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Chair

Mr. Paul Szabo

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•(1535)

[English]

The Chair (Mr. Paul Szabo (Mississauga South, Lib.)): Order, please.

This is meeting number 34 of the Standing Committee on Access to Information, Privacy and Ethics.

The order of the day, under “Committee Business”, is the motion from Mr. Hubbard, as well as the amendment by Mr. Van Kesteren and the subamendment by Mr. Tilson, and we are resuming debate.

Madam Lavallée, were you calling a point of order?

[Translation]

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Yes, I would like to speak.

[English]

The Chair: All right. Madam Lavallée on a point of order.

[Translation]

Mrs. Carole Lavallée: No, I do not want to raise a point of order, I want to speak. I want to talk about the motions.

[English]

The Chair: Okay, we will put you on the list of speakers.

I have the list from the last meeting. The next person on the list who is here is Mr. Van Kesteren, if you want the floor, sir. Otherwise, I'll give it to Madam Lavallée.

Mr. Dave Van Kesteren (Chatham-Kent—Essex, CPC): I'll wait on the motion, Mr. Chairman.

[Translation]

The Chair: Okay.

Mrs. Lavallée, the floor is yours.

[English]

Mr. Dave Van Kesteren: I'll go on the list.

The Chair: I'll put you down.

[Translation]

Mrs. Carole Lavallée: Thank you very much, Mr. Chair.

This is the fifth meeting on Mr. Hubbard's motion about ethical practices in the Conservative Party's campaign financing. I will not list them, because I want to make my points quite quickly.

This is the fifth meeting today. We have had four others. At two hours each, that is eight hours. Last time, last Tuesday, our

Conservative colleagues demonstrated, in my view, that they have no new arguments and that debate was no longer helpful. They talked about the committee's mandate from every possible angle. They talked about who was a public office holder and who was not. They said that other parties did the same things they did. We showed that that was not so. They said that the things the Bloc Québécois did were worse. We showed that that was not so either. They said that the Liberal Party's financing was shady. We said that it was not the time to talk about that.

Then someone said that the Conservatives had not been accused of anything. To be perfectly honest, I will say that he was quite right. But Elections Canada did refuse to reimburse campaign expenses and did carry out a search with the help of the RCMP. That is what we are talking about at the moment.

Then, as they had nothing more to say, they threw out a bunch of suggestions: we could do this, we could do that, we could pass this or pass that.

Enough already.

Mr. Chair, as I told you last week, I am fed up. Either they come up with new arguments that will convince us or...

The Chair: I am sorry to interrupt you.

[English]

Mr. Van Kesteren, on a point of order.

Mr. Dave Van Kesteren: Thank you, Mr. Chair.

I said at the last meeting, and I think we all agreed to it too, that if we are going to make statements then we ought to be accurate.

Madam Lavallée said that we were searched by the RCMP. We were not searched by the RCMP, and that needs to be corrected. Let's be accurate.

Mr. Gary Goodyear (Cambridge, CPC): That's why we have to keep going on the debate.

The Chair: Certainly all honourable members, I'm sure, are giving information to the best of their knowledge, but members do have an opportunity to speak to them to put the record straight, if necessary. Your point is well taken.

Madam Lavallée, I will give the floor back to you.

[Translation]

Mrs. Carole Lavallée: Thank you very much.

I did not say that the RCMP conducted a search. I said that Elections Canada asked for the RCMP's help in conducting a search. Perhaps something was left out in the interpretation. That would not be unusual. That really is what I said and I am perfectly aware of the difference in meaning.

My argument is that you have run out of arguments. You just raise points of order about things that perhaps you did not understand correctly or you keep going over the same ground. I heard nothing new at our last meeting and I do not think that there is anything new to hear. I am telling you that I am not going to put up with repetition at all today. Each time I hear repetition, Mr. Chair, I am going to bring it to your attention.

The Conservatives must face the fact that they have no more case to make. They have tried all their arguments. Now we must call the question. They cannot keep hiding behind procedure and delaying tactics in order to prevent us from voting and from investigating their ethical practices in campaign financing.

Thank you, Mr. Chair.

[*English*]

The Chair: Thank you.

Mr. Van Kesteren, please.

No, Mr. Goodyear would be the next person on the list. You have the floor, sir.

Mr. Gary Goodyear: Thank you.

I do respect...or at least I hear the member opposite from the Bloc threatening to shut down debate. Again, Mr. Chair, this is exactly why this committee isn't qualified to hear the original motion.

The member opposite from the Bloc has demonstrated without a shadow of a doubt her inability to hear repetitive testimony, not to mention that she was mistaken on a number of her facts. I am absolutely sure that any court of law, even the smallest court in Canada, would have far more expertise, training, and patience to listen to all the evidence, however often it's given, and more importantly, Mr. Chair, to understand the evidence and, more important than that, to withhold judgment until the evidence is in.

However, the Bloc, interestingly enough, are not interested in the facts. What they're interested in is partisan political games so that they can attempt to raise their voting level in Quebec. But that's not going to happen, Mr. Chair.

I don't want to repeat anything, except, of course, when the Bloc members misunderstand. Whether it's interpretation...but I don't think so. I think the interpreters here on the Hill are excellent interpreters. I think what's happening is that there's a lack of attention span by the members opposite and they don't really—

An hon. member: What's your point?

Mr. Gary Goodyear: I'm speeding it through, but I'm trying to explain the process here. I want to get over this too. If there's an indication to adjourn this kangaroo court, I'd be happy to vote for that.

Since the Bloc has raised the issue of not needing to pay attention to the facts, I want to point out that the Bloc has clearly made up

their minds to show members of the public who are listening how games are being played here, particularly in this case by the Bloc.

