



House of Commons  
CANADA

# Standing Committee on Procedure and House Affairs

---

PROC • NUMBER 062 • 1st SESSION • 39th PARLIAMENT

---

EVIDENCE

**Tuesday, September 11, 2007**

—  
**Chair**

**Mr. Gary Goodyear**

Also available on the Parliament of Canada Web Site at the following address:

**<http://www.parl.gc.ca>**

## Standing Committee on Procedure and House Affairs

Tuesday, September 11, 2007

• (1535)

[English]

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

Ladies and gentlemen, I apologize for being a bit late. I just received a letter from Monsieur Mayrand regarding our motion of yesterday. I will read the letter into the record, and then I suggest that we just deal with it. I think it's fairly straightforward.

Yes, sir.

**Mr. Marcel Proulx (Hull—Aylmer, Lib.):** On a point of order, Mr. Chair, should we not start with the reason for our original meeting, which is your decision on the request by the four members?

[Translation]

Four members requested a special meeting and you postponed it from yesterday to today because you said that in order to render a decision today you needed some time to take the representations into consideration. Would it not be quite normal that at today's meeting we first of all get to the bottom of that matter, Mr. Chairman?

[English]

**The Chair:** I understand that. I don't want to interrupt, but I just don't want to go around in circles here and have a debate that carries on longer than dealing with this issue will take. So if there is an urgent matter with the order of business, then let's open it up for debate, and we'll take a couple of hours to deal with that. I've chosen to deal with this issue, and if there's an objection to that, let's hear it. We'll deal with both today. Neither is simple.

Do you have an objection regarding the order?

**Mr. Marcel Proulx:** Yes, we do. You called us back here today, Mr. Chair.

**The Chair:** This is pending business. I was asked to get a response from Mr. Mayrand. I phoned his office early this morning. I've done everything the committee asked, and now you're telling me that it wasn't that urgent.

[Translation]

**Mr. Marcel Proulx:** Mr. Chairman, you will recall...

[English]

**Mr. Pierre Poilievre:** On the same point of order, clearly the Liberals among us do not want to discuss this issue. Their leader has flip-flopped on the matter, and they do not want to bring it forward for discussion. But this is urgent, because we do have byelections coming this Monday that this matter will affect. I don't know why the Liberals would want to avoid discussion on it, giving us the

chance to ascertain what in fact has been said by the Chief Electoral Officer.

Let's get to it; we're all anxious to hear. Let's get started. I don't know why the Liberal members are trying to block progress on this committee.

**The Chair:** Thank you.

Mr. Dewar, then Michel Guimond, and then Madam Redman.

**Mr. Paul Dewar (Ottawa Centre, NDP):** To help move things along, Chair, I'm wondering whether we could just give the letter to members and move on to the other item. Is that helpful? Then everyone will have the letter and you will have done due diligence, and we can move on and get to the other piece of business.

**The Chair:** I can certainly do that. I have only one copy because it just came in one minute ago, so I was going to read it. While it's being photocopied, we could make some efficient use of that time.

Monsieur Guimond.

[Translation]

**Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ):** I would like to suggest the same thing as my NDP colleague. Moreover, on the topic of the committee's effectiveness, I would like to add that certain things tend to be remembered, to leave marks. I don't mean to make threats, but the fact remains that we are going to have to work together.

As for the stalling tactics to prevent this meeting from moving forward, a meeting that had been convened right from the outset, they are counterproductive, in my opinion. Nevertheless, I would like to know what Mr. Mayrand wrote to you. I suggest that you read the letter to the members of the committee, that it be photocopied and that we move promptly to discussing the issue which led to our being convened here, as well as your decision. We did not meet this morning at 9 a.m. because you were only able to hand down your decision at 3:30 p.m.

[English]

**The Chair:** Madam Redman, please.

**Hon. Karen Redman (Kitchener Centre, Lib.):** Thank you, Mr. Chair.

I would certainly agree with my colleagues who have just spoken. I guess I would point out to my friend on the Conservative side that I don't think anybody around this table, let alone any party, has ever said they don't want to deal with this issue or that this isn't an important issue. However, I would point out that I do believe Monsieur Proulx actually had a motion on the table before things got somewhat derailed yesterday. It would seem to me that you had asked for 24 hours, which is certainly within your right, and I would tell you, we acknowledge that, and if you have received clarification on some of the points of order that were raised—because we have a motion on the table, because this meeting, called under a specific section of the Standing Orders, was called by four members—perhaps we should follow along the suggestion to photocopy and distribute the letter, and let us deal with your ruling on the whole reason this meeting was actually convened in the first place.

● (1540)

**The Chair:** Actually, I am going to respond to the issues. There are two issues before me. Number one, printing closes at four o'clock. Number two, there is technically, according to the clerks, no motion on the floor. So this is why this is far more complicated, and we probably could have dealt with this issue by now, but—

**Mr. Joe Preston (Elgin—Middlesex—London, CPC):** On a point of order, Mr. Chair, there is a motion on the floor, and it's about this very issue. This committee yesterday voted unanimously to deal with this issue, and Mr. Mayrand's answer, so I would suggest that you go forward and read the letter. We've already taken up more time than it would have taken you to read the letter.

**Mr. Marcel Proulx:** On a point of order, Mr. Chair, if you want to check the blues—

**The Chair:** I need to recognize you first, Mr. Proulx.

Monsieur Proulx.

**Mr. Marcel Proulx:** Yes, thank you. If you check the blues, you will see that prior to Mr. Reid's 30-minute point of order yesterday, you had accepted my motion that we deal with, to start with in the meeting, the question of the request by the four members. Once Mr. Reid had done his 30-minute point of order, you decided—and I'm not questioning that, Mr. Chair—that you were going to take it into consideration until today. Then the committee started working on Mr. Preston's motion.

**The Chair:** Order. I'm going to take a minute to clarify this with the clerk.

Colleagues, it would appear from reading the blues that it was not a motion that had been tabled; it was to start work yesterday with respect to yesterday's meeting.

Again, it doesn't really matter to me. I find it intriguing that the committee would actually take 10 to 15 minutes to decide what to start with when one of the matters would likely not take that much time. Since the committee is choosing to debate inefficiently, at the dismay of the chair, I would ask committee members if they would be willing to call the question as to whether I read this report from Mr. Mayrand and deal with it or we go to the second piece, at which time I will ask, just to make sure the clerks are all happy, that the motion by the four members be put forth and tabled so that it's technically a motion, and then we'll deal with it.

Are we ready for a question?

**Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC):** I had my hand up beforehand.

**The Chair:** I didn't see your hand. I'm sorry, Mr. Reid. Did you have a comment on this issue? Please go first.

**Mr. Scott Reid:** Yes, I think the concern from this side of the table is simply this. We don't want to see the matters dealing with veils, the matters dealing with Mr. Mayrand, pushed aside. We are just making sure that they are not lost in this meeting or fall off the table and that we never get the chance—we don't know what the content of his letter is—to summon him and start that process because we get absorbed entirely with the other piece of business. I just want to make sure that both of the issues are dealt with today.

**The Chair:** Of course, the chair has considered all of that and has decided that this is the order to proceed in most efficiently. However, I will yield to the committee. Most efficiently, it would be best, I feel, to deal with this matter first. However, I am yielding to the committee.

Although maybe I'm not technically supposed to make a motion, I'm asking the committee to agree that I simply read this letter out and get it off to printing so that all members can have a copy of it to look at, perhaps, as we discuss the other matter, and to make decisions as to the outcome and as to how they want to proceed with this matter, so that at the end of this meeting we can actually come back to it and make a decision as to when we'll meet on this matter.

Mr. Proulx.

● (1545)

**Mr. Marcel Proulx:** Thank you, Mr. Chair.

Am I to understand that you would read the letter, there would be no debate at this time, you would send it off for photocopying, and we would immediately deal with the other subject?

**The Chair:** That's a fair compromise.

**Mr. Marcel Proulx:** Thank you, sir.

**The Chair:** That way we can get it to printing before 4 o'clock.

So we're back to my original comment.

I received this letter probably 20 or 25 minutes ago. It's addressed to the Standing Committee on Procedure and House Affairs:

Dear Dr. Goodyear:

I acknowledge receipt of your letter of today in which you inform me of a unanimous motion of the Committee calling upon Elections Canada to reverse its decision to allow veiled voting.

As I indicated in my press conference yesterday (a transcript of which is attached), the Canada Elections Act provides several ways of voting that do not require the visual comparison of an elector with a photograph. Consequently, in those cases, the choice to unveil is that of the elector. This result flows not from a decision on my part but from the Act as recently adopted by Parliament.

I would be pleased to appear before the Committee at your convenience to further discuss the requirements of the Act in this regard and the reasons why I believe an adaptation would not be justified at this time.

My interpretation of the letter is that it's a direct "no" to the motion. As a result of that, the committee has said that we will call Mr. Mayrand to this committee to comment.

We'll get you copies as soon as we can.

**Mr. Pierre Poilievre:** On a point of order, Mr. Chair, for clarification, Mr. Preston's motion is now considered to be active because the condition that we attached to its elimination has not been met. So we, as a committee, are pursuing a study of the issue of veiled voting to be reported on this week. Our members will be submitting a list of witnesses we would like to see available for testimony before this committee, and before week's end, so we can complete our report.

**The Chair:** Okay.

Mr. Proulx.

**Mr. Marcel Proulx:** I'm sorry, I was just going to raise—

**The Chair:** We can probably deal with this at the end, but that would be the intent, that we would get our witnesses and plan together after that.

Okay? Are there any other concerns on that matter?

All right, I'm ready to deliver my ruling, as I asked for some time to do that. Let me just read from the letter. I apologize that I don't have copies. I will read slowly, and hopefully clearly, so our translators can do their jobs, and we will get copies to you:

On September 5th, a request was filed with the Clerk of the Committee by 4 members asking that the Procedure and House Affairs Committee meet to discuss undertaking a study into "allegations made against the Conservative Party of Canada's systematic attempt to defraud Elections Canada, as well as the Canadian taxpayer, in relation to the 2006 federal election". A meeting of the committee was convened on September 10 to consider this request.

During the meeting, Mr. Reid raised a point of order asking the Chair to rule the notice of meeting out of order essentially on 2 grounds: one procedural, one substantive.

Yesterday, after the point of order was stated and the debate that followed, I announced that I would reserve my judgment until 3:30 p.m. today. While Members may feel that it has caused some inconvenience and created some difficulties for those who were required to travel to Ottawa and attend the meeting, I, as the Chair of this Committee, must be satisfied that my judgments are made on a sound footing which respects the principles of parliamentary procedure. This is particularly so where a matter raises important issues of precedent, where the subject matter of the business before the Committee can have broad implications, and where the issue presented is [of] such complexity that a reasonable period of deliberation is necessary. In support [of] my decision to reserve judgment...the authorities cited in Marleau & Montpetit, *House of Commons Procedures and Practice*, at page 857...state that: "In doubtful or unprovided cases, the Chair may reserve his or her decision." Marleau & Montpetit also cite as a precedent a decision rendered by the chairman of the Standing Committee on National Resources and Public Works on November 27, 1979, where the chairman stated that he had reserved his judgment on a proposed motion "that caused some difficulty for the Chair as to its acceptability". My decision to reserve judgment until this afternoon was consistent with the precedents found in Marleau and Montpetit.

In making my ruling I would like to make a distinction between whether the notice is proper and whether the Committee may look into the subject matter raised in the request. I note that Mr. Reid made detailed and cogent submissions on the question and I intend to respond to them carefully and in a considered manner given the importance of the issues raised: balancing the ability for parliamentarians to review and examine issues of public importance versus respecting the independence of the judiciary and the separation of powers between branches of government.

Mr. Reid makes essentially two arguments:

- a) That the notice of meeting is out of order because, as worded, it would lead the Committee to a discussion that is beyond its mandate.
- b) The proposed subject matter of any study the Committee undertakes on this issue would necessarily engage the *sub judice* convention.

...

On the first argument, I would note that Standing Order 106 states that:

(4) Within five days of the receipt, by the clerk of a standing committee, of a request signed by any four members of the said committee, the Chair of the said committee shall convene such a meeting provided that forty-eight hours' notice is given of the meeting. For the purposes of this section, the reasons for convening such a meeting shall be stated in the request.

