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Thursday, November 1, 2007

—
Chair

Mr. Gary Goodyear

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•(1105)

[English]

The Chair (Mr. Gary Goodyear (Cambridge, CPC)): Good morning, colleagues. We will begin our meeting. We do have quorum now, so everybody can take their seats and we will get started.

First of all, I want to welcome everybody to, technically, our first meeting of the Standing Committee on Procedure and House Affairs. I want to remind members that the chair met informally on Monday with Mr. Proulx, Mr. Guimond, Mr. Godin, and Mr. Lukiwski. We did have a brief conversation about the way the committee would proceed.

I also want to tell members this morning that this meeting is in this particular room at the request of some members. The meeting is being held in public and is being televised.

I suggest that this morning we start with our routine motions as that is the typical way for a meeting to start up. You have in front of you the generic motions that we tend to adopt. I'm asking members to read through them as well. The clerk has provided members with a copy of what this committee adopted last year so you can refer to both. I will be looking for a mover of each motion. If colleagues would be kind enough to move each motion, read the motion into the record, then give me the opportunity to ask members to accept the motion, we'll move to the next one. Following that, we'll proceed with planning our work.

Is it acceptable to members that we proceed in that fashion?

Some hon. members: Agreed.

The Chair: Thank you.

I will then go to the paper with the heading "Routine Motions, Opening of a Session". I'm looking for someone to move the motion.

Mr. Proulx, I'm accepting your motion for the first one, if you'd be kind enough to read it into the record.

[Translation]

Mr. Marcel Proulx (Hull—Aylmer, Lib.): Mr. Chairman, this motion pertains to the services of analysts from the Library of Parliament.

That the Committee retain, as needed and at the discretion of the Chair, the services of one or more analysts from the Library of Parliament to assist it in its work.

[English]

(Motion agreed to)

The Chair: I will invite Michel to the table.

Congratulations. It's an honour to have you again this year.

Can I have a mover, please, for the second routine motion?

Thank you. Mr. LeBlanc.

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Chairman, I would then move

[Translation]

That the Subcommittee on Agenda and Procedure be established and be composed of the Chair, two Vice-Chairs and a member of the other opposition party.

[English]

(Motion agreed to)

•(1110)

The Chair: May I have a mover for the next routine motion?

Mr. Guimond.

[Translation]

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): First off, Mr. Chairman, our clerk provided us with the minutes of the meeting of April 6, 2006 at which time we sensibly agreed to the same routine motions. I believe we addressed one of the motions earlier this week when we struck the committee. Before I read the motion concerning a reduced quorum, I would like to know if we need to adopt a formal motion. I'm referring to the selection of the members of each of the 26 committees of the House of Commons. I don't see the motion anywhere here. Is it still relevant and useful?

[English]

The Chair: I think it would be fair to read it into the record. We did agree to that motion at the end of the last meeting. We can read it into the record and then agree just for procedural correctness.

[Translation]

Mr. Michel Guimond: The motion reads as follows:

That the four (4) whips be delegated the authority to act as the Striking Committee pursuant to Standing Orders 104, 113 and 114 and that they be authorized to present directly to the Chair, in a report signed by all four (4) whips, or their representatives, their unanimous recommendations for presentation to the House, on behalf of the Committee.

We would need to check and see if the standing order numbers still correspond.

[English]

(Motion agreed to)

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

Going back to the routine motions, may I have a mover for the next routine motion?

Mr. Preston, please.

Mr. Joe Preston (Elgin—Middlesex—London, CPC): I move:

That the chair be authorized to hold meetings and receive evidence and to have that evidence printed when a quorum is not present, provided that at least three (3) members are present, including one member of the opposition.

(Motion agreed to)

The Chair: May I now have a mover for the next motion on distribution of documents, please?

Madame Robillard.

[Translation]

Hon. Lucienne Robillard (Westmount—Ville-Marie, Lib.): Regarding the distribution of documents, we move the following motion:

That only the Clerk of the Committee be authorized to distribute documents to members of the Committee and only when such documents exist in both official languages.

[English]

The Chair: *Merci beaucoup.*

Do you have a comment, Mr. Epp?

Mr. Ken Epp (Edmonton—Sherwood Park, CPC): I notice that last year it was included in there that witnesses be so informed—something to that effect—and be advised accordingly. I think that's wise, and I would recommend that we include that in the motion this year.

The Chair: Okay. I wonder if our clerk could read the addition to the routine motion adding that witnesses be warned.

The Clerk of the Committee (Mr. James M. Latimer): The motion would read then:

That only the Clerk of the Committee be authorized to distribute to the members of the committee documents, and only when they exist in both official languages, and that witnesses be advised accordingly.

Mr. Ken Epp: That's very good. If you need a formal amendment we can do it that way, or just....

The Chair: We'll accept the motion as read into the record.

(Motion agreed to)

The Chair: Thank you.

I need a mover for the next motion on the routines list and any comments on that. Is there a mover for the next motion, please?

Monsieur Lemieux.

Mr. Pierre Lemieux (Glengarry—Prescott—Russell, CPC): Sure, I move:

That the Clerk of the Committee be authorized to make the necessary arrangements to provide working meals for the Committee and its subcommittees.

(Motion agreed to)

The Chair: Could we have another mover, please, for the next motion, colleagues?

Mr. Epp.

Mr. Ken Epp: I move:

That, if requested, reasonable travel, accommodation and living expenses be reimbursed to witnesses, not exceeding two (2) representatives per organization; and that, in exceptional circumstances, payment for more representatives may be made at the discretion of the Chair.

How is that for good reading?

The Chair: That's excellent. Thank you, Mr. Epp.

(Motion agreed to)

The Chair: We need a motion for the next motion.

Monsieur Godin, *s'il vous plaît.*

[Translation]

Mr. Yvon Godin (Acadie—Bathurst, NDP): I move the following motion:

That, unless otherwise ordered, each Committee member be allowed to be accompanied by one staff person at an in camera meeting.

• (1115)

[English]

The Chair: Madam Redman, please.

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

I would ask that there be an addition: "including the whip's staff". I know that we have all whips represented here.

The Chair: Does everyone understand the addition, as read?

Monsieur Godin, have you another comment?

[Translation]

Mr. Yvon Godin: I have a question concerning Ms. Redman's motion. Does this mean that each committee member is accompanied by one staff person, and that the whip could be accompanied by two staff members?

[English]

Hon. Karen Redman: That would be my interpretation.

The Chair: Mr. Reid, have you further comment?

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): I am confused. Essentially the whip would be able to bring in two people if the whip was a member of the committee, or even if the whip were not present, we could still have one person from the whip's office? Essentially, it's one per member plus one per whip per caucus. Would that be what it means?

That sounds good to me.

The Chair: Madam Redman.

Hon. Karen Redman: I would just say, to clarify, Pierre may or may not have whip's staff. It may be somebody from Jay Hill's office. But every party's whip could be represented if they so chose.

The Chair: Mr. Godin, have you any further comment?

[Translation]

Mr. Yvon Godin: Mr. Chairman, we won't always be meeting in this room. Room 112 is not that large. How many people can accompany us?

[English]

The Chair: If the chair could just make a comment, I think room 112 could accommodate that number of staff. We would get into a problem if there were more than that, but the minimum requirement here is one staff per member plus a staffer per party, per whip. I think that room could accommodate that number of people.

When we get into business like this, members have requested that we move to a larger room, and we've been able to accommodate that. If that's fair, Mr. Godin, I think we can accept this motion and deal with it on a meeting-by-meeting basis if we need a larger room.

Is that acceptable to members?

Mr. Epp.

Mr. Ken Epp: I would like further clarification. It was mentioned that there could be two members per whip. That's what I heard. I hope I didn't misunderstand that, because I would think that each whip should only be able to bring one member.

The Chair: Madam Redman, I'll allow you to explain, but what I'm sort of hearing is the opportunity.... For example, on the government side we do not have the whip here at this point. The whip is now not on the committee; therefore, the whip could send a staffer to the meeting. Whether Madam Redman or Monsieur Guimond or Mr. Godin would have two people here at the same meeting, I don't know.

Madam Redman.

Hon. Karen Redman: That was the intent, but to be quite candid, the only staff who accompanies me is my whip staff person, so for me it doesn't make a difference. My one staff person would be a person from the whip's office. If we want to clarify and say that if there's a whip staff person there it would have to be somebody's representative, as opposed to having individuals having two people, that's fine too. I guess it's just to clarify that if—

Mr. Joe Preston: Let's leave it the way it was. The whip can have a staff member here.

Hon. Karen Redman: I don't think it's complicated.

The Chair: I want to offer all members the opportunity to debate this. I think we're getting a little bit complicated on a reasonably simple matter.

Is there further comment on it?

Monsieur Godin.

[Translation]

Mr. Yvon Godin: We are only talking about in camera meetings. Otherwise, we can bring along whomever we want to the meetings, since they are open to the public.

[English]

The Chair: That's true. It's just in camera meetings, confidential meetings.

Colleagues, I'll give you five seconds to think a little bit more and then I'll call the question.

Mr. Yvon Godin: I'm okay with it now.

The Chair: I'll call the question.

(Motion agreed to)

The Chair: Thank you.

I'll ask for a mover for the next routine motion, which is in camera meeting transcripts.

Monsieur Proulx.

[Translation]

Mr. Marcel Proulx: Mr. Chairman, the motion reads as follows:

That one copy of the transcript of each in camera meeting be kept in the Committee Clerk's office for consultation by members of the Committee.

[English]

The Chair: I'll call the question.

(Motion agreed to)

The Chair: I need a mover for the last motion.

Monsieur Guimond.

[Translation]

Mr. Michel Guimond: Mr. Chairman, the Clerk explained to me earlier that these were routine motions adopted by virtually every committee. I would remind you that in the case of this committee, no notice of motion is required, among other things, because of the urgent nature of business before the Procedure and House Affairs Committee, pursuant to the authority vested in it by our Standing Orders.

I ask that we dispense with the motion entitled "Notice of Motions". No notice of motion is required here. Motions are moved on the spot. Instead, there should be a motion respecting the striking of the Subcommittee on Private Members' Business. However, I don't see it in the handout.

