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# **Standing Committee on Access to Information, Privacy and Ethics**

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**EVIDENCE**

**Tuesday, October 4, 2011**

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**Chair**

**Ms. Jean Crowder**



## Standing Committee on Access to Information, Privacy and Ethics

Tuesday, October 4, 2011

• (0845)

[English]

**The Clerk of the Committee (Mr. Chad Mariage):** Honourable members,

[Translation]

Yesterday, I received a letter of resignation from Mr. Nathan Cullen, the chair of the committee. The letter was sent to all the members of the committee, for their information.

[English]

As a result of receiving this letter, a vacancy has occurred in the office of chair of the committee.

It is now incumbent upon me as clerk of the committee, pursuant to Standing Order 106(2), to proceed immediately to the election of a chair.

I want to remind members that this same standing order provides that the chair of the access to information, privacy, and ethics committee be a member of the official opposition.

I'm now ready to receive motions to that effect.

Mr. Del Mastro.

**Mr. Dean Del Mastro (Peterborough, CPC):** Thank you very much, Mr. Clerk.

At the outset I'd just say that we wish Mr. Cullen well in his endeavours, and we would like to nominate Madame Crowder for the position of chair.

**The Clerk:** Mr. Del Mastro moves that Ms. Crowder be elected chair of the committee.

Are there any other motions?

Seeing none, all those in favour of the motion?

(Motion agreed to)

**The Clerk:** I declare Ms. Crowder duly elected chair of the committee and would invite her to take her seat.

**The Chair (Ms. Jean Crowder (Nanaimo—Cowichan, NDP)):** Good morning, fellow committee members. I look forward to working with this committee. I understand you have some business at hand, so I'm suggesting we get right to it.

Mr. Del Mastro.

**Mr. Dean Del Mastro:** Thank you very much, Madam Chairman.

We do have business at hand, and we're eager to hear from Mr. Mayrand this morning.

At the previous meeting of the committee, we heard from Ms. Mary Dawson, the Conflict of Interest and Ethics Commissioner. She indicated she had written me a letter in which she had dismissed charges.

I have in hand the only correspondence I received from Ms. Dawson, and in fact it indicates that she has written to Nycole Turmel, interim leader of the NDP, to ask for more information on the issue and it includes a copy of my correspondence. Nowhere in the letter does it indicate that she has in fact made any findings. It's the only correspondence I have, in fact, received from her. I'd like to submit it to the committee as evidence, for circulation to all members.

**The Chair:** Thanks, Mr. Del Mastro.

**Mr. Dean Del Mastro:** I would simply add, Madam Chairman, that I didn't circulate that letter because it's stamped confidential. But since it has been referred to in the committee, I'd consider it no longer to be confidential.

**The Chair:** Thank you for that.

Mr. Mayrand, I understand you have some time constraints this morning. Could you please let the committee know what time you need to leave?

**Mr. Marc Mayrand (Chief Electoral Officer, Elections Canada):** I have another commitment with the procedure and House affairs committee at 11 a.m. at my office. I would appreciate if I could be discharged around 10 a.m. or so.

**The Chair:** Thank you.

I understand you have about a 10-minute presentation, and then we'll go to the committee members for questions and answers.

I'll turn it over to you then.

[Translation]

**Mr. Marc Mayrand:** Thank you, Madam Chair.

It is my pleasure to appear before the committee today. I appreciate your understanding regarding my busy schedule this morning. Thank you for letting me leave at 10:00 a.m.

You have asked to hear from me on the motion regarding the union sponsorship of the NDP 2011 spring convention. At the outset, I would like to make a few clarifications regarding my role as Chief Electoral Officer and that of the Commissioner of Canada Elections.

As Chief Electoral Officer of Canada, I am responsible for exercising general direction and supervision over elections and for administering the Canada Elections Act. In that regard, I may be called upon to explain how I exercise my mandate, including the manner in which the act is interpreted and applied by my office.

I am here today to talk about the rules regarding contributions and, in general terms, how these rules adopted by Parliament are interpreted by my office.

In so doing, however, I have to be mindful of the role and responsibilities of the Commissioner of Canada Elections. Contraventions of the Canada Elections Act are sanctioned almost exclusively by statutory offences that may give rise to prosecutions. By its very nature, such a process requires the conduct of a thorough and independent investigation that meets the highest standards. For this reason, the act provides for the appointment of the commissioner, who is responsible for ensuring compliance with and enforcement of the act.

Subject to a few statutory exceptions, it is for the commissioner to decide when an investigation should be conducted. He conducts his investigations independently of my office and is solely responsible for deciding whether a matter should be referred to the Director of Public Prosecutions, or whether another enforcement action, such as a compliance agreement, is warranted in a particular case.

My appearance today relates to allegations that have been made and widely reported in the media of possible contraventions of the act. These involve alleged contributions made by ineligible entities.

In my previous appearances before this committee, I have been careful to explain the administration of the Canada Elections Act by my office without impeding the work of the commissioner, and I want to maintain that line today. While I can explain the rules regarding political contributions, I will not comment on the specific allegations that have been made.

• (0850)

[English]

The Canada Elections Act has a number of rules regarding contributions to political entities, including rules on who may contribute and how much. These rules have been put in place in recent years to avoid the undue influence of a single, large contributor. Under the act, only individuals who are either Canadian citizens or permanent residents may make a contribution, whether monetary or non-monetary. The act also provides that a contribution by an individual to a registered party cannot exceed \$1,000 annually. This limit applies to parties registered in an electoral district association, nomination contestants, and candidates. These limits are adjusted annually for inflation. The Canada Elections Act also prohibits circumventing contribution rules as well as collusion to circumvent those rules.

It is important to keep in mind that political parties have a variety of possible revenue sources that are not contributions and that are not subject to these rules. Political parties may receive various subsidies, including the quarterly allowance and a partial reimbursement of their election expenses. Beyond that, other political parties may also have investment or commercial revenues. For example, a number of federal parties own or have historically owned buildings. The party

may rent the building, or part of the building, and may decide to sell the building. To the extent that such transactions are true commercial transactions done at fair market value, they do not involve the making of any contribution. However, if someone pays more than the fair market value for a good or service provided by a party, this would constitute a contribution and be subject to the restrictions I mentioned earlier.

With respect to the matter that is before the committee, it is important to keep in mind that, while labels such as advertising and sponsorship are sometimes useful in drawing distinctions, they may also confuse the matter. When a political party receives money from another entity, the key issue is whether the amount provided is a contribution. If the money is provided in the context of a transaction for goods and services, and the amount corresponds to the fair market value of the good and services, there is no contribution.

