massively deserted campuses. We have checked. Contrary to Thanksgiving, Easter is not a fixed-date holiday. It varies; I've never understood how that date is set. It may be due to a link to the Roman calendar or it is perhaps part of the Judeo-Christian tradition. Easter sometimes lands in March, sometimes in April. It's been too long since I served at Easter mass for me to remember the logic that dictates when Easter is in March and when it is in April. We've looked forward fifteen years. In that time, advance polling falling on Easter weekend will take place only once, which I admit would present a certain disadvantage.

•(1115)

That happens only once in the next 15 years. That is in 2011, if I recall correctly. An election will be required that year since we must now have fixed-date elections. For all these reasons, I ask the Committee to adopt the amendment that was respectfully submitted.

[*English*]

The Chair: Thank you, Mr. Guimond. We appreciate that.

Mr. Owen has a comment, and then Mr. Reid.

Hon. Stephen Owen (Vancouver Quadra, Lib.): Thank you.

While I appreciate the argument being made by our colleagues in the Bloc for having a spring date rather than the fall date, I must say that very convincing arguments were made to us, both in written materials as well as by witnesses, that one of the great advantages of a fixed election date is to capture the attention, engagement, and voting—eventually, if not right at that moment—of students. We have this tremendous group of new electors every year who have the opportunity, if the date is properly set, to learn about and be involved in the elections themselves and have mock elections.

From my own experience, Mr. Chair, having a constituency, Vancouver Quadra, that has I think the third largest university in the country, I see this very dramatically in the various elections I've been involved with. When the elections have been at a time when the students were not distracted by exams and were in session, the vitality and I think future promise of our vibrant democracy demonstrated by their enthusiasm have been overwhelming—much greater, I have found, than in members of the general population.

Some of the arguments that were made about being able to properly plan, in a curriculum for a year, mock elections and other information that would encourage students to become interested in these issues and active in elections were very convincing to me. October was named for the reason that students were back, they were settled, but they weren't in the middle of exams, nor were they fully engaged at that time perhaps in their term work.

For the April date, with the greatest respect, I understand the reasons that have been put forward, but I have a real concern. Certainly in British Columbia, university exams begin in the early to middle part of April, which would mean they would be distracted throughout the whole campaign period. I have no doubt they would get around to voting even if they had exams at the time, but it's the real energy they bring to the campaign that moves me to prefer the October date.

The Chair: Thank you.

Mr. Reid, please.

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): Thank you, Mr. Chair.

I too do not support the amendment, although I recognize the helpful spirit in which it was offered. I have a number of reasons for not supporting it.

One of them is actually very similar to the one raised by Mr. Owen. I was looking back to my own student days and—

•(1120)

Hon. Jay Hill (Prince George—Peace River, CPC): That was a long time ago.

Mr. Scott Reid: Thanks for that, Jay; it wasn't as long as for you.

In every province it may be different, but in Ontario, where I went to school, here's what happened: exams started at the beginning of April—April is exam month—and end at some point in April. Exactly when they end is very much dependent on the individual set of courses the student is taking, and to some degree it's a lottery whether you have your exams nicely and evenly spread out or all bunched together at the front or the end of the exam period. What many students do, particularly those who come from away, is that as soon as their last exam is over, they're out of town. They're heading back to wherever they're from.

I would argue that unfortunately the last week of April is arguably the worst week you could pick from the point of view of actually having some idea of where students are. There's a very good chance they would be at one riding during the advance polls and a different one during the final polls. Based on the many years I spent as a student, I really think this choice of dates is unfortunate, precisely from a student point of view, .

That's one concern. A second and I think lesser concern is that some snowbirds are not back yet from the south. I'm not sure that's as major a concern. Most snowbirds would be back by the end of April.

My third concern, which I think is very important, is this. Under the proposed date at the end of April, the writ period would overlap with the end of the fiscal year, and this means there'd be a problem. It would not occur if you chose any other time of year for the election to take place. It's taking place in a period when it would be necessary to pay for the government's bills by means of Governor General's warrants, as opposed to the normal budget process, and for that reason I think this date is an unfortunate choice as well.