The only requirement of the standing order is to state the reasons for convening a meeting in the request. While most would probably view the reasons outlined in the request of September 5 as somewhat partisan, or even inflammatory, these are essentially matters of debate. My only consideration as Chair is whether or not the subject matter falls within the mandate of the Committee and, as such, could be the subject of a study should the Committee choose to commence one after discussing the request.

● (1550)

I would note that the mandate of the Standing Committee on Procedure and House Affairs includes, as stated in S.O. 108(3)(a)(vi): "the review of and report on all matters relating to the election of Members to the House of Commons", which, I am sure you will agree, is a fairly broad mandate.

Whether or not it is appropriate for the Committee to examine a particular case within this broad mandate is

the focus of consideration and the point of order by Mr. Reid. In fact, Mr. Reid has offered a number of opinions to support his own that, given the specific phraseology, it is not only partisan politics but it is out of order. Mr. Reid raises objections that no such allegations have been made and no such fraud has occurred and this is therefore the reason for ruling it out of order.

Within my research last evening and today, as well as discussions between our analysts and clerks, and indeed a lengthy meeting—and I would like to thank Mr. Walsh for being at our disposal during that, and I appreciate that he was able to come and help us on such short notice—we reviewed all the facts of the argument, and given all of this, I have found that there is no truth in the wording of the letter for the intended motion.

Mr. Reid's second argument...involves the *sub judice* convention.

The *sub judice* convention is an unwritten convention whereby the House and its Committees voluntarily refrain from discussing matters that are before the courts. The convention has two aims: to protect the parties in a legal dispute from any prejudicial effect that could result from a public discussion of the issue by parliamentarians, and to maintain a separation and mutual respect between legislative and judicial branches of government.

As my colleague Mr. Schellenberger, Chair of the Standing Committee on Canadian Heritage, noted during that committee's meeting of December 6, 2006:

"House of Commons Procedure and Practice on page 534 states that, 'The sub judice convention is first and foremost a voluntary restraint on the part of the House....' Members of Parliament may therefore decide to exercise a certain degree of restraint when considering matters that are before the courts. While members are free to go about their business freely and without interference, they are also reminded to take into consideration the role of the courts. Accordingly, members and the committee may choose not to do or say things that would prejudice any legal or quasi-judicial proceedings."

I feel it is my duty and responsibility as Chair of the Committee to counsel and caution the Committee members on the application of the *sub judice* convention as it relates to this case.

I am very concerned about the potential of prejudicing the rights of individuals who may become the subject or who currently are the subject of an investigation into wrongdoing under the Canada Elections Act or who are parties to a legal action involving Elections Canada. I would not want any study by the Committee into broader issues surrounding electoral advertising and financing to become a parallel judicial investigation. If members of the Committee chose to undertake a study concerning these issues, I would encourage them not to focus on the particulars of any specific case, but rather to limit themselves to a discussion of the broader policy issues. This would ensure that any ongoing or future legal actions would not be affected by the work of the Committee.

Having said that, I have some concerns that no one should be able to thwart or impede the rights of members to probe and investigate an issue by the simple filing of a writ. I will use Mr. Walsh's own term that we must, in our course, find the balance between interference with the process of Parliament and the right to independent legal process within the courts. In other words, we can't, as a Parliament, be held up by folks who simply want to file writ in order to shut up parliamentarians and our rights.

• (1555)

This brings me to Mr. Reid's point on finding fact. Mr. Reid cites, and I quote:

...it's a well-established principle that neither parliamentary committees nor the Speaker of the House is in a position to determine questions of fact. Indeed, when disputes as to questions of fact have arisen in the House, the Speaker has consistently taken the position that he is simply not prepared to rule in favour of one member against another. Similarly, this committee is not a trier of fact and should not be expected to make any such determinations. A parliamentary committee can hardly be expected to be an unbiased or impartial body.

Furthermore, the rules of its operation and the limited questioning opportunities inherent in our rules of order simply do not allow for proper cross-examination or fact finding, as is customarily found within a judicial or a quasi-judicial entity. I'd suggest that we would all be in agreement with the statement that we are neither properly trained...nor in a position to make any such determinations as to matters of fact. It's one of the basic tenets of parliamentary law that the Speaker, and by extension parliamentary committees, does not engage in such matters that would require him...to make such determinations of fact.

As an analogy

—and once again, I wish to thank Mr. Walsh for his input—

I would note that the Standing Committee on Justice and Human Rights is fully able to undertake studies into matters concerning the Criminal Code. It does not [however, have authority or a reason to] examine particular criminal cases or make attempts to determine facts in...criminal cases.

That's up to the courts.

While Parliament may create, change, add to, or subtract from the current Criminal Code, it is not Parliament's role to determine if Mr. Smith—and I'm using that name as just a word—has violated the code. That is up to the judiciary system.

In conclusion then, I believe that the notice for yesterday's meeting was in order and that the discussions on matters raised in the request to have the meeting, made in the September 5 letter, are in order. I would, however, urge committee members to refocus the debate and encourage them to realign the terms of reference in order to fit within the committee's mandate and consider the parameters of *sub judice*. I do, however, find the motion, or intended motion, as written, given its specificity and defined terms of reference, to be out of order.

I want to say that it is unfortunate that certain members of this Committee have chosen to use the processes of the PROC and the forum it provides for purely partisan political advantage. This is simply not in keeping with the spirit of cooperation and collegiality that we have worked hard to achieve in this Committee, a spirit that has served us well in shepherding important legislation to reform the Canada Elections Act and countless other issues.

That's my ruling. I find the motion out of order.

• (1600)

**Mr. Marcel Proulx:** Mr. Chair, I challenge your decision, if I may, and as you explained to us yesterday, this is not debatable.

**The Chair:** That's correct.

We have a motion on the floor, I'm assuming. You are challenging. Could I have that in the words of a motion—that the decision of the chair be put aside?

**Mr. Marcel Proulx:** Yes, I move that the decision—

**The Chair:** Is there a point of order?

**Mr. Scott Reid:** Yes, sorry, I just want it to be recorded.

**The Chair:** Okay, we'll have a recorded vote.

Colleagues, we have a motion on the table that my ruling be sustained.

**Mr. Paul Dewar:** Chair, on a point of order, Mr. Reid said that we're having a recorded vote or a not recorded vote?

**The Chair:** We're having a recorded vote. That's what Mr. Reid asked for. So the clerk will read the names.

Actually, how about letting the clerk explain it, and then we'll have a recorded vote.

**The Clerk of the Committee (Ms. Miriam Burke):** The motion is that the chair's ruling be sustained.

**Mr. Marcel Proulx:** Be sustained?

**The Clerk:** Yes, be sustained. You express it in the positive.

(Ruling of the chair overturned: nays, 7; yeas 4)

**Mr. Pierre Poilievre:** Mr. Chair, on a point of order—

**The Chair:** Mr. Poilievre.

**Mr. Pierre Poilievre:** Yes, I'd like to put forward an amendment to the motion that we have before us. If you're prepared, I can read the text right now.

**Mr. Marcel Proulx:** Point of order.

**The Chair:** There is a point of order.

**Mr. Marcel Proulx:** I'm sorry, I'm just asking for clarification. How can he put—

**Some hon. members:** Is this a point of order?

**The Chair:** Order, order.

**Mr. Pierre Poilievre:** I'm the first on the list.

**Mr. Marcel Proulx:** Hold on.

**The Chair:** I recognized him first. Go ahead.

**Mr. Marcel Proulx:** My understanding—and correct me if I'm wrong—is that you are the chair today. You recognized Mr. Poilievre on a point of order.

**Mr. Pierre Poilievre:** Then how could you interrupt? I'm still on my point, then. You can't interrupt me.

**Mr. Marcel Proulx:** Mr. Chair, who's chairing the meeting?

**The Chair:** Order, order.

**Mr. Pierre Poilievre:** If that's the case, I still have the floor.

**The Chair:** Order, order.

That is correct. Mr. Poilievre raised the point of order and then attempted to put in an amendment to a motion that's on the floor. That is not a point of order. Correct.

Mr. Proulx, and then Madam Redman, did you want to speak? Okay.

**Mr. Marcel Proulx:** Thank you, Mr. Chair.

I move that the committee immediately consider the request signed by the four members pursuant to Standing Order 106(4) before considering any other business.

• (1605)

**Mr. Pierre Poilievre:** I have a point of order. That is not a point of order.

**The Chair:** He didn't call a point of order.

**Mr. Marcel Proulx:** I didn't call a point of order.

**Mr. Pierre Poilievre:** Yes, he did.

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

**The Chair:** Hang on. Order, order.

First of all, I will not listen to comments from the back rows. If I hear interjections from the back rows, I will ask those making the interjections to leave. Please don't do that again.

Mr. Proulx, in my interpretation, was calling a point of order on your point of order.

**Mr. Pierre Poilievre:** That's right, so he cannot move anything.

**The Chair:** Hang on. That rules you out. Mr. Proulx had his hand up. I'm recognizing him next, and he is putting a motion on the floor. We're in order. He has a motion on the floor.

Could you please read your motion again.

**Mr. Marcel Proulx:** Yes, sir.

Mr. Chair, I move that the committee immediately consider the request signed by the four members pursuant to Standing Order 106 (4) before considering any other business.

**Mr. Scott Reid:** Actually, I have a point of order...*[Inaudible—Editor]*.

**The Chair:** Mr. Reid.

**Mr. Scott Reid:** I just want to find out what that means before we have a debate on it. I'm not familiar with what that is.

**The Chair:** Would you care to explain your motion?

**Mr. Marcel Proulx:** Certainly, Mr. Chair.

It simply means that from this point the committee will deal with the original request of the committee, and I can read from the orders of the day, Mr. Chair, if you wish. The meeting was requested by four members of the committee to discuss looking into allegations made against the Conservative Party of Canada's systematic attempt to defraud Elections Canada, as well as the Canadian taxpayer, in relation to the 2006 federal election.

*[Translation]*

Mr. Chairman, according to this motion the committee, at this time and at the request of four members of the committee, is to examine the alleged systematic attempts by the Conservative Party of Canada to defraud Elections Canada and Canadian taxpayers in connection with the 2006 election campaign.

*[English]*

**Mr. Scott Reid:** In that case, Mr. Chairman, I'll come back to the point of order here. I stand to be corrected, but I believe it's out of order to put forward a motion that takes precedence over the other motion. I think it was already on the floor. Maybe there's something else going on here, but I don't think it's in order.

**The Chair:** I'm a little confused myself. We have a motion on the floor that I ruled out of order. You overturned my decision. Does that motion not survive? We just move on to debate that motion.

**Mr. Marcel Proulx:** Therefore, the motion on which—

**The Chair:** The motion you're putting on the floor is different from the original motion, in that you're using the term “immediately”, not to mention a few other words. My caution would be that I'm not happy with anything that suggests we'll limit debate. I don't want to limit debate, so either remove the term “immediately” and go back to the original motion...otherwise I'm concerned you're limiting debate. We're entering another motion before the first motion, which you ruled me to deal with.

Do you understand what I'm trying to say? It's a matter of process. We're back to the first motion.

**Mr. Marcel Proulx:** The first motion is the same as this, except that it didn't have the word “immediately”. You're the chair, aren't you, sir?

**The Chair:** That's what I did say. The addition of the word “immediately” has two concerns—

**Mr. Marcel Proulx:** That's okay, that's fine. If we remove the “immediately”, we go back to the original motion, which is what we want to discuss, which is what we want to debate as of now, and I'll accept that, sir. No problem.

**The Chair:** There's no procedural change there. We're—

**Mr. Marcel Proulx:** We're not trying to cover up anything. We're just trying to get the ball rolling, sir.

**The Chair:** Well, we're open for debate now on the original motion, so let's start the debate.

Mr. Poilievre.

**Mr. Pierre Poilievre:** I have an amendment for the motion that's now before us, which reads as follows:

That the committee for Procedure and House affairs conduct a thorough study of the electoral financing and use of transfers of all parties and their respective local campaigns, including the 1997, 2000, 2004, and 2006 federal campaigns; further, that this committee report its findings to the House.

If I may be permitted to speak to my motion.... I see that the Liberals are already conducting discussions to block this amendment, because they don't want their finances to be put before public scrutiny. Of course, they have engaged in vast transfers between their national party and their local campaigns, more vast than has even been reported publicly, and those will be part of the revelations that I'm sure will be forthcoming if we proceed with the study that I propose.