In the case of advertising space allegedly sold by a party, the first question to be asked is whether there is a market for the advertiser such that it may truly be considered a commercial transaction. In my earlier example of a building owned by a party, it might be possible for the party to sell space on its outer walls for street advertising. If there is indeed a market and the possibility of a genuine transaction, the second question is whether the amount paid for the advertising space represents fair market value. If the amount received is greater than the value of any service provided, then a contribution will have occurred.

Determinations regarding the existence of a market and fair market value of a good or service are essential questions of fact that involve careful consideration of all circumstances in a particular transaction.

A situation was recently brought to my attention regarding alleged funding of the New Democratic Party convention last spring. I have referred the matter to the Commissioner of Elections, who is looking into it. Under the circumstances, I will not comment on this situation, but I am otherwise happy to assist the committee and answer questions members may have regarding relevant rules.

Thank you.

• (0855)

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

I will now go to the committee members, starting with Mr. Angus.

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Thank you, Mr. Mayrand, for coming. We have immense respect for you because the obligation to ensure accountability in the electoral process is the cornerstone of democracy. I must say, you seem like a good and serious guy, but I'll tell you, all members of Parliament live in fear of having Elections Canada phone and say they haven't signed off on this form or that. You are thorough and hold us very much to account.

I'm interested in your comments today. It's incumbent on members of Parliament, especially members of the ethics committee, to be able to differentiate between legitimate issues and specious claims for investigation. For example, my colleague Mr. Del Mastro has been raising a ruckus about advertising at conventions. I was wondering if he fully understood the rules. I went to your Elections Canada site, and I found it very helpful. There is a fact page. It's like convention spending for dummies. It asks if it's legal for a "corporation, trade union or unincorporated association [to sponsor] an event held by a registered party, including a convention, or otherwise buy visibility at such an event by holding, or paying for, a reception at the event or providing or paying for signs, flags, pens, notepaper, etc. advertising the entity".

The answer you provide on your facts page is that there is nothing wrong with that as long as the entity pays full commercial value, not less or more than what is legitimate. Is that true?

**Mr. Marc Mayrand:** Correct.

**Mr. Charlie Angus:** Thank you.

Now, the New Democrats have sold advertising at three recent conventions that I was at: 2006, 2009, and 2011. Are you in receipt of all the audited statements for those conventions?

**Mr. Marc Mayrand:** Not for 2011, which is due in July next year.

**Mr. Charlie Angus:** Let's talk about 2006 and 2008. Those were returns that were given to you. The advertising was defined by third-party independent auditors before they were moved on to convention. Did you flag violations in those audited reports?

**Mr. Marc Mayrand:** The audited financial return would not likely allow us to detect this kind of situation. It's not detailed enough to identify any revenues, commercial revenues, in enough detail to ask questions on this matter.

**Mr. Charlie Angus:** Did you have any reason to suspect that illegal activities were—

**Mr. Marc Mayrand:** There was a media report regarding the convention of 2009 that we've been looking at, again, largely similar to the allegations that we're having for the 2011 convention.

**Mr. Charlie Angus:** In the allegations that Mr. Del Mastro made last week, where he said the New Democrats flaunted the law and they accepted gifts from a third party, particularly that NDP leadership had been given amounts of \$25,000, \$35,000 or \$50,000 in gifts, did he present that evidence to you for investigation?

● (0900)

**Mr. Marc Mayrand:** No, I think that's part of various media reports that have been published on the matter.

**Mr. Charlie Angus:** No, these were his statements to our committee. He had evidence that we received illegal gifts in the nature—

**Mr. Marc Mayrand:** I haven't received any correspondence from Mr. Del Mastro.

**Mr. Charlie Angus:** Haven't the parties presented that evidence to you? They said as well that they had evidence that we had received "tens of thousands of dollars of illegally received donations". Now that would seem to be the cornerstone of a serious major

investigation. Did they present the evidence of these illegal gifts that were being given to the top NDP leadership?

**Mr. Marc Mayrand:** The only thing I've seen so far is a letter from the party making some allegations about possible illegal contributions. There's no evidence with it.

**Mr. Charlie Angus:** So "possible".... You see, what I'm concerned about here is this. Mr. Del Mastro brought the Information Commissioner here, and she made it pretty clear that she found his case absolutely baseless. You're going on reports you see in the media. This is certainly something that Conservatives have been making wild allegations about in the media. It seems to me if someone has evidence, as Mr. Del Mastro claims to have evidence, of illegal gifts in the nature of \$50,000 being given to the leadership of the party, that would have been provided to you so that you would know where to look.

**Mr. Marc Mayrand:** Again, as I mentioned earlier, the matter has been referred to the commissioner. I'm sure the commissioner will want to gather all relevant information.

**Mr. Charlie Angus:** But he hasn't provided any of that to you?

**Mr. Marc Mayrand:** Not to me.

**Mr. Charlie Angus:** No. I see.

This week the top leaders of the Conservative Party are in court with you on the in and out scandal: Senator Gerstein, the chief fundraiser; Finley, the campaign manager of the 2006 campaign; Susan Kehoe, the interim party director; and Michael Donison, director of the party. Now, that's happening this week. It just seems to me odd that there is such a media ruckus based on Mr. Del Mastro's claims of evidence, which he hasn't presented to you, that is taking place in the same week that you're going to court with the Conservative Party, which is up on charges in the biggest electoral fraud scheme in Canadian history, and that all key members of the Conservative Party leadership are involved in that.

Are you going to court with them this week?

**Mr. Marc Mayrand:** Just as a point of clarification, the matter that's taking place this week is led by the Director of Public Prosecutions, who is tasked with prosecuting matters under the legislation.

**Mr. Charlie Angus:** Right, I forgot. This is beyond an investigation. This is actually a criminal investigation and they are actually up with the public prosecutor, all the heads of the Conservative Party, for the biggest electoral fraud scheme in Canadian history.

I find it interesting that Mr. Del Mastro is making claims that he has evidence of illegal activity, which he's not brought to this committee, and he did not bring it to the Information Commissioner because she blew it out. He has said there are problems. I think it's excellent that you're investigating. That would be the job of Elections Canada: to follow up on any investigation, no matter how specious. I'm just surprised that in the same week they are up on charges with the public prosecutor for electoral fraud we are actually taking this claim of Mr. Del Mastro to our committee.

I'd like to ask you about the in and out—

**The Chair:** You have 10 seconds.

**Mr. Charlie Angus:** Yes.

How many Conservative riding associations were directly implicated in that scheme?