As a final note, Mr. Chairman, I simply mention that the Chief Electoral Officer, Mr. Kingsley, when asked about the concern with the July 1 moving date—not the student concern—did indicate that he felt he'd be able to take care of updating his list in time for the recommended October election date. On this basis, I'm encouraging colleagues to vote against this amendment, again notwithstanding the fact that I recognize it was offered in the very best sense of collegiality.

The Chair: Thank you.

Madame Jennings is next, please.

[*Translation*]

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Thank you. I must admit that I began considering the amendment proposed by my Bloc québécois colleague with some concern precisely because there is a university in my constituency. I was concerned by the effect this amendment could have on student voter turnout for the elections. But, after some thought, I feel that it is more important to move the date of the fixed elections to protect all Quebecers' democratic right to vote — including a good number of my own constituents who move every year on July 1 — and that they be affected the least possible. I believe that the vote of a greater number of my constituents would be affected if general elections were held in October. A greater number of them would be affected by elections in October than students affected by elections on the fourth Monday of April. I intend to support the amendment submitted by Mr. Guimond of the Bloc québécois because I believe

the effect will be beneficial for most people while it would be negative for only a few.

The Chair: Thank you, Ms. Jennings.

Mr. Proulx, it is your turn.

● (1125)

[*English*]

Mr. Marcel Proulx (Hull—Aylmer, Lib.): Thank you, Mr. Chair.

I just want to confirm that I will be voting with the Bloc on this amendment, for the simple reason that although Mr. Kingsley has said he would do the utmost to make sure the lists would be updated in time, it still means that for those of us who work with the lists, starting numerous months before an election date, we would be working with non-updated lists until probably September. To me, that is not acceptable. I will therefore vote with the Bloc's amendment so that the election is not held in October, but rather prior to July 1, the date for the moves, and that would mean in April.

Thank you.

The Chair: Thank you.

Mr. Dewar, a final comment, please.

Mr. Paul Dewar: Thank you, Chair.

I have just a couple of quick comments. The reason I liked October, as was presented, was that the crops are in and the ice isn't—well, I guess that depends on how far north you are.

But I also want to support Mr. Owen's comments as someone who was working with young people and students in our school system. The comment that was made by one of our witnesses was that this is all terrific to change the legislation, but more importantly, we need to animate any of the laws we pass, and in doing so, strengthen the democratic process in our country. I think it's really important that we consider the fact that we are trying to hopefully move forward and get into our schools, be it at the secondary or post-secondary level, and to engage young people.

The other thing I want to mention—and I mentioned this in committee before—is that if we look at April, I'm quite concerned. The rationale for our party supporting it, my predecessor Mr. Broadbent bringing it forward in the ethics package, was to take away the cynicism of the electorate in the manipulation of government putting the election date on their agenda and not on the agenda for all Canadians.

One of the concerns that was raised by Mr. Broadbent, and I share his concern, is the manipulation of the public purse. If we look at the date we're setting, I'm very concerned that we'll see the same kind of behaviour we've seen with governments in the past, where just before an election is going to be held, there's money flying out of the back of trains, planes, and automobiles. I see the change to April as being something that would build in the opportunity for governments to manipulate that. They can simply say, "Well, that's the fixed election date; we have to provide a budget." If you look at October, you then have the government held to fiscal account, because the budget obviously will have been in the spring, we'll have estimates forward, we'll be able to scrutinize the governing party, and they won't be able to say they're promising this, that, and the other thing, or build it into a budget. We'll actually be able to examine the fiscal behaviour of the government in October.

Those are the main reasons I mentioned. In terms of the nature of our country, and looking at farmers' calendars, looking at students' comings and goings, and looking at the fiscal argument, I support October.

My final comment is that if we do have a dilemma, as was mentioned by my colleagues, with regard to Quebec, there is a built-in moving day in Quebec, and I think we should engage the Chief Electoral Officer to fix it and to make sure we have a system that's going to work for them, and not nix the date in October.

Sorry, I have just one other thought. If you do move to April, what about those people who are moving in July? They will have moved constituencies, very often. If there's an election in April, they move in July and they're into a new member's constituency. You could argue that it's better to have it in the fall, after they've moved, so that they are moving and staying put, if you will, with the member that they would have hopefully supported.