Mr. Chair, I'd like to go through a series of arguments, and I'll end up, for Madam Lavallée, with evidence of how the Bloc—and that's probably why the member wants to shut this thing down quickly, before I'm able to get on the record—the member's own colleagues, use the same advertising strategies. But I don't want to do that. Let's save the exciting stuff for later.

The last time Madam Lavallée spoke, she was wrong again on the fact that Elections Canada has suggested that the Conservative Party has overspent their limit. The fact is, Mr. Chairman, that when all of these advertising trades happen, as all parties have done, they are well below the national campaign level. What happens is that Elections Canada, for whatever reason—and we'll discover that at trial—has decided to disallow certain expenses and force them to be charged.

You might want to listen very carefully, because this is very important.

When they disallow for some unknown reason, which we'll find out in court, expenses at the local level, it forces the national campaign to charge them through at the national level. It's our belief that that interpretation is incorrect, and we'll prove that in court. But if that's correct, only then has the national party gone over, because we're being forced to claim it at the national level, which the Bloc will be too, by the way.

Madam Lavallée is incorrect when she says we've gone over the limit. That's yet to be determined by a legitimate court. Of course, this isn't a legitimate court, so I will allow my honourable colleague considerable leeway. It is her right to be wrong.

I wonder if members of the committee realize that the rules that Elections Canada has now decided they're going to unilaterally impose on the Conservative Party were actually printed and passed out after the election. Members aren't aware of that, or they're not paying attention. This was after the election, Mr. Chair, and I think it's important that members, those who haven't made up their minds already on the guilt or innocence—

The Chair: Order, Mr. Goodyear.

I wanted to listen to where you were going with this. I don't believe we are in a position...nor are we debating a motion that has anything to do with determining whether or not there's guilt or innocence. This is a matter for another jurisdiction.

• (1540)

Mr. Gary Goodyear: You're right.

The Chair: And what Elections Canada did or did not do... The motions are very clear. They have to do with specific activities and, more specifically, whether they have to do with meeting the ethical standards required of public office-holders.

I don't want to go into the court case. Although it is sort of what has given rise to this, it is not relevant to the work we are authorized to do under our mandate.

• (1545)

Mr. Gary Goodyear: You got that right.

The Chair: I really don't want to argue the court case here, because we have no jurisdiction.

Mr. Gary Goodyear: Well, you're absolutely correct, Mr. Chair. Of course it's surprising we got here with the chair's restricted debate opportunities, but I'm going to carry forward anyway, because this has everything whatsoever to do with expanding the amendment.

Let me just jump to that. I'm going back to this stuff, Mr. Chair. I'll raise my hand until September if I have to, because this is absolutely relevant. The member opposite opened the door when she herself talked in the last meeting about big companies. She was allowed, Mr. Chair, all the freedom to discuss all kinds of things from this alleged RCMP investigation, which has nothing at all to do with these amendments either.

So with all due respect, what I'm going to suggest to you is that here on the ethics committee the mandate is to determine ethical standards. It seems pretty ironic to me that this committee, which is about to determine whether we should study the ethics of another party, is about to make the biggest ethical mistake ever, and that will be to subject witnesses to violate *sub judice* convention and potentially influence, to the negative, the outcome of a civil proceeding. That's where it's relevant.

The Chair: Order, please.

This has come up before. I'm glad you've raised it. We are not authorized—it's not within our mandate—to determine any ethical standards of any party. This has to do only with public office-holders and their duties with regard to ethical standards, which are set by the Prime Minister and are also included in the Code of Conduct for Members of Parliament, which is included in the Standing Orders. We are not—and I hope everyone understands that—in a position under our mandate or the motion before us, not authorized whatsoever, to opine on a political party and its activities. That is not included in this discussion. The only way it could ever be considered is if the committee specifically wanted to do that, but it does not.

We should not be talking about political parties and what they did. We should be talking about the persons, as outlined in my ruling, named in the findings of Elections Canada, who were involved in certain activities that may have given rise to actions under the standards of ethics.

We have to be very careful. I know it's more exciting to talk about elections and parties and all these other things, but we need to keep it to the mandate and to the motions, and political parties are not going to be examined, by themselves, by this committee. We're not authorized to do that. We're looking at individuals covered under the codes and under the ethical standards expected of public office-holders.

I need to narrow this down. I didn't want to jump in too quickly on relevance; I wanted to explain it first of all. I hope we can move much closer to what's before the committee right now.

Mr. Gary Goodyear: Mr. Chair, I'm going to accept that, because I don't want to violate and try to overturn your ruling. But I would suggest to you that the Standing Orders are very clear that a chairman has the obligation to allow members as much latitude in the debate as possible.

I'm going to just put on the record here that I will not have my debate focused down to what the chair thinks is of current relevance or is evidence to be submitted. To suggest otherwise, Mr. Chair, would even indicate that you yourself might be in control of the witness list. When we actually get to a point where we want to bring witnesses together, if I want to bring in Monsieur Dion to explain some of the—

The Chair: Order. Order.

First of all, the chair does not determine witnesses; the committee does. I think you would agree with that.

Mr. Gary Goodyear: I know. I totally agree.

The Chair: So let's not suggest that the chair is controlling the witness list, okay?

• (1550)

Mr. Gary Goodyear: You've suggested a mandate, Mr. Chair, that's impossible to maintain.

The Chair: No. No. The committee will decide on witnesses, should we adopt the matters before us.

Mr. Gary Goodyear: The committee will decide on witnesses.

The Chair: Second, Mr. Goodyear, one of the responsibilities of the chair is to make sure the debate continues being relevant to the motions before us and that repetition be enforced, not so rigorously as to limit the member's opportunity to make a point, but with due caution.