A vote against this motion, Mr. Chair, would be a vote by parties to hide their books from the public, and anybody who casts such a vote should immediately explain what they have to hide.

We on this side of the House have already opened our books. In fact, we've done so proactively in taking Elections Canada to court. We want all of this in the public. That's why we're the ones who raised it. We in fact, by putting forward this motion, would be delighted—thrilled—to be one of the parties to bring forward its information and have its books scrutinized.

I would hope that every party in this room would be willing to put forward their books for examination and, if not, explain what they have to hide from the Canadian electorate.

Mr. Chair, this motion and the support of my Conservative colleagues for it makes the Conservative Party the only party that has thus far stated a willingness to have such an examination. That is exactly why we have pursued the matter in court and are willing to pursue it before a parliamentary committee.

It behooves the public now to turn its attention to the opposition and ascertain whether they are willing to do the same and open their books to the same scrutiny.

I look forward to hearing the responses of our colleagues across the room.

• (1610)

[*Translation*]

If I could add a word in French, Mr. Chairman, I would say that we have the opportunity of examining all of the parties' accounts. The Conservative Party is willing to make public all of the information on its practices and accounts. We hope that the other parties will show the same openness. Otherwise, they will have to explain why they don't want to discuss their finances. What are they hiding? We want to see all of the information. Once again, if the other parties are not willing to vote in favour of this amendment, this will be an indication that they have something to hide.

[*English*]

To clarify, Mr. Chair, this motion is presented in both English and French, and as an amendment it would replace the existing motion that we have before us.

I'll just repeat this, because I know that the clerk, who keeps records of these things, was working with the chair. This amendment would replace the existing motion that we have before us.

Thank you very much, Mr. Chair. I appreciate the opportunity to intervene and I look forward to having all-party support in the spirit of openness.

**The Chair:** Monsieur Proulx, then Madam Redman.

Mr. Dewar, I have you on the list.

Monsieur Proulx.

[*Translation*]

**Mr. Marcel Proulx:** Thank you, Mr. Chairman. What I have to say will be very simple. I'm going to speak slowly and the interpreter will have no trouble providing Mr. Poilievre with the English version.

I want him to understand that we are discussing the practices that led Elections Canada to raise certain questions and to challenge the

expense return of a single political party, which happens to be the Conservative Party of Canada. Neither the New Democratic Party nor the Bloc Québécois nor the Liberal Party of Canada are at issue. Elections Canada has certain questions about returns submitted by official agents, signed only by members of the Conservative Party of Canada with regard strictly to the 2006 election. This involves certain candidates, members and ministers as well as their official agents. Some of them are from outside the province of Quebec, but I would say that the majority are from Quebec.

If Mr. Poilievre is wondering why our request concerned only the election of 2006 and did not involve any other political parties than the Conservative Party of Canada, the reason is quite simple. The questions, scrutiny and allegations that have arisen outside of Elections Canada are aimed strictly at the Conservative Party of Canada.

I am thinking of former candidates such as Mr. Jean Landry in the riding of Richmond—Arthabaska, Mr. Liberato Martelli in the riding of Bourassa, Mr. Gary Caldwell in the riding of Compton—Stanstead and Ms. Anne-Julie Fortier, who ran in another riding. Without going into detail, I have in mind certain members, ministers, and even the parliamentary secretary of the Prime Minister, Ms. Boucher, who is targeted by these allegations.

And so we want to clear this matter up and shed light on these allegations. If they are well-founded, what was done was totally improper. But if they are not, these people have to have an opportunity to give their side of the story and to clear their name.

I believe I was concise and specific enough for Mr. Poilievre to understand that we do not accept the amendment he wants to introduce. He is on a witch hunt. He's talking about the 1997, 2004 and 2006 elections as well as about all of the parties, whereas these allegations concern only one party in one election. Unfortunately for Mr. Poilievre, that party is the Conservative Party of Canada.

I will for these reasons be voting against Mr. Poilievre's motion.

Thank you, Mr. Chairman.

• (1615)

[*English*]

**The Chair:** *Merci*, Mr. Proulx.

Madam Redman.

**Hon. Karen Redman:** Thank you, Mr. Chair.

I was going to make some of the same points as to why I cannot support the amendment. I guess it's what you would call a replacement motion, probably.

Certainly I've never heard of a court action being depicted in quite the way Mr. Poilievre has depicted it, as sort of clearing the air. These irregularities...which, again, are allegations and seem to be very widespread from former Conservative candidates that we read in the newspapers. We probably should hear right from those individuals, again, because these are allegations, and it is not a proven fact that they were advised not to speak to Elections Canada, not to seek clarification.



I do believe this is a matter that very much falls under the mandate of Procedure and House Affairs, but it is very specific in nature and, as such, does not need to be broadened to other parties who have not been named in this way or, indeed, other elections when clearly this is around the election of 2006 and the activities pertaining thereto.

**The Chair:** Mr. Lukiwski.

**Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC):** Mr. Chair, I know that the results of the motion to in effect overturn your original ruling are not debatable. I will not be debating that, but I do want to make comments on a portion of your ruling because I think that really underscores a lot of the arguments being advanced by Mr. Poilievre.

I stand to be corrected, because I don't have a copy of your ruling in front of me, but I do recall your saying that in the opinion of the chair—and I think it was supported perhaps by an opinion by Mr. Walsh—that while you ruled the motion out of order, if the terms of reference were expanded or were to be more inclusive, then perhaps it could be considered to be in order.

I think that's exactly what Mr. Poilievre is suggesting here, that we have absolutely no problems with examining the books of our election financing over the last number of years, but in the spirit of cooperation, openness, and transparency, then should it not also be deemed reasonable to examine the issues and the books of the other political parties? It would seem to me that if, as Mr. Proulx was suggesting, there really is one party here that is being called into question, and then by extension if the other political parties are, as Mr. Proulx seems to be suggesting, squeaky clean, that should be a very simple fact to verify.

I do not see why any of the other political parties would oppose that. We are confident in our own party that any dealings we have had in election campaigns are certainly within the spirit and law of the Canada Elections Act, and we are willing to demonstrate that, both in a court of law and if necessary at this committee, but for the life of me, I cannot understand why the other parties might oppose that. It would seem to me to be a very simple fact to demonstrate before this committee, or before the ultimate court of public opinion, the Canadian electorate.

And if in fact the other political parties have done nothing contrary to the Canada Elections Act, they should be willing to be the first ones jumping up and down and saying, "Here are our books. We can demonstrate without a shadow of a doubt that we have complied fully with the Canada Elections Act." Yet from what I'm hearing—and I'll wait to see what the other parties and other members of the committee have to say—it appears to me to be quite the contrary. The other members are saying, "No, you can't examine our books. Don't even think about examining our books. We only want to examine yours."

There's fairness and there's fairness, and I would suggest that if in fact the other parties are sincere in their suspicions and want to get to the bottom of what they believe to be actions contrary to the Canada Elections Act, then they should be the first ones stating that they will offer their books as a proof of goodwill. I do not hear that, and I don't suspect that we will be hearing that, because as you mentioned in your ruling, Mr. Chair, this is clearly nothing more than a partisan exercise, in my opinion. I hope I'm proven wrong. I hope the other

parties will voluntarily agree to the motion and support it, as brought forward by Mr. Poilievre.

• (1620)

**The Chair:** Just for clarification, it's an amendment to the original motion.

Mr. Dewar.

**Mr. Paul Dewar:** Thank you, Chair.

This reminds me of a teacher I had years ago who taught the art of rhetoric and the reframing of the debate. I think that's what we have in front of us.

Mr. Poilievre would have you believe that this is to be more open and to widen the scope. In fact, it's to shift the attention away from the Conservative Party. Just look at the Conservative Party's first response. Instead of being upfront and open, the party went to court. Why did they go to court? Well, let's take a look at that. I would think, and certainly in the ruling it was intimated.... It provides cover from being open and honest.

What's sad about that, Chair, is that this is the party that said they were going to be different; they were going to be open. I remember, at Bill C-2, with my colleague Mr. Martin, changing the Election Financing Act to take big money out of politics. We were hoping they would be different and consistent on this. That is not a partisan thing; it's not left-right. It's about being clean and clear about party financing and where the money is. I wonder what they knew about this whole scheme while we were debating transparency in politics. I really wonder.

So I can't fall into this trap. I will pledge, and our party will pledge, that we will open our books after we look at the investigation in front of us. We won't fall into the Conservative trap of making sure they're not looked at with scrutiny, with clarity, so we can follow up.

So I will not support the amendment, because I won't fall into this rhetorical trap of reframing the debate away from what needs to be done.

Listen, we remember Mr. Gomery's instructions to follow the money. That's what we're doing here, that's what we want to do here, and trying to cover oneself through a court action.... I would ask the Conservative Party to stand down from the court and allow us to look at it. If you have nothing to hide, then we can get on with the work, and Canadians can see that there is transparency, that there are clear rules for everyone to follow, and that this idea of spin-cycling things is not on. That's what Canadians want to see.

Chair, I pledge today that our party will open up our books after we investigate this party, and we will not fall into the trap of decoy. We will make sure that Canadians get answers about what happened in the recent election.

I guess we could go back to Sir John A. and investigate how many bottles of whiskey were being handed out, but that's not what Canadians are interested in. It's an interesting idea. We're talking about the last election, and it was this party that dined out for how long on cleaning up politics? We in the NDP have said that for a long time. We put forward amendments at Bill C-2 consistent with that.

If you would like to look at our books after we look at yours right now.... We did open our books, and apparently Elections Canada looked at yours as well and didn't like what they saw. That's what this issue is about. So please don't try to play decoy politics.

We can't support this amendment, and I think Canadians want us to get on with the job.

Thank you, Chair.

• (1625)

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

Monsieur Guimond.

[*Translation*]

**Mr. Michel Guimond:** I am going to try to not drag out the debate. Indeed, the members of the committee and the other people who came here are wasting their time. This party promised to practise politics differently in the 2006 electoral campaign; so much for that.

Mr. Poilievre stated that if we defeat his amendment, it is because we have things to hide. I am not going to play “my dad is stronger than your dad”, nor “I can spit further than you can”; I have passed that age. These are childish games kids' arguments. I am not saying that is what I think of the member, but deep down inside, I think this is immaturity. Let's not play these games and let us try to show some maturity.

There is a motion before us. We can vote against it, but regarding your amendment, we are not going to go back in time indefinitely, as I said yesterday. My NDP colleague referred to John A. Macdonald from the beginning of our history. We are not going to talk about Sinclair Stevens, either. There are a lot of factors. This party promised to do politics differently so it should stop these dilatory tactics and techniques and we should get to the meat of the issue. That is what I am asking you to do in good faith and with good will. I would like to know whether we are going to lose another hour and three minutes here. If that is the case, let's get organized and waste our time in a joyful and enthusiastic way; let's have fun.

However, I must say that this committee is leaving a very bad taste in my mouth. The next session is going to get off on the wrong foot. If you are looking for someone to rock the boat, trust me, I am your man. I am not making threats. And to prove that I am not making threats, I am going to go ahead and do that. When you promise to do something and you do not do it, but say things simply to provoke fear, that is a threat. But I am going to do what I say. I am telling you ahead of time, Mr. Chairman, you are going to find your next mandate difficult if you are reconfirmed as chair after the prorogation, if there is one. Indeed, the prorogation is not official yet, since we are sitting, and that may be what will save this government's bacon with regard to starting this week's debate. I call upon the good will and good faith of my colleagues. Personally I am

going to vote against Mr. Poilievre's amendment because its purpose is to fundamentally alter the motion that is before us.

Allegations were been made, and Elections Canada refused to refund certain expenses. If my Conservative colleagues want us to study Mr. Poilievre's motion when we return—if the prorogation does not take place and if this study has already been undertaken—we will have no problem with that whatsoever. We the members of the Bloc Québécois have absolutely nothing to hide. If our colleagues want us to do that, we are quite willing. However, we are not going to obscure the issue as the Conservatives are trying to do, that would be the best way of losing our way. The issue gets broadened, the problem is obscured, and we are no longer focusing on the matter that brought us together here; we have been wasting our time for two days, quite precisely.