**Mr. Marc Mayrand:** I'd prefer not to comment on cases that are before the court. It's well known that there were 67 campaigns involved.

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

Mr. Del Mastro, go ahead for seven minutes, please.

**Mr. Dean Del Mastro:** Thank you very much, Madam Chairman.

Thank you, Mr. Mayrand, for appearing before committee today.

Of course, Mr. Angus has made some wild accusations and allegations, not the least of which is that I haven't presented any evidence. Mr. Angus was in fact there at the NDP convention. He doesn't need me to present evidence. I would assume that he saw this in the first person, unless he was wilfully negligent in observing the fact that the NDP had in fact received tens of thousands of dollars in illegal contributions.

Now, of course—

**Mr. Charlie Angus:** Excuse me, Madam Chair. A point of order.

**The Chair:** Yes, Mr. Angus.

**Mr. Charlie Angus:** It has to be clarified. Mr. Del Mastro is saying that I participated in witnessing an illegal exchange of money. I'd ask him to retract that. That's pretty bizarre commentary, and I think he has no evidence. If he has evidence that I participated in receiving illegal amounts of money, he should present it here.

**The Chair:** Thanks, Mr. Angus.

I think that's more a point of debate.

● (0905)

**Mr. Dean Del Mastro:** Yes, I would agree, Madam Chairman.

In fact I would just clarify once again that Mr. Angus in fact saw the evidence that I'm presenting. And of course if we are to believe *Le Devoir* and the sources in *Le Devoir*, which in fact indicated they had contributed tens of thousands of dollars, contrary to the Elections Act, then we know where the evidence is in fact leading to.

Mr. Angus made reference to the Information Commissioner. I should say, as members of the committee know, that I tabled a letter that was in fact stamped "confidential", which is why I never shared it with committee members, and the Information Commissioner referred to that letter. I would suggest that perhaps she hadn't in fact reviewed what she wrote to me, which indicated that she would be conducting an investigation and contacting Madame Turmel for additional evidence related to the allegations I was making. She did in fact indicate before committee that her investigation continues, so we'll wait to hear back from her on that.

I've also visited the Elections Canada web page. Under the frequently asked questions section, it says:

Can a corporation, trade union or unincorporated association sponsor an event held by a registered party, including a convention, or otherwise buy visibility at such an event by holding, or paying for, a reception at the event or providing or paying for signs, flags, pens, notepaper, etc. advertising the entity?

What it says is:

Any [party] who

- gives money to a registered party

- provides goods and services for less than commercial value to a registered party, or

—and here's the kicker—

-purchases goods and services for more than commercial value from a registered party

with the intent of benefiting the party will have made a contribution to the registered party that would be subject to the rules of the Canada Elections Act.

Is that your interpretation of the rules, Mr. Mayrand?

**Mr. Marc Mayrand:** Yes, that's correct.

**Mr. Dean Del Mastro:** It is your interpretation of the rules.

Can you tell me how Elections Canada would determine the commercial value of advertising?

**Mr. Marc Mayrand:** Again, that would be determined by the commissioner in the case at hand, but first you would have to determine, as I indicated, if there was a market, what the intended market was, what types of transactions would normally occur in that market, and how the specific transaction being disputed compared with normal transactions in that market.

**Mr. Dean Del Mastro:** My contention is that you could buy an advertisement during Super Bowl and Stanley Cup playoffs game seven for what some of these folks paid to be on sign boards at the NDP convention. I think there were maybe 600 or 700 people there. I'm interested in finding out how many of them actually paid a full registration fee, because we know that certain entities were sponsoring individuals to attend, which in my view is also contrary to the Elections Act.

I hope that when the Commissioner of Canada Elections reviews this they'll look at the values that individuals paid, because that is the crux of our argument.

You indicated in your comments today that the rules were put in place in recent years to avoid the undue influence of single, large contributors. That was done to return politics and democracy to the people, so that individuals, corporations, unions, or just wealthy individuals couldn't buy influence in the benches of government. If we look at cases where large entities are allowed to make substantial contributions and say that this is commercial value, my fear is that the law becomes toothless if the Commissioner of Elections doesn't determine a commercial value.

As I said yesterday, I was talking to one of the newspapers. I know you're not going to comment on the case at hand, but it's very clear to me that there is no commercial value here whatsoever. In fact, they were seeking to buy influence within the official opposition, and they wrote big cheques to do so. The NDP was more than willing to accept those big cheques.

Mr. Angus is one of the more prolific members in the NDP in making accusations and impugning guilt on others, but it's not a lot of fun when the light is shone on his own backyard. We've said to the NDP that now is the opportunity for them to come clean and indicate exactly how much money they received. We know that several sponsors have indicated that they wrote very large cheques of \$25,000 or \$35,000 apiece.

As I said yesterday, they aren't Coca-Cola or McDonald's. They're not seeking to gain customers. They're not looking to gain market share. This is solely purposed to gain influence within a political party and drive home the message that they're there and they expect them to deliver on their behalf. That makes a party beholden. When we passed the Federal Accountability Act and made these substantive changes to the Elections Canada Act, that was why. We didn't want political parties or members of Parliament beholden to special interests. That's what we see before us today.

● (0910)

**The Chair:** You have two seconds.

**Mr. Dean Del Mastro:** I'll wrap it up. Thank you, Madam Chair.

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

Just to correct the record, Ms. Dawson has been referred to as the Information Commissioner, but she's the Conflict of Interest and Ethics Commissioner.

Mr. Andrews, you have seven minutes.

**Mr. Scott Andrews (Avalon, Lib.):** Thank you very much, Madam Chair.

Chief Electoral Officer, welcome.

I have a couple of questions. The crux of the matter is that we're talking about advertising for fair market value. How often do you see that from a political party?

**Mr. Marc Mayrand:** Not very often, but the information provided in financial returns by parties would not provide enough information to determine how much was spent or how much revenue was generated by various activities.

**Mr. Scott Andrews:** So all political parties would show other revenue in the return.

**Mr. Marc Mayrand:** Yes.

**Mr. Scott Andrews:** Have you seen other revenue from all political parties?

**Mr. Marc Mayrand:** Yes. I have seen it from the main parties at least, but I couldn't speak to all parties.

**Mr. Scott Andrews:** The Conservative Party, the Liberal Party, and the NDP would show other revenue in their returns. So it's quite possible that this other revenue could be for advertising purposes.

**Mr. Marc Mayrand:** It could be from other sources.

**Mr. Scott Andrews:** How often does your office field calls from parties or riding associations with regard to this question of fair market value? Do you answer a number of inquiries on this?

