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**Tuesday, October 29, 2013**

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**Chair**

**Mr. Joe Preston**



## Standing Committee on Procedure and House Affairs

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• (1100)

[English]

**The Vice-Chair (Mr. Kevin Lamoureux (Winnipeg North, Lib.)):** Good morning. I call this meeting to order.

At our last meeting we ended with Mr. Cullen's concluding remarks. I think there was some thought that we might be going to Ms. Turmel.

Go ahead, Nathan.

**Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP):** Thank you, Chair. It's only to clarify with you that we're not in camera. Is that correct?

**The Vice-Chair (Mr. Kevin Lamoureux):** So that everyone is aware, we're actually debating the amendment to Mr. Reid's motion.

Go ahead.

**Mr. Nathan Cullen:** First of all, great job chairing so far.

**Some voices:** Oh, oh!

**Mr. Nathan Cullen:** It's been flawless. I have no complaints. It has been a minute and it's been good so far.

Our concerns remain. We have the motion by Mr. Reid that was then somewhat helpfully amended by you, Mr. Lamoureux, in your former position as not chair.

What I'm hoping for over the next while from the government, and potentially from Mr. Reid because it's his motion, is on the two main questions that we posed when this was first presented to us. They were, why the panic and how does this make things better? We've had some reference back from the House, from the clerk, as to what the potential impacts might be, yet the lack of argumentation from the government as to why they're doing this should give us all concern. Certainly in the opposition it gives us concern. We know Mr. Reid as a thoughtful parliamentarian and that he usually doesn't do things without a reason. Yet we have found ourselves over the last couple of meetings, since he presented this motion and under some questioning in the House, lacking a rationale or justification or some sort of bearing from him as to where he hopes to take Parliament in the way that we change our laws.

This has not been what I would call an elegant process to this point, Mr. Chair. It certainly wasn't the plan of the NDP coming to the Standing Committee on Procedure and House Affairs. We have two pressing matters that we hope to deal with today—well, three. One is the motion by Madam Turmel about the rules guiding in camera meetings. We hope to have a good conversation with the

government about that because there are rules that guide other public office holders from school boards and municipalities. Even the Senate, for goodness' sake, has guidelines about when you can and can't go in camera, yet in the House of Commons we don't. We have this play-it-as-you-go scenario, which is not very good for democracy. As we've seen the government struggle over the last number of weeks with issues surrounding accountability and scandal and whatnot, certainly a little transparency would do everybody a lot of good. So let's start with some of the foundations of Parliament's work, that is, our committees, not only here but all committees. That's what Madam Turmel's motion is about and she'll eloquently speak to that later.

A second order of business is that we have a direct order from the House to deal with the affairs of Elections Canada and Mr. Bezan on a question of privilege, a *prima facie* case, which has been directed to this committee. I'm casting no aspersions or blame. I don't know the case intimately or nearly enough to have a strong opinion one way or the other, but for any sitting member of Parliament to have this kind of ongoing conflict about an election they were in doesn't bode well. I'm sure that Mr. Bezan's interest will be to have that cleared up as soon as possible as well. We're the ones holding that question; this committee has to deal with that question. Our suggestion as the official opposition will be to seek a two-track implementation of that, and then there's the third order of business, MPs' expenses.

There have been a number of suggestions from all sides as to how to change the way we do things. Some changes have already made through the Board of Internal Economy, but the work is certainly not done in terms of the transparency of how we use taxpayer money as members of Parliament.

There are two tracks I'm suggesting, and we'll get into this a little bit later. I think Mr. Julian may have some comments. But we need to be able to clear up and come to some resolution on the case of Mr. Bezan, because that's a question of privilege. Normally in a committee—Tom and Mr. Reid will know this well—when a question of privilege comes through the House, the Speaker finds a *prima facie* case and sends it to us. It normally takes precedence over everything else we have to do, because there's been some disruption in the House as to whether a particular member has done something, and the Speaker says, "I see enough evidence so I want the committee to take this up and do it quickly."

With the loss of the month or so due to prorogation and the loss of another committee meeting this week, on Thursday, because of the change in the schedule to allow for the Conservatives to attend their convention, this committee is under some time pressure. By the way, Mr. Chair, we don't plan to occupy all our time on these points, but I wanted to lay the groundwork, particularly for my colleagues across the floor, as to what business we have in front of us. I suggest there is the need to press ahead and potentially, as Tom has indicated previously, book some extra meetings if the work requires.

• (1105)

We have a deadline of December 2, as we will all recall, to get back to the House with a report in hand that's been edited and approved by this committee. If one back-tasks from there, the ability to get all that done between now and then, with essentially the month of November to do the work, seems impossible from our perspective in the official opposition.