• (1120)

[English]

The Chair: Colleagues, I'll just remind members that we are dealing with motions, not amendments, during the legislative study. This is on notice of motions.

[Translation]

Mr. Michel Guimond: Therefore, I would move the following motion.

[English]

The Chair: Zero hours. Is that correct, Monsieur Guimond?

[Translation]

Mr. Michel Guimond: That's correct.

[English]

The Chair: There would be no required notice.

[Translation]

Mr. Michel Guimond: No.

[English]

The Chair: All right. Do we need to pass that motion or just leave it out? Just leave it out.

All in favour of just leaving it out?

Mr. Epp, then Mr. Reid, and then Monsieur Guimond.

Mr. Ken Epp: Mr. Chairman, thank you. I believe it would be more reasonable, in order to protect all members of the committee from situations where they are sort of taken by surprise, that there be a 24-hour notice required. Then of course if the committee agrees, they can always, by unanimous consent, go ahead anyway with the motion if it's deemed necessary by everyone present. That is my opinion.

The Chair: Thank you, Mr. Epp.

Mr. Reid, and then Monsieur Guimond.

Mr. Scott Reid: That's okay, Mr. Chair.

The Chair: Thank you.

Mr. Guimond, then Mr. Proulx, and then Mr. Godin.

[Translation]

Mr. Michel Guimond: As a member of this standing committee since 2000, that is for the past seven years, I can say that this is how we proceed and it works well. When a motion is unexpectedly tabled to the committee and the majority of members are opposed to it, it is rejected immediately. That's what we call democracy. I submit that there should be no required notice. Besides, I don't think a motion is necessary.

The Chair: Thank you very much.

You have the floor, Mr. Proulx.

Mr. Marcel Proulx: Thank you, Mr. Chairman.

In the same vein, I see absolutely no need for a required notice of motion within a specific timeframe. As I see it, people should simply be allowed to move a motion. Period.

The Chair: Thank you.

Go ahead, Mr. Godin.

Mr. Yvon Godin: Thank you, Mr. Chairman.

Like Mr. Guimond, I too have been a member of this committee since 2000. We've never required advance notice because this committee reports directly to the House of Commons. We deal with procedure and with House affairs. We can therefore hold urgent debates. Requiring 24 hours' notice can impede the business of the House. This committee attends to all House affairs, hence its name, the Standing Committee on Procedure and House Affairs.

For that reason, I cannot support a motion that would require giving notice. We discuss this very matter each time we resume our meetings. Ultimately, everyone agrees that we need to move forward in order for the House to conduct business.

[English]

The Chair: Are there any further comments on the subject? I'm sensing that the consensus will be that the motion be left out. Is there

any argument against that? We could hold a vote. We could read the motion in and it could fail.

What are members advising the chair to do? I'm seeing that the motion should be left out. Zero hours, no motion...?

Mr. Yvon Godin: No motion here, but we need a motion.

The Chair: Yes, okay. I need a mover to read this motion. Mr. Guimond brought up the zero hours. I'll call on Mr. Guimond to read the motion in, with "zero" notice, and then we'll call the question.

Monsieur Guimond.

[Translation]

Mr. Michel Guimond: I'd like to table a motion to ensure that the purpose of the notice of motion is not lost. Off the top of my head, the motion could read like this: That there be no notice required before any motion can be brought before the committee for its consideration.

Notice of motion should be required for substantive motions that do not relate directly to business under consideration by the committee. If there is no mention of required notice, do we then still have the right to move a motion that does not relate directly to business then under consideration? Without going so far as to say "zero hours", we should at least give committee members the right to move...

• (1125)

Mr. Louis Plamondon (Bas-Richelieu—Nicolet—Bécancour, BQ): Either we say "That no notice be required for any motion to be considered by the Committee [...] or we leave "zero hours".

[English]

The Chair: Monsieur Guimond, please correct me if I have misunderstood the intent of your comments. The intent, it seems to me, is for this motion to read, "That no notice be required for any substantive motion", period.

[Translation]

Mr. Michel Guimond: Yes, I think that would be amenable to everyone, especially since we're not always sticklers for procedure. In an emergency, we do not always have time to type up the motion and to have it translated. I have moved unilingual French motions in the past, and my English-speaking colleagues have also tabled unilingual motions. The clerk, through the interpreters, acts as the translator. I'm fine with that.

[English]

The Chair: *Merci.*

All in favour of the motion as moved by Monsieur Guimond, please raise your hand.

We'll record one opposed.

(Motion agreed to [See *Minutes of Proceedings*])

The Chair: We have another motion.

Monsieur Guimond, I think you put your hand up first.

[Translation]

Mr. Michel Guimond: As I was saying earlier, it pertains to the striking of the Subcommittee on Private Members' Business. I move that, pursuant to Standing Order 91.1(1), the Subcommittee on Private Members' Business be composed of one member from each recognized party in the House and a Chair from the government party.

The other day, my colleague Mr. Lukiwski moved that our colleague Joe Preston be appointed Chair. Therefore, I would add to that: "That our colleague Joe Preston be appointed Chair of the Subcommittee."

[English]

The Chair: Thank you very much, colleagues.

My understanding is that the Subcommittee on Private Members' Business carries past prorogation, so we actually don't need to do this motion because it survives prorogation. The committee is already set up and Mr. Preston is still the chair. It's all good. Everybody's happy? *Parfait.*

I would like to make one comment, if we're on private members' business. Monsieur Godin, it's my understanding that Jean Crowder, who was the NDP member on the Subcommittee on Private Members' Business, is no longer an associate member of the main committee as such. There is no current NDP member on the subcommittee. I understand that Chris Charlton will now be the NDP member for the Subcommittee on Private Members' Business, and you're confirming that this is correct. It's just so we read that into the record and the main committee is aware of that.

Mr. Yvon Godin: For your information, she's the deputy whip now.

The Chair: Perfect. Thank you very much.

Colleagues, that finishes the routine motions.

Oh, I'm sorry, of course, Madam Redman was up first, and then Monsieur Proulx.

Madam Redman.

Hon. Karen Redman: Thank you.

It's nice to have those routine proceedings under our belt. I would like to read to the committee, and I have copies of it in both official languages, a motion that I'd like the committee to consider:

That the Standing Committee on Procedure and House Affairs investigate the actions of the Conservative Party of Canada during the 2006 election in relation to which Elections Canada has refused to reimburse Conservative candidates for illegitimate election campaign expenses.

I also have for distribution, Mr. Chair, in both languages, what we would see, from the Liberal perspective, as a preliminary list of possible witnesses. I would assume that other parties would also want to submit preliminary lists of witnesses and that the committee could, at a future date, talk about who we would call.

• (1130)

The Chair: Did you bring copies for everybody? Did you bring enough gum for everybody?

Hon. Karen Redman: Did I bring enough gum?

The Chair: Perfect. We'll ask the clerk to hand out the motion.

Hon. Karen Redman: If I could continue, Mr. Chair, while we distribute them, I think this is a very important issue. We were seized with this issue back in August, and there were other issues before us at that point in time. However, I know that the veiled voting issue is being dealt with. There is a motion before the House, and I guess we would wait until that works its way through the House of Commons and is brought to this committee to be dealt with.

I understand there's also a very large issue having to do with rural voters, who, through inadvertence, could potentially be disenfranchised at an election because they have no municipal address. I know again there is a separate process going forward where there are negotiations and there is wording being discussed among all parties.

As that's being dealt with in another venue, I think it's very important that we deal with this very serious matter. I would put it before the committee for discussion.

The Chair: Thank you, Madam Redman.

I think I have to make a ruling on the motion. I want to just ask committee members.... We've completed routine motions. There are some pieces of legislation coming forward in the near future that the steering committee, in its informal meeting, had chosen...when they do come—and I think you made that comment—we will interrupt these types of proceedings to deal with legislation. I would like members to know that I'm expecting Bill C-55 to be at this committee on November 13, the first day back. I would therefore make the comment first that we might want to get our witness lists in for that as well, so we're prepared to go in both directions.

The Chair: It's on expanded voting opportunities. In Bill C-55 the other day is for advance polling. Do you recall that—opening up the possibility of Sundays and other opportunities?

Colleagues, I will read this motion. Just give me a second to read this motion, and then I'll make a comment.

In keeping with my decision of the summertime, just for the record, this motion is being re-entered because we are entering a new phase of Parliament and all motions die on the order paper.

Madam Redman raised the motion, which is substantially similar to a motion that was raised in the summertime, in September. At that point, I ruled that the motion was out of order because it was beyond the scope of this committee. My ruling was that mostly it was beyond the scope of this committee. The committee on justice, etc., does not look into individual break-ins; rather it sets the overall laws of the country and leaves the investigative aspects to other people. That was my ruling. I also warned the committee that this type of investigation could affect the convention of *sub judice*.

So I'm just reminding the committee of my ruling. I do know where this is going to go, but in keeping with my ruling of the summertime, I'm going to rule this motion out of order, and I'll wait to be overturned on that. But I am ruling it out of order.

Madam Redman, please.

Hon. Karen Redman: I challenge the chair.

The Chair: The challenge is that the chair's ruling be set aside and that we move forward on it.

Mr. Reid.

• (1135)

Mr. Scott Reid: Could we have a recorded vote on that, please?

The Chair: I will ask the clerk, then, to call out the names, please.

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

The Chair: We are now at the stage of entertaining this motion.

Mr. Reid, please.

Mr. Scott Reid: Mr. Chairman, this motion is actually slightly different from the one that came forward in the summer. It has been artfully designed to make it more difficult to amend in order to allow a similar investigation of the Liberal Party and its own activities from either 2006 or 2004.

This, of course, is being done by the Liberals because the Liberals are fully aware that their party engaged in activities of a similar nature, which were perfectly legal, and in addition, in previous election, engaged in blatantly illegal acts, which included envelopes full of cash being given to 21 Quebec ridings in which the Liberal Party engaged in the de facto theft of some \$40 million of money from the public purse. They are protected in these actions by the fact that the statute of limitations on these wrongdoings, these virtually criminal wrongdoings, took place for the most part in a period that is beyond the period that the Commissioner of Elections is allowed to investigate under the pre-existing piece of electoral legislation.