**Mr. Marc Mayrand:** We do get inquiries on that and various other matters. We would get inquiries all the time around contributions and expenses from various financial agents for candidates' riding associations or for the party.

**Mr. Scott Andrews:** So the two criteria are: is there a market for the advertising, and what's the fair market value? Have you set out for these candidates, and for the ridings and the parties, any guidelines on what the market would be? Are we talking about a number of individuals? Have you given them any guidelines on what you see as fair market value?

**Mr. Marc Mayrand:** Not beyond what I said this morning.... Again, the notion of fair market value can be quite complicated, and it has to be addressed in the context of the regulatory regime at play and in the context of the specific transaction. The concept is used for tax purposes, in competition issues, and for determining municipal taxes, so it's a concept well known in common law. It's not legislated in our elections act.

**Mr. Scott Andrews:** You also mentioned a normal transaction. Could you elaborate on what a normal transaction would be in the context of those two things?

**Mr. Marc Mayrand:** It is the sort of transaction where, assuming you find a market, you can compare that specific transaction to other similar transactions in that market.

**Mr. Scott Andrews:** Would you ask a political party or a riding to show you some of those normal transactions as part of...?

**Mr. Marc Mayrand:** Yes, I would expect to, and I think in our issue sheet it is suggested that the party may get independent advice on fair market value from time to time. It would be up to the party to demonstrate that it did due diligence in establishing fair market value.

● (0915)

**Mr. Scott Andrews:** We talked about how, in the returns that come in from ridings and parties, you don't see the detail under what is called "other revenue".

**Mr. Marc Mayrand:** Correct.

**Mr. Scott Andrews:** What would the threshold be for you? Your department audits every return that comes in, correct?

**Mr. Marc Mayrand:** A compliance audit, yes.

**Mr. Scott Andrews:** The compliance audit. What threshold would cause one of your compliance auditors to go and get information on other revenue? What would the threshold be for a riding? What would the threshold be for a party, where you would say this other revenue is suspect or you need more information?

**Mr. Marc Mayrand:** Again, maybe I need to point out that under the current legislation we don't have access to the books of a party. In fact, I recommended to a previous Parliament to allow some access to books to examine financial transactions. That being said, from time to time, there's a big change from year to year. The auditor may ask a question, but again, the party is free to answer or not. They don't have to provide us with any documents in support of their transactions.

**Mr. Scott Andrews:** So if there's a number that's outrageous, you would not be able to actually ask the party or the riding to give you information on that? Is that what you're saying?

**Mr. Marc Mayrand:** Unless they want to provide it voluntarily, I have no tools in the current legislation to access the books and records. That being said, if there is an issue that causes some concern based on different information we may have, we will refer it to the commissioner.

**Mr. Scott Andrews:** That leads to my next question. How many investigations do you have ongoing at this particular time?

**Mr. Marc Mayrand:** It always depends on the time of the year. We just came out of a general election. I think close to 5,000 complaints or incidents were brought to the attention of the commissioner during the election. My understanding is that over the last few months, most of the efforts have been to respond to complainants on the various matters that arose during the election. I gather there are around 300 active files currently with the commissioner's office, all at different stages.

**Mr. Scott Andrews:** And is there a timeframe on the commissioner responding to these active files?

**Mr. Marc Mayrand:** Not by statute. Again, that depends. Each file has its own characteristics and may have different requirements in terms of timing. Some may be resolved very quickly at the triage level, where you say this allegation, even if true, does not come close to an offence, so that file is pretty easy to close. Other cases, again, will go to a full-fledged penal investigation.

**Mr. Scott Andrews:** Are there any of those full-fledged criminal investigations under way at this time?

**Mr. Marc Mayrand:** There are a number.

**Mr. Scott Andrews:** How many?

**Mr. Marc Mayrand:** I couldn't say by memory. As I said earlier, there are around 300 active files with the commissioners.

**Mr. Scott Andrews:** One of the active files would be what happened in the riding of Guelph. There were a number of allegations there. Are you familiar with that particular file?

**Mr. Marc Mayrand:** Yes.

**Mr. Scott Andrews:** What stage—

**Mr. Marc Mayrand:** I received a fair number of complaints on this one.

**Mr. Scott Andrews:** At what stage are the complaints regarding this?

**Mr. Marc Mayrand:** I think it's progressing well. I understand it's almost completed. I trust the commissioner will advise plaintiffs in due course—pretty soon.

**The Chair:** Thank you.

We'll now go to Mr. Mayes, for seven minutes.

**Mr. Colin Mayes (Okanagan—Shuswap, CPC):** Thank you, Madam Chair.

Mr. Mayrand, in your opening statement you said these rules have been put in place in recent years to avoid undue influence of single large contributors. As an elected person, everybody influences me to a certain extent. What is perceived as undue influence is what I would call reasonable influence and unreasonable influence.

I'd like to give you a bit of a scenario. Let's say a political party was holding a convention and all of a sudden a certain sector of the economy put in huge amounts of money to sell advertising and to really support the convention. Would you not think that was unreasonable influence on the people who are going to be making policy decisions on behalf of Canadians?

I think that's the issue here, and I think if you don't address that issue you're going to open the floodgates. If the NDP were allowed to get away with having this influence of unions on their policy-

making ability in this place, then you're opening the floodgates for every sector to come forward and support political parties at these conventions. I think that is not the intent of the regulations that were put in place. They were put in place to get rid of that type of undue influence.

So what would you say is reasonable influence and unreasonable influence?

● (0920)

**Mr. Marc Mayrand:** As I mentioned in my opening remarks, the test is whether it's a contribution under the act of no more than \$1,100. Any amount above that would be prohibited; it would be illegal. I also should point out that the legislation does not put any prohibition on parties conducting business transactions—I mentioned a few examples earlier—so it leaves us to the general schema of the act, especially the provision that prevents circumventing the limit on contributions.

In the case at hand, again, for us it's not a matter of whether the transaction achieved undue influence; it's whether the transaction was above the limit of \$1,100 per the individual who is contributing.

**Mr. Colin Mayes:** For instance, we talk about fair market value—fair market value for advertising at the Super Bowl is different from fair market value for advertising on a regular TV spot. At a convention, I'd have to say it's a premium because you're influencing decision-makers who are going to be setting policy in the country.

Again, what I'm saying is if we let these doors open, where is the limit? What is fair market value? Who's going to determine that? I think Canadians are watching these conventions on TV and they're seeing the signs of these unions. There is some advantage to those who are advertising at these types of events.

If you open that door, you're going to end up with huge corporations and unions that are going to take advantage of this. Knowing they are going to be seen as influencing a particular party, that, to me, is undue influence. Would you agree?