Those are my comments. Thank you.

The Chair: Thank you, Mr. Dewar.

We'll have a final comment from Monsieur Guimond.

[*Translation*]

Mr. Michel Guimond: I was too focused on the main argument in the defence of my amendment, but I would like to take up on the element introduced by Ms. Jennings and my colleague, Mr. Roux, i. e. the accuracy of the lists.

The Chief Electoral Officer has not convinced us — not at all — that in the case of October elections, we in Quebec would have accurate and precise lists, given the number of residential moves that take place in Quebec around the 1st of July.

The most compelling proof that he himself foresees a problem — you will remember — is that he asked us, in the report he produced after the elections, to postpone the date from October 15 to November 15. On the contrary, we would ask him to accelerate! Despite all the good will the Chief Electoral Officer of Quebec might have to register all changes as quickly as possible, Mr. Kingsley, Chief Electoral Officer of Canada, was unable to convince us of the lists' accuracy. In fact, that is one of the reasons we wanted to move the whole thing to April, thus giving us the opportunity to use data that include the preceding year's residential moves.

I conclude by lamenting the fact that, for some strange reason, the Register of Electors official here in Ottawa refuses to speak to us at the very time we need to check on issues of register accuracy. There seems to be a culture of secrecy around this register. I won't go as far as talking about veto, such as suggested by my colleague from Drummond, but there is a certain lack of cooperation on the part of some persons around the Chief Elections Officer.

We therefore maintain that our amendment should be adopted, which is something that appears to be more and more doubtful.

• (1130)

[*English*]

The Chair: Thank you.

I think we're ready for the question.

Members, how shall we vote? Just yeas and nays, with hands? Is that acceptable to the committee?

I see agreement.

The amendment before us is that Bill C-16 in clause 1 be amended by replacing lines 12 and 13, on page 1, with the following:

election must be held on the fourth Monday of April in the fourth calendar year following

Does this amendment carry?

(Amendment negatived)

The Chair: My interpretation is that since the amendment from the Bloc was defeated, the second motion is not relevant.

We will therefore move to amendment NDP-1.

Mr. Dewar.

Mr. Paul Dewar: Thank you, Chair.

The Chair: Mr. Dewar, if I may just interrupt, I have an issue with this, and I would like you to take some time to explain this amendment to the committee.

Please, Mr. Dewar.

Mr. Paul Dewar: Thank you, Chair.

During our deliberations, and on hearing from witnesses and having had some time to discuss this as members of Parliament, and certainly when people read this, one of the concerns that was brought forward was that this is really not in fact fixed election dates; it's flexible fixed dates. I think there's a consensus on that, and certainly that was supported by those we heard as expert witnesses.

This amendment is simply to strengthen this bill. The intent of this amendment is to make sure it's explicit, notwithstanding the first part of the bill, which states clearly in 56.1(1), "Nothing in this section affects the powers of the Governor General, including the power to dissolve Parliament at the Governor General's discretion."

It simply puts in.... The amendment I've put forward is:

If the House of Commons adopts a motion of non-confidence in the government and the Prime Minister does not resign despite the adoption of that motion, the Prime Minister shall advise the Governor General to dissolve the House of Commons on the day the motion is adopted and to command that a general election be held on a Monday selected by the Prime Minister that is not later than 180 days following the day on which the motion is adopted.

If I may, the last part of the amendment is simply convention and the rules we go by in terms of setting an election date. The first part, however, is an instructive piece, and that is simply to make sure that, as I said before, it's explicit that when you are in a minority Parliament, particularly, obviously, and there are times when confidence is lost, there is a process that is explicit in terms of making sure the Prime Minister follows the direction of the House and that everything else follows in accordance.

The reason for this, if I may, is that it's the flexible clause of the bill, and that's what I wanted to put forward. Notwithstanding that convention—and I'm sure our expert panel will help us with this—that would be the case, anyhow, because of the nature of section 56.1 and the nature, if you will, of the convention of our model. This simply makes it explicit instead of just implicit. So that's the first part.