Therefore, they want to have one standard apply to others and... not really a lower standard applied to themselves, but indeed, they want to ensure that their own previous completely illegal actions, virtually criminal actions, which amounted to, as I say, theft from the taxpayers of many millions of dollars, be out of any scope of investigation by either the Chief Electoral Office or this House.

So they've designed this motion a little more artfully than they did in the summer to ensure that it's very hard to amend the motion to bring into account previous elections, previous investigations that should have taken place, and so on.

Therefore, the amendment I'm going to propose, Mr. Chairman, seeks instead to remove the unfounded allegations that are woven into the text of this motion and to replace them with less inflammatory language, all without actually changing the substance of the motion, which of course would not be in order.

I propose, Mr. Chairman, to remove the assertion that is made in the motion of an actual finding. It says in the motion that, "Elections Canada has refused to reimburse Conservative candidates for illegitimate election campaign expenses". Of course, these are election campaign expenses that are *alleged* to be illegitimate.

Again, the word "illegitimate" is used very artfully. I suspect Mr. Kevin Bosch, who is sitting in the audience today, may have had a hand in this. Kevin can usually be relied upon to be involved in nefarious deeds when the Liberals are at work.

For example, Kevin appears to have been involved in—

Hon. Karen Redman: On a point of order, this is unacceptable.

Mr. Scott Reid: No, it's not, Karen.

Taking those documents that included personal records from private offices—that was unacceptable, Mr. Chairman.

The Chair: Order.

Colleagues, please address the chair. We'll keep some order here.

Mr. Reid, I'll allow you to continue. Maybe we should make our comments to the chair, please.

Mr. Scott Reid: Sure.

Mr. Chairman, the artful wording is designed to ensure that individuals are hauled before this committee to discuss "illegitimate" expenses. What does illegitimate mean? An illegal activity is one thing, a criminal activity. Illegitimate is a subjective term, and that's why it's being used here.

If the objection is that Elections Canada is alleging that expenses were made that are not in conformity with the Canada Elections Act, that is one thing. But if you go back and examine what the Liberals have stood up and said, day after day, in the House of Commons in question period, they never actually say—

• (1140)

Mr. Marcel Proulx: On a point of order, Mr. Chair, or maybe on a point of clarification, I understand that Mr. Reid is within a point of order. I have a sense that his—

The Chair: He's on debate.

Mr. Marcel Proulx: He's on debate? I'm sorry.

Thank you.

The Chair: Mr. Reid, please.

Mr. Scott Reid: Thank you.

I'm on debate, and what I'm debating is the substance of the motion before us. If the complaint and the request for discussion is for a discussion as to whether or not expenses have been made that are within what is permitted under the Canada Elections Act, that's fair. I suspect it would be beyond the scope of this committee, but that's a decision where I shared your opinion, Mr. Chairman, and the majority of the committee members did not.

My concern, of course, is that there is not one but two court proceedings under way on this very subject, where Elections Canada, on the one hand, is asserting that some expenses were made that were beyond the scope of what's permitted under the Canada Elections Act, and on the other hand, the Conservative Party of Canada asserts not only that these are permissible but that indeed they are permissible and reimbursable and Elections Canada is failing in its legal obligations under the Canada Elections Act to reimburse those expenses. I refer specifically to expenses made by riding associations for advertising, which are subject to a 60% reimbursement under the terms of the Canada Elections Act. In not doing so, Elections Canada is not following a legitimate interpretation of the law.

What's important to remember here is these are different interpretations of the Canada Elections Act that have not yet been decided by the courts. Just as the Conservative Party of Canada is not alleging, and would not allege, that Elections Canada is acting illegitimately in so doing, it is also the case that Elections Canada is not asserting that the Conservative Party acted illegitimately. It's certainly not the language that people out there in TV land are supposed to interpret this as meaning, which is illegally or unlawfully. These are legitimate alternative points of view, which are being dealt with through one of our legal tribunals—the courts—to rule on what in fact is the correct interpretation of the Canada Elections Act.

The Liberals are, frankly, short on scandals...no, they're long on scandals, but they're short on finding scandals that somebody else is involved in and are hoping they can turn this committee into a gong show, having failed to make the House of Commons into a gong show, at which their allegations will be picked up and treated seriously by the media. I think that's unfortunate.

In order to prevent that from occurring, Mr. Chairman, I propose that the motion be amended in the following manner. In the second last line of the English version, following the word “for”, the following words be added: “that are alleged not to be in conformity with the expense limits under the Canada Elections Act”.

I should stop here, Mr. Chairman. I should have said after the word “expenses”, that these words would be added in the last line, and that in the second-last line, the word “illegitimate” be removed. So it would now read:

...Elections Canada has refused to reimburse the Conservative candidates for election campaign expenses that are alleged not to be in conformity with the expense limits under the Canada Elections Act.

I can continue with debate later on, but that is the substantial change I'm suggesting.

The Chair: Colleagues, we have a suggested amendment to the original motion. Just give us a second to confirm the exact wording.

Mr. Reid, could you read the final wording of your amendment, after the words “election campaign expenses that are alleged not to be in conformity”?

● (1145)

Mr. Scott Reid: Yes, Mr. Chairman. Why don't I just give you a copy of the text that I've written down here?

The Chair: Colleagues, I'll read the whole thing, hopefully just in English, which is my specialty, I suppose.

I have ruled the amendment to be in order. It is within the scope of the original motion. It reads as follows:

That the Standing Committee on Procedure and House Affairs investigate the actions of the Conservative Party of Canada during the 2006 election in relation to which Elections Canada has refused to reimburse Conservative candidates for election campaign expenses that are alleged not to be in conformity with the expense limits under the Canada Elections Act.

That's the amendment. We're going to debate the amendment now.

Monsieur LeBlanc.

Hon. Dominic LeBlanc: Thank you, Mr. Chairman.

To address the amendment directly, Mr. Chairman, we have never alleged that the problem was with the limits. Elections Canada has found—so I don't think we need to use the word “alleged” because it is a finding of Elections Canada—that the expenses were not incurred by the candidates' campaign, but more properly by the national campaign. That is the issue here, Mr. Chairman. It's not whether the limits were too high or too low or whether the expenses were within the campaigns' limits. In fact, we will argue that the expenses exceed the national campaign limit because Elections Canada has rejected them as having been incurred by the local candidate.

Mr. Reid is very clever and very able at trying to sideline an issue, trying to obfuscate or trying to buy some time. We went around the mulberry bush, Mr. Chairman, in September. The issue is that Elections Canada has found that a number of Conservative candidates, some of whom are sitting members, put on their campaign returns expenses that Elections Canada has held to not be acceptable as incurred by a local campaign. Hence, they have rejected them and refused refunds to those campaigns, 60% of which would have come from taxpayers' money. Elections Canada has refused that. The Conservative Party is, in our view, wasting more taxpayers' money by trying to go to court to buy time, arguing that in fact they are entitled to these bogus refunds.

Mr. Chairman, the reason we want to look at this is that a number of Conservative candidates have actually asked and offered to come and explain why they were bullied into this scheme, why they were told that they had to participate.

[*Translation*]

Mr. Jean Landry, a Conservative candidate from Quebec, has repeatedly stated in the presence of television cameras that he was forced to go along with this scenario. He didn't think that these actions were legitimate and he indicated that he would like an opportunity to come and publicly testify to the fact that he was forced by the Conservative party to go along with this.

Similarly, last week I received a call from another Conservative candidate, Ms. Fortier, who told me that she wanted to testify. She offered to do so. She called my office to say that she was prepared to testify about this rather nebulous situation.

Mr. Chairman, we want to move forward and avoid the Conservatives' tactics which are merely aimed at delaying the proceedings. In our view, Mr. Reid's amendment totally changes the purpose of this exercise. The issue is not expense limits, but rather why Elections Canada formally refused to reimburse Conservative candidates for expenses incurred for local advertising which, in the opinion of Elections Canada, was really national advertising. Unfortunately, if we tally these expenses, we might find that the Conservative Party exceeded the national expense limit by more than one million dollars. That is the issue.

•(1150)

[English]

Mr. Reid is trying to change the issue. It's not about the limits. The issue is a technical one: why Elections Canada believes that 66 Conservative returns...and we believe in fact there are others that Elections Canada should look at, including a Conservative candidate in Guelph, who we saw last night was in fact turfed as a candidate. We believe that campaign also may warrant a review by Elections Canada. And we find it strange that he would simply unceremoniously be dumped as a candidate yesterday, but the Conservative Party can explain why they've moved so far from their grassroots democracy of some years ago.

Thank you, Mr. Chairman.

The Chair: Thank you.

Monsieur Godin.

[Translation]

Mr. Yvon Godin: Mr. Chairman, I won't belabour the point, but I do think the issue is clear. A national political party must stay within certain expense limits. Doing indirectly what is not allowed directly is one way of skirting the system, albeit not the most honest way. If the Conservative Party has nothing to hide, then it won't have a problem with the Procedure and House Affairs Committee, to whom Elections Canada reports, moving forward and conducting its investigation.

Mr. Chairman, the RCMP investigated the sponsorship scandal, Justice Gomery conducted his inquiry and at the same time, the parliamentary committee assumed its responsibility as a parliamentary body and also looked into this matter. The Conservatives did not raise any objections at the time. They were the ones spearheading the debate and they were quite vocal about things. You may recall the arguments that they raised at the time.

In this particular instance, Mr. Chairman, based on the information we're getting, it's clear that the Conservative Party exceeded the allowable expense limit during the 2006 election campaign. It looked at the party's candidates and asked itself how it could "pump" some money from them. Apparently, the Conservative Party thinks that money comes from a pump, that there is a direct link to the Alberta pipeline and that the money simply flows in. It felt that it could help the ridings and give them some money, but also that it could get some money from the taxpayers as well. If the Conservatives have nothing to hide, then they will defeat the amendment put forward by our colleague, Scott Reid, and we will proceed with our study.