• (1630)

**The Chair:** Thank you.

Mr. Poilievre.

[*English*]

**Mr. Pierre Poilievre:** It seems that the idea of opening up their books has elicited a spectacularly emotional response and a very personal one, particularly from our friends in the Bloc. It is unfortunate to see that.

We already knew what the Liberals were going to do on this vote. We knew that the Liberals would not want their books opened. They would not want to have any examination of the way they financed their last campaigns. They're as open as brown envelopes.

**The Chair:** Mr. Poilievre, could you speak to me? That might help some of the disorder on the other side of the table.

**Mr. Pierre Poilievre:** Yes, Mr. Chair.

We knew that the Liberals would not want to open up their books for any kind of scrutiny, and we know why; we don't need to go into it at any length. But through our research over the last several weeks, we've actually determined that there are probably some reasons why the Bloc, perhaps even the NDP, would not want any examination of their electoral financing either. That research has been confirmed today through an attempt to cover their tracks on the part of both the NDP and the Bloc.

We can safely determine that the NDP and the Bloc have now been anointed the high priests of hypocrisy on the matter of accountability, because they are the ones who continue to preach high-minded practices of integrity—that they are as pure as the driven snow—but at the same time they want to cover up their electoral financing practices.

Again, no one is the least bit surprised that the Liberals would want to cover up their conduct. Their conduct has been the subject of criminal prosecution in courts of law, as well as a public inquiry that found them implicated in an elaborate kickback scheme. All of that would give us cause to question how they finance their campaigns, with respect to the transfers they've done.

But we thought that perhaps the Bloc and the NDP would have been in favour of some degree of openness. Once again, some of the research we've done suggested that they might not want that kind of scrutiny, but today we've confirmed the reasons.

And let me say one other thing. Mr. Guimond used the occasion to threaten you, Mr. Chair, that if we continued our drive to open up the books of the Bloc Québécois he would become very embittered and make your life very difficult. Those are the words that he threatened you with before this committee. So thou doth protest too much, *mes amis au Bloc*. It behooves the public now to turn their attention to the motives of all three opposition parties in concealing their electoral financing practices.

But let us put the opposition parties on notice ourselves. We do not intend to give up our drive to find out what's really going on in the electoral financing of their parties. Despite the fact that they are going to vote for a cover-up today, we will continue to move forward to make public any information we can find that's currently within our reach. We will continue to make the case—and we hope that observers on the sidelines will join us—that all parties should come forward.

I conclude by pointing out that the amendment I propose takes absolutely nothing away; it only offers more. We here are perfectly willing to have a thorough examination of our books. We are perfectly willing to invite the Chief Electoral Officer to come here and offer his opinion on how we have conducted our campaigns. We are perfectly willing to have our past candidates come before this committee and offer testimony. All of that is possible under the motion I've put forward. It also suggests that if any information should come forward in the next several weeks suggesting that there's need for scrutiny in other parties, they can simply do the same thing.

**An hon. member:** It sounds very easy.

**Mr. Pierre Poilievre:** It sounds very straightforward. Through all the arguments we've heard from the opposition parties, we haven't heard one single argument on how this motion would detract from their ability to conduct a thorough examination of our books.

How would this motion that I'm putting forward detract from their ability to conduct a thorough examination of the Conservative books? There is no answer to that question, because it would not. Our books would be on the table, our officials would answer questions, and we would be willing to hear from former candidates and the Chief Electoral Officer on our books. All we're asking is that every other party do exactly the same thing, and we can get started right now.

Thank you very much, Mr. Chair.

•(1635)

**The Chair:** Thank you.

Mr. Alghabra.

**Mr. Omar Alghabra (Mississauga—Erindale, Lib.):** Mr. Chair, it's actually quite amusing to watch the Conservatives squirm; it's entertaining. It's almost as telling as the allegations themselves. As much as I like watching them squirm and try to delay and stonewall, I'd actually like to see this committee get some work done.

The books of all parties are open. In fact, that's what got the Conservatives into trouble. So I would recommend to my colleagues of the Conservative Party that they go and spend their time to look at

every other party's books, and if they have allegations they can table them. The books are open.

But right now, we have business in front of this committee. We have a court procedure. We have allegations by Elections Canada. We have allegations by Conservative candidates. This is a very, very serious matter. We cannot go back to our constituents and pretend that this is not an important matter for us to look at. This is just an attempt by the Conservatives to delay, delay, delay, and covering up fits in nicely.

So they can try all they want, but I'd like us to call this matter to a vote, so we can vote on this amendment right now and move forward to the motion that was originally submitted.

**The Chair:** We can't call the question right now, because I still have speakers on my list. But your request is noted.

Mr. Lukiwski, please.

**Mr. Tom Lukiwski:** Thank you, Chair. I have a couple of points.

Number one, I want to voice my appreciation to both the NDP and the Bloc Québécois for stating publicly at this committee that they would be willing to bring to this committee their books and discuss all of the election financing practices both of their parties have engaged in over the past number of years. Yet on the other hand, I find it astonishing that they say they won't do that right now, but just after they've had a chance to conduct their witch hunt of the Conservatives.

I'm suggesting, Mr. Chair, that in order to determine whether there have been any abnormalities you really need some standard of comparison. While there are guidelines and procedures under the Elections Act, we have seen from time to time that political parties work—in advertising terms—within what they believe to be the spirit of the Elections Act. You do so in different ways.

As an example, Chair, my understanding is that the Bloc Québécois really don't do much of their own fundraising. In other words, I think that in the last quarter they raised something like \$30,000, but all of their individual campaigns are financed out of their central party. In their view, that's perfectly normal and perfectly legal. I'm suggesting, Chair, why don't we take a look at that in this committee?

I've yet to hear the Liberals, of course, say they would like to entertain a discussion of their own financing practices at this committee, but at least the Bloc and the NDP have done so.

So I'm saying, why not? It would not unduly delay the proceedings, because quite frankly, unless you have a standard of comparison, unless you have a frame of reference—that being all political parties—how can you determine whether anything the Conservatives have done in terms of election financing and election advertising is, in the opinion of this committee, untoward? You have to compare it with something. You need a frame of reference, and that's what we're suggesting right now.

Let's get all of the practices of all of the other parties on the table. We'll call witnesses. They can certainly suggest a list of witnesses from our party they'd wish to bring forward. I'm sure we will be able to present a list of witnesses from the Liberals and others that we'd like to bring forward. For example, I'd love to hear the Bloc Québécois explain why what they do is perfectly legal. They probably have a pretty good explanation. I'd like to hear it, because it seems to me they're doing something very similar to what they are alleging is illegal for us to have done.

We need a frame of reference, Chair.

Again, I think the opposition members' denying our having this fulsome discussion of all the practices of all the parties is, quite frankly, contradictory in its terms. They're saying they want openness and transparency and they want to get to the bottom of this; yet on the other hand, they're saying just don't examine our practices.

Mr. Chair, Mr. Poilievre's motion does not detract from the original motion; it enhances it. It allows Canadians out there, if they do have concerns or questions about the spending and advertising practices of individual parties, to.... Now is the time. We're not trying to stonewall the proceedings; we're saying let's move on, let's expand it, and let's get all of the parties' practices on the table. Let's examine them all.

If you choose to vote against this motion, in my view, all you are doing is saying this is confirmation. This is nothing more than a partisan exercise and is not intended to be a sincere effort to examine the practices that all parties have engaged in over the past number of years.

Thank you, Chair.

• (1640)

**The Chair:** Madam Redman.

**Hon. Karen Redman:** I would simply suggest to my honourable friend that if he's looking for a standard, perhaps he might look at the laws of Elections Canada and compare his party—

**The Chair:** That's not a point of order, Madam Redman. Thank you very much, though, good try.

Mr. Reid is next, and then Mr. Preston.

**Mr. Michel Guimond:** [*Inaudible—Editor*]

**Mr. Scott Reid:** Michel, for a friend like you...I just can't express my admiration for you. I could take some time and talk about that if you'd like, but I thought instead I'd address the substance of the issue here.

There were a number of objections I had to the initial wording of the motion. Everybody knows what those are, especially Michel. This amended motion, to a large degree, gets around this problem. It removes some of the highly partisan language. It removes the presupposition of guilt that was written into the original motion, and the presupposition that there are external allegations other than the ones being made by the four members who presented the motion in the first place.

I've made this point before. They refer quite dramatically to a systematic attempt to defraud Elections Canada as well as the

Canadian taxpayer. I'm assuming this is rhetoric, that these are not separate actions, that in the act of defrauding Elections Canada, which would be a criminal matter, quite frankly—fraud is a criminal matter—therefore the Canadian taxpayer is also being defrauded. I'm assuming these aren't separate actions, but the wording is so sloppy, is so clearly written for the purpose of attracting media attention as opposed to actually dealing with getting at facts, that you get this kind of rhetoric written into it.

It didn't have to be done this way, even if they had wanted to simply examine the Conservative Party and make sure that they themselves were insulated from any analysis, which certainly, I think, seems to be the case. I think that's quite clear from the resistance we're seeing to having this go into the financing practices of other parties. The truth is that this makes a presupposition of guilt and it makes assertions that are factually untrue.

This is, I think, something that Mr. Poilievre's motion removes. You'll notice there is no assertion that anybody has done anything wrong, in the motion he presents. It says that—

• (1645)

**The Chair:** Let's hope it's a point of order, please, Mr. Proulx.

**Mr. Marcel Proulx:** I feel that it is.

Mr. Reid keeps talking of assertion on our part. If you look at the wording of the letter from the four members, we're talking of allegations, Mr. Chair. I only want to make sure that Mr. Reid read the letter properly.

**The Chair:** I am going to suggest that's debate.

**Mr. Marcel Proulx:** I'm sorry. I withdraw.

**The Chair:** Also a very good try.

Mr. Reid.

**Mr. Scott Reid:** If you did points of order in the right manner, Mr. Chairman, you could turn this into a question period, but actually, you know, Mr. Proulx has a point.

The assertion is made that allegations have been made. I went through the press clippings again today. Yesterday I had said in my point of order that I was unable to find any allegations that had been made of—let's be specific—systematic criminal actions. That's what's been said: “systematic”. That is to say, they are not merely occasional or random criminal acts, but systematic criminal acts. In this motion we are talking about, I assume, some web of criminal activity—a systematic attempt to defraud Elections Canada.

He's not saying that this is actually what he's saying; he's saying that somebody else is asserting it, so yesterday I spoke. I can't find anybody who's asserting it. I went through the clippings again from the media and I actually found something that may be kind of—sort of—such an assertion. This is someone other than the four people who made the request. If these allegations are proved true, it is election fraud and a gross breach of the public trust, but that assertion was also made by a Liberal MP, by Mr. LeBlanc.

Other than Liberal MPs and Mr. Guimond, nobody is suggesting that such allegations actually exist. What there is is a dispute as to an interpretation of the law between Elections Canada and the Conservative Party of Canada; very specifically, two court actions are under way right now. Neither of them is a criminal action. Neither of them deals with fraud. Neither of them deals with the kind of thing Judge Gomery was looking into, with envelopes of cash being delivered to Quebec ridings for the Liberal Party—I think there were 21 or 25 ridings. We're not talking about that. We're not talking about the stuff that Judge Gomery was unable to investigate because of the way Paul Martin had written his terms of reference, which was so as to exclude investigations of such criminal actions. We're not talking about this kind of thing; we're talking about a dispute between Mr. Mayrand's interpretation of the Elections Act, which is that certain kinds of transfers are not permitted, and ours. We say that the Elections Act does not forbid those transfers and that they are permissible.

There are two suits going on, because we're saying not only do we think he is wrong, but we also think Elections Canada owes a number of our election campaigns, and therefore riding associations, rebates that it's refusing to give. We are going to court and spending the money involved in doing that because we are making the calculation that we stand a good enough chance of winning that it's worth the expenses involved in fighting a government agency with bottomless pockets to get the rebates we are due.

Somehow the Liberals and Mr. Guimond have turned this into an accusation or an assertion on their part that there are allegations out there of widespread systematic criminal fraud going on.