I think you suggested that you're not going to allow me to determine what's relevant, and it's my job. I want you to know that I've been keeping lists of points that have been made in all the meetings through some eight hours of hearings. I very much understand the ruling that I made with regard to the admissibility of the motion and the scope of that motion that I framed in that ruling. I have to abide by it. There may be some matters that are going to push beyond that threshold of what the motion entails. I don't want to speculate on where the committee is going to go with witnesses and stuff like that, but it had better be within the terms of reference of the motion.

I'll give you back the floor, but I hope you understand that I have to do my job.

Mr. Gary Goodyear: I certainly do understand that.

The point I'm trying to make is that the amendment to this motion is an attempt to expand this study into all.... If you don't want me to use the term “political parties” and simply allow the opposite members to use the term “Conservative Party” on a repeated basis, then I won't use the word “party”.

The fact remains that we're on an amendment that attempts to expand the motion. I think the relevance there is that the reason we feel it's absolutely necessary to expand the motion is that we need to determine by comparison; it's the only way to determine whether someone did....

Let's take an example. If you'll allow me, Mr. Chair, I'll drift a little bit and use an analogy.

Malpractice in the medical community is something most members are familiar with. It is determined by comparing the treatment protocols and the behaviours of other local physicians. There was a time when drilling a hole in your head to let the spirits out was perfectly acceptable in the medical profession. That would be considered malpractice today. How would you conclude that? How would a court conclude that? It would be by comparing the behaviours of other professionals who are similar.

Here we have a number of members of Parliament who belong to different political parties. By the matter of numbers, we want to keep the study focused to one individual party. I'm saying that's impossible without the amendments and without the subamendment. It can't be done.

Therein lies my point. Sometimes it takes a little while to get there, but the point is made very clearly that this has to be amended as suggested by my colleagues. There is truth to what my colleagues are saying. The RCMP was invited along. Using such terminologies as "the RCMP raided the place" is absolute proof of political rhetoric. An absolute opinion in any direction can't be made if we're going to study one single party.

The Chair: If I may repeat, we are not studying parties; we're studying candidates, and candidates who are public office-holders.

Mr. Gary Goodyear: Okay.

The Chair: It's not parties. We should never repeat that again. It's been said too many times in this meeting that we're studying one party versus the others. If you put the subamendment in, it is looking at the candidates—the candidates—of other parties, not just the Conservative Party. It's not studying the parties themselves, and it's only public office-holders.

Mr. Dave Van Kesteren: Mr. Chair, I have a point of order.

Mr. Dean Del Mastro (Peterborough, CPC): I have a point of order.

The Chair: Who is first?

Go ahead, Mr. Van Kesteren, on a point of order.

Mr. Dave Van Kesteren: Mr. Chair, we are discussing the amendment. The amendment does say "and should the committee find in their investigations similar ethical practices by other parties". If we are studying the amendment and commenting on it, then we are talking about the practices of other parties.

The Chair: We're talking about the candidates of those other parties, because—

Mr. Dave Van Kesteren: That's not what the amendment says, Mr. Chair.

The Chair: It will be combined with the motion itself.

If you read the motion itself along with your amendment, we're talking about the ethical activities of individuals, not parties. We're dealing with public office-holders. The only way we can deal with this under our mandate is to deal with public office-holders. Political parties are not public office-holders. No matter what your interpretation may be, no amendment here will authorize us to deal with parties, only public office-holders as they are defined. They are cabinet ministers, secretaries of state, parliamentary secretaries, and order in council appointees, which is not applicable here.

That's our mandate.

• (1555)

Mr. Dave Van Kesteren: Mr. Chair, on that same point—

The Chair: We can't talk about—

Mr. Pierre Poilievre (Nepean—Carleton, CPC): I have a point of order.

Mr. Dave Van Kesteren: But the main motion says that.

Mr. Dean Del Mastro: I'm up next, Pierre.

Mr. Pierre Poilievre: I have a point of order.

The Chair: Okay, hang on; I heard you. But we're on a point of order. You can't have a point of order in the middle of a point of order.

My decision stands. We're not going to debate this. My interpretation and certainly my knowledge of the mandate of the ethics committee in the ruling I made was that this is in order because it relates to the ethical obligations of public office-holders vis-à-vis their involvement in something that happens to involve a political party. But it's under the Canada Elections Act.

I must rule that the discussions have to deal with public office-holders, and the amendment and subamendment, although referring to parties, is meant to broaden this to deal with individuals or public office-holders who belong to other parties. And for that reason I allowed them to stand. But if the members want to look again at the mandate, we can't look at parties. We can look at public office-holders.

Are you on the same point? Carry on.

Mr. Dave Van Kesteren: I agree, Mr. Chair, that this is our mandate within this committee. But don't you agree that the original motion is incorrect when it states "that the Standing Committee on Access to Information, Privacy and Ethics investigate the actions of the Conservative Party of Canada during the 2006 election in relations to which Elections Canada has refused to reimburse"—

Mr. Dean Del Mastro: By virtue of your own ruling, the motion is out of order.

Mr. Dave Van Kesteren: Yes, it's talking about the Conservative —

The Chair: It's Conservative candidates.

Mr. Dave Van Kesteren: Yes, but it says, "investigate the actions"—

The Chair: And "determine if these actions meet the ethical standards"—the actions of the Conservative candidates. Those are the public office-holders.

Mr. Dave Van Kesteren: But it says "the Conservative Party", Mr. Chair.

The Chair: Well, I understand. They are the other party to the transaction. Okay?

Mr. Dave Van Kesteren: It makes it all very confusing, sir.

The Chair: Well, the chair ruled the motion in order. That was challenged. The committee sustained the decision of the chair. The motion is in order and it is before us. I'm sorry, but that's what the committee decided.

Mr. Gary Goodyear: You interpret it any way you want so that it works. That makes it disrespectful.