To suggest that we can do a good job of reforming, renewing, and reviewing all of the ways that we report expenses, and look at other legislatures and all the things in that motion, which we were directed unanimously by the House to do, and do that over the course of a potential seven meetings, that's not on for us. We're not going to do a good job. We'd have approximately four or five meetings to hear witnesses, one or two to write a report, and one to review it. That's not going to get the job done that Canadians expect us to get done.

Our suggestion is going to be that we'll certainly need more meetings, potentially with some evening sittings. We'll work out that calendar amongst ourselves so that we're also able to deal with the affair of Mr. Bezan as well, so there's not a competing interest, because certainly if I were in his place.... Again, I'll emphasize that I don't have a horse in this race. I don't have an opinion about the details of his case, but if I were Mr. Bezan I wouldn't want the procedure and House affairs committee coming back and saying that it would deal with me in a few months, in four or five, in the New Year, or that maybe in February to resolve this dispute between me and Elections Canada. That wouldn't make me feel very good or that I was having my issue dealt with properly.

We remain concerned—and I saw Mr. Lukiwski get himself on the list—that through all of this debate about this particular motion as amended by you, Chair, that we've yet to really hear any rationale and justification for it from the government, not once yet, and that seems passing odd. Normally when you have a very good argument to make, you make it. When you have a motion that's going to change the way we make laws in Canada and the process by which we amend bills, ideally to try to improve bills, and you feel like you have a good case, I've never known Conservative colleagues opposite to be shy of a microphone when they feel they have a good argument to make.

I hope that in the time we have available, which is not much today, because we've made some commitments in terms of voting on this resolution today, you will at least offer us something. Give the Canadian public some reason to believe your case rather than just saying, "Here's the motion, take it or leave it, vote for it or vote against it", because as it stands right now, clearly there's no support from the NDP for something that changes law without justification, and that's what we have in front of us.

Thank you for that time, Mr. Chair. I'll jump back in if need be, but I wanted to lay out the groundwork for our committee today so that it would know what's in front of us and know that we have a lot of incredibly important work to do, both on the personal level with Mr. Bezan but also on the larger level for all MPs and the Canadian public, with regard to how we spend money and how committees deal with in camera motions. In the light of all that's swirling around these days, I would imagine that the government would be keen on this, and in fact would be grasping for any symbol they could use to show the public, and their voters in particular, that they are in fact interested in transparency and accountability.

Too often, in camera motions, as you know, Chair, have been used abusively to just shut off the public from debates that members don't want them to see, rather than having anything to do with the usual reasons why a school board or a municipality would go in camera, which is to do with legal and personnel matters. Those are all legitimate. That's what we're proposing, that the tool exist but exist only for those very specific circumstances where in camera discussion is required and we have to shut the public out.

Thank you very much for that time, Mr. Chair.

• (1110)

**The Vice-Chair (Mr. Kevin Lamoureux):** Peter, I had you next on the list, but I know that Tom wants to get in, maybe to respond to what Nathan said. Is it okay if we have him next or did you want to follow...?

**Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC):** If Peter wants to go first, I'll respond after Peter.

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** If Mr. Lukiwski is speaking briefly, I wouldn't mind ceding and then coming back to speak after that.

**Mr. Tom Lukiwski:** Hopefully I won't take longer than Nathan, but he covered a lot of ground here, so let me just try to go over some of the points that Nathan was raising.

First, with respect to the calendar, I do agree that we have a lot of work in front of us. If we did a straw poll of most committee members, I think the majority of committee members would like to get to the study on MP expenses as quickly as possible, I agree.

I also agree with what Nathan said, that because we have the *prima facie* case as found by the Speaker on Mr. Bezan's case, they normally take precedence. If we try to do even a parallel track, as Nathan is suggesting, to deal with both the James Bezan case and the transparency case, we will have to figure out some sort of a schedule.

However, on the Bezan matter, and I don't know if we're going to get into a debate on when we might approach that, I will be arguing, based on the *sub judice* convention, that we should probably postpone that until after some legal resolve has been made. I know that according to Mr. Bezan, who approached me last week, his lawyers and Elections Canada are meeting as we speak. I think they started actually last Thursday.

I assume that most of the discussion, if we have it here in committee, would at least partially be in public, but if you know the *sub judice* convention I think the spirit of that convention—and it is a convention rather than a hard and fast standing order by design—would prevent us, frankly, from getting too involved in that, because it may be prejudicial to the court cases ongoing. I think that *sub judice* convention alone requires us to delay that somewhat.