This is preposterous, just preposterous. This is what Mr. Poilievre is attempting to deal with in his motion. Not only do we think there is nothing wrong and that it's entirely defensible to do what we did—to allow campaigns to transfer money back and forth—but we are also saying we're taking Elections Canada to court to make sure they recognize this right and pay us the rebates. The reason for expanding the investigation to look at other parties is to make the point that not only is it not wrong, let alone these ridiculous allegations about being criminally fraudulent, but it's also something we believe other parties are also doing. We think this is a standard financing practice. We're not saying it's wrong if the Liberals do it, because it is permitted under the Canada Elections Act.

● (1650)

We do think it's wrong, and I, for one, would go so far as to say that I think it is hypocrisy, to assert that what they do as a matter of course is not permissible when someone else does it; and that they can go on, suspend all the normal rules, and proceed to have a kangaroo court in a body unsuited to this kind of investigation—that would be our committee, which is simply not suited to engage in findings of fact, and you have the reasons why I think that's so in my point of order from yesterday—in a way that prejudices what the courts would deal with.

**The Chair:** Excuse me, Mr. Reid.

Could I get some order in here? Mr. Reid was very quiet when other members were speaking, and I would expect other members to listen. Or how can you ever know what he said?

Mr. Reid, please.

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

I should be careful about using strong language, but it seems to me there's a double standard going on here, a very distinct double standard. We simply want to demonstrate, as a way of getting out of this kangaroo court that they are trying to impose on us, that not only are these practices—and we'll deal with this in the courts, obviously—permissible, but they are used widely.

So let's be clear about this. If these practices are, as we assert and are asserting in court, not merely permissible but so permissible that we should be getting the rebates due to us for the money we spent in this manner, then what they're doing in their own financing is acceptable, and we have no reason to object to it. We just want to make the point that they're doing the same thing.

On the other hand, if, as they assert, this is systematic criminal fraud, then it's systematic criminal fraud that the Liberals do also—and we think the Bloc as well.

My colleague Pierre Poilievre was making the point in his earlier remarks: how exactly does a party like the Bloc Québécois get by when it does no fundraising? They raised about twice as much money in the Bloc Québécois in the last quarter as I raised in my own riding.

**Mr. Tom Lukiwski:** On a point of order, Mr. Chair, those were actually my comments, not Mr. Poilievre's.

**The Chair:** Mr. Reid stands corrected.

**Mr. Scott Reid:** I think it's actually a point of debate, Mr. Chairman.

**The Chair:** Mr. Reid, please continue.

**Mr. Scott Reid:** If, as they are saying, some mysterious person out there is alleging systematic attempts to defraud Elections Canada and the Canadian taxpayer, then they are systematic attempts to defraud Elections Canada and the Canadian taxpayer that they're engaging in themselves. The only way they can demonstrate otherwise is to agree to a motion that allows us to investigate the practices of all the parties. In no other way is it possible to do it.

But they don't want that. What they want is to narrow it down, claim that it's this outrageous abuse, that “only you guys do it, and we're only going to allow you to be investigated”, and then they can be as extreme as they want in their assertions. And if anybody opposes their assertions and presents reasoned arguments as to why this is an inappropriate forum and an inappropriate way of proceeding, an inappropriate timetable, they'll simply disregard any procedural considerations that are brought forward, overrule the chair, freeze debate, and rush through this McCarthyite hearing.

Mr. Chairman, this is just wrong. The way to stop it is by means of this motion, or a motion similar to it.

Thank you.

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

Again, we're dealing with an amendment to the motion, and I suspect that's what you meant.

Mr. Preston is next, then Mr. Poilievre, then Mr. Lukiwski.

**Mr. Joe Preston:** Thank you, Mr. Chair. And through you to the committee, I might first suggest that you come up with some sort of ranking mechanism for those points of order so we'll know who's doing the better job. It might give us some sport to follow while we do this.

To be brief, because a lot has been covered, three other parties sitting around this table today have, first of all—and I think I really need to reinforce the points—overruled the ruling of the chair, a very well researched ruling of the chair, I might add, that you spent some great time doing and I think were very detailed in why the points of reference. And my friend Mr. Reid mentioned the terms or points of reference, because we've been through this before, where we find that if we just somehow narrow the points of reference to only what we want to find out, then good will come of it. How about opening the terms of reference to all that could be found, so that we can then do the right thing?

This committee's job is to review the legislation that involves elections and Elections Canada, and that's truly what we're trying to do here. Under the motion that Mr. Poilievre is trying to amend, we're talking about such a narrow point of reference that we can't discover reality. It's only about one thing, one party, one time, one place. This is unconscionable when this committee's job is to look at elections and elections financing.

I think we all came here with altruistic reasons to try to do the right thing. I think Mr. Poilievre's motion opens us back to that type of situation, and I can't find fault with it. I can find fault with why it's so narrow, on the other hand, but I can't find fault with saying, well, then let's open it up and look at what's real out there. So we'll do that.

Mr. Chair, since we're near the five-o'clock hour, I'm wondering if we could, for a moment, table and talk about a motion I put forward yesterday about the veil issue and what we are going to do about having Mr. Mayrand come forward to this committee in order to meet the terms of that motion, and that is to have a report ready by the end of this week. I think if we don't set that forward...

So I ask that we just have a quick discussion about how we could move forward with having Mr. Mayrand, since we are reaching the time when he may very well be going somewhere for dinner or something, and we would like to reach him, I would think, and ask him if he would like to come and visit us.

I will end on that point, and I beg the committee's indulgence on changing gears there for a second.

• (1655)

**The Chair:** I apologize. Let me just offer the opinion that I'm getting in conference with the clerk here, that it is possible to ask the committee to basically set aside the debate until we deal with this other issue, if it is the will of the committee. We would need the unanimous consent of the committee to do that. I don't know that we want to debate it; it's just that it is legal procedure for a member to ask to set aside debate to move to another topic, but it requires the unanimous consent of the committee.

We're not getting unanimous consent, so that's done. Nice try, though. I'm impressed.

Mr. Poilievre.

[Translation]

**Mr. Pierre Poilievre:** Mr. Chairman, I am a bit surprised by the behaviour of my friend from the Bloc Québécois, Mr. Guimond. I know he is an honest person, and, in general, a reasonable one. Today he reacted very strongly. I have never seen such bitterness in him before.

I wondered why he was on the defensive, to such an extent. I found the answer when I read an article in the August 24, 2007, issue of the *Le Devoir* daily newspaper. I was particularly struck by a paragraph dealing with the Bloc Québécois and I would like to share it with everyone. In it one finds an explanation of the Bloc Québécois' decision to vote against submitting its accounts to the scrutiny of the committee.

This scheme puts one in mind of the "in and out" technique used by the Bloc Québécois a few years ago. This tactic also aimed to artificially inflate candidates' expenses in order to obtain a larger reimbursement. The candidates paid Bloc employees for services that are generally provided by volunteers, and those employees then returned the money to the party as donations.

My honourable colleague already mentioned that the Bloc Québécois could not manage to run successful fundraising campaigns. Its electoral campaigns are funded with the help of subsidies from Elections Canada, which is legitimate. Through that method, the Bloc Québécois transfers large amounts to local campaigns. We can thus see that the potential for hypocrisy in that party is great, and it does not want to defend this state of affairs before a parliamentary committee.

• (1700)

[English]

Therein lies the explanation for why my honourable friend Mr. Guimond reacted with such Napoleonic fervour to my attempts to open up his books. I have never seen the man explode the way he did today.

**An hon. member:** Oh, you haven't been paying attention.

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

**Mr. Pierre Poilievre:** I reject wholeheartedly accusations to the contrary by other members in the room. Mr. Guimond is a man of great comportsment, and I am here to defend his comportsment. But I'm also baffled by his behaviour today, because we are friends. So there has been some improvement in our relationship since yesterday. It's been upgraded.

We now have this revelation in *Le Devoir*.

[Translation]

*Le Devoir* is an excellent newspaper which provides a lot of information. It explains the reasons why the Bloc Québécois does not want to discuss these things.

[English]

With this revelation in mind, I think eventually the Bloc will have to explain why it is so fearful of opening its books. In the meantime, while I allow the member to compose himself and prepare such an explanation, I would like to point to another feature of my amendment that might have gone unnoticed.

This motion does not only seek to expand to other parties the responsibility to open their books; it expands the responsibility of the Conservative Party to open its own. In fact, it makes greater demands on the Conservatives than the original motion makes. The original motion asks for an investigation of our expenditures with regard to the 2006 federal election campaign. That's not good enough.

The Conservative Party wants to open its books going back to 1997, including those of the two legacy parties, and that is what is being proposed here. In all of four campaigns going back to 2004—

**An hon. member:** Going back to 1996.

**Mr. Pierre Poilievre:**—we are willing to open it up and would have all the parties come forward going back 10 years. We are willing to be more demanding on ourselves than the previous motion had been.

With this process in place, we would take away absolutely nothing from the existing motion. Still, there has not been one member on that side of the aisle who has explained how this motion takes away any of their ability to investigate the Conservative books. It only adds, opens the drapes to let the power of sunshine into the room. I quote Pat Martin on that, a member of the NDP.

I wonder if he still feels so strongly about those words that he used time and again on the matter of access to information. Pat Martin is a man who is a champion of accountability and transparency. He sits here today silenced by his party, and it is clear that this is coming from the top in the NDP, because there is no way that Pat Martin would ever allow his party to cover up his books unless he were forced to do so by the upper echelons of the New Democratic Party.

Mr. Chair, I conclude by once again calling in good faith on the opposition parties to do as we are prepared to do, open their books, allow the Canadian people to have a good look at them. Let's have a big old hearing here to get to the bottom of how all the parties have been financing their operations, and let's get busy doing it right now.

• (1705)

**The Chair:** Thank you. We are obviously getting a bit tired, but let's stay focused. We only have 24 minutes left, so let's try to focus.

Mr. Lukiwski has the floor.

**Mr. Tom Lukiwski:** Mr. Chair, in response to some of the other individual comments asking how I could follow that, I hearken back to one of my former careers, when I was in the event management business, and we staged a large country music festival in Saskatchewan, called the Craven music festival.

I was one of the ones involved with booking some of the talent, and at that time we had a Canadian performer by the name of k.d. lang who came out and performed. She was the penultimate act. She was the second to last act. I can remember the final act of the day—and I think it was George Strait—saying, I will never, ever follow k. d. lang again.

It's something like that with you, Pierre. How do you follow that emotion and passion?

**Mr. Michel Guimond:** [*Inaudible—Editor*]

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

**The Chair:** Order.

Monsieur Guimond, let's stick to the focus.

Please turn Mr. Lukiwski's microphone on and turn everybody else's microphone off.

**Mr. Tom Lukiwski:** I have a couple of points, Mr. Chair, and again I want to underscore many of the remarks made by my colleague Mr. Reid.

What we have done in engaging in court actions with Elections Canada is to defend our position, which we feel to be quite defensible, because we believe it is a matter of interpretation as to how we have spent some of our advertising dollars in previous campaigns.

I can tell you, Mr. Chair, that in a former life I was an executive director of a political party—actually, two political parties—in Saskatchewan, and one of the jobs I had at that time was to re-examine the Saskatchewan Election Act on an all-party committee basis and to make appropriate changes. One of the major objectives is that we would, as much as possible, mirror our provincial act with the federal act. There were a few vagaries, a few slight changes here and there, but generally speaking we mirrored the federal elections act in almost all areas.

One of them was advertising expenses: who could claim, who could not claim, what would be a legitimate expense and what would not. I can tell members of this committee that we got clearance from the staffing side in the parties that I was in charge of before we engaged in any practices, and one of the practices was, Mr. Chair, very similar to what we have done federally in terms of transfers of money from the central party—which the Bloc commonly does in federal elections—and allowing those riding associations to spend that money and then be eligible for a reimbursement, a claim of money that came from the central party. The only requirement, Mr. Chair, at that time was that in the content of that act there would be recognition of the individual candidate and his or her riding association, which we have done, quite clearly, in all the ads we've partaken of in the 2006 campaign.

That is a difference of opinion between Elections Canada and our party, hence the initiative from our party to take this to court to get clarification. If we were truly trying to cover up, as the opposition members would suggest, we wouldn't have taken that action.