If you have nothing to hide, then you will be very happy and you can clear the name of Canada's Conservative Party, now that Elections Canada has said you acted improperly. We can call in the necessary witnesses and clarify things.

However, if, as the Chair suggested, the Conservative Party does some filibustering and prevents the committee from doing its job, that would mean it has something to hide, or that it is trying to hide something. If the Conservatives want to block the work of the committee and take their time, then Canadians would have reason to think that the Conservatives really do have something to hide. That

is why I am not in favour of the amendment. I would like us to vote immediately on the motion and to carry out an investigation.

I know I'm repeating myself, but I think it would be a worthwhile initiative. If the Conservatives disagree, then it means that they have something to hide from Canadians.

[English]

The Chair: Is there further comment on the amendment?

Mr. Preston, you were next, and then Mr. Epp, please.

Mr. Joe Preston: Thank you, Mr. Chair.

I find it extremely strange that we're being accused of having something to hide when we adjust a motion to say go ahead and look at the books. Mr. Chair, I can't seem to put those two things together. We're simply asking for a wording change in this motion at this moment to take out some...whatever you want, I won't look at it. We're looking at changing the motion to be clearer, we think, as to what the current situation is. I have no problem with changing the wording in the motion to get to that result. At the end of the day we get the chance to do what the motion says. If we can adjust the wording to what Mr. Reid has said, it makes it a little more—to use the word in the motion—legitimate and it lets us clarify the facts.

You mentioned certain other investigations that parliamentary committees have done in this House. It is the right of parliamentary committees to move forward and to do those types of investigations. I would think that at no time should we close our eyes and be narrowly focused as to what we're trying to look at. The narrower you make this motion, the less work this committee can do. What we're asking here is that we move this motion outwards and expand it so that we can look at all things that happened. It's only fair that this committee is allowed to do its work.

I'll be supporting Mr. Reid's amendment to this motion so that we can get down to actually looking at facts, rather than scandal-mongering here in the committee. I'd like us to get to work.

•(1155)

The Chair: Thank you.

Mr. Epp.

Mr. Ken Epp: Thank you very much.

I want to respond to one thing that Mr. Godin said. He indicated that being against this motion as originally worded seems to imply that the Conservative Party has something to hide. Mr. Chairman, in a way, the attempt by the opposition here today is to change this committee into a court. Unfortunately, in our legal system in the country, just because a person pleads not guilty doesn't mean they are. And that is the assumption he is making, that if we protest this, somehow we are admitting that we have something to hide and that we're guilty.

It is just the opposite, Mr. Chairman. I believe we have a committee here that should be in essence non-partisan, and it's turning into a very partisan thing. It's true that the opposition outnumbers the Conservative members in this committee, but it has become partisan. Just the wording of this motion, which says these are illegitimate expenses, presupposes the outcome of the hearing. I think it does a disservice to this committee to behave in such a way.

Mr. Chairman, I have one more little comment. In five elections that I have run in my riding, it is my opinion...and I don't want to state this as fact, because I would have to check it out. In every one of those election campaigns, I don't think the NDP in my riding had enough support to raise enough money so that they could have run a campaign, and they always received money from the national party, as far as I know. And, Mr. Chairman, if they had ever had enough votes so that they were eligible for reimbursement of expenses, I am sure they would have put them in as local expenses.

The same thing is true for the Green Party. The Green Party, to my knowledge, Mr. Chairman, used a national campaign in every one of the ridings. I know that in my riding there were no local signs at all; they were national campaign signs, and that money came from headquarters for the most part, in my opinion.

I'm being as loose here as I can because I'm just going on my perceptions of what happened. I didn't pay a great deal of attention to this at the time of our election campaign, because that was not my focus at that time.

Mr. Chairman, I really think this committee should focus on the wide general principle, if they want to examine it, to see whether the Elections Act and the conditions that are spelled out in that act have been carried for all parties. That, I think, would be legitimate. The fact that they are here trying to single out one party to the exclusion of the others belies their partisan motives.

Thank you.

The Chair: Thank you.

I will just mention, members, that we are debating the amendment to the original motion.

Madam Redman.

Hon. Karen Redman: Thank you, Mr. Chair. I would like to add a couple of comments.

One of the reasons I cannot support the amendment Mr. Reid has put forward is that, quite frankly, it is factually incorrect.

Just to speak a little bit to Mr. Epp's concerns, I would point out the fact that the mandate of this committee in the Standing Orders, under subparagraph 108(3)(a)(vi), talks about "the review of and report on all matters relating to the election of Members to the House of Commons", so it certainly is within the purview and definition of this committee to be looking at this issue.

I'd also point out that we're not asking for the audit of any party. Every party, every candidate, files audits of their financial transactions during a campaign with Elections Canada. These allegations have been made by Elections Canada against the Conservative Party alone, not against the Green Party, the NDP, the Bloc, or the Liberals. Also, none of the opposition parties are levelling these allegations; they are coming from Elections Canada.

It is absolutely in the purview of this committee, and appropriate, that we look at this, and for that reason I will not support the amendment.

Then I would ask if we could move forward on the issue at hand.

● (1200)

The Chair: I think you're asking me to call the question. I can't because I still have speakers on the list: Mr. Reid, Monsieur Lemieux, then Monsieur Godin, and then we have no other speakers.

Mr. Reid, please.

Mr. Scott Reid: Mr. Chairman, Ms. Redman just asserted a moment ago that she opposes my proposed amendment because it is factually inaccurate. She didn't actually then go on to point anything out, so I'm assuming that she is not actually referring to some new factual inaccuracy she was going to point to but rather to something that had been pointed out in previous comments. I'm assuming that she's referring back to Mr. LeBlanc's earlier commentary in which he objected to my use of the word "alleged" in the motion, and he went on to use the terms that Elections Canada has "found" the limits were violated, and Elections Canada has "held". Those are the two words he used.

Of course, "held" and "alleged" are actually synonyms, Mr. Chairman. Perhaps I'll send a thesaurus over to Mr. LeBlanc's office to assist him in these matters for future reference. Certainly regarding the word "found", I suppose one could argue that findings in law are somewhat different. I would point out therefore to Mr. LeBlanc that Elections Canada is not a court; Elections Canada is an administrative body. It does indeed come up with interpretations of the law. It also stresses in those interpretation bulletins—and members of the committee will recall the fact that I actually drew attention to this point when Mr. Mayrand, our Chief Electoral Officer, was here as a witness before our committee prior to his appointment—that they are not in fact binding. They are their interpretations, which are subject to court review.

Elections Canada itself does not assert that it makes findings. It makes interpretations that are tentative and that it expressly states are tentative. They are sincerely held interpretations. They are interpretations that Mr. Mayrand and the other people who work there believe are the correct interpretation of the law, but they are not themselves an adjudicative body. They are not a judicial body. They are not a quasi-judicial body. They are a body that seeks to enforce the law, look for potential infractions of the Canada Elections Act if it finds them, and then at that point there are a variety of remedies available, but they ultimately involve going to court and settling the matter in court, which is what is going on now. Because they also administer the law in an active way, such as handing out rebates, it is completely legitimate for someone, again, with a genuine, sincere belief to think they have been denied a rebate that they are owed; and they can seek redress, but you have to go to some other body such as a court to do this because that's the way the system is set up.

Mr. LeBlanc would not have us use the court system. He would have us use this body, this committee, as a sort of parallel process that would decide on offences that are not actually under the law. They are under whatever interpretation the Liberals think they can spin of what is legitimate and illegitimate. The court is the court of public opinion. Of course their hope is that they can then control the nature of the hearing so as to ensure that a practice that is carried out by the Conservatives and also by the Liberals is seen as being illegitimate when the Conservatives do it, but there's no opportunity to demonstrate that the Liberals do the same thing by way of example. They also are anxious to make sure that their own prior practices, some of which, as I pointed out, were not merely in violation of the Canada Elections Act but were acts of theft from the Canadian public to the tune of millions of dollars, are also excluded from the investigation.

Actually, Ms. Redman made an interesting point, that we don't want to get involved in the audits. Well, no. Audits, appropriately, have seen someone like our colleague from West Vancouver—Sunshine Coast—Sea to Sky Country, who appears to be channelling money in envelopes, to have over-the-limit expenses. Of course that's a Liberal MP, who, according to his own family members, was funnelling envelopes of cash to pay for various over-the-limit expenses.

Mr. Chairman, what's going on here is an attempt in the proposed amendment to remove the language the presupposes guilt and use language that is anodyne, language that simply states in a non-inflammatory way, a non-prejudging or prejudicial way, what the actual factual dispute is about.

• (1205)

It seems to me that this suggestion is vastly superior to the original suggestion. In terms of the point of the original suggestion, let's understand what's going on here. This is a partisan body, where all the votes are taking place on partisan lines, where the speeches are designed for the cameras as opposed to having a finding of fact that's legitimate and valid. What's going on here is an attempt to ensure that we can all leave at the end of this committee hearing with the ability for the Liberals to turn up before the cameras and say, “Oh, look, the committee is investigating the illegitimate actions of one of the parties here. This proves”—because the courts don't count, apparently, in the minds of the Liberals—“that this terrible, illegitimate practice, not illegal but just illegitimate, according to some standard that we have in our pocket and aren't going to share with the public, is taking place. We should all be scandalized and horrified and whatever.”

Mr. Chairman, the suggestions are inaccurate, frankly, but I do get the impression that the Liberal members have made up their minds as to how they're going to vote. On the basis that we're unlikely to get a fair or reasonable hearing even to changing the language in a way that doesn't affect the substance but only removes the presupposition of guilt, and since I think it's clear that we're not going to get a fair hearing even for that minor change, I'm going to withdraw my proposed amendment.

The Chair: Does the member have unanimous consent to withdraw his amendment to the motion?

We're missing one member.

Everybody is okay to withdraw the amendment?

(Amendment withdrawn)

The Chair: We will resume debate on the main motion.

Mr. Reid, are you wanting to stay...?

I have Messieurs Lemieux, Godin, and Preston on the main motion now. The amendment has been withdrawn.

Please, Mr. Reid.