The Chair: I'm sorry, you don't have the floor, sir.

There is a point of order from Mr. Poilievre, please.

Mr. Pierre Poilievre: I think I was furnished with a motion that is worded improperly. I just wanted to confirm that I have the right motion, because with so much going around now—

The Chair: That's not a point of order, but if you'd like to, have the clerk provide you with another copy, if you wish. Okay?

Mr. Pierre Poilievre: Mine refers to the Conservative Party and says that “the committee investigate...the Conservative Party”, and you've indicated that we can't investigate parties here, so there must be some problem here.

The Chair: It's the actions of the Conservative Party in relation to the candidates.

Mr. Pierre Poilievre: Yes, but it says “investigate...the Conservative Party”.

The Chair: Well, sir, you are raising a matter on the main motion. You're arguing whether or not we can do it. That's already been decided by the committee.

Mr. Pierre Poilievre: I wasn't arguing; I was just confirming.

The Chair: Okay. Well, it's not a point of order, then. Thank you.

Mr. Goodyear, I believe, still has the floor. Are you finished, sir?

Mr. Gary Goodyear: No, heck no. Are you kidding me?

The Chair: Mr. Del Mastro has a point of order.

Mr. Dean Del Mastro: Thank you, Mr. Chair.

Mr. Chair, we're actually right now debating the subamendment, which reads, “or in past elections”, replacing the statement “by other parties”. Now, that said—

• (1600)

Mr. Dave Van Kesteren: It's “after the words”, not “replacing” the other words.

Mr. Dean Del Mastro: Oh, it's after the words “by other parties or in past elections”; that's what we're actually debating right now.

But very clearly, from the outset it's completely disingenuous to say that this hasn't been about parties. It's most definitely about parties, because whenever we try to broaden the scope to bring other parties or candidates from other parties, the other parties block it, because the other parties have something to hide or something they don't want to talk about.

It's completely disingenuous to say that this can't be about parties, that it can only be about people. Well, if it's only about people, then I have a whole bunch of people whom I would say we have to be able to investigate, because we're not investigating parties, which means they can't protect their parties.

The Chair: Order.

Mr. Del Mastro, I'm going to repeat again, for the third time, that under our mandate we have no authority to look at parties—no authority.

Mr. Dean Del Mastro: Then everybody can be investigated under this motion.

The Chair: It's public office-holders.

Mr. Dean Del Mastro: Yes, absolutely; that includes every Privy Councillor in the House.

The Chair: It's public office-holders who were involved in some transaction, yes.

Mr. Gary Goodyear: Why are you changing it? You keep changing it.

The Chair: No, it's whatever the motion is ultimately. But in our mandate, it is public office-holders; it is individuals. We cannot go beyond and opine on the conduct of any organization, such as a political party or a riding association, etc. We're not empowered to find...we don't find right or wrong. We are trying to look at the ethical implications of what went on.

I think I gave an example. I'm not sure whether you were at the meeting when I ruled. If someone was named in the Elections Canada findings, in which there were a number of public office-holders—10 were named—whether or not there is any ethical requirement or there are guidelines requiring them to do anything; for instance, to make declarations or to recuse themselves....

You may recall that. All the ruling was to deal with individuals—public office-holders. If the members believe that this is not the case in these amendments, or in the motion itself, then the members can vote accordingly or amend them accordingly.

So it's not a point of order. Let's not go there again. We can only deal with persons, with individuals. Okay?

Mr. Dean Del Mastro: On the same point of order, Mr. Chair, if that is the case, then all references to parties must be removed, and then this is a—

An hon. member: Oh, oh!

Mr. Dean Del Mastro: It's within our mandate to look into public office-holders, I agree, but all references to party in the motions must be out of order, if that's the ruling you're now making.

The Chair: You're debating me.

Mr. Dean Del Mastro: I'm not debating you.

The Chair: You're debating. It's not a point of order. I've ruled initially it's not a point of order, and you want to continue.

I've made a ruling, sir, on that already, when we had the main motion. It was clear. If we want to, we can refer back to the discussion at the committee when this matter was dealt with. It clearly had to articulate the mandate under which we could deal with this matter. We made a ruling. The committee has—

Mr. Dean Del Mastro: Yes, there's tyranny of the majority, Mr. Chair. I don't argue that there's tyranny with the majority.

The Chair: Thank you very much.

Order.

Where are we now?

Order.

Mr. Goodyear, I believe you still have the floor, sir.

Mr. Gary Goodyear: Mr. Chairman, thank you.

I'll tell you, I'm very seldom confused, but I'm thoroughly confused right now. I have no idea what the mandate of this committee is, despite your every attempt. It may be that it changes each meeting.

Is it possible, just as a matter of—

•(1605)

The Chair: Order.

Mr. Goodyear, this was dealt with at our first meeting: what our mandate is, the ruling of the chair. It's there. I know that you're not a member of the committee and weren't at that meeting, but I encourage someone to provide you with a copy of the transcript so that you can read what was said there. That's been dealt with and ruled upon. We have to move on, or I'll go to another member.

Mr. Gary Goodyear: Certainly I respect that, Mr. Chair.

[*Translation*]

Mrs. Carole Lavallée: Mr. Chair, I would like to raise a point of order.

Please read Standing Order 108(3)(h)(vi). That is where you will find the answer to what is confusing you at the moment.

[*English*]

The Chair: Order.

Madame, for you in regard to this specific intervention, and generally to all other members, we should not use points of order simply to have an opportunity to speak. Points of order should be respected. If you cry wolf too often, then this chair is going to have a hard time recognizing you on a valid point of order, so I wouldn't abuse that too often.

I'm sorry, Mr. Goodyear. We're back to you, sir.