So I'm suggesting to this committee that there are clearly differences of opinion on how we conducted our advertising in the 2006 election, but I would also suggest to you that if we took a look at the practices of all other parties, we would find out that there would be some commonality among all four parties in how they conducted their advertising practices. We have stated in Mr. Poilievre's motion that we are willing to open our books, to have a fulsome examination of our practices during the 2006 election, and in fact going back even further—10 years with our legacy parties. I've yet to hear any members here saying they are willing to do the same at this committee level. We've heard the NDP and the Bloc say they're willing to do it, but only after we examine the Conservatives, and God only knows whether or not we as a committee would ever get around to examining it. Why not do it now? Why not do it simultaneously so we can compare the practices of all parties?

I mentioned earlier, Chair, that I think we need that frame of reference. How do you compare our practices in a vacuum? I stated that, yes, there are rules, there are practices and procedures and guidelines from Elections Canada. Clearly there's the dispute between us and Elections Canada, but I think a more cogent examination would be between all parties and taking a look: what did the Liberals do, what did the Bloc do, how did the NDP engage in advertising expenses during those same elections? By that comparison, party to party, Mr. Chair, I think this committee and Canadians as a whole would be in a far better position to say, you know, I don't know what Elections Canada says, but it seems all parties are doing roughly the same thing.

That is our contention. That's what we're going to try to demonstrate in court. I think if this committee were serious, they would be allowing that discussion at this level, the committee level. Quite frankly, Mr. Chair, I've come to the conclusion that there is no sincere effort by this committee to have this discussion.

• (1710)

The fact is simply this, Mr. Chair. Three byelections are happening in Quebec on Monday. The Bloc's motivation, I believe, is to try to besmirch the reputation of our party in anticipation of three very hotly contested byelections. In other words, they want to pile on the mud in the hope that will transfer to the elections held this coming Monday. That's the real motivation behind it. If the Liberals were sincere in bringing forward their motion to examine the practices we conducted in the past election, they would have no fear whatsoever of an examination of their own practices. But they have yet to come forward to agree and support Mr. Poilievre's motion.

I think there are many good reasons for that. As Mr. Reid stated earlier, during the Gomery commission inquiries, Justice Gomery stated quite clearly and without equivocation that he was restricted in some of the areas in which he could examine the practices of political parties. The terms of reference given to Mr. Gomery were restricted to the point that he almost appealed for further review.

I would like to give you a couple of quick quotes from Mr. Gomery's report dealing with that. The first comes from volume 1, page 435, where Justice Gomery states:

Two successive Executive Directors were directly involved in illegal campaign financing, and many of its workers accepted cash payments for their services when they should have known that such payments were in violation of the Canada Elections Act.

He's referring to the two executive directors of the Liberal Party in Quebec.

He goes on to say about Mr. Béliveau:

...he has clearly established in a credible manner that Mr. Corriveau was the person to whom he, as the Executive Director of the LPCQ, could turn for money, that Mr. Corriveau did not disappoint him when he was asked for financial assistance, and that the money received in cash came from unrecorded and improper sources.

Mr. Chair, if you recall—and I think most Canadians recall—Justice Gomery said he could not account for approximately \$40 million; that it went missing. We don't know where that money went. We might be able to find out some of that information with a thorough examination of the practices of all parties. Yet I don't see the Liberals jumping up and saying, let's do it, let's go back 10 years, let's prove to you that we're squeaky clean. They don't want to do that, and there's probably good reason for that.

Through his motion, Mr. Poilievre is merely suggesting that we would be more than willing to open our books and discuss fully, in a very open and transparent manner, all the practices in which we've engaged in previous elections when it comes to advertising, reimbursements, and claims. So let's compare what the other parties have done as well. If there is absolutely nothing untoward in the way the other parties have conducted themselves, that should be easy to determine very quickly. But I would suggest to you, Mr. Chair, that there are some problems over there that they don't want to talk about.

There are going to be two court cases in which all of those matters and perhaps more will be discussed, but if this committee is truly sincere in talking about what they feel to be untoward activities from our party, let's talk about that and what they've done as well, Mr. Chair. I think it's a reasonable request. I can only support the arguments made by my colleagues and say let's get all of the party financing activities with respect to the last 10 years of elections on the table here. Let's have the equal ability to call witnesses from all political parties. It's a matter of fairness and transparency.

Thank you, Chair.

• (1715)

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

Monsieur Proulx, Monsieur Guimond, and then Monsieur Poilievre.

**Mr. Marcel Proulx:** Thank you.

Mr. Chair, as you well know, it is 5:15. I don't really understand why the members from the Conservative Party are trying to keep us from voting and proceeding so we can also discuss at this meeting the question relating to Elections Canada and the veil. So I very strongly suggest that you do everything possible so we can vote on this amendment and then on the main question.

Thank you, sir.

**The Chair:** I'm certainly not going to assume you're asking me to break procedures or bend the rules.

**Mr. Marcel Proulx:** Absolutely not, sir.

**The Chair:** I'm happy to hear that, since you've been keen on pointing them out in the last couple of days. Mr. Proulx, that is up to the chair, who you have thankfully pointed out is me.



Monsieur Guimond is up next, and then Monsieur Poilievre.

[*Translation*]

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

When I was elected in 1993, my father told me that if my political opponents attacked me or insulted me, I should try to not respond. Now, he knows me and he knows that that is not in keeping with my temperament. It is not in my nature to not respond in kind. He added that I should tell myself that if they were acting that way it was because I had hit a nerve in them. That gives me some perspective on Mr. Lukiwski's accusations and the comments made by Mr. Poilievre.

I want Mr. Poilievre to know that today he has not seen me angry. He would have to see me in the House to know what I look like when I get mad. Indeed, as whip, I must set an example for my colleagues. I must also set an example in committee. I invite him to ask Mr. Preston and M. Lukiwski, and my good friend Scott Reid, the Liberals or Mr. Godin. You will know what I look like when I get mad.

I also want him to stop calling me his friend, because he is not my friend. Yesterday when he wanted to table a friendly amendment I told him that a friendly amendment was tabled by a friend. But he does not meet that criterion; he is not one of my friends. In fact, my friends' egos are much less developed than that of Mr. Poilievre. My friends don't...

[*English*]

**The Chair:** Excuse me a minute please, Monsieur Guimond.

I'm finding that the comments are tending to be personal. We're debating the amendment, so maybe we could bring it back to that.

• (1720)

[*Translation*]

**Mr. Michel Guimond:** Yes, that is true. You are right, Mr. Chairman.

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

**Mr. Michel Guimond:** Mr. Chairman, with regard to the technique that was referred to as "in and out" in 2000, the Bloc Québécois has letters in its possession. When we debate the Conservatives motion, or that put forward by any other party, and discuss the funding techniques used in the 1997, 2000, 2004 and 2006 electoral campaigns, in due course, the Bloc Québécois will be tabling those letters.

We received the approval, the benediction, the imprimatur, the okay from Elections Canada. As opposed to the Conservatives, we of the Bloc Québécois at this time have no case before the Federal Court involving what transpired during the last elections, and all of our reimbursement claims were accepted by Elections Canada. Consequently, this red herring thrown out following the interpretation made by a journalist that what we did could be comparable to this "in-and-out" technique... I assure you that this is the last time that... I gave an overview of the situation, I made my point, and I don't want to go back on the issue.

In conclusion, I suggest that we vote immediately on Mr. Poilievre's excellent amendment and that we also vote on the

excellent motion introduced by the four parties, the four members of the committee who asked that this meeting be held. I suggest that we dispose of these motions and that we immediately decide on a follow-up to Mr. Mayrand's letter with regard to women voting with veiled faces. Those are my suggestions.

Let me reiterate that I did not raise my voice, I did not get angry, I did not get red, I did not have palpitations. I feel very well and I look forward to calling my psychiatrist later to tell him how I behaved.

[*English*]

**The Chair:** Thank you.

I have his number, and I have called him and reported during this meeting.

Monsieur Guimond, we have names on the list, and it would be out of order for me to call the question at this point. However, I recognize and am sensitive to the fact that we're running out of time. I am going to continue with the debate on this. I cannot call a vote; that would be against the rules.

I ask the committee to recognize that this meeting will be over in eight minutes. Maybe we can make arrangements to simply allow the chair to call Mr. Mayrand to come to this committee tomorrow.

Mr. Poilievre.

[*Translation*]

**Mr. Pierre Poilievre:** I'm very sad to hear that I am no longer Mr. Guimond's friend, but I am going to survive, Mr. Chairman.

You have before you a motion that was passed by this committee indicating that you are already authorized to invite Elections Canada to testify before the committee.

[*English*]

**The Chair:** Excuse me, Mr. Poilievre. I have a point of order over here.

**Mr. Marcel Proulx:** It's mostly a point of clarification from you, sir. I heard Mr. Poilievre talking about the other subject that we are to discuss. Is he not out of order in discussing that now?

**The Chair:** I'm giving him some latitude. I think it's perfectly okay. He's going to get back to his amendment. He's still on track—maybe not quite as focused as we want, but I'm giving him latitude.

**Mr. Marcel Proulx:** I see. Okay, good. Thank you.

**The Chair:** Mr. Poilievre, please continue.

**Mr. Pierre Poilievre:** The reason I mention the other issue is that one of our colleagues used as a pretext for his cover-up the fact that we need to move on to another subject. In fact, we don't need to move on to another subject. That other subject is dealt with, and we look forward to seeing the Chief Electoral Officer before this committee. We have already authorized the chair to seek him out. That's done.

So we can continue to work on—

**Mr. Marcel Proulx:** I have a point of order.

**The Chair:** Well, we'll clarify it after this; I caught it. But thank you.

Please continue.

**Mr. Pierre Poilievre:** At this point we can continue to work on convincing the opposition to open its books, to stop its cover-up, to come clean with Canadians, and to allow all of the people of Canada to know about their electoral financing practices. We have a motion here that allows all parties to come forward and explain their practices. We're waiting for at least one party—one brave soul on the other side—to join with us in supporting an open hearing on electoral financing, wherein their practices will also be under scrutiny. So far, no dice. I know there are members over there whose stomachs are turning at what they're doing right now. They would have to be, because I know how they've spoken on the record; we know what they've said. We know their words and we know now their words don't match their deeds.

We know that the Bloc does not want to explain its in-and-out scheme, the in-and-out scheme that was the source of great controversy in the province of Quebec. Much has been written about this in-and-out scheme carried out by the Bloc Québécois. It has not been studied by a parliamentary committee, and we look forward to having that study.

As for the Liberals, after years of criminal prosecutions for their electoral financing practices, I think it's fair to say that there's probably more to be studied. There is still \$40 million missing, \$40 million dollars that the Liberal Party has never accounted for, that the Liberal Party has never explained, and that the Liberal Party is continuing to cover up with its vote against my amendment today.

Chair, we look forward to hearing what the opposition will say on our amendment, and we hope they will change their minds in the next several minutes before this vote occurs, so that in fact there is not a cover-up. We look forward to their coming forward forthwith to support this amendment, or they will have to explain to their voters why they're covering up their electoral practices.

Thank you.

● (1725)

**The Chair:** Thank you. My list is exhausted, so are we ready for the question on the amendment?

**An hon. member:** Yes, call the question.

**The Chair:** We will call the question.

**Mr. Pierre Poilievre:** We ask that this be a recorded vote.

**The Chair:** This is the question on the amendment to the original motion. I will ask the clerk to read the amendment, please; then we will go forward with a recorded vote.

**The Clerk:** The amendment reads:

That the Standing Committee on Procedure and House Affairs conduct a thorough study of the electoral financing and use of transfers of all parties in their respective local campaigns, including the 1997, 2000, 2004, and 2006 federal campaigns; further, that this committee report its findings to the House.

(Amendment negated: nays 7; yeas 4)

**The Chair:** Colleagues, the amendment is defeated.

I wonder whose hand I saw first. I think it was Mr. Poilievre, then Mr. Reid.

**Mr. Pierre Poilievre:** Mr. Chair, I do have another amendment.

**The Chair:** Could I interject for one second? I promise I'll give you the floor.

**Mr. Pierre Poilievre:** Okay, I'm first on the list then.

**The Chair:** You are. I can make you that promise.

I do wish the committee would consider, before we end this meeting at 5:30 p.m., that I at least be authorized to call Mr. Mayrand and get a date from him—

**An hon. member:** Finish this subject.

**The Chair:** Finish this subject. So what the committee is telling me is that, despite the byelection on Monday and despite the motion we adopted the other day to finish this study and report by Friday, that's your decision. What we can do now is extend the meeting tomorrow to perhaps 10 a.m. until 5 p.m. and deal with both matters. We will sit until we deal with both matters. That would be a suggestion by the chair to make sure the committee work is done.