Mr. Scott Reid: I think my name got on the list for the main motion. I then used that opportunity to introduce the amendment. Strictly speaking, I think I have probably used up that speaking opportunity.

The Chair: I'm going to suggest that you have.

Monsieur Godin, you have a point of order?

[*Translation*]

Mr. Yvon Godin: According to my colleague Ken Epp, the Green Party and the NDP already paid for signage. However, we have to remember that Elections Canada has not said that they did anything wrong.

[*English*]

The Chair: That is debate.

[*Translation*]

Mr. Yvon Godin: I simply want matters to be clear. The motion now before us says that the Conservative party exceeded its national campaign expense limit. Maybe I wish we'd exceed our national expense limit one day...

[*English*]

The Chair: I hate to interrupt, Mr. Godin, I hate to interrupt—

[*Translation*]

Mr. Yvon Godin: ... but we can't afford it. We've never spent the maximum allowable amount.

[*English*]

The Chair: Order, order.

[*Translation*]

Mr. Yvon Godin: Therefore, the same accusation cannot be levelled against our party.

[*English*]

The Chair: Order.

Folks, when I call order, I would hope that you would not force me to have your microphones turned off.

That is debate. I am allowing a lot of lateral movement on the debate, but we are back to the main motion at this point.

Monsieur Lemieux, you are on my list, followed by Mr. Godin, followed by Mr. Preston.

Mr. Pierre Lemieux: I'd like to put forward an amendment to the motion. It would read as follows:

That the Standing Committee on Procedure and House Affairs investigate the actions of the Conservative Party of Canada during the 2004 and 2006 federal elections, in relation and in comparison to the election campaign expenses of the Liberal Party of Canada, and where Elections Canada has refused to reimburse some Conservative candidates for election campaign expenses.

• (1210)

The Chair: Do you have a copy of the motion in writing, please, Mr. Lemieux?

Mr. Pierre Lemieux: Yes, by all means.

The Chair: Colleagues, I've read the amendment and you have heard the amendment. I'm ruling the amendment in order.

Mr. Lemieux.

Mr. Pierre Lemieux: I think it's important that we have a real honest look at this amendment. One of the things the Conservative Party has always said is that our practices have been in full conformity with the law. They follow the spirit of the law, they follow the letter of the law, and they're in accordance with the practices of other parties. I think this is a key point, that they are in accordance with the practices of other parties.

I believe the Liberals would be the first to say, although it's hard to believe, that this is not a partisan attack, that their motion is not partisan at all. They want to have a fair and equitable look at what happened in the last election. If this is true, then let's open the books of our party and let's open the books of the Liberal Party in 2004 and 2006. What we'll see is that when we state in fact that our actions have been in accordance with the actions of other parties, we will in fact find that. I think it's an important distinction. I think this is worthy of debate and it should be supported by my fellow members around the table.

The Chair: Thank you, Mr. Lemieux.

Mr. Godin.

[*Translation*]

Mr. Yvon Godin: Thank you, Mr. Chairman.

You cut me off when I tried to raise a point of order. I just wanted to pass along a bit of information. When the NDP transferred some funds, it had not reached its national expense limit. Therefore, the issue is clear. The only party to which Elections Canada refused to transfer funds—the 60% rebate—was the Conservative Party. The only issue on the table at this time involves the Conservative Party.

Elections Canada officials didn't say that we acted improperly. Their regulations state that funds can be transferred, but that the national campaign expense limit cannot be exceeded. The question before us today is the spending limit of the Conservative Party. The party transferred funds to the ridings, over and above this limit, and they wanted to recoup some of the money they spent. I'd like to tell my colleague Mr. Epp that there is a major difference between the two scenarios.

[*English*]

The Chair: Actually, the chair is slightly confused, Mr. Godin. Maybe you can clarify. You're suggesting that the motion we're debating or that we want to debate and now has been amended is actually not dealing with the legitimacy of the transfers from the national party to the local party because in fact the NDP have done

that. The issue is that those transfers went beyond the limit. I'm confused.

I'm hearing that's what you said but that's not what you meant. Would you mind just...?

[*Translation*]

Mr. Yvon Godin: What I'm saying is that Mr. Epp stopped just short of levelling some accusations, whereas our party is not the focus of an Elections Canada investigation. This motion clearly says that the Conservative Party is the focus on this investigation and that Elections Canada officials have refused to reimburse the funds. Furthermore, they may be ready to launch this investigation. For these reasons, we will be supporting this motion.

• (1215)

[*English*]

The Chair: Thank you for clarifying that.

We are now going to Mr. Preston.

Mr. Joe Preston: Thank you very much.

I love the thought that we're willing to move forward and have everything brought to the table and have witnesses called today, or soon, so this committee can look at the issues we're talking about. It seems everyone else wants to hold up a wall or a barn door in front of their party and say, "But not us, not us." We're happy to move forward and talk legitimately about what Elections Canada is doing, but the rest, specifically the Liberals in this motion, would like it not to be *comme-ci, comme ça*, that it would happen for them too.

We talk about democracy, but of course they have had some trouble with that lately in their voting habits. We'd like to look at all things. I think this motion moves that forward in a very legitimate way. We're opening up with two years or two different elections. We're opening up our party and we'd like them to say, "You know what, we've got nothing to hide, let's look at our books too." If they can't say that today, then we'll understand where it's coming from.

Mr. Chair, you ruled the motion in order. I think it's very appropriate for the people of Canada.

The Chair: We're discussing the amendment.

Mr. Joe Preston: Yes, that's fine. I understand completely.

The Chair: Mr. LeBlanc, and then Mr. Reid.

Hon. Dominic LeBlanc: Thank you, Mr. Chairman.

With respect to Mr. Lemieux's amendment, Mr. Chairman, once again the Conservative filibuster continues. We went around this same mulberry bush in September.

Mr. Joe Preston: We'll vote on this right now.

Hon. Dominic LeBlanc: Mr. Chairman, let's understand what they're doing. Mr. Godin is absolutely right, the issue is not about whether parties can transfer moneys to local campaigns; that is an accepted practice. Elections Canada has not ruled or held or found—whatever word Mr. Reid appreciates—that this was the problem. The issue is that the Conservative Party transferred money to individual ridings for expenses that Elections Canada has ruled, held, and found are not in fact legitimate local expenses. They were not incurred by the campaign. They were in fact national campaign advertising expenses. And Mr. Godin is right, the problem with that for everybody is that they then suddenly exceed the national spending limit by more than \$1 million.

With respect to the amendment, again trying to delay the committee's conclusion, Mr. Lemieux talks about the 2004 election. I had hoped he would have a chance to read Professor Flanagan's book. Professor Flanagan makes it very clear that they thought about doing this scheme in 2004 but didn't have the money and decided against it; but good news, in 2006 they found a way to get around the federal national spending limits by doing exactly this scheme. So Professor Flanagan, I think, enlightened Conservative colleagues with respect to the 2004 campaign.

[Translation]

The question remains, Mr. Chairman.

Professor Flanagan was very clear on this score in 2004. Back then, the Conservatives had contemplated skirting the Elections Act in this manner, but, for various reasons—perhaps they didn't have enough money, weren't sure enough or thought they would lose anyway—they didn't actually do it. So then, Mr. Lemieux' amendment was a tactic aimed quite simply at systematically obstructing or delaying the process. However, in 2006, Professor Flanagan concluded that the Conservatives had found another ingenious way of getting around the electoral spending limit by exceeding the national limit by more than \$1 million.

[English]

Mr. Chairman, this is a systematic, concerted effort from a national campaign. It's not about a local candidate who lost some receipts for pizzas. That's not the issue. The issue is that 66 Conservative campaigns—and we've heard from some of their candidates—were pressured by the national campaign and aggressive e-mails from people like Mr. Donison saying, you must sign a bank transfer before we transfer the money to you; it's just an in-and-out transaction. Those are their words.

Mr. Chairman, again, Mr. Lemieux is trying to say that we should look at other parties' practices. Well, Elections Canada has looked at every other party's practices and has found that only the Conservative Party practices in fact don't comply with the law.

[Translation]

Mr. Chairman, the ridiculous idea that the spending practices of other parties during past election campaigns should be examined does not hold water. Elections Canada, which has a mandate to apply the legislation, conducted an investigation and found that in 2006, only the Conservative Party had violated the act in a serious way, in at least 66, if not more, ridings. Elections Canada officials referred the files to the Chief Electoral Officer and refused to illegally refund

the taxpayers' dollars claimed by the Conservatives. An investigation was opened and criminal charges could eventually be laid.

● (1220)

[English]

That's the issue. It's the Conservative Party's systematic attempt to evade the election financing limits by using an in-and-out laundromat.

Mr. Chairman, Mr. Lemieux is not sincere when he suggests that we should look at other parties' practices. Elections Canada looks at them—

Mr. Scott Reid: I have a point of order, Mr. Chairman. It is out of order to question the sincerity of another member.

The Chair: I'll allow the member to continue.

Hon. Dominic LeBlanc: I'll rephrase it. Mr. Lemieux is not worthy when he suggests that Elections Canada should look at—

Mr. Scott Reid: Mr. Chairman, I have a point of order. I'm sure that it's just the heat of the moment, but just as I regard everything this member has done as being worthy of his place here, I think he would want to have similarly appropriate sentiments toward all other members of this House.

The Chair: I'll agree and caution the member one more time.

Hon. Dominic LeBlanc: Thank you, Mr. Chairman.

Mr. Chairman, Mr. Lemieux's suggestion that other parties need to be looked at in the same motion is not in fact valid. The reason is that Elections Canada, which has the mandate to apply the legislation, looks at every party's campaign returns and Elections Canada has held that only the Conservative Party has participated in this systematic scheme in 66 campaigns, and perhaps more.

As for the idea that people need to show their books, that people need to open their books, every party and every candidate, under the law, does that with Elections Canada. Elections Canada, in our view, does a very thorough job, and in the exercise of that legislated mandate they have found the Conservative Party to have in fact not met the requirements of the law. That's the issue here.

The Chair: Thank you, Mr. LeBlanc.

Mr. Reid, and then Mr. Lemieux.