**Mr. Marc Mayrand:** I don't disagree. Again, I have to refer to the legislation.

Parliament may want to consider prohibiting advertising and sponsorship altogether at party conventions. It hasn't been the case so far, so we're left to determine what the market is for the particular transaction. Is there a market, and what is it? If there is one, is the transaction normal in that market?

**Mr. Colin Mayes:** I know this puts you in a difficult position, but would you consider what was done at the NDP convention, with the unions putting forward advertising to support the convention and to pay for the cost of that convention, a reasonable influence or an unreasonable one?

**Mr. Marc Mayrand:** I will not comment on a specific case. I would just point out that I referred the matter to the Commissioner of Canada Elections.



**Mr. Colin Mayes:** I think it's important that this particular question be answered, because if we let this go, we're going to find that we're just opening the floodgates. I think it's important for this committee to ensure that we answer the question and say, "You've gone too far here. This is the wrong thing to do. This was not the intent of the act. You knew that, and, knowing better, you accepted these contributions."

**The Chair:** You still have a minute and a half.

**Mr. Colin Mayes:** I'm done.

**Mr. Dean Del Mastro:** Mr. Mayrand, you've mentioned a couple of times that it's the role of the Commissioner of Canada Elections to determine if in fact these contributions exceeded the \$1,100 limit. Can you clarify—because I think things can get convoluted a little bit, and that's not your intention—the donation limit for a registered trade union in Canada donating to a political party?

• (0925)

**Mr. Marc Mayrand:** Nil. Only individuals can make contributions.

**Mr. Dean Del Mastro:** It's absolutely nothing.

I think what Mr. Mayes is saying is that if we don't determine this whole issue of market value.... Look at the number of folks who attended that convention. If I were to, for example, attract half that many to a breakfast in Peterborough and then went out to corporate union entities and suggested to them that the NDP received north of \$100,000—we don't know exactly how much, but certainly it was tens and tens of thousands of dollars—I could raise half of that as advertising revenues, call it fair market value, and be done with fundraising between now and 2015. I'd never have to raise another dime. I could allow every single person who came to that event to come for free. Heck, we could serve steak and eggs. It would be fantastic. But you know what? It's in contravention of the act.

Thank you.

**The Chair:** Give a very brief response please, Mr. Mayrand.

**Mr. Marc Mayrand:** I don't have comments. I think Mr. Del Mastro answered his own question.

**The Chair:** Thank you.

We're actually going into the five-minute round now. I'll just remind committee members that five minutes includes your questions and the witness responses.

We'll go to Monsieur Boulerice.

[*Translation*]

**Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP):** Thank you, Madam Chair.

Mr. Mayrand, thank you for joining us this morning.

Before I ask my first questions, I just wanted to point out that Mr. Del Mastro has gone down a dangerous road in his seven minutes, as interesting as that was. He managed to deliver a speech without asking any questions. I find it curious that someone would want to invite people and make comments and allegations, but have no valid questions to ask.

There was much ado about nothing in this whole story—just a lot of claims, allegations, just hot air: "gone with the wind" like the famous movie. I think it is just a diversion, while the Conservative Party is in hot water in terms of real instances of election fraud.

Just now, Mr. Del Mastro said that he did not need to present any evidence as to the union sponsorship at the NDP convention, since we were all able to see it.

Do you think that seeing ads at a convention is reason enough to make public accusations?

**Mr. Marc Mayrand:** I am going to let the committee members decide what should be made public and what shouldn't. I received a letter with allegations of potential illegal activities. I have referred it to the commissioner so that he can establish exactly what the facts are and see what transactions took place during the event.

**Mr. Alexandre Boulerice:** That's great.

In your view, do organizations, associations or unions often buy advertising at political party conventions?

**Mr. Marc Mayrand:** I have no precise information on that.

Are you talking about conventions?

**Mr. Alexandre Boulerice:** Yes.

**Mr. Marc Mayrand:** One of the parties said that it did not accept any advertising or contributions. As I told the committee members just now, there is no precise information in the financial returns we get.

**Mr. Alexandre Boulerice:** Why don't we leave the Conservative fantasyland and recall some facts? I feel that it is important to understand the context, especially this week.

Senator Doug Finley, the Conservative Party's former national campaign director, was found guilty of election fraud. Senator Irving Gerstein, the Conservative Party's fundraiser, was found guilty. Michael Donison, the Conservative Party's former director, was found guilty. Susan Kehoe, the Conservative Party's interim director, was found guilty.

Elections Canada conducted an investigation on all of them. What were the reasons for the investigation? What were they accused of?

**Mr. Marc Mayrand:** I think we are going a bit off topic, but I would like to clarify something at least.

The people you are talking about have not been found guilty or in breach of the Canada Elections Act. The case is still before the courts and I should probably keep my comments to a minimum this morning, out of respect for them.

**Mr. Alexandre Boulerice:** Thank you.

As we know, the Conservative Party resorted to a ploy in order to exceed the election spending ceiling. They used local money to pay for expenses that were actually for national advertising. Those expenses had nothing to do with the candidates' local campaigns. It was more about passing off national expenses or contributions as riding expenses. We know that the Conservative Party spent \$1.1 million over the \$18 million provided for under the Elections Act at the time.

In your opinion, what is the potential impact on Canadians when a political party manages to circumvent the Canada Elections Act in order to spend more money than its competitors?

● (0930)

**Mr. Marc Mayrand:** I would like to be very discreet on this matter. The issue is still before the courts. On the civil side, the Supreme Court has heard a leave to appeal. We are waiting for the court's decision. On the criminal side of things, the charges were laid in the spring, and we will see what happens in court. At the moment, I think it is up to the courts to issue a ruling.

**Mr. Alexandre Boulerice:** Then...

**The Chair:** You have five seconds left.

**Mr. Alexandre Boulerice:** So I will use them to thank you, Madam Chair.

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

[English]

Mr. Butt, five minutes.

**Mr. Brad Butt (Mississauga—Streetsville, CPC):** Thank you very much, Madam Chair.

Thank you very much, Mr. Mayrand, for being here today.

Mr. Boulerice was suggesting there was no evidence of any of this sponsorship. I would be more than happy to send over the pictures of the signage. It was all over the convention. It's quite clear there's a ton of evidence to show there was considerable inappropriate sponsorship of this event.

Mr. Mayrand, is it reasonable to advertise at a convention for \$35,000 when your audience is around 500 people? Would that seem to be a reasonable, fair market value for advertising?