● (1730)

**Mr. Pierre Poilievre:** On a point of order, Chair—

**The Chair:** I am about to recognize you on the original comment.

**Mr. Pierre Poilievre:** I do have a point of order as well.

**The Chair:** All right, let's have a point of order.

**Mr. Pierre Poilievre:** The matter regarding Elections Canada and the veiled voting is already authorized to be dealt with. You have a motion that has been passed by this committee. That motion continues to exist. Nothing has interrupted that motion, so we await the clerk....The committee has instructed the chair and the clerk to go out and secure witnesses for those hearings.

**The Chair:** In fact, Mr. Poilievre, you are totally correct, but for the chairman to call a committee meeting, I would need 48 hours' notice. Ultimately, I'm asking the committee if they would like to give me some slack on that so we can move this thing forward.

I will call the committee meeting back on Thursday to meet with Mr. Mayrand. You will get a notice, hopefully later today or early tomorrow, so that you know that Mr. Mayrand is available and at what time. That's how we'll deal with the second matter.

Can we now proceed quickly? I'm about to adjourn the meeting.

On a point of order, Mr. Proulx.

**Mr. Marcel Proulx:** On a point of order, I simply wanted to understand. A little while ago, I thought you had reacted because we didn't have an agreement that you would call Mr. Mayrand.

**The Chair:** No, I didn't have an agreement about when we would meet. I was hoping we could meet tomorrow, which would require the permission of the committee to forgo the 48-hour notice. There is no question in my mind that the motion said that if Mr. Mayrand was not willing to reverse his decision, he would be called before this committee. I intend to do that, but it will be 48 hours from now because that's the provision.

I have a point of order over here, so I'll respect that first.

**Mr. Omar Alhabra:** I have a point of order. May I suggest that the question Mr. Proulx has just raised is different from whether we have notice for a meeting or not. It is that the committee has not agreed on the witness list to conduct the study. So that is the point of order. The committee has not agreed on the witness list, and that includes the Commissioner of Elections Canada.

**The Chair:** Right. Normal procedure for this committee is for me simply to request that witness lists be provided to the clerk. Generally we give a few hours to do that, and perhaps by tomorrow noon is suggested. Again, I'm assuming committee members are actually sincere about moving forward with this, so would it be impossible to ask members to submit their witness list before this night? I want to get that question answered.

**An hon. member:** What witness list, Mr. Chair?

**The Chair:** For Monsieur Mayrand, if there is one.

**An hon. member:** This is putting the cart before the horse—

**Mr. Marcel Proulx:** On a point of order, Chair, the motion was to examine the decision by Elections Canada. I don't understand what other witnesses we could call now. As you say, as long we have Mr. Mayrand here, that's where the decision came from.

**The Chair:** All right. Mr. Alhabra has suggested that he might have witnesses to call.

**An hon. member:** We haven't agreed.

**An hon. member:** It's not a good idea.

**The Chair:** I appreciate that very much, but we have a member who clearly hasn't consulted with his party members and has mentioned a witness list.

I'll tell you what we're going to do.

**An hon. member:** That's not the point.

**The Chair:** Hold on, I have the floor. Order. I have the floor.

I'm going to suggest that if there is a witness list, you get it to me by 9 o'clock.

**Mr. Omar Alhabra:** You're not authorized to call any witnesses by the committee, whether it's the commissioner or not. Is that accurate?

**The Chair:** I am qualified by the motion that was passed earlier this week, and I regret that you weren't here chairing that meeting.

**Mr. Omar Alhabra:** I was asking you a question. Are you authorized to invite any witnesses?

**The Chair:** Yes, I am. No, I'm authorized to invite Monsieur Mayrand, and I'm going to do that with a 48-hour notice.

**Mr. Pierre Poilievre:** I have a point of order, Chair.

**The Chair:** I'm going to go with Mr. Guimond first.  
[*Translation*]

**Mr. Michel Guimond:** We are going to try to break this deadlock. The topic raised will allow us to come to a better understanding, I think. I'm going to ask for unanimous consent for the following motion. Basically, I'm going to move that you be dispensed from the 48 hours' notice provision; that the committee meet Thursday

morning at 10 a.m. with Mr. Mayrand; that we hear the latter during an hour or an hour and a half and that after lunch we determine whether it would be advisable to call other witnesses.

Since the by-elections are going to be held next Monday, September 17, we will not have time to undertake an exhaustive study. While we are at it, is someone going to suggest that we go and see how they do it in Australia or in other provinces?

If there were unanimous consent for this motion we would hear Mr. Mayrand Thursday morning at 10 o'clock. At the end of his testimony or after lunch...

• (1735)

**Mr. Marcel Proulx:** And what about today's topic?

**Mr. Michel Guimond:** We have to continue discussing it.

[*English*]

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

If I could have the floor for just a moment, it has been the history of this committee to accept such comments without actually having to do a motion.

Here's my concern. Given the breakdown that I've been seeing on this committee lately, if I accept that motion I have to do it. I suggest we're going to go into another debate on another motion, and this could be sidetracked.

With your permission, I'm simply going to suggest to the committee that you—like in the past—have simply authorized the chair to contact Mr. Mayrand and have him come here on Thursday at 10 a.m. to meet with us for an hour or an hour and a half. If there are witnesses that anybody wants to submit, we'll try to schedule them in after lunch.

Is that fair, Monsieur Guimond?

[*Translation*]

**Mr. Michel Guimond:** Yes, but I would add, considering the urgent nature of the veiled vote issue, that we could discuss today's topic Thursday afternoon.

[*English*]

**The Chair:** Today's subject, the continuation of this....

I'm sorry, I didn't hear that.

[*Translation*]

**Mr. Michel Guimond:** We must agree immediately that Thursday at 1:30, we will resume debate concerning the motion we are about to vote on.

[*English*]

**The Chair:** Monsieur Guimond, you are my friend today, because that makes perfectly good sense. Thank you for clarifying that. It's a very clear thing right now—but we will go to a point of order.

**Mr. Pierre Poilievre:** On a point of order, the suggestion of Mr. Guimond requires unanimous consent.

We have a motion that's already been adopted by this committee, that the committee do a study, however brief it is, to be completed by Friday, September 14. That was agreed to unanimously by this committee. It was never suggested that we shut out witnesses or ignore the points of view of various people who might have something to offer.

I am perfectly in agreement with Monsieur Guimond, Mr. Chair, if he is suggesting that we hear from the Chief Electoral Officer on Thursday morning. However, we will not offer unanimous consent for taking away the possibility of hearing from other witnesses, because there are a lot of valuable groups in this country who've spoken out for all sides and for many faiths. We don't need to hear from them all, but there are some who have been particularly prominent in discussing this, and I think their comments have been very helpful and deserve to be heard, so that when we put forward a recommendation to the Chief Electoral Officer all viewpoints will be taken into account.

The motion that we have right here allows for those witnesses to be heard. I just suggest that you accept the submission of witnesses from the various members of this committee. All of us, I suspect, will be judicious in who we submit and that the witnesses will be relevant and pertinent to the discussion. We should make time to hear from them as well.

That is the condition upon which we would consider supporting Mr. Guimond's suggestion.

**The Chair:** I believe, for the most part—if I'm not wrong—Mr. Guimond, that was exactly your suggestion, that we meet with Monsieur Mayrand in the morning, and then, if there are witnesses, they would be heard in the afternoon. I'm also hearing from you, sir—which a good suggestion—that we follow that up by meeting right away, at 3:30, to continue this discussion.

[Translation]

**Mr. Michel Guimond:** Thursday morning between 10 o'clock and 11 o'clock a.m. we could hear Mr. Mayrand; between 11 and noon, in the context of an expanded version of the subcommittee on agenda and procedure, we could decide what follow-up we want to give to that. We could then determine on the basis of what we will have heard whether it would be pertinent to hear further witnesses on this topic and if that is the case, when. And so I move that Thursday at 1:30 p.m. we resume debate on the motion we were called here to discuss over the past two days. It can't just be allowed to float away with the angels and clouds; we can't just forget about it.

• (1740)

[English]

**The Chair:** I'm sorry, now I'm confused. Is it at 1:30 that you want to go back to talking about this motion if there are no witnesses?

**Mr. Michel Guimond:** If we decide to have witnesses at 11 o'clock, we must find a timetable. But the nature of my proposition is not to have Mayrand from 10 to 11 o'clock and then decide to have witnesses for the rest of the day and then speak on this motion in October. At 11 o'clock we would have a steering committee meeting and decide whether we need to have witnesses. After some questions or problems that we mention, Mayrand might decide at the end of the meeting that it's a good approach; he could change his mind, and we

wouldn't need witnesses. Or Mayrand might decide to continue in the same way and arrive with arguments or a clear case from a section of the law, and we would decide we don't have time and don't need more witnesses, that the final solution could be an amendment to the Elections Act.

Who will present? The Bloc Québécois mentioned that we will introduce a bill when the House starts. If the government decides to present an amendment, maybe we'll discuss it, but at 1:30 we want to continue the discussion on this.

**Mr. Pierre Poilievre:** On the same point, Mr. Chair, on a point of order—

**The Chair:** I would like to interject. We massage these things out, and this is actually how this committee works. I think we're getting close to a decision. I would just like to comment before I give you the floor, Mr. Poilievre.

I like the idea, but I have a concern. We can schedule 10 o'clock for a discussion with Mr. Mayrand; that's a done deal. Let's do that. We can decide at the 10 o'clock meeting whether we will meet to further discuss the motion that we have been discussing. My concern is that if there are witnesses, it would get discussed at 1:30 p.m.; if there are no witnesses, then we move the 3:30 meeting up to 1:30 and carry on with this discussion.

I'd like to leave 1:30 open in case there are witnesses, but if there are no witnesses, we can meet at 1:30 to discuss this issue. We can move the 3:30 meeting up. In other words, I would like to schedule a meeting at 10 for a discussion with Mr. Mayrand, a meeting at 11 for the steering committee, a meeting at 1:30 for potential witnesses, and a meeting at 3:30 to continue this. If there are no witnesses, we'll move the 3:30 up to 1:30.

That's got to be the compromise you love.

**Mr. Michel Guimond:** Yes, but I want to be practical. We don't know what witnesses and we don't know the person we will call at noon to be at the meeting at 1:30. It will be like a jack-in-the-box.

Why don't we start the discussion on the main motion at 11:30? At noon they will be prepared to be here at 3:30, maybe 6:30 or 5:30 if you have a lunch. We will be available, but we don't know who will be on the list. I don't have a list of witnesses in mind right now.

**The Chair:** Listen, folks, let me make a comment, because I suggest we're going around in circles.

I assume the potential witness list would have been delivered long before then. The witnesses would have been contacted and put on notice. At the 11 o'clock standing committee meeting, we would decide who is technically necessary or not; or maybe none of them would be. That's efficient preparatory committee work. They would all be put on notice that they might be called.

I know it's a bit of a crunch, but as everyone has said, this is an issue that has to be dealt with by Monday. Clerks have to write a report, the report has to be approved, it has to be tabled on Friday, and I'm finding that by delaying it any further—

**An hon. member:** What's she going to write about? There's no House.

**The Chair:** Well, the report has to be done. That's the motion that you voted on.

Can we just accept that we're going to meet at 10 o'clock on Thursday to discuss the veil issue? Let's get that out of the way right now, and we will have Mr. Mayrand at that meeting.

Is everybody agreed? You're the best.

There will be an expanded steering committee from 11 to 12. I will discuss with Mr. Guimond what that means. I suspect I know, but we'll meet at 11 o'clock.

• (1745)

**Mr. Pierre Poilievre:** No, we're not agreed on that, because the problem we have here is that if we're going to have witnesses on this matter, as Mr. Guimond said, we can't call them after a steering committee meeting authorizes their appearance; we have to be getting in contact with them the next day. The idea that we're going to go into a steering committee and then decide whether there will be additional witnesses and then call them up and have them shipped in here is insane.

Let's just agree.... Mr. Chair, there is a motion that has been adopted by this committee calling for a study. You were authorized to go out and get witnesses for that study. That's the reality of the matter.