Mr. Reid, perhaps I could just take a second.

Members, I will take a few minutes at the end of this meeting to discuss witness lists, especially in preparation for the first meeting back after the break.

Mr. Reid, please.

Mr. Scott Reid: Thank you, Mr. Chairman.

There are a number of things that Mr. LeBlanc said that I think are factually incorrect, although I won't cast aspersions on him as to why he said them. But I do want to point out his use of excessive language, which I think is the underlying problem here, and this is the reason I proposed this amendment. He used the term “laundromat”, for example. I won't assume his intention. I'll say what I think the practical implications are of using value-laden or hyperbolic language.

Laundromat. Money laundering. I assume that some people out there might get the implication from the overheated rhetoric being tossed around this room by Mr. LeBlanc and others that something of that nature is going on. Let's understand what money laundering is. Money laundering is the activity of going out and creating imaginary activities, such as gambling winnings, in order to hide money that came from some illegal original source, such as buying and selling drugs, by way of example, or something of that nature. This is so far removed from what's going on here that even they aren't actually prepared to say it here, where they're protected by parliamentary privilege and all that sort of thing, because it's outrageous. But in terms of just putting out the rhetoric in the hope that it gets picked up and misunderstood, well, there's no problem doing that, Mr. Chairman.

What is going on is in fact—and when Mr. LeBlanc described it, he had to actually point this out in his remarks—that Elections Canada, which is not an adjudicative body but a body that interprets the act and tends to apply it and then has to, when its interpretation comes into conflict with other interpretations, refer it to a higher authority, provided an interpretation, and as he said, they have referred it to the Commissioner of Canada Elections. They've sent it to a higher authority who has some adjudicative power, although ultimately he too has to go to the courts.

So Elections Canada is not really one step away from actually being an adjudicative body, it's actually two steps away. It doesn't actually conduct legal proceedings before the courts. That's done by the Commissioner of Canada Elections. So here we are with the accusation. Well, it's all over; Elections Canada has made the ruling; let's not wait for those silly courts. I mean, let's get into the serious business of trying to impose some kind of double jeopardy here in this chamber and come up with a court that we hope will spin this issue in the short run as being some kind of horrible thing.

Of course, in the end, the courts will go along and they'll rule. They'll either rule, Mr. Chairman, that the Conservative Party and its various official agents were acting within the terms of the Canada Elections Act by spending money in a way that was legitimate... perhaps not a way that the Liberals had anticipated, or that they had the cash to do themselves in 2006, because in 2006, unlike in 2004, they were short of cash, as Mr. LeBlanc points out.

The thing that is relevant here is that Elections Canada will either have its interpretation upheld or not upheld. If it's not upheld, then they will actually owe money to the Conservative Party of Canada for legitimate expenses incurred by the Conservative Party of Canada. On the other hand, there's always the possibility—although I personally must say, based on a mature examination of the facts, that I think in this case Elections Canada is incorrect—that their interpretation of the law is in fact the one the courts uphold. If the courts do uphold this particular interpretation of the law, then what would happen is that there would be certain limited consequences under the law.

But we're not talking about anything as radical or extreme as what Mr. LeBlanc's words would imply. The word "illegitimate" is inappropriate, and the implications of something much, much deeper and more devious than that are just out of place. The only reason they can get away with saying them here is that this is a body that doesn't have the restraints that exist in the court system, which, Mr.

Chairman, is why we don't actually adjudicate cases in the House of Commons or its committees. Indeed, Mr. Chairman, it is why we make a policy of not trying to have findings of fact at all in these bodies. It's simply inappropriate for this purpose. Our goal is to try to work on policy and to make sure that policy is enforced.

● (1225)

Mr. Chairman, I want to mention something else with regard to Elections Canada's interpretation of this. You would think, based on the comments of Mr. LeBlanc and some of the other Liberal members here, that getting an interpretation of the law from Elections Canada is kind of akin in its level of authority to going up Mount Sinai and speaking to the burning bush. You would think that we ought to be treating these interpretations with the same respect that would be shown to Moses as he came down the mountain with the Ten Commandments under his arm. This is the same group of people who were attacking and ridiculing the Chief Electoral Officer for his ruling on veiled voting, his interpretation of the law on veiled voting. So I don't know, is it their position that this is a guy who can't interpret the law at all, who just doesn't understand the law, or is it their position that the Chief Electoral Officer's interpretation of the law is a holy writ, notwithstanding the fact that the law itself says that his interpretation is meant to go through a process—two processes, actually, going to the Commissioner of Elections, who then makes his decision, and then off to the court system—before we get a ruling, because he's fallible.

They want to have their cake and eat it too, of course, and we suspect that they want to have their cake in the 2004 election, and then, when somebody else does the same thing in the 2006 election, say, "Oh, no, that's not legitimate." This is part of the reason—not the whole reason, but it's certainly part of the reason—why the Liberals absolutely don't want the 2004 election discussed at all. There was a time, Mr. Chairman—I remember this very well, I was in Parliament at the time—when the Liberal Party was awash in cash and everybody else wasn't. They were engaged in actions, some of them completely legal, that were parallel to this action, and some of them, quite frankly, completely illegal. I don't just mean in violation of the Elections Act. I mean in violation of the law, period: the transfer of funds in envelopes—envelopes of cash—to 21 Quebec ridings by the Liberal Party.

Mr. Godin was quite correct when he said it is legitimate to transfer funds to ridings, but it's legitimate to transfer it when you record the amounts and when you keep them under a certain amount and when they are receipted. It is not legitimate to have envelopes stuffed with cash, any more than it was legitimate for all those Liberal operatives to turn up and have those envelopes of cash that the Gomery commission was looking into in that particular Liberal scandal.

To say that Mr. LeBlanc's comments miss the point would be an understatement, Mr. Chairman.

I can think of three good, solid reasons why they don't want to allow this motion to be amended to include their expenses along with our expenses and to examine 2004 plus 2006. They want it focused just on 2006, just on the Conservative Party, but there are four reasons, Mr. Chairman. As far as I can see, they are the following.

One, it would soon become apparent that the Liberals have done the very same thing themselves, which is okay because it's legitimate. But this is a pattern you see with these guys. Do you remember the Rosh Hashanah crisis? That was when it turned out that somebody had received a Rosh Hashanah card from the Prime Minister or from a Conservative MP. Anyway, this was a great scandal, and the member for Thornhill, who is a Liberal, was up. It was a crisis. Where did this come from? What nefarious means were used to get the name of this individual and send them a Rosh Hashanah card? Then it turned out that the very same member had been sending Rosh Hashanah cards to people who had not provided her with any of the information that she found to be so mysterious.

• (1230)

Mr. Chairman, what you see going on is that something that's acceptable when Liberals do it is a scandal when somebody else does it. Then when people notice that actually Liberals were doing it as well as those dastardly Conservatives, suddenly it's not an issue anymore and it just drops right off the agenda, and we just won't discuss it anymore. It's just their way of operating in this Parliament.

In the absence of any actual scandals to point to, they'll invent some, just dig into their own bag, find the acts that they've been engaged in themselves that weren't actually illegal, and then say those other guys are doing these things too. We'll just hope nobody notices we were doing it, and we'll accuse them of doing things that are illegitimate, present it as if "illegitimate" and "illegal" are the same thing, and then we can engage in a parallel system to whatever court proceedings are going on.

I'm sure we could embarrass anybody in this room if we said we're going to have this committee investigate the contents of their sock and underwear drawers. I think if we all had our sock and underwear drawers investigated, we would be equally embarrassed, so let's just focus on one guy's sock and underwear drawer and not on anybody else's and hope we can embarrass him. But the fact is that having unsorted socks in your sock drawer isn't necessarily against the rules. There are a whole bunch of other things that are, but having household messes and whatever are not illegal and they're not illegitimate. This isn't illegal, and this isn't illegitimate, but if we can focus on one particular party's actions, decontextualize them, then we think maybe we'll get some media pick-up. That's reason number one.

Reason number two, that the Liberals want to discuss 2006 and not 2004, is that they were awash in cash themselves in 2004. In 2006 they were short of cash, and things had changed. The Conservative Party, which is much better at raising money, apparently, than the Liberal Party is—at least raising money legally....

I hear one of my opponents commenting on this. I don't think anybody would dispute that the returns we got in just recently, which showed that the Conservative Party had raised about \$3 million, as it reported to Elections Canada...was not all raised legally, and that the, I think, \$800,000 the Liberals raised was not raised legally. The point is we're getting about four times as much cash as they are. And this is a phenomenon that's been going on for some time.

The Liberals were short of cash. They didn't have the option of doing certain things. So once they can't do something, then it

changes from being a legitimate action to an illegitimate action. It's only good when the Liberals can do it. When, over time, circumstances change as well, that crisis, brought on by the fact that nobody wants to give the Liberal Party money because nobody trusts them to govern the country, becomes grounds for the actions of anybody else who is raising money and spending it legally, and it is now seen as an illegitimate action. But to make sure that the embarrassment that occurred when Susan Kadis was shown as having given out Rosh Hashanah cards, after accusing others of being nefarious for doing the same thing, is prevented from happening, we have to word this so that we exclude the period when we ourselves were engaged in these kinds of activities, because we ourselves had more substantial money at our disposal.

That's reason number two of the four reasons.

Reason number three, Mr. Chairman, is that the Liberals are not anxious to go into the past and potentially further into the past. You may recall that when this issue came up in early September, and we were having meetings of this committee at that time, proposals were made to amend a similar Liberal motion to go back further to elections, not just in 2004 but further back—these were the elections in which the envelopes of cash were flying around, these are the ones that are actually beyond the statute of limitations that's written into the Canada Elections Act—and to investigate all of those practices that occurred during the era of the sponsorship scandal, following the 1995 referendum.

We wouldn't want to get into that, Mr. Chairman, would we now, because there were things that were genuinely illegitimate, genuinely illegal, going on, and they were all by the Liberal Party. It wasn't the Bloc; it wasn't the NDP; it wasn't the Conservatives or the predecessor parties of the Conservatives. It was the Liberal Party of Canada in there doing things that are, by anybody's measure, and certainly by the measure of the courts, illegal acts with regard to campaign funding. So they don't want to get that done.