Frankly, I think if one were to approach Mr. Bezan, I don't think he'd have a problem with that. Nathan was saying that maybe it would be detrimental to James to have this hanging over his head. I don't think it would be. I think he would prefer to have the court case dealt with, because that in itself might resolve our need to go further. That's number one.

Two, on the in camera motion, certainly we can have some discussion on that, but to go back to my point, I think our priority should be on the motion to examine transparency issues and MPs' expenses. If we need to schedule additional meetings to meet the December 2 deadline, we're certainly wide open to discussing what we need to do to get that done to meet that order.

Clearly we could ask for an extension. House orders before on many occasions have been extended. I'm not saying we're going to request that; I'm saying that's an option, obviously. If we want to meet the December 2 deadline, as we do, then we're going to have to start talking about what we need to do to amend our schedule. We're open to that.

With respect to Mr. Reid's motion, which is before us now, or at least the amendment, we have to conclude that today. We did pass a motion at the last meeting, as you know, Mr. Chair, to have that resolved at the end of this meeting at the very latest. We have to have a vote on that. We can certainly vote earlier if it's the desire of all committee members to do so.

Just as a quick response, Nathan, in terms of why the government hasn't given a reason why, clearly the motion as presented gives the members.... We call them "Independents". I know that some of the independent members, or the members not recognized as an official party, have objected to that. They feel it is some infringement upon their rights as parliamentarians.

We don't see it that way. Clearly all those members in question would have the ability to present amendments at respective committees. That gives them something they don't have now. So rather than taking rights away from parliamentarians, in fact that would give them that right.

Yes, it will preclude them from giving a bushel of amendments at report stage, but the fact is that the Speaker has already said that if there were a way to allow members to present amendments at committee, the report stage process would adapt to the new reality. Those were his words.

• (1115)

So this is in fact giving those members not recognized as official party members the ability to go to committee to present amendments, to discuss those amendments, and to have them dealt with at the respective committees, as opposed to the House dealing with them en masse at report stage. I think it's actually giving rights to the

members that they didn't have already. That's the position of this government.

What I would suggest, though, because I keep going back to the study—which I think is paramount that we get into it right away—is that we finish the discussion on Scott's motion. We'll obviously allow the opposition members all the time they wish. We have a deadline at the end of this meeting. Knowing that we have to vote on it—and I think the opposition members know where the vote is going to end—I would like to see us deal with it as expeditiously as possible. Then we could perhaps go to Madam Turmel's motion, discuss that as long as committee members feel it's necessary, dispose of that by way of a vote, and then finally get to the study on MP transparency and expenses. I think that's where we need to get to as quickly as possible.

Also, Chair, Mr. Preston will be gone I think for the remainder of the week. I'm not sure if committee members know the reason why, but it is a personal issue that he's going to have to deal with, a family issue. He may not be back until next week, which puts you in an awkward position if you have an amendment on the floor but are acting as chair. I'm not sure how you can act—

**The Vice-Chair (Mr. Kevin Lamoureux):** We'll get through that one way or another.

**Mr. Tom Lukiwski:** Okay.

So let's see if we can deal with the motion of Mr. Reid as quickly as possible; at least, that would be my suggestion. If you want to wait until the end of the meeting to vote, that's your choice, but the quicker we can dispense with that, the quicker we can get to Madam Turmel's motion, and the quicker we can deal with that motion, then finally I think we can get to the study on MPs' expenses. Hopefully, we can deal with that and get that all arranged before the end of this meeting today.

Thank you.

**The Vice-Chair (Mr. Kevin Lamoureux):** Peter, I know you were supposed to be next, but your colleague Nathan just wants to provide a quick comment, if that's okay, and then we'll return to you.

**Mr. Peter Julian:** Yes, I definitely would allow my colleague Nathan to comment.

**Mr. Nathan Cullen:** Thank you, Chair.

Very briefly, just on the two-track notion, Tom, I hear what you're saying about Mr. Bezan feeling comfortable with what's.... I know we have *sub judice* practices, but there is certainly no guidance or rule. The difference for us is that the privilege argument was raised in the House with respect to members' privileges, and the Speaker found in favour of that argumentation by a whole bunch of people, including Mr. Scott.

Just so committee members can envision this, as an example of how a two-track process would work, one of the likely first speakers to come in with regard to MPs' expenses—and this was a suggestion by Theresa, which I think is a good one—would be the Clerk of the House of Commons. That is someone we've identified already. Wearing another hat, she can also address, at least in terms of the House function side, what the question of privilege means with respect to Mr. Bezan. We're not talking about complicating things. We would have a witness who you would actually call twice. She would just have different supporting staff in order to speak to that. That's just one thing in terms of what we imagine in the two-track process for us.