Mr. Gary Goodyear: Thank you, Mr. Chair.

With your indulgence, I'd like to continue my argument on the amendment to the original motion, now that I understand that it's not parties we're discussing and that we're narrowing this thing right down to public office-holders. I understand that although these individuals were not public office-holders during that debate, the chair—and I've read the minutes, by the way—has in fact conveniently interpreted that situation to mean that since they eventually became public office-holders, they are in a conflict.

I'm wondering if I could just have some indulgence in reading the names of some other individuals—individuals, not parties—who may at some point become public office-holders.

Let's start with the NDP.

The Chair: Order. Order.

Mr. Gary Goodyear: No, I don't want to start with the NDP.

The Chair: Order. Order. Mr. Goodyear, order.

Mr. Goodyear, I think you misrepresented my position on the ruling, and I would ask you to begin again. It was very specific that we were talking about public office-holders who, after becoming public office-holders, filed election expenses returns that have caused them to be named by Elections Canada for claiming matters that they should not have. These were private interests subsequent to becoming a public office-holder—subsequent to becoming an office-holder—and not, as you said, who may at some point become public office-holders. To suggest that maybe now we should talk about anybody else who might become a public office-holder is not relevant.

I just wanted to give you a heads-up on that. Speculating on who might become a public office-holder is not relevant to our motions.

Thank you.

Mr. Gary Goodyear: Thank you for that clarification, Mr. Chair.

I just wonder if you could help me then understand Mr. Wayne Easter, with a Liberal Party invoice to the candidate of \$5,350, dated January 5, 2006. The candidate return shows a cheque from the candidate to the Liberal Party of \$5,350, the same amount, also dated January 5.

I could keep on going, but it sounds to me as though that gentleman from the Liberal Party is a public office-holder, and by your own definition, Mr. Chair, you've just suggested that we can't study anything unless it's specifically Conservative.

The Chair: Hold it; we're getting into debate.

Order. Order.

Mr. Goodyear, good try, but the motion itself refers to those who have been named by Elections Canada to have had a matter that they are challenging.

Mr. Gary Goodyear: Are we talking about the amendment or the motion?

The Chair: We are.... Well—

Mr. Gary Goodyear: We're supposed to be talking about the amendment and the subamendment, Mr. Chair. The motion is gone.

Please clarify. Where are you on this matter?

The Chair: You cannot discuss the amendments without taking into account the context of the main motion.

•(1610)

Mr. Gary Goodyear: You're not going to allow me to discuss the amendment because somehow it has detracted from the original motion. It doesn't make any sense at all.

The Chair: The original motion involves matters—

Mr. Gary Goodyear: I'm not talking to the original motion. Even if you want me to, Paul, I'm not going to talk about the original motion. We're on the subamendment.

The Chair: It's the context; these are persons named by Elections Canada.

Mr. Gary Goodyear: It's not relevant. We're on a subamendment. You can't restrict my conversation to a motion when we're two levels below that.

I have here a document written by the Liberal Party. It says that it's important that the chairs of committees maintain credibility, that it's important to do that by treating all members of all parties equally. It also says, on the very next page, that in a minority Parliament chairs should take particular care to limit their manifestations of excessive partisanship.

Now, are we on the amendment, the subamendment, or the original motion?

The Chair: We're on the subamendment.

Mr. Gary Goodyear: Thank you very much.

On the subamendment, Mr. Chair, let's read off some names for the Bloc, if you don't mind—oh, let's stay with the Liberals for a while. Since we're dealing with individuals, not parties, I won't mention the Liberal Party again.

Some individuals are Anne McLellan, David Kilgour, Doug Faulkner, Bruce King, Maureen Towns, Moe Saeed—the list goes on. It's pages, and I don't want to waste the time of all the members here, so let's skip through here. We've got Calgary South MP, Liberal—

The Chair: Order, please.

Mr. Goodyear, you asked the question. Yes, we are dealing with the subamendment, but we are also at the ethics committee. What we do here must be within the mandate of the committee. I must ask you to please restrict your commentary to persons who are public office-holders.

Mr. Gary Goodyear: Does Wayne Easter count?

Hon. Wayne Easter (Malpeque, Lib.): Of course.

Mr. Gary Goodyear: Wayne Easter...let me see here. Stéphane Dion—that's interesting; maybe he's not a public office-holder.

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

The Chair: Go ahead, Mr. Poilievre, on a point of order.

Mr. Pierre Poilievre: Mr. Goodyear is wrong. In fact, Stéphane Dion is a public office-holder. All members of Parliament are public office-holders.

Mr. Gary Goodyear: My mistake.

The Chair: Order.

I don't know how many times we have to raise this point, but I think it's important, because we're getting new people here, people who aren't familiar with the definition of public office-holder. I said it in this meeting—

Mr. Pierre Poilievre: It includes every member of Parliament.

The Chair: No, sir. I'm going to suggest to you that we get a copy of the Conflict of Interest Act. Public office-holders are cabinet ministers, parliamentary secretaries, and order in council appointees. Members of Parliament are not order in council and are not public office-holders, because if they were—

Mr. Dean Del Mastro: We just got instruction yesterday on lobbying. Trust me, we're public office-holders.

The Chair: No. The definition in the Conflict of Interest Act does not include people who are just MPs.

Mr. Gary Goodyear: Can you cite the page, or can we adjourn until you can demonstrate that?

The Chair: No. The definition is clear. Otherwise we would not have the Conflict of Interest Code for Members of the House of Commons appended to the Standing Orders. We would all be in the same group and all be subject to the Prime Minister's code of conduct for public office-holders.

That's my ruling. MPs are not public office-holders.

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

The Chair: That's not a point of order.

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

The Chair: Just a moment, please.