The second part—and I know that I had been fairly thorough in my questions with our expert panel on dealing with motions of confidence—simply lists what a motion of confidence might include. And not to worry, I did listen carefully. If you look at the list, it is exhaustive. One might ask why it is necessary. We certainly captured in our amendment the fact that it pretty much covers everything. It does cover the fact that, as was mentioned by the panel, you need to leave open that the government is able to suggest that a motion is a confidence motion. And I heard that clearly, and that's why it's in the amendment. It also mentions, of course, that the House has the option of moving non-confidence in the government.

So if you look at this list, I think it's exhaustive. Again, this is not to change the bill; it's to strengthen and buttress the bill and be explicit, so that when someone reads this bill, they indeed understand the intent. There are not just some clauses one would have to drill into to understand it. It is laid out in the bill. It's to better articulate the intent of what flexible fixed election dates should be.

And I would just finally state, Chair, that if people have problems with this amendment, I urge them not to throw the baby out with the bathwater. What I mean by that is that they should please entertain, please choose, to keep proposed subsection (3)—my proposed amendment. If they have a problem—and I can't see why they'd have a problem—with the list of purposes of describing non-confidence, we keep subsection (3), as proposed as an amendment, simply to make it more explicit to ensure that we follow convention and that for anyone who is wanting to understand this bill, it's laid out in the bill.

• (1135)

I think all citizens would appreciate that from their Parliament: actually being able to understand a bill's intent and being sure that it's laid out so that there aren't question marks abounding. This is so very important. It is a good step in changing and dealing with the democratic deficit, so I would look for members' support on this. This is to strengthen, to buttress, the bill we have supported.

I'll wrap up there, Chair. Thank you.

The Chair: Thank you very much, Mr. Dewar.

I'm going to rule on this amendment. Mr. Dewar, I want to give a preamble to my ruling. I looked at this in great detail last night. It's clear you've done a great job on this, but I do rule that this motion is inadmissible. It deals with powers of dissolution. It deals with process. It deals with matters of the Prime Minister's actions, and I think it's way beyond—despite the validity and the argument that you've put forward—the scope of this particular bill. So I'm ruling this particular amendment inadmissible.

We move onto NDP-2.

Mr. Dewar, would you like to speak to this one as well, please?

• (1140)

Mr. Paul Dewar: This will be quick. Notwithstanding that it's mentioned later in the bill—I'm in slight disagreement, perhaps, on the previous opinion of the amendment—this one, again, in the spirit of being explicit, asks that we look at the fact that if there is—and this was brought up in committee numerous times and I think the government acknowledged it later in the bill—a holiday on the third Monday of October, the election would be held on the following Tuesday. That's just for time allowances, Chair. It is to make sure that we honour the fact that there is going to be, at some point, intersection between the fixed election date and holidays. Simply stated, it would be giving allowance for the election to be held on the following Tuesday.

The Chair: Thank you, Mr. Dewar.

Are there any comments?

I will pose the question to the committee again. We'll do yeas and nays by hands.

It is moved that Bill C-16 in clause 1 be amended....

I'm sorry, did you want to speak? Perhaps I went too fast. My apologies.

Yes, Mr. Reid, speaking to the amendment?

Mr. Scott Reid: Mr. Chair, I have just the following problem with this one. The way the act is written, it provides for the date of the election to be moved in the event there's a problem. Subsection 56.2 (1) goes on to talk about a variety of different reasons—cultural or religious significance, provincial or municipal elections, and so on. It's only in the case of holidays that it can be moved under this particular amendment. I was just going to ask why it's only when the Monday is a holiday, as opposed to being for other reasons that the Chief Electoral Officer might choose once he's given this power. Perhaps the member could comment and explain that. There may be a good reason for it, but I don't know what that reason is.

Mr. Paul Dewar: The main premise, that the conflict would be on a Monday, had been raised, so it's simply to be in accordance with that.

Mr. Scott Reid: Why is it only holidays as opposed to days of religious or other significance?

Mr. Paul Dewar: It was a catch-all; it wasn't anything other than that. It's common terminology in terms to capture when Mondays are holidays. It was with the idea of Thanksgiving, certainly. There might be other issues, but that's the one that was presented to this committee, so it was simply to address that variable.

The Chair: Thank you.

Madam Jennings.