**Mr. Marc Mayrand:** It certainly raised questions.

Again, we'd have to do a full review of the transactions. I'm sorry, I can't add much more than what I said earlier. You'd have to look at what was the fair market value of the transaction. Again, that's among some of the matters that the Commissioner of Elections will have to look into.

**Mr. Brad Butt:** As far as the legislation is concerned, what is the difference between sponsorship and advertising? How do you define the difference between those two? I'll give you an example. If on the signage it says, "private reception with Jack Layton", sponsored by an organization, is that different from general advertising, and how does that fit within the rules?

**Mr. Marc Mayrand:** As I pointed out earlier, the legislation does not draw that distinction. I think it's a term in common use that has been used in discussion with parties over the years. The common understanding, if I may suggest, is that there's a difference between advertising and sponsorship. There's an element of gratuity in sponsorship sometimes. Normally, sponsors will offer more money than what the market is looking for. That being said, as I mentioned earlier, the issue for the commissioner will be to determine what was the transaction, what was the nature of the transaction, how much money was exchanged, and was it done at fair market value.

**Mr. Brad Butt:** If a convention is sponsored by a bunch of corporate or union entities and that results in the party being able to

charge considerably less for delegate fees to attend, in other words if it is subsidizing the delegate fee that individual delegates would have to pay...? I had to pay my \$1,000 to attend the Conservative Party convention that we had in June. I paid for it personally; nobody subsidized that. That was the cost for all the delegates to ensure that the convention ran and could be paid for by us as individuals. If an entity comes in and sponsors, and that allows a political party to charge \$250 as a delegate fee when the true cost divided up among all the members attending would be \$1,000, would that be an illegal subsidy that the presenting sponsor was providing to a convention?

● (0935)

**Mr. Marc Mayrand:** It would be an indirect contribution. The difference in the amounts, if I understand your example, would be \$750. That would be seen as a contribution from whoever paid that amount. If that entity is not an individual, it would be an illegal contribution.

**Mr. Brad Butt:** You did indicate that the commissioner is investigating the 2011 NDP convention in this regard?

**Mr. Marc Mayrand:** He is looking into it, that is correct.

**Mr. Brad Butt:** Will that be within the scope of what the commissioner will look into? Will the illegal subsidization of delegate fees through sponsorship be a part of the investigation?

**Mr. Marc Mayrand:** I cannot speak on the specifics of the case and the specific actions of the commissioner, but I am confident that they will look at all aspects of—

**Mr. Brad Butt:** You mentioned that the 2009 NDP convention is also under investigation for sponsorship. Did I hear you correctly?

**Mr. Marc Mayrand:** That's been referred to the commissioner.

**Mr. Brad Butt:** That was two and a half years ago. How long does it take you folks to investigate these kinds of things and report back to Parliament?

**Mr. Marc Mayrand:** The convention may have occurred two years ago, but that doesn't mean it was brought to our attention at that time. In fact, for the 2009 convention, I believe things were brought to our attention in late spring, just before the election.

**Mr. Brad Butt:** We've been talking about a party convention here...

Am I done?

**The Chair:** You have five seconds.

**Mr. Brad Butt:** Okay, that's fine.

Thank you, Madam Chair.

**The Chair:** Mr. Angus, you have five minutes.

**Mr. Charlie Angus:** Thank you.

Thank you, Mr. Mayrand. I appreciate your coming this morning.

It's interesting. This is really turning our committee into Mr. Del Mastro's personal court. I notice he didn't bother to ask you any questions. Perhaps he wasn't really interested in any answers. It would seem that the writer of the Canada Elections Act is now Mr. Del Mastro, who seems to have lots of evidence over there. He got his friend Mr. Butt to claim \$35,000 on something. I don't know where that information came from. Mr. Del Mastro certainly has lots of charges to lay out.

I want to get back to whether there are any New Democratic Party officials up on criminal charges for illegally receiving contributions in the manner of \$10,000, \$20,000, \$30,000—I think he hit \$50,000 at one point. Are there any officials up on charges?

**Mr. Marc Mayrand:** I don't comment on specific files. All I can say is that charges would be public, of course, and I'm not aware of any charges.

**Mr. Charlie Angus:** You are not aware of any charges.

When the 2006 audits came back to you, audited by third-party auditors, to find fair market value—my colleague seemed to have a problem with fair market value, but it is the law, and if you follow the law, then you don't get charged. In 2006 they brought their elections audits and you found four key people—Doug Finley, Mr. Gerstein, Susan Kehoe, and Michael Donison, who was director of the party—to have broken the law. Included in that, as you told us, were 67 riding associations.

It is interesting. These guys are up on criminal charges, and I know you don't want to comment on them, but Mr. Gerstein, who broke the electoral laws of Canada in the largest electoral fraud scheme in history, is now appointed by Prime Minister Harper to live off the taxpayer for the rest of his natural born life, as a senator. I find it quite outrageous that a guy who introduces himself as a senator says “I'm a bagman and I'm proud of it”. That's the only reason he's a senator, and he's up on criminal charges. We are subsidizing the Conservative Party through its campaign manager, through its chief bagman, to sit in the Senate and send out—as Mr. Gerstein continues to send out—all the fundraising letters for the Conservative Party, while being paid by the people of Canada.

Those four are up on charges. Then you mentioned the 67 riding associations, and I want to be really clear here. Not all Conservatives are criminals or crooks. There are many honest Conservative riding associations that had nothing to do with the in-and-out scandal because they knew it was illegal, including Inky Mark, who was a great member of Parliament.

I want to get to the issue here on the illegalities of what they tried to pull on this in-and-out scandal. They broke the election ceilings, ceilings that are intended not to give them an unfair advantage, and then they told the riding associations that they could go through their Elections Canada return to receive money that they weren't entitled to. This was a scam. This was a money laundering scheme. And 67 Conservative riding associations dutifully went to Elections Canada and tried to claim money to which they were not entitled, that they then would put in the pocket of the riding association to carry on activities. That is extraordinary. I don't think we have ever seen such a cynical misuse of the electoral process.

We have no New Democrats up on electoral charges right now.

Mr. Andrews, do you know if anybody in the Liberal Party is up on charges right now?

However, we have the four leaders of the Conservative Party who are up on criminal charges and they're up this week in court. Perhaps there is a reason for Mr. Del Mastro calling this a kangaroo court session, but I'd like to ask you, in terms of those 67 riding associations...were there other riding associations of the Conserva-

tive Party that did not attempt to go along and claim money to which they weren't entitled?

● (0940)

**Mr. Marc Mayrand:** I should point out first that the matter before the court does not involve riding associations; it is candidate campaigns.