This is about the fifth time we have gone over what a public office-holder is. We certainly had this matter come up several times during the Mulroney-Schreiber hearings. We shouldn't have to deal with this anymore. Let's not debate things that you have ways to find out about if you do your homework. Don't bring your questions about things that, even in this meeting alone, have been reaffirmed to everybody.

You did call for a point of order again, Mr. Poilievre. Did you still want that?

• (1615)

Mr. Dean Del Mastro: He has a legitimate point of order.

The Chair: I'll decide that.

Mr. Poilievre, go ahead on a point of order.

Mr. Pierre Poilievre: I will do this in less than 30 seconds.

Yesterday we were briefed by the registrar of lobbyists that all members of Parliament are public office-holders—

The Chair: I'm sorry, you are debating a point. That's not a point of order.

Mr. Pierre Poilievre: You were referring to designated public office-holders.

The Chair: Order.

Under the mandate of this committee, the term “public office-holder” is as defined in the Conflict of Interest Act. It does not include MPs.

The point again, for the seventh or eighth time, is that MPs are not public office-holders for the purpose of our committee.

Mr. Goodyear, you still have the floor.

Mr. Gary Goodyear: I would like a point of clarification. It's actually called a point of information.

I respect your decision, Mr. Chair, but if you've decided that it's outside the mandate of this committee to study anybody except public office-holders, is that to suggest that members of the Bloc, who will never have the opportunity to form government, can do whatever they want and will never come under the scrutiny of this committee? I have a list of Bloc members here I'd like to compare.

The Chair: Mr. Goodyear, this actually came up at another meeting. Somebody also made the point that Lucien Bouchard was, at the time, a public office-holder, a member, and Leader of the Bloc.

Mr. Gary Goodyear: Was he part of the in-and-out?

The Chair: He was a Conservative cabinet minister.

We're going over the same ground again. We have to stop this.

Again, the motion is seeking to look at public office-holders who were named by Elections Canada to be involved in a matter that includes a political party, as well, but not within our purview. That's where this matter arises from, and our work is to determine whether or not those individuals who were named by Elections Canada, who are public office-holders, in the 2006 election met the ethical standards expected of public office-holders.

There has been an amendment and a subamendment. I gave a lot of latitude to put both of those, because the members made representations that effectively they wanted to broaden this, and I wanted to allow them to have that debate.

That's where we are. But we can't keep going back three steps and starting again. We have to keep moving this forward.

Mr. Gary Goodyear: I respect that completely, Mr. Chairman. The fact is that now you are explaining that we have some latitude to discuss comparatives. We're expanding this motion for that exact reason. I guess I should thank you for pointing that out.

This motion has to be expanded for one simple fact, and that is to have comparables. We need to compare whether they're public office-holders or whether they're not. That's fine. We're looking at the behaviour of one individual as compared to the behaviour of another individual. The Canada Elections Act will deal with whether any of this is the right way or the wrong way to go.

We still suggest that nobody has done anything wrong, but how can we tell whether it's outside the scope unless we expand? That's what the amendment's trying to do.

Who are those other comparatives? How can we compare? If we're going to vote on this amendment, we're going to vote on whether or not to compare the activities of certain members to the activities of other members. That's what the amendment is about. That's exactly what I want to speak to.

The Chair: Be very careful. They must be public office-holders. If you're going back to another past election, they had to have been public office-holders.

• (1620)

Mr. Gary Goodyear: It's probably a good thing anyway, as I can't mention.... Well, I won't mention the names, Mr. Chair, but I'll cite examples, then, of other individuals, and we can all guess who they are; they could be public office-holders.

Here's an invoice totalling \$16,642.77 that went to a candidate—it could be a public office-holder—who on May 26, 2004, received a cheque from the national party to the candidate for \$17,071. That guy or girl—public office-holder or MP—made off like a bandit. They got tonnes there. On July 15, that cheque was deposited to pay for an invoice that was dated July 13. That's no one—I'll just help everyone out who's listening—in the Conservative Party.

Here's another one. This is an invoice to a candidate for \$29,285.75, and guess what? It was dated May 24, 2004. It was a cheque from the national party....

Do you know this gentleman?

I hate to say this, but of course, if we're going to discuss whether these public office-holders had anything to do with this in-and-out scheme, it involves a national party.

No, it's not yours, Pat. This is not you guys. That's another, different page.

This cheque came from the national party—it's a four-letter word here—to a candidate for \$29,200. So on May 24 there's \$29,285 given to this member of Parliament, and then in October there was a cheque for \$29,200.

That's an interesting thing, because that poor guy got ripped off. There's 85 bucks there that the national party did not send back to the poor guy. That's like “in and out plus”, right?

Here's another one again from the same party; it starts with a B. Invoices totalling \$17,720 were sent to the candidate on January 1, 2006. A cheque from the national party went back to the candidate for \$17,800, deposited on May 17. There's another situation where somebody made off with...wow, in that case it was 20 bucks' difference on a \$17,000 in-and-out.

These are the individuals who will be needed at this inquiry. This is who we're going to need to invite so that we can compare whether what the opposition party wants to attest to is that the Conservative members did something wrong. Well, how would we know they did, unless we're allowed to expand the motion and say, wait a second, how is this different?

The Chair: Order, please.

Mr. Gary Goodyear: It's not different, of course, Mr. Chair. The only difference is that with regard to Elections Canada—I don't want to bring it up, but I will in the context of how important it is to expand the motion—there is some suggestion and concern from people, some of whom are absolutely convinced, that Elections Canada may have acted inappropriately.