[Translation]

Hon. Marlene Jennings: The amendment proposed by the NDP is troublesome to me especially because, in Bill C-16, proposed subparagraphs 1 through 5 of Section 56.2 are, I believe, sufficiently explicit with regard to the procedure to follow and to the criteria to take into consideration when changing the day an election may be held. That includes the possibility that a Monday may not be suitable “[...] by reason of its being in conflict with a day of cultural or religious significance or a provincial or municipal election [...]”.

Given that the Committee, in its wisdom, has decided to reject the Bloc's amendment to change the date, the day or the month for holding a general election, I prefer that the Bill be maintained as is.

•(1145)

[English]

The Chair: Thank you, Madam Jennings.

Mr. Hill is next, and then Monsieur Guimond.

Hon. Jay Hill: Thank you, Mr. Chair.

Just in the interest of further understanding what, if any, consequential amendments might be necessary if we were to agree to this amendment to Bill C-16, I wonder if our witnesses could be asked their opinion on this. What ramifications might it have for other parts of the bill?

Mr. Warren Newman: It could create some uncertainty, because as has been explained, proposed section 56.2 provides a fairly explicit and elaborate process. It reposes the Chief Electoral Officer to decide if the polling date should change, whereas the clause that would be added to proposed section 56.1 would simply state, as a rule of law and with no discretion left to the Chief Electoral Officer, that the date would change if the election were to fall on a holiday. Of course, a holiday is defined or is even more explicit in the French version as *un jour férié*, so it is really a statutory holiday that we're talking about.

So placing that in the midst of proposed section 56.1 may create some uncertainty as to when the Chief Electoral Officer would exercise his discretion when it would overlap with this same situation, because the Chief Electoral Officer looks to holidays, but also to days that are not officially statutory holidays but might have other religious or cultural significance, election dates, and so on.

The Chair: Thank you, Mr. Newman.

Are there any other comments? Mr. Hill, are you satisfied?

Hon. Jay Hill: Just so I fully understand that this would not replace that section, there's some concern that it might potentially be in conflict. Do I fully understand?

Mr. Warren Newman: It's not necessarily in conflict; it would just oblige the Chief Electoral Officer to work things through. Now it

will no longer be part of the discretion of the Chief Electoral Officer, it will be simply a rule of law that, through the affliction of time and the operation of the legislation, should the electoral date fall on a Monday that is a holiday, then it shall automatically be moved to the following Tuesday. So I imagine it will carve that out, if you will, of the interpretation of proposed section 56.2.

Hon. Jay Hill: Just as a final comment, then, as I understand it, it would take away that discretion that would allow, for perhaps other reasons we can't perhaps imagine at this particular point in time, the Chief Electoral Officer, given that set of circumstances, to decide to move it ahead to the following Monday as opposed to the Tuesday. That's the concern.

Mr. Warren Newman: Yes, I think so, because it would be a rule of law.

Hon. Jay Hill: Thank you.

The Chair: Next, please, Monsieur Guimond.

[Translation]

Mr. Michel Guimond: I believe that Mr. Newman has answered my question. To confirm my understanding, Section 2 of the proposed Bill, paragraph 57(4), is even more explicit. It says that: “[...] if, in the week in which the election is to be held, the Monday is a holiday, polling day shall be held on the Tuesday of that week [...]” That would apply in the case where a general election is not held on a fixed day.

So, in what case would it apply?

Mr. Warren Newman: The change simply establishes a rule of law, as a legislative rule, that if the third Monday of October is a holiday...

Mr. Michel Guimond: That would be for a new holiday because there is none at this time. That could happen, for example, if the government decided to establish a new statutory holiday.

Mr. Warren Newman: That's exactly it. In such a case, the rule would also apply to that new holiday, whether it is statutory holiday or other recognized holiday.

•(1150)

Mr. Michel Guimond: The election would therefore be automatically postponed to Tuesday.

Mr. Warren Newman: Yes.

The Chair: Mr. Proulx, please.

[English]

Mr. Marcel Proulx: My question has been partly answered, but there's a nuance in the amendment in comparison with the proposed bill. In the amendment, in English we're talking of a “holiday” and in French we're talking of a “*jour férié*”. Presumably, Mr. Dewar means that the holiday is definitely a “*jour férié*”. But I would like to know from the experts the difference, potentially, between “*un jour férié*” and what they call

[Translation]

“a day of cultural or religious significance.” We understand the words “a provincial or municipal election” but, Mr. Chairman, according to experts, what is the definition of the words, “a day of cultural or religious significance”? What is the difference between that and a statutory holiday?