• (1235)

And I stress again, 21 Quebec ridings received envelopes of cash. We don't know which ones, because when former Prime Minister Martin drafted the mandate of the Gomery commission he made sure it had a mandate to investigate only certain aspects of the sponsorship program and not the parts that would have implicated the Liberal Party itself. The Auditor General had drawn attention to a range of different activities, and one of the chapters—I think it was chapter 7 of her report—was specifically excluded from the mandate of the Gomery commission. So Mr. Justice Gomery could look into certain things and just had to halt his mandate at a certain point.

That's a can of worms, Mr. Chairman, that the Liberals really and truly do not want opened again. Thus the need to ensure that it's 2006 and nothing else. We don't want a temporal context there, we don't want a multi-party context; we want decontextualized information. And we also don't want anything that involves those annoying little courts, which actually have to base their findings on what the law says, involved in this either, because our goal here is—

Mr. Joe Preston: To embarrass somebody.

Mr. Scott Reid: Thank you, Mr. Preston.

It's to embarrass somebody. It's not to actually find out what happened; it's simply to sift through that sock drawer, to dig through somebody's old love letters, to go through the contents of their garbage can, and that sort of thing, to take that out of context and see what sticks—just throw mud at the wall and see what sticks.

That brings me to point number four, Mr. Chairman, the four reasons the Liberals don't want to discuss their expenses along with ours, and they don't want to look, as the amendment to their motion suggests, at 2004 as well as 2006, and that is that it would remove their opportunity to set up a de facto double jeopardy here. The concept of double jeopardy and the prohibition on double jeopardy in Canada—and in all civilized countries, I might add—is based on the idea that if an assertion is made that you've done something that is not lawful, not within the bounds of the law, those who are prosecuted are allowed one shot at it, and of course, as you know, there's a proceeding in court.

I should mention, of course, the proceeding in court is the Conservative Party trying to get its money back, and not the reverse.

The Liberals realize there's a very good chance that what's going to happen is that the courts are going to rule in our favour. Well, they don't want that to happen. They can't stop that from happening, thank goodness, or else we'd be debating a motion to stop the courts from looking at this because this committee is so much better suited, in the Liberals' minds, to be dealing with issues like this. But the courts are going to ultimately decide how the law ought to be interpreted, and that's what this really comes down to: how should the law be interpreted? Laws get written sometimes in ways that allow for a variety of legitimate interpretations. Ultimately the courts have to decide which of those interpretations is legitimate.

Look, we on this committee interpreted the Elections Act, the part dealing with identification, differently from how the Chief Electoral Officer did when it came to the issue of veiled voting. I personally think, with appropriate respect, that the Chief Electoral Officer's interpretation was incorrect and ours was correct, but I'm respectful of his interpretation; that is, I think it was given legitimately. All of us are anxious to pass legislation that will deal with the fact that the Chief Electoral Officer has come along and interpreted a law, actually the same law, with regard to the addresses of rural voters, or the absence of addresses that cite a civic address, a physical location, from drivers' licenses and other pieces of ID. Now, this is something where the law was passed without an awareness that this could arise as a problem, and not just from us but from the experts. Mr. Mayrand and his predecessor, Mr. Kingsley, appeared before us, and it hadn't occurred to them either.

• (1240)

Mr. Chairman, I'm using this by way of analogy to point out that there can be multiple interpretations of the same law and that it's legitimate to have differing interpretations. If there were no differing interpretations, and if we all had the same interpretation of the law, there would be no need for courts. We could just have police and no court system. There would be no need to adjudicate disputes, because it would be clear: here's the law; you've broken it or you haven't broken it, and we'll deal with you accordingly, and that will be the end of that. Of course, the odd time there actually is a state that gets run that way, and we know those as police states. We don't

do that here, Mr. Chairman; we have a court system. But the Liberals would like to set that aside because there's a very strong risk—

Hon. Karen Redman: I appreciate the fact that filibustering sometimes causes you to reach very deeply into your life experience or some obscure point to keep going, but I'm having a hard time finding how this is relevant to the amendment before us.

The Chair: Thank you, Madam Redman, but as chair, I'll make that interpretation. I appreciate it.

I'm interpreting that this is relevant. He does bring it back, and I ask him to bring it back to the amendment, please.

I will just caution members that we are running a little out of time here, and I do need those lists of witnesses, so I will stop the meeting probably in about 10 to 12 minutes.

Mr. Reid, please continue.

Mr. Scott Reid: Mr. Chair, actually I appreciate Mrs. Redman's observation. You yourself had noticed that I was getting a little too detailed in my analogy and that perhaps the point had been made without the need for me to continue on through multiple examples.

But the point I was driving at is that there are different legitimate interpretations of the law. You'll notice I'm using the word "legitimate" now. Of course this goes back to my concern about the word "illegitimate". There are legitimate different interpretations of the law, so you know, it makes it inappropriate to use the term "illegitimate".

I'm bringing all this back to the point I was getting at, which is that there are four reasons why the Liberals are objecting to the examination of both their expenses and ours in both 2004 and 2006. I was on the fourth of those points, which is that there is a process for dealing with these things, and they want to have a discussion that essentially prejudices before the courts have a chance to judge.

Now, in the end, whatever it might happen to be, no matter whether it's in context or out of context, the judgment of this committee is going to be a preliminary finding. Ultimately the courts will rule as to whether the Conservative Party is deserving of those rebates that it is seeking before the courts or whether in fact the Conservative Party's interpretation was not the correct one. And when that happens, everything we've done here will all kind of fade away.

But, Mr. Chairman, I think the concern the Liberals have is that there could be an election in between then and now and they really could use a Conservative scandal, and this one just looks so juicy. The facts may not be on their side, but we can set up a set of hearings in which only some of the facts get presented, in which people will be asked questions.... And Mr. LeBlanc sort of hinted at this in his comments—or he didn't hint, he said specifically—that they will be asked, were you pushed, were people prodding you, were they bullying you? Whatever, these questions are all subjective. They're not questions of law. They're not questions that ask, did somebody illegally force you to do something? Did they tell you to doctor your books, for example? Those would be breaches of the law. No, it's all this sort of soft stuff. But it will make great TV, and with any luck, if we have an election between the time at which we have these hearings and the time at which the courts decide, bang, we're set, we have what has the appearance of being a scandal. If a bit later on the courts rule and it turns out it wasn't a scandal, well, who cares? We did better in the polls because we left the false impression that somebody was engaged in activities that were wrong, because we decontextualized the whole thing.

That's the point, Mr. Chairman. That's the fourth point, and frankly, that's the most important one. They're hoping to engage in a court of star chamber. They're hoping to engage in a McCarthyite witch hunt. It is inappropriate, Mr. Chairman, and that's why we're seeking to amend this to make it more open and to ensure that a context is provided by looking at Liberal financing practices for 2004 and Conservative financing practices in 2004. The Liberals aren't interested, because they think that Tom Flanagan has indicated that this particular financing method wasn't in use in 2004. But we're seeking to open this up, and if they go along with that, Bob's their uncle, we've got our hearings. But I think the hearings won't produce the make-believe scandal they think they can generate, and that's what I'm hoping to see changed.

For that reason, Mr. Chairman, I will be supporting the proposed amendment to the original motion.

Thank you.

●(1245)

The Chair: Thank you, Mr. Reid.

Mr. Lemieux.

Mr. Pierre Lemieux: Thank you very much, Mr. Chair.

I'd just like to point out that one reason this motion needs to be amended is that there's confusion within the Liberal Party. One of the first things Monsieur LeBlanc said at the very beginning, quite categorically, was that this is not about limits. This is not about local limits and this is not about federal limits. He went on at quite some length, explaining to everybody that this is not about limits.

Monsieur Godin, when he spoke, said this is about limits, actually.

When Monsieur LeBlanc spoke again, a second time, he agreed: it's about limits.

So there's definitely confusion with the original motion. I don't think it's in anybody's best interests to be so limiting and to have such confusion, especially in amongst the opposition ranks.

Mr. Chair, one thing we have always said—we've said this in the House, we've said it outside the House, we're saying it again here in committee—is that our actions with respect to election financing are in accordance with the law. They're in accordance with the spirit of the law, they're in accordance with the letter of the law. That's important. But one key thing we've also said is that they're in accordance with the practices of other parties.

This is a key point. We want to move ahead in a spirit of openness. Let's open the books. Yes, we'll open our books. Let's open the books of the other parties. Let's call witnesses to look at our books and the books of the other parties—in this case, I'm suggesting the Liberal Party—and let's move ahead for Canadians in a spirit of openness.

Mr. Chair, I want to pick up on a point that my colleague Mr. Reid mentioned, which is why would the Liberals not be interested in moving ahead in this fashion? One thing I've noticed—and I'm a new MP, so this is somewhat shocking to me—is that the Liberal Party is steeped in hypocrisy. I've seen this particularly in the last two weeks, actually. I want to pick up on a couple of examples.

The greeting card example came up in question period. The Liberals were very concerned that the Prime Minister had sent greeting cards to Canadians. But we find out that one Liberal MP, an MP who's actually asking the question, who's leading the attack on this—

Hon. Dominic LeBlanc: On a point of order, Mr. Chairman, I don't like to interrupt a colleague, but you indicated that we have a few minutes left. This filibuster is obviously designed to run the clock.

Mr. Chairman, they're talking about an unrelated issue with respect to greeting cards. Many holidays are approaching. We're all worried about greeting cards. Perhaps you could rule on whether greeting cards are relevant to allegations of election fraud made against the Conservative Party.

The Chair: I'm going to rule on the point of order.

I'm going to ask you to come back to the amendment. We're debating the amendment. If we could just have your comments focused around the amendment—

Mr. Scott Reid: I have a point of order.

Mr. Pierre Lemieux: Actually, Mr. Chair, he's trying to push the conversation into greeting cards. What I'm saying is that it has to do with hypocrisy. Why would the Liberals not support this amendment? That is where I'm going with this. What I'm saying is that they will not support this amendment—

●(1250)

The Chair: Mr. Reid, on a point of order.