So what we need to do is not rely on Elections Canada's rulings. They've not always been correct, and we suggest they're not correct again. So we can't rely on Elections Canada. As the chair has pointed out, it's not within our mandate, and I completely concur with that. But what we need to do, of course, is have something to compare this with, some standard, some measuring stick. The only thing we can do is bring in other members. They may in fact be other members of the Conservative Party, but I suspect that what we're going to want to try to do is compare exactly what happened, day by day, whether it's inside a Federal Court affidavit, as I have before me right now, or it's examples that we've come to find out about in the interim.

The problem we have is that if we don't vote for this amendment... and I'm saying this with all sincerity. I have no problem with members getting up for coffee, but I am being very sincere right now. We can't do our jobs here unless we do them properly. This is becoming a joke. It's becoming a joke. And why would we do that?

An hon. member: Call the question, Mr. Chair.

Mr. Gary Goodyear: The member opposite is asking that we call the question—another example of a member who, like me, is new to this committee, but who is not interested in debate, is not interested in the facts, and who made up his mind a long time ago. That again suggests that unless this motion is amended, this is actually going to be one of the darker days in the history of this place.

This motion has to be amended. The amendment has to be voted on so that all members can have something to compare it with besides their partisan stubbornness—as we are showing over here, I completely agree with you. This is the issue: we are fighting to maintain the credibility of this place, to remove partisan politics out of the House of Commons, where we're supposed to be doing the good work of Canadians, not trying to get some free press time for some damn political party. This should be about Canadians, not about whether you can take a political shot and get an extra vote, or whether members opposite don't want to hear that they did exactly the same thing. This is a political opportunity for the media. That's not what you should have been elected for. That's not what I'm here for. I'm here to do the good work of the people who sent me here. If I'm blessed enough, I can help this country out. But I sure as heck am disgraced that we would keep this motion so restricted that the verdict is almost in before the ink is dry.

There is a debate that needs to go on here. It needs to be expanded. I'm going to solidly support the expanded debate.

Mr. Chair, with that, I'll leave it up to one of my other colleagues to do their very best to convince the opposition of their evil ways.

•(1625)

The Chair: Mr. Del Mastro, please.

Mr. Dean Del Mastro: Thank you, Mr. Chair.

I'm going to speak to the subamendment that amends the motion—

Mr. Gary Goodyear: Mr. Chair, the member opposite has been—

The Chair: Order. You don't have the floor. Mr. Del Mastro has the floor. Please respect the member who has the floor.

Mr. Del Mastro, please.

Mr. Dean Del Mastro: Thank you, Mr. Chair. I hadn't even begun speaking yet.

The subamendment speaks to adding, after “by other parties”, the phrase “or in past elections”. Again, I want to emphasize why this is so critically important.

Obviously when any party is conducting an election, when they're making the very necessary purchases for ads and so forth, signage and what have you, that we all make for elections, what they go by is the guide that's published by Elections Canada and the practices that have been followed in past elections. Of course, this speaks to “in past elections”.

My colleague was naming a few things. Well, we see numerous examples of where, for example, the Bloc Québécois....

I do not believe, by the way, Mr. Chair, the Bloc Québécois should be exempt from ever being studied for ethical actions. The ruling seems to have gone that way, but—

[*Translation*]

Mrs. Carole Lavallée: That is repetition.

[*English*]

The Chair: Order.

Mr. Dean Del Mastro: I haven't even gotten to what I was going to talk about. How can that be repetition?

An hon. member: Those are frivolous points.

The Chair: Excuse me. Order, please.

The chair has not ruled on eliminating any parties. You can't put words in the chair's mouth. The chair didn't make that ruling. The chair simply made the ruling—I will make it again—that we're talking about public office-holders. The subamendment wants to consider public office-holders in other parties. That's part of...but still public office-holders. No matter specific to the Bloc Québécois has ever been raised.

We've been over this before. We have to move on, Mr. Del Mastro, please.

Mr. Dean Del Mastro: I am, of course, moving on, Mr. Chair. I have not been able to get to my point yet.

My argument has to do with the subamendment on past elections. I would like to talk about Touché! Média Marketing. I'd like to talk about them because I have before me a document saying that hundreds of thousands of dollars in advertising was bought from this specific agency. It was demanded upon by a national party that they had to spend this money, and they were subsequently refunded this money.

It may interest Madame Lavallée to know that Pierrette Venne from St. Hubert participated in this to the amount of \$11,742.

An hon. member: Wow.

•(1630)

The Chair: Order, please. Order.

Madame Lavallée, on a point of order.

[Translation]

Mrs. Carole Lavallée: Mr. Chair, this argument is repetitive, we have heard it all before. Mr. Poilievre has already explained it.

[English]

The Chair: Yes, okay, thank you—

[Translation]

Mrs. Carole Lavallée: When new members come to replace committee members, they should make themselves aware of the arguments that have already been made, and come up with new ones, if there are any.

I come back to what I said at the beginning of the meeting. I have been at the last five meetings. I listen carefully and I take notes. We have already heard that argument and responded to it. It is over, let us move on.

[English]

The Chair: Thank you.

The point of order was on a matter of relevance and repetition. They go together, as you know. I think the member is correct on this matter. We have talked about hypothetical cases of transfers. For the life of me, the Elections Canada issue is not about whether or not there were transfers; it's about whether someone exceeded the national advertising spending limit and engaged, or somehow had the involvement of, some of their candidates to make that happen.

The issue is a national party that...we're not dealing with that. But there are some members who have been named specifically. I know that we have these subamendments, but talking about hypotheticals of transfers is not helping us get to the point here.

So let's see if we can move on and speak to the motions, please.

Mr. Dean Del Mastro: On a point of personal privilege, Mr. Chair, I will not accept....

Perhaps you've heard something that I've said before, Madame Lavallée, and you elected not to listen to it.

The Chair: Order.

Mr. Dean Del Mastro: But I have sat in the House of Commons, Mr. Chair, and listened to these people speak the same page—

The Chair: Order.