**Mr. Charlie Angus:** It's candidate campaigns, I'm sorry.

Thank you.

**The Chair:** You have 30 seconds left.

**Mr. Charlie Angus:** I really appreciate your coming today. We will go back to seeing what Mr. Del Mastro wants to go hunting after next, whenever he decides to give us our instructions, now that he seems to be not only writing the Canada Elections Act but certainly trying to run this committee into the ground.

**The Chair:** Thanks, Mr. Angus.

The final question goes to Mr. Carmichael, for five minutes.

**Mr. John Carmichael (Don Valley West, CPC):** Thank you, Madam Chair.

Mr. Mayrand, thank you for coming this morning.

I'd like to go back to the initial purpose we're here for, separate from the lectures you've been receiving.

With regard to sponsorship and advertising, I come from a business background and so have been exposed to many galas and different charitable events. When you run a charitable event, you appeal to many hundreds and thousands of attendees and you establish your values on sponsorship based on your reach. The question is, what's that fair value? Obviously, it's what the market will bear.

The regulations, and the act itself, clearly were designed to ensure that undue influence was not exercised by any organizations, etc. We've seen the pictures. I can tell you from the pictures, for the numbers we're hearing, whether the range is \$10,000, \$20,000, or whatever it is—to Mr. Angus's comment, I don't know what the actual number is, but obviously it's 10, 20, 30 times the allowable limit—that I wouldn't have been able to get away with this in the private sector. This is not acceptable. I'm very concerned, from a fair value, how you establish the true reach, particularly when you only have a few hundred people who come to the convention.

The other side of that, on the advertising side—and I am coming to a question for you—is that in my market, in Toronto, our major newspapers will cost out for a full page advertisement anywhere from \$15,000 to \$30,000 a day. The objective is to reach hundreds of thousands of people. My concern is, as we look at this—and we've heard all of the comment—how you establish fair value versus undue influence when you're trying to get your hands around people who are circumventing, clearly circumventing, the rules, which exclude them in the beginning, as far as contributions go. How do you establish that fair market value?

I know you've said you have to refer to somebody, but I wonder if you can be a little clearer as to your perspective on it.

**Mr. Marc Mayrand:** Again, the first question in my mind will be what's the market here. Who are the players in that market and how do they trade in that market normally? In the case of a political convention, it raises, of course, a *prima facie* question: what's the market there? Why would a third party spend money on a political convention?

**Mr. John Carmichael:** I think we know the answer to that, but that's what we're hopeful you can answer.

**Mr. Marc Mayrand:** Well, I think that's going to be the commissioner's role—to gather, first, all the facts about the transactions that occurred.

**Mr. John Carmichael:** Could I ask you just one more question? You spoke to Mr. Butt about it.

When you've got, let's say, \$1,000 per registration for one convention and another is being subsidized at \$200 or \$300 due to the support from sponsors, in the event that the sponsors were found exercising undue influence and in fact challenged, would the attendees at that conference be charged back the difference? Is there a mechanism to go after the attendees at the conference, to have them repay the difference between fair market and the subsidized value?

● (0945)

**Mr. Marc Mayrand:** If I understand your example, in the case where a third party would subsidize participation to the party, the party would have to return the equivalent of funds to the third party who subsidized.

**Mr. John Carmichael:** Good. Thank you.

**The Chair:** That's it, Mr. Carmichael. You've got a minute.

**Mr. John Carmichael:** A minute?

Anybody else?

**Mr. Dean Del Mastro:** Mr. Mayrand, we've heard a number of salacious accusations by my colleague across the way. Of course, it's unfortunate when the light is shone in your own backyard that you have to throw a smokescreen and get angry, as opposed to just being forthcoming.

Has the NDP been forthcoming regarding the 2011 convention? Has it, in fact, presented Elections Canada with the total it received from the large trade unions? We've got the photo of the billboard that says "Thank You to Our Sponsors". Has the NDP, in fact, indicated to you how much it received? It hasn't indicated to the Canadian people how much it received. We know we had three significant trade unions speak in *Le Devoir* and indicate that they wrote very

large cheques to the NDP. Has it been forthcoming to you, to Elections Canada, on exactly how much it received?

**Mr. Marc Mayrand:** Again, they are under no duty to report on their financial transactions until July next year.

**Mr. Dean Del Mastro:** Right. They're under no duty, but we've called upon them to be transparent. They haven't done so.

**The Chair:** Mr. Del Mastro, you've used up your time.

I want to thank you very much for coming before the committee, Mr. Mayrand. I just want to turn back to the committee.

We have some committee business to deal with. Do you want to deal with it in public or in camera?

**Mr. Dean Del Mastro:** Everything is in public.

**The Chair:** Everything's in public. We'll suspend for two minutes.

● (0945)

(Pause)

● (0950)

**The Chair:** We have a number of pieces of committee business. I'll start with the easy pieces. I have a couple of reminders for the committee. One is that the International Conference of Information Commissioners is currently under way, and all members of the committee are invited.

I'm just going to turn to Dara to say a few words about it.

**Mrs. Dara Lithwick (Committee Researcher):** Hi. On behalf of the committee, I am attending the conference right now. I'll be going there after our meeting this morning. Again, members of the committee are invited to attend. It's definitely open to all members of the committee. There are well over 200 delegates at the conference from all over Canada, the United States, Europe, Australia, etc. There are multiple sessions going on, on all aspects of access to information, developments, and that sort of thing. Actually, it's quite interesting. It's not just lawyer-speak and that sort of thing. It's a great conference. That's about it.

Thank you.

**The Chair:** Great. Thanks.

The second piece is—and I believe the committee has already agreed to this—that there's a luncheon with the delegation of international commissioners Thursday at noon in the Commonwealth Room. That's just a reminder for you. I'm sure you've got the information in your offices.

The next piece of committee business is the request for the budget. I think you've got approval for the budget and the budget before you. I have a motion here that I would look for somebody to move: that the proposed budget in the amount of \$15,600, in relation to the study on the access to information dispute and the resulting court actions concerning the CBC, be adopted as presented.

Is it moved, Mr. Del Mastro?

**Mr. Dean Del Mastro:** Yes.

**The Chair:** Seconded, Mr. Angus?

Are there any questions on that?

All in favour?

(Motion agreed to)

**The Chair:** The final piece of business, and there is a question for the committee on this, is the witness list for the study. The question for the committee—this is a working document for the committee—is whether or not the committee wants this witness list released or whether you want to keep it as a working document for the committee. That's one question, and the second question is comments on the witness list.

Mr. Del Mastro.