[English]

The Chair: Mr. Newman.

[Translation]

Mr. Warren Newman: Let's take the example of Yom Kippur or another Jewish holiday that usually falls in the month of October and that are important religious holidays, very significant for the Jewish people. There is also Ramadan. These holidays do not necessarily correspond to the statutory holidays on our Canadian calendar.

[English]

Mr. Marcel Proulx: If I may....

[Translation]

In your opinion, are statutory holidays covered in the Bill? Statutory holidays are not mentioned; only cultural and religious holidays are referred to. It therefore covers, as you have just explained, holidays of a religious nature. What if we decided one day to establish a statutory holiday in the month of October to honour, for example, parliamentarians? Would it be covered by this Bill?

Mr. Warren Newman: In my humble opinion, it would be covered under the word "cultural" because in such a case, it would involve an element of culture rather than religion. I therefore believe the wording of the Bill would encompass this aspect.

Mr. Marcel Proulx: It would encompass a new statutory holiday?

Mr. Warren Newman: Yes.

Mr. Marcel Proulx: Then, in this case, Mr. Chairman, I will oppose the amendment.

Thank you.

[English]

The Chair: Madam Jennings, please.

[Translation]

Hon. Marlene Jennings: That is all for me. Mr. Proulx has covered the subject.

[English]

The Chair: You're okay?

Mr. Dewar.

Mr. Paul Dewar: The spirit of this amendment was simply to be explicit, because this would be placed at the beginning of the bill. Later in the bill we talk about criteria and ways to deal with this.

My concern was to give more flexibility. I also wanted to make sure that we are explicit to those who serve Parliament. It's always good to have clarity for those who are serving Parliament and thus serving the population.

I understand the concerns people have. Later in the bill, the exception clauses pretty much say what I had intended. As long as the flexibility is there, I'm glad to hear that we would be looking at setting dates according to religious holidays. Eid has just happened, and I'm not sure it had been considered in the past. If it is considered in the future, I'm happy with that.

The intent of this was to be explicit, to make sure there was clear direction given to all who have to work with legislation and to make sure that the people who have the flexibility are people who are

elected by citizens. I'm still a little concerned about that, because it's not as explicit. Certainly a formula is there and some suggestions, but I'll wait for the vote. Thank you.

The Chair: Thank you, Mr. Dewar.

I believe the committee is ready for the question. It's proposed that Bill C-16, in clause 1, be amended by adding after line 17 on page 1 the following:

(3) Despite subsection (2), if the third Monday of October is a holiday, the general election must be held on the following Tuesday.

(Amendment negatived)

• (1155)

The Chair: Mr. Dewar, I have concerns about—

Mr. Paul Dewar: I am withdrawing that, Chair.

The Chair: Thank you.

NDP-3 has been withdrawn.

I believe NDP-4 and NDP-5 were consequential to your previous amendment, so they are withdrawn as well.

That leaves us, ladies and gentlemen, with amendment BQ-3. Despite the fact that the Bloc's earlier motion by Monsieur Guimond was defeated, I think this could serve as a stand-alone motion.

I would ask that you consider leaving it on the floor or withdraw it. I'll leave that question to you at this moment.

Thank you.

[Translation]

Mr. Michel Guimond: Mr. Chairman, we will withdraw Amendment BQ-3.

[English]

The Chair: Thank you.

Amendment BQ-3 has been withdrawn, ladies and gentlemen, so let's revert to the bill again

Shall clause 1 carry?

Mr. Michel Guimond: On division.

(Clause 1 agreed to on division)

(Clauses 2 and 3 agreed to)

The Chair: Shall the title carry?

Some hon. members: Agreed.

The Chair: Shall the bill carry?

Some hon. members: Agreed.

The Chair: Shall I report the bill to the House?

Some hon. members: Agreed.

The Chair: Thank you.