Mr. Dean Del Mastro: —day after day, supplementing a riding name in, and nobody cuts them off. It's my personal privilege to be able to speak to matters.

The Chair: Order, please. Order.

Let's just take a moment here. We have had over ten hours of debate on these motions. It has deteriorated into procedural wrangling, points of order that are not points of order, repetition in the extreme, and irrelevance with regard to the matters before us.

We could carry on like this, just as the procedure and House affairs committee did, for a very long time. I'm not sure that's in the best interest of this committee. I'm not sure whether I want to be part of where the members are going to continue to be, and that's in a position where we're spinning our wheels.

Accordingly, I'm going to rule that we put all the questions necessary to dispose of the matter before us now.

Yes.

Mr. Marcel Proulx (Hull—Aylmer, Lib.): I challenge your decision, Mr. Chair.

Mr. Gary Goodyear: Thank you, Marcel. Finally there is somebody with integrity.

The Chair: No. The chair has made a ruling that all the questions necessary to be put shall be put forthwith, and the chair's decision has been challenged. So I want to put the question right now. It's not debatable, and they want a recorded vote on whether or not the chair's decision that we move and take all the questions necessary to dispose of the matter before us shall be sustained.

(Ruling of the chair sustained: yeas 6; nays 5)

•(1635)

The Chair: I'm now going to put the vote on the subamendment of Mr. Tilson—

Mr. Dean Del Mastro: You cannot do this.

The Chair: The committee just voted to do it.

The subamendment reads as follows:

That the motion be amended by adding after the words "by other parties," the following: "or in past elections".

Mr. Gary Goodyear: I have a point of order.

The Chair: There is no point of order. I'm sorry.

Mr. Gary Goodyear: I move a motion for the resignation of the chair.

The Chair: The vote is on the subamendment. We will have a recorded vote.

(Subamendment negated: nays 6; yeas 0)

The Chair: The subamendment is defeated.

I will now put the question on the amendment of Mr. Van Kesteren.

(Amendment negated: nays 6; yeas 0)

The Chair: I will now put the question on the main motion, unamended, of Mr. Hubbard.

(Motion agreed to: yeas 6; nays 1)

Mr. Pat Martin (Winnipeg Centre, NDP): I just want to be sure my vote was properly documented.

The Clerk of the Committee (Mr. James M. Latimer): Yes, it was.

The Chair: The motion of Mr. Hubbard is carried, unamended.

This is the last meeting of this week, and I understand the House will adjourn tomorrow, if not later this afternoon. Is the chair going to get some instruction? Should we arrange whether or not we should call Elections Canada? I would consult with the various party members to determine an appropriate time that we could have them and have Elections Canada appear before us. I think that's the starting point for us.

Okay. I don't see any disagreement so we'll do that.

Mr. Martin, do you want to move your motion now or save it?

Mr. Pat Martin: No, I'd just as soon leave that for now.

The Chair: Okay, we'll not deal with that.

Concerning the letter from Guy Pratte, as you know, Mr. Mulrone has decided not to.... Some members have come to me and asked whether or not we should consider further action on that front. I wonder if we might defer that matter. I think a lot depends on the terms of reference and the scope of the work of Judge Oliphant. We may be in a better position to determine whether the committee needs to do further examination on matters not dealt with by him, but I haven't seen the terms of reference in writing, so it might be premature to make that decision.

Mr. Martin, go ahead on that point.

• (1640)

Mr. Pat Martin: Mr. Chairman, I don't want to let Mr. Pratte's letter go unanswered. Whether or not we choose to take any further action on the content of the letter, the fact that he.... I don't want to set any kind of precedent that when a standing committee summons or calls a witness to appear before the committee, a letter from his lawyer saying, "No, I don't choose to attend" becomes the norm around here. We should be at least getting a letter back to Mr. Pratte saying we condemn, in the strongest possible terms, the cavalier way in which they treated the invitation and then the call to appear before our committee as a witness.

The Chair: I understand your sentiment.

I would certainly be prepared to respond, to express our disappointment since the members did have important questions, and as this matter moves forward, we may want to reconsider further communication with them or something. I know you want to be firm here, but I don't know if there's a consensus—let's put it this way—that we should condemn anybody at this point.

Mr. Pat Martin: Maybe that's the wrong language.

The Chair: Do you want to leave the language to me, and I'll circulate it to the members for their okay before it's sent? Would that be okay?

Mr. Pat Martin: We should probably at least make it clear that were it not for the fact that the public inquiry was up and running, we would in fact be compelling that witness to appear before this committee. He's not getting off the hook here. We've dropped it because we're satisfied he'll get his day at the committee. It should be something along those lines that would express our concerns.

The Chair: I understand that point.

Mr. Proulx, on the same matter.

Mr. Marcel Proulx: Does Mr. Martin want to say that we are dropping it or we are suspending our request?

Mr. Pat Martin: That's a good way to put it—staying it. We should reserve the right to recall Mulrone if we're not satisfied.

Mr. Marcel Proulx: Yes.

The Chair: So we should leave it open that it might come back again?

D'accord? Okay. Je comprends.

Madame Lavallée.

[*Translation*]

Mrs. Carole Lavallée: I really do not think that we should create a precedent by accepting a witness' refusal to appear. So let us remind him that we are deferring our invitation because a commissioner with a clear mandate has been appointed. This really is very important.

[*English*]

The Chair: Thank you, colleagues.

I sense that we really need to get on. We have some witnesses for the Privacy Act reform, but I have not received any material from the members or representation as to who, so we can't really move forward on that. That will be a carry-forward item.

There's no other business on our agenda. Can I have a motion to adjourn?

(Motion agreed to)

The Chair: The meeting is adjourned.

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