Mr. Scott Reid: Mr. Chairman, unless I'm very much mistaken, neither the original motion nor the amendment speaks of election fraud, which is a very specific allegation. I just want members to be aware of that.

I think Mr. LeBlanc honestly misstated something. I think it points to the danger of using hyperbolic rhetoric.

The Chair: I think we all have an opportunity, with debates...and certainly the chair wants to keep debates as wide as we can possibly keep them. I know that members are very passionate about various positions, but I would ask members to be careful in their choice of words as we continue this debate.

We do only have a few minutes left, and I too hate to cut off members. We can continue this debate at another time. I'll talk about that in a few minutes.

For now, Mr. Lemieux, please stay on focus with the amendment at hand. Thank you.

Mr. Pierre Lemieux: What I'm discussing, Mr. Chair, is why the Liberals would back away from an amendment that asked them to open their books. One of the points I made was that we have said in the House, and we have said outside the House, and we've said here in committee that our election financing practices are in accordance with the practices of other parties. This is important: they are in accordance with the practices of other parties. I then went on to ask the question why the Liberals would back away from an amendment like this. If they want to be open with Canadians, the Liberals should in fact open their books and say, yes, the Liberals have nothing to hide either.

One of the reasons I'm putting forward, Mr. Chair, is that of hypocrisy. To show hypocrisy, I'm pointing out what happened in the House in the last two weeks alone. There was the greeting card attack by the Liberal Party, and the very Liberal member who was leading the attack in the House of Commons had herself sent out the same greeting cards to constituents.

Then, if you'll remember, more hypocrisy—

An hon. member: Still on hypocrisy.

Mr. Pierre Lemieux: I'm still on hypocrisy because this is why you'd be backing away from this amendment.

On hypocrisy, then there was the software. Oh, the Conservatives use a software to track such things as when particular holidays take place. They led an attack on that only to find out the Liberals use exactly the same software, and then all lines of questioning stopped.

So as I said, the hypocrisy is somewhat breathtaking. When it comes to this particular issue of election financing, I don't know if anyone else has noticed—I'm sure they have, and I'm sure Canadians have noticed—the only party in the House pursuing this during question period is the Liberal Party. I'm saying that if this is the case, if they really want to serve Canadians and they want to show in fact that their actions have been above board, then they should open their books as well. They should not be backing away from this amendment. What do they have to fear?

As I said, Mr. Chair, one of our key tenets is that what we have done is in accordance with the practices of other parties. What that means is that other parties have done exactly the same thing. It is legal. It's in accordance with the letter of the law. It's in accordance with the spirit of the law.

The reason I think the Liberals are worried or why they might be scared is that they have a huge crisis in credibility. When I say a huge crisis in credibility...why would they have a crisis in

credibility? It's because of hypocrisy, which is what I just pointed out. They've got their own problems with an MP such as Blair Wilson.

The Chair: Again, I want to caution members about using the names of other members at this time. We can keep our comments strictly focused to the amendment debate. That's what we're on.

I'm going to ask you, Mr. Lemieux, to stay right on that, please.

Mr. Pierre Lemieux: I take your point, Mr. Chair, and I apologize for using his name.

What I want to say, though, is that the Liberals in fact should be embracing this amendment. I think Canadians would embrace this amendment. If the Liberals have nothing to hide, then they should move forward, and they should vote in favour of this amendment. Why not open the books for 2004 and 2006? I think if we do proceed in that fashion, then in fact, Mr. Chair, we will see that the actions of the Conservative Party in 2006 indeed are in accordance with actions taken by other parties in the 2006 election, and in previous elections as well.

Thank you.

The Chair: Thank you.

Now, colleagues, we have six or seven minutes left, according to my clock. I have two speakers on the list. I'm happy to keep this list, and we can continue this debate on the Tuesday after we return from the break.

Here's the caveat: I am hearing that Bill C-55 is being referred to this committee, so I'm going to ask members, in compliance with our original agreement, that if that's here, we proceed with that. If that's before this committee, we'll proceed with that. So I'm going to ask members to submit two witness lists so we can proceed in accordance with what's before us.

Does that make sense?

Madam Redman.

• (1255)

Hon. Karen Redman: I'm just a bit curious. Don't we usually receive a bill in committee and then discuss it and then after that...? I haven't seen the bill, and I'm sure there's a break week and there will be lots of time, but generally speaking we see it and have a look at it before we submit witness lists. That is my recollection of how that process usually unfolds.

The Chair: I'm happy to go with that.

Mr. Joe Preston: I believe that during routine proceedings this morning, that bill was deemed presented to the committee.

The Chair: No, it wasn't, no.

Some hon. members: No.

Mr. Joe Preston: I've been incorrect before, but it was not this year.

The Chair: Order, order. To the chair, please, to the chair.

My understanding from my clerks is that there is an indication that the bill will be referred promptly to the committee. So in preparation of the fact that it will be here when we return...

We can easily be, as we have been in the past, very lenient about witness lists. If you have any witnesses you want to provide, that's fine. I think at this stage we need to get witness lists in preparation for the continuation of this discussion.

Can I ask you, colleagues, to have those witnesses to our clerk by Monday at 5 p.m. for this issue? Monday is November 5, just to be absolutely certain. Are we in agreement here, on all sides, that it be by Monday at 5 p.m.?

I am just trying to anticipate business of the committee. I suspect the bill will come probably tomorrow. We will not be meeting before tomorrow. If you see the bill, let's start thinking about witness lists there as well so that the committee can be as efficient as possible.

By the way, we're not anticipating a decision by the House. This is just a bill that I know is very likely coming.

I'll go to Mr. Epp on a point of order.

Mr. Ken Epp: It's on the issue of Bill C-55. I believe the Speaker has ruled that this has been referred to the committee as a carry-over from the previous Parliament.

The Chair: Okay.

At this moment in time, at 12:56, reading the blues, it's not clear that this is the order of the Speaker. It is not clear to me, as the chair of this committee, that this direct order is made. My interpretation is that it's coming, but unless I'm about to get a different clarification....

Let's just pause on that for a minute. Maybe I'm getting the right answer to that question.

Monsieur Proulx.

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

I just want to understand our procedure. Do we not normally receive such a bill from the House, look at it at this committee, and then decide if we need witnesses, if we want witnesses?

An hon. member: Exactly.

Mr. Marcel Proulx: May I continue, please?

The Chair: Please, of course.

Mr. Marcel Proulx: Do we not normally receive it and do we not normally look at it, decide as a group if witnesses are necessary and, if they are, file our list of witnesses?

To be very honest with you, we don't know what witnesses could be called because we don't know the exact sense or content of that particular bill.

The Chair: My understanding is that this bill was lost at prorogation. It was reintroduced without any changes. My apologies if members haven't seen this bill already. I assumed that members had seen the bill.

Mr. Marcel Proulx: Was it ever in front of this committee? I don't think so.

The Chair: I don't know that it's been in front of this committee, but it has been introduced in the House.

Well, that's fine. We will just do our best to get witness lists.

Please, go ahead.

[*Translation*]

Mr. Michel Bédard (Committee Researcher): The format of the bill that was tabled is the same as that of the former Bill C-55 which was before the committee when Parliament was prorogued.

Mr. Marcel Proulx: Was that bill already before the committee? Had we already examined it, sir?

Mr. Michel Bédard: The committee had begun to look at the bill and Minister Van Loan had testified. His was the only testimony heard by the committee in relation to the bill.

Mr. Marcel Proulx: Therefore, we would need to look at it again in committee to decide what our next move will be.

Mr. Michel Bédard: It's up to committee members to...

[*English*]

Mr. Marcel Proulx: I'm saying to the researchers that we need to look at it together so that we can decide what we're going to do with it. What if we decide, when we get it, that we accept it as is? We don't need witnesses. But if we decide not to, or if we decide we want explanations, then we can decide on what types of and what witnesses we want.

What I am saying to you is that I don't think we need, at this time, to decide on the witnesses without knowing what we want to do with the bill. Therefore, on Tuesday, November 13, we could deal with that to start with, continue on this particular subject, and get the witnesses later.

I very respectfully submit that to the chair.

● (1300)

The Chair: And that's respectfully accepted.

We have then the witness lists to be presented to the clerk, on the matter that we were discussing today, by Monday at 5 o'clock. As to Bill C-55—I'm not sure what the number will be when it comes in—we have seen it. We have started studying it. Please take your time to refresh your memories on the bill. Just so that the clerks are prepared and the committee doesn't waste too much time, if you have any witnesses, get them to us. We will discuss further witnesses on Tuesday, November 13.

Is that acceptable?

Comment, Mr. Reid?

Mr. Scott Reid: So if I understand correctly, Mr. Chairman, what you've just said to Mr. Proulx is that it's okay to continue submitting witnesses afterward, that we shouldn't have a time constraint on ourselves vis-à-vis Bill C-55.

The Chair: Correct.

I have to accept Mr. Proulx's comments that the bill is probably not fresh in our memories and that we may want to have another look at it. I'm not sure we need to look at it that long. As chair, I want to see the business of the committee get going here.

It would seem to me that we could submit our witness lists by Monday at 5 o'clock. However, just from looking at the nods from the left side of the table, I see that probably won't pass.

I see that I'm in a position here to get concurrence or acceptance on having the witness list, for the matter we discussed today, by Monday at 5, but I do not see agreement to submit the witness list for a continuation of Bill C-55, which we will begin on November 13. I don't see the consensus for a witness list by that date.

Is the understanding of the chair correct?

An hon. member: Yes.

The Chair: Is everybody clear on that then?

Colleagues, please have a nice break and a busy time in your ridings.

Madam Redman.

Hon. Karen Redman: On a point of clarification, I understand that there wasn't agreement and the fact that you're balancing many issues right now, Mr. Chair, but Mr. Epp and I are on the speakers list. We would continue that at the beginning of our next meeting?

The Chair: Confirmed. That's correct.

Mr. Epp will have the floor first and then Madam Redman. We'll continue debate where we left off.

That said, this meeting is adjourned.

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