Members, I just want to congratulate you all. First of all, I did hear arguments today from members who have obviously done a lot of work. Arguments were presented that I did not hear from the experts, so I want to commend you all for being very thorough in your work.

We have a motion by Mr. Dewar that was presented earlier in the meeting.

As well, I want to remind members that we might want to discuss the government's response to our thirteenth report, and then I want to have some time to talk about a code of conflict of interest, as I call it, a code of ethics.

Shall we speak to Mr. Dewar's motion first?

I'm sorry. My apologies, witnesses. You are dismissed.

Hon. Jay Hill: With our appreciation.

The Chair: Thank you very much for everything.

Thank you, Mr. Hill.

Madam Jennings.

Hon. Marlene Jennings: May I just clarify? Mr. Dewar, are—

The Chair: Madam Jennings, could we just give thirty seconds to the witnesses? I have two ears, but it's hard for me to hear.

Mr. Paul Dewar: I'm sorry to interrupt, but perhaps just to help, this isn't something we have to debate today. The report has just been passed around, circulated. It's not a pop quiz.

The Chair: That's fine. Thank you very much, Mr. Dewar. I appreciate that very much. We will look at this motion in due time.

Members, I want to just bring to your attention the government's response to our thirteenth report. You all received that. I don't think we need to deal with that today because, again, it was just received, probably yesterday, by most members. I simply want members to look forward to that.

Congratulations, again, on that. There was a lot of work done. It looks like there will be a bill coming forward; however, not all of our amendments were put forward in legislation. There are some we've been asked to consider looking into in far more detail. Perhaps the steering committee of this main committee can consider whether we want to do that at some future time, but I'll leave that to committee members for the next time.

At the next meeting we will be beginning our study of the conflict of interest code. You should have received—if you haven't already, you will today—some of the conflict of interest codes from the different provinces, which the committee had requested. You'll receive that tomorrow. We can't begin that discussion today, nor, perhaps, should we.

Is there any further business?

Yes, Mr. Hill.

• (1200)

Hon. Jay Hill: There is no further business other than to ask—I'm sorry if I'm the only one who has had a lapse of memory—what our order of business is going to be for the upcoming days. Perhaps you could refresh my memory.

The Chair: That's no problem whatsoever. On Thursday we are beginning our study of the conflict of interest codes.

Hon. Jay Hill: Is that all we have before the committee at the moment?

The Chair: That's all we're starting on Thursday. That's correct.

Perhaps I should add a preamble to that. I will allow time at the beginning of the meeting to discuss the response to our thirteenth report, if the committee chooses to respond to the response.

Yes, Monsieur Guimond.

[*Translation*]

Mr. Michel Guimond: We received the government's response to the 13th report. That is the purpose of my question: will we respond to the response? Will we ask Mr. Kingsley to appear before us to get his opinion on the government's response? I again ask whether there will be legislative changes to the Elections Act, at least on the points everyone agrees on?

[*English*]

The Chair: Yes, we did. We can do that Thursday. I see nods of heads around, and I'm getting the impression from Monsieur Guimond that we call Mr. Kingsley in first thing on Thursday to respond to the thirteenth report. Is that a good idea? I'm seeing a lot of yeses, so the first order of business on Thursday will be to have Mr. Kingsley here to give us—

Hon. Jay Hill: That's if he's available. It's pretty short notice.

The Chair: Then leave the discretion to me; that's either our first order of business or we'll move into conflict of interest. Is that acceptable? I'm seeing nods around the table. Thank you very much.

Go ahead, Madam Jennings.

Hon. Marlene Jennings: To provide you with flexibility, if Mr. Kingsley is available but just for the second half, let's say the last hour, we can move to conflict of interest codes first and then move over to him.

The Chair: Perfect.

Yes, Mr. Dewar.

Mr. Paul Dewar: Notwithstanding the need to have some time to reflect on the motion I tabled today, I'm assuming I'll be able to have that on our agenda for our next meeting, which is Thursday, if that's agreed.

The Chair: We got it in writing, but it's not translated. We're going to do that. We'll make sure we have that for the next meeting as well.

Mr. Paul Dewar: Okay, thank you.

The Chair: Is there any further business? Congratulations, members. I appreciate your diligence.

The meeting is adjourned.

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