**Mr. Dean Del Mastro:** Thank you very much, Madam Chair.

I personally have no objection to the witness list being released. It should be updated with any organizations or individuals who have in fact not elected to accept the invitation to appear before our committee.

Madam Chair, I would make members of the committee aware that I sent a draft to the clerk of the committee last week requesting that the clerk of the committee research and present, in both official languages, the ruling from Justice Boivin, to be presented to the committee as evidence in this study.

I would also move to strike Justice Boivin from the witness list.

**The Chair:** Just as a point of clarification, Mr. Del Mastro, did I understand you to say that you wanted this list to also reflect witnesses who declined or refused to attend?

**Mr. Dean Del Mastro:** No. I would simply say that it be updated to remove names of those who have declined, so that it only lists individuals or interested parties who will be appearing.

**The Chair:** My understanding is that this is what this list is, a list of people who are able to attend.

I am going to ask the clerk to give us some more information.

**The Clerk:** Thank you, Madam Chair.

The calendar as circulated lists the witnesses I have been able to confirm. The calendar was circulated to members.

The witnesses who have declined the invitation have been omitted. Basically, members can make the deduction: the people who aren't on the calendar have all declined. That's where I am with that.

The ones who haven't been confirmed are still on the calendar, but there is no "confirmed" shown beside the name. That's the only difference.

• (0955)

**The Chair:** Are there any other questions about the witness list?

We have a motion to strike Mr. Justice Boivin from the list. He has declined, but you can certainly present that motion.

Did you present a motion?

**Mr. Dean Del Mastro:** He has declined and already been stricken from the list?

That's fine. Thank you.

**The Chair:** Mr. Andrews.

**Mr. Scott Andrews:** I have a comment on that. I'm glad to see that Mr. Del Mastro has been directed to strike Justice Boivin's name from the list. It was ridiculous that having a justice come before the committee was put forward in the first place. I'm pleased to see that he has come to his senses on that.

**The Chair:** Mr. Del Mastro.

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

I encourage Mr. Andrews to review the decision rendered by Speaker Milliken in the previous Parliament. He may find it ridiculous that members of Parliament might wish to seek answers to questions, but Speaker Milliken clearly ruled that members of Parliament are in fact entitled to request and seek such information.

It's of importance to this committee to note that not a single witness for this study is in fact compelled to appear. They're appearing because they have chosen to appear. That said, Justice Boivin's decision in regard to the matter at hand will most certainly be included as evidence in this study.

**The Chair:** Thank you, Mr. Del Mastro.

Are there any other comments on the witness list?

To clarify, there was no motion to strike; you withdrew that motion to strike.

**Mr. Dean Del Mastro:** That's right, this is just fine.

**The Chair:** Okay.

Is everybody in agreement with the witness list as it stands?

**Some hon. members:** Agreed.

**The Chair:** Is there any other committee business?

Mr. Del Mastro.

**Mr. Dean Del Mastro:** Yes. I'm looking at the witness list and am concerned about the number of folks we have piled in together for some of these sessions. I don't think it's a good idea, knowing that some individuals have more to say on this issue than others and that committee members have I think more questions for some folks than for others, that we construct the study as presented.

I would suggest, for example, that when on October 20 we have Gregory Thomas of the Taxpayers Federation, Michel Drapeau of the University of Ottawa, and Pierre Karl Péladeau of Quebecor all scheduled in that slot, the scheduling is going to be tight. I don't think we should have more than two witnesses in any given slot. I'd encourage the clerk to move perhaps Mr. Drapeau.

My understanding is that Jennifer Stoddart will not be appearing. She's there, but she's not actually appearing, is she?

**The Clerk:** You have the old version, Mr. Del Mastro.

**Mr. Dean Del Mastro:** Okay.

Would it be possible to give Mr. Drapeau or Mr. Thomas a call to see whether they can fit in to that session, perhaps in the second hour following Konrad von Finckenstein from the CRTC, and allow that we could have no more than two witnesses per two-hour period? It seems to be the way the rest of it is constructed.

**The Chair:** I'll ask the clerk to address that.

**Mr. Dean Del Mastro:** Thank you.

**The Clerk:** Thank you, Madam Chair.

I will certainly bring that back. The way the calendar fell is basically that I proposed two or three dates to many of these people, and given prior commitments and that kind of thing, this is where all of the dominoes fell.

I am certain Mr. Péladeau can't be moved; he does not have any other availability. As far as I know, I have offered Mr. Drapeau a couple of options, and this is the date he came back with.

With regard to Mr. Thomas, I can follow up.

I will do what I can to accommodate the members, but in the event that they can't be moved, do we want to proceed as scheduled? I need some direction from the committee on this.

• (1000)

**The Chair:** Mr. Del Mastro is next, and then Mr. Angus.

**Mr. Dean Del Mastro:** What I would prefer is that we move them. If they cannot be moved, I would understand that. But there is nothing limiting this study from going into November 3, 15, and 17. I am aware of the challenges you have had scheduling Mr. Péladeau, but if we can seek to offer the other two witnesses on that day another date, I think it would be better for the committee. I know there are a number of questions that committee members have for those individuals.

I would simply point out that on any other given day we don't have any more than two witnesses appearing in the slot, which I think is entirely appropriate.

**The Chair:** Before I go to Mr. Angus, I have a point of clarification. Your concern is with October 20, is it? The others you can live with?

**Mr. Dean Del Mastro:** The others are fine. I have no problem with those at all. I simply point out that having three witnesses in that slot is too much.

**The Chair:** Mr. Angus.

**Mr. Charlie Angus:** Thank you.

In all the committees I've been on, it was normal practice to have three in the first hour and three in the second hour. If we are getting down to two witnesses, it seems as though we are trying to drag this out as long as we can. It will probably set up a good chance to continue to beat up on the CBC.

If that's the agenda, then they will continue to beat up the CBC. I'm sure they will have a lot of opportunity to beat up on the CBC outside of this committee, but it's certainly a waste of our time to stretch this out, when we have issues on ethics and privacy and we are supposed to do the lobbying review.

But of course this is Dean's court. We're only the supplicants in Dean's court.

I would like to suggest that we follow normal practice, but we are going to get whatever we get. We could get down to one witness if he wants.

**The Chair:** I just have a reminder to the committee. We've also received the order of reference on the Lobbying Act, so there is going to be committee business that we will have to undertake at some point. My understanding is, if we can leave it at this.... The clerk has heard your concerns. Can we leave it to the clerk to see what he can work out, but with an agreement that if we can't change it, we will live with this October 20 date?

Will that work for everybody?

Okay.

Is there any other committee business?

Seeing none, I adjourn the committee.

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