In this one, in terms of what Elections Canada and the court will be doing, it's somewhat different from what's happened in Parliament in terms of our argumentation with regard to a member standing and voting, which is the particular... That's what the Speaker found in favour of: that there's a question about this. That's not great, and it's not great to wait for lawyers, with no offence to any who are present, because they don't always finish something off expeditiously.

The only other point I want to make is that as we get through this—and there's some urgency in getting through a debate on this particular part—I would see that the committee allow our...not the independents, but our folks who are not officially part of one of the "recognized parties", whatever term we use.... We have to find a catchier phrase for that. It doesn't fit on Twitter.

• (1120)

**Mr. Tom Lukiwski:** The artist formerly known....

**Mr. Nathan Cullen:** Yes, "the artist formerly known"....

I would say that we need to allow them at least some interjections today to make a case to committee members, because this affects them, particularly Ms. May, who has been able to apply the tactic of using amendments to bills at the final stages of their hearings. That's who we're talking about. If committee members could see it in that light, Chair...?

Those are the two things I wanted to speak to specifically. One is that I think we can have a two-track process that respects things, but the House has heard it from the Speaker. Regardless of what Mr. Bezan's lawyers think timing-wise, I think we can do something with this, certainly with the clerk as an initial witness, to hear what this means and what precedents we have and whatnot, and also allow Mr. Bezan to make his case if he feels that.... And we can also allow Ms. May to speak to this particular motion, which deals primarily with her.

Thank you.

**The Vice-Chair (Mr. Kevin Lamoureux):** We're going to go to Peter, then David, who is on the list, and then we have a request from Elizabeth. At that point, we'll ask for the leave.

Go ahead, Peter.

**Mr. Peter Julian:** Well, I'm just going to speak very briefly.

I'm pleased to hear, Mr. Chair, that the Conservatives are willing to make up for the mistakes they've made over the past few weeks in terms of MPs' expenses. We were mandated by the House of Commons in June, and then the Conservatives prorogued the House,

and now we've come back and we have a motion that I certainly consider frivolous. It doesn't advance in any way the work of the House, and it is actually very detrimental to the rights of independent members or members who are not part of a recognized party. So after all these delays now, I'm happy to hear that the Conservatives are actually going to start repairing what they've broken and allow for additional meetings so we can finally start tackling MPs' expenses.

Mr. Chair, as you are well aware, this never needed to happen. We could have been meeting; we haven't been. We finally get together and we have this motion from Mr. Reid, which brings no benefit and simply forces independent members into a very difficult situation. I'm very pleased to hear that the Conservatives will be allowing us to double up the meetings. We have an important study to do and we have to complete it by December 2. I think the groans you heard from this side make very clear that we do not want to extend that date. Canadians expect us to meet that date, and the House of Commons has mandated us to meet that date. That will mean having additional meetings. We might have to work evenings. We're happy to do that because Canadians expect us to.

My final comments are just in regard to this motion from Mr. Reid. We heard last week from the clerk that what this does is destroy the report stage rights of independents and members who don't belong to a recognized party. The attempt of the government is to suppress those rights. I find it despicable. I will be voting against this. There is no way to justify this motion that is simply designed to eliminate the rights of some members of Parliament. Quite frankly, Mr. Chair, the reality is that every member in the House of Commons was elected by their constituents, their voters in their riding. They have the right to present amendments. This takes this ability of independent members and non-recognized party members away at the report stage. I find it deplorable that the government would move to oppress those rights.

**The Vice-Chair (Mr. Kevin Lamoureux):** David.

**Mr. David Christopherson (Hamilton Centre, NDP):** Thank you very much, Chair. I also will be brief. I've already had a fair bit to say about this motion.

**Some hon. members:** More, more.

**Mr. David Christopherson:** Really? Careful. I'm from Hamilton. Be careful.

**An hon. member:** Be careful what you wish for.

**Mr. David Christopherson:** I just wanted to put on the record a reminder for all of us of the way it was done, too. That can't just be skirted over, especially since this is part of the process of law-making. It may not necessarily be the formal, main runway of making laws and the things that we normally deal with a lot, but it is part of the process. It speaks to the rights of ordinary members of Parliament, in this case members who don't belong to an official party.

I do take exception to Mr. Lukiwski's point of view that, you know, they used to have this right over here, and we're just moving it over here, no big deal. Well, I've got to tell you, I think it's a big deal when a member of Parliament has certain