I have it right here:

That the committee on procedure and House affairs study the Elections Canada decision to allow veiled individuals to vote. This study be completed by Friday, September 14, 2007.

Yesterday we agreed that the witness list would be accumulated by submission from members of this committee—

**Some hon. members:** No.

**Mr. Pierre Poilievre:** That was agreed to; it was stated. You can find it in the blues if you don't agree or if you'd fallen asleep. The reality is that we had an agreement to do that, and that is the agreement we are operating on, on this side of the House.

Now, if there is something that we want to discuss after that on the same day, there's no reason that can't occur, but to suggest that we're going to have a steering committee meeting and then decide whether there will be witnesses is logistically impossible. You need to have the witness list by tomorrow at noon.

**The Chair:** Actually, that is exactly what I'm suggesting—that we have a witness by, preferably, later this evening, so that we can call the witnesses and put them on notice.

**Mr. Pierre Poilievre:** You can't put them on notice that they might, but might not, have to fly to Ottawa.

**An hon. member:** Then we call the witnesses next week, Mr. Chair.

**The Chair:** That's after the byelection, and it's outside the motion that's in front of us.

**Hon. Karen Redman:** I have a point of order, Mr. Chair.

**The Chair:** Go ahead, Madam Redman, please.

**Hon. Karen Redman:** This committee has worked very well for a very long time with regular members. I acknowledge that it may be

somewhat new to those of you who are not regular attendees; however, I attempted to get clarification on Monday afternoon as to exactly what a study would look like, and I got shut down. I will go back in the blues and find my comments, because it was that we'll write to the commissioner of elections—and I was okay with that—and we would get his response, which we have, but it seems to me a quantum leap.

I would suggest, colleagues, that there's a little bit of intellectual dishonesty going on right now if we think this committee is going to make a report and get a plethora of witnesses here to change anything.

The Chief Electoral Officer has been pretty clear in the media, and he's been clear to us as a committee, that he's coming to talk to us about what his interpretation of the legislation was. In his view, there needs to be a change of the legislation. There cannot be one of us sitting around this table as seasoned parliamentarians who thinks for a minute that is going to happen before Tuesday—the goodwill of the Chief Electoral Officer to come and explain what his interpretation of the existing legislation is and this committee getting clarification. We sent a letter to him, through the chair, saying that we had trouble with his interpretation. I would suggest that he alone is a credible witness who should come and tell us his interpretation and how he reads the legislation, and then we can determine, as Monsieur Guimond has said, whether his persuasive argument says to us that this is something we need to look at in the next Parliament or whether we are okay with his interpretation.

Colleagues, there was goodwill at the beginning of this meeting when the chair asked if he could read this letter. Clearly you are filibustering; you're doing everything you can with motions to not get to the substantive issue. I would tell you that you're asking on the one hand for goodwill and cooperation, which this committee has always dealt with, and on the other you're using cover-up and obfuscation to not come to a vote.

I have a real problem with the fact that we're going to listen to the Chief Electoral Officer Thursday morning and then fritter away the rest of the day with a report. It will be like dropping a stone into a well, because there will not be a Parliament to submit the report to, unless Mr. Harper wasn't serious about proroguing the House and we are indeed back here next week; then we can report to the House, as would be the normal procedure for this committee.

• (1750)

**The Chair:** Go ahead, Mr. Reid, please.

**Mr. Scott Reid:** Obviously there are legitimate points being made about the time constraints we're dealing with. Mrs. Redman has a point. It's pretty hard for us to report back to the House, since the House is unlikely to sit.

Mr. Poilievre also has a point that it's logistically impossible to summon people, at a meeting on the 13th, to come within the time constraints we imposed on ourselves for the 14th.

So I'm not sure what else we're doing here, but I'm hoping we can get an agreement from the committee for one set of witnesses who I think we would all agree need to be able to speak. Essentially I'm now proposing that we all agree that whatever else we do, we summon as witnesses the spokesmen for Muslim women, who indicated that they have never been consulted by anybody. Clearly this is the one group that we would all agree has a legitimate say in who we can contact, who's apprised, who's already been speaking to the media, and who we could all benefit from.

I have no comment on any other group, but it would make sense to have this one group come and present for however long.

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

Mr. Poilievre, could we please keep this short?

**Mr. Pierre Poilievre:** Mr. Chair, I suggest that the committee's course of action right now is very simple. What we have to do before we leave here today is nothing. We already passed a motion, and it was voted for by Ms. Redman, who now says that she doesn't want a study because she thinks it's a waste of time.

**Mr. Marcel Proulx:** No.

**The Chair:** Order.

**Mr. Pierre Poilievre:** Mr. Chair, she said she doesn't believe that a report from this committee will go anywhere because prorogation would not allow it to appear before the House. If that's how she felt, she could have voted against the motion in the first place, but she didn't. She voted to produce a study, and the committee was told that it could submit witnesses for that study.

So why can we not go ahead with what was originally planned? We can proceed with the study that everyone voted for and get a report done on Thursday, so that it can be made public and delivered to the Chief Electoral Officer before the weekend.

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

May I make a suggestion that it's not uncommon for members of this committee to provide us with information, as did Mr. Reid, that we would like to speak to the head of something? Then it's up to the clerks and analysts to find out who that is. So I find his suggestion in order.

May I suggest that we have Mr. Mayrand here at 10 o'clock, and that we contact this one witness and have them here, maybe not at the same time but immediately following, so this matter can be dealt with before lunch on Thursday?

That's my suggestion, and then of course we would move on to this other matter immediately in the afternoon.

Order.

Mr. Proulx.

**Mr. Marcel Proulx:** What will that give us in regards to the afternoon, Mr. Chair?

**The Chair:** I suspect that the witness won't take too long. We can deal with Mr. Mayrand, bring in and deal with the witness, and probably get a draft report before lunch. We'll break for lunch, or if the committee chooses, we'll have lunch brought in.

**Mr. Marcel Proulx:** Could we have a commitment, Mr. Chair, from Mr. Poilievre and his colleague that this would be the intent and we could continue in the afternoon, because you are of good faith?

You can propose and suggest these things, but if they don't work out, we're left out. In the afternoon, we want to be able to go back to today's business.

**The Chair:** It is my suggestion that we go back to today's business in the afternoon. In fact, I've always promoted that.

However, we were thinking it would be 3:30 p.m. I'm suggesting now that if a few hours matter—and frankly I think they do—if we can get the witness, as long as I don't get a tonne of witnesses.... What I'm hearing now is that maybe there's an agreement that there would be one witness.

• (1755)

**Mr. Marcel Proulx:** Could we hear the acceptance of your proposition from the Conservative members on this committee, Mr. Chair?

**The Chair:** Are we ready to just ask the question? I'm not sure—

**Mr. Joe Preston:** I need a point clarification beyond that, Marcel, if you don't mind. I have just one question.

**The Chair:** Hold it, please. I'm with Mr. Preston right now.

**Mr. Joe Preston:** The motion that was put forward suggested a study be completed by Friday, so we're suggesting hearing these witnesses, but we do need to get that report back to this committee too.

**The Chair:** In all fairness, Mr. Preston, whether we meet at 11 o'clock, 12 o'clock, or 1:30 and hear witnesses, it's a heck of an undertaking for the clerk and the staff—

**Mr. Joe Preston:** That's the point I'm trying to make.

**The Chair:** —who have nothing but my greatest respect. I think among the four of us we've had four hours' sleep.

We will get it done. We will do it. So let's get back to the point of whether we're going to have this witness immediately after Mr. Mayrand.

I saw a hand up over here, did I not? I'm going to recognize Mr. Reid. Mr. Reid, you are up next, and then Mr. Alghabra.

**Mr. Scott Reid:** I'm sorry, I didn't mean for us to go out and actually choose one Muslim woman. I meant for us to have a panel of witnesses and—

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

**Mr. Scott Reid:** No, hang on. Marcel, calm down.

I'm not suggesting that we then turn this into an all-day event either. My point is that it's reasonable to have a number of presenters. There's not one single Muslim organization in this country any more than there is a single, say, Christian organization in the country. The point is to have a number of panellists here.

**An hon. member:** Would this room be large enough, Scott?

**The Chair:** Scott, would there be any consensus to have that panel restricted to a timeframe, as we've done in the past?

**Mr. Scott Reid:** That's for the committee to decide.

**The Chair:** Order, please.

I have a potential expansion of the witness list, but still within a timeframe. The offer is to keep it within a timeframe.

**Mr. Marcel Proulx:** What is the timeframe, Mr. Chair?

**The Chair:** Well, let's talk about that. Let's get this thing done by noon.

**Mr. Marcel Proulx:** We are 25 minutes past—

**The Chair:** I appreciate the indulgence of the committee to try to get this organized.

I'm going to propose the same thing as I did before, that we have Mr. Mayrand in first, at 10 o'clock, and have this panel in, but the panel will be before the committee for—help me—30 minutes, 45 minutes...?

**Mr. Marcel Proulx:** From 11 to 12.

**The Chair:** From 11 to 12. Can we get consensus by the members of this committee that we will deal with this matter and be prepared to put a draft report together by noon hour on Thursday?

**Mr. Marcel Proulx:** And at 1:30 we're back to today's business.

**The Chair:** We'll get to that next. I like to do these things one bite at a time.

Are we good with that?

**Mr. Marcel Proulx:** Except that this is a package deal.

**The Chair:** All right. Then if that's the case, we will break for lunch at noon hour on the dot, until 1:30. I'm hoping folks can get out and get back by then, if that's acceptable to the committee, and we will meet here for two hours to deal with this issue, from 1:30 to 3:30.

Please, are there any other comments? I'm sorry, I did interrupt you. I apologize, Mr. Reid.

Monsieur Guimond, I did interrupt Mr. Reid.

**Mr. Michel Guimond:** I have an appointment during lunchtime. Can we discuss the draft report from one o'clock to 1:30?

**The Chair:** Why don't we bring lunch in?

**Mr. Michel Guimond:** No, I have an appointment.

Maybe I can eat my sandwiches and then go out.

**An hon. member:** We're not going to have sandwiches, Mr. Guimond.

**An hon. member:** Filet mignon?

**The Chair:** I'll tell you what my problem is with that. I don't think members can get out, find a lunch, and get back here by one o'clock; it's one hour. If we can just discuss the draft report from 1:30 to two o'clock, we can start this business at two o'clock.

**Some hon. members:** Sure. Okay.

**The Chair:** Oh, my goodness.

Mr. Reid, I'm going to recognize you again, but I want you to be cognizant of the fact that we have a whole agreement going on right here.

**Mr. Scott Reid:** I would be supportive of this as long as I can be guaranteed that invitations are extended to the following groups. I don't think anyone will object to this. I just want to make sure that it's down and we all agree to this, so listen to the groups and see if you find these reasonable. I'm not trying to make an exclusive list. These are just people who—

**Mr. Marcel Proulx:** On a point of order, Mr. Chair, you said you were going to look at a list of witnesses.

**The Chair:** I think that's fair, Scott. I'm happy to look at it. I'm getting some suggestion from folks that I can approve it.

**Mr. Scott Reid:** All right, six.

I'm not talking about changing the time. I just want to make sure we're going to have—

**The Chair:** You hand it to me and I'll approve it. We'll get hold of them.

All right, I think we have it. We will adjourn now until 10 o'clock on Thursday. We will call Mr. Mayrand to meet here at 10 o'clock. We will call the witness list to meet here at 11 o'clock. We will be done with the witnesses by 12. We will meet here at 1:30, until two o'clock, to discuss the draft report from the morning's meeting. We will then simply continue right in from two o'clock until four o'clock, two hours. Is that fair?

It's fair. We've just made that decision.

Monsieur Guimond.

● (1800)

**Mr. Michel Guimond:** We must vote?

**The Chair:** Do we need to vote on this? I look around the committee and I see a consensus.

**Mr. Pierre Poilievre:** I'm first on the speakers list on that one, so I'm happy to start the debate.

**The Chair:** It's agreed.

The meeting is adjourned.







**Published under the authority of the Speaker of the House of Commons**

**Publié en conformité de l'autorité du Président de la Chambre des communes**

**Also available on the Parliament of Canada Web Site at the following address:  
Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante :  
<http://www.parl.gc.ca>**

---

**The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.**

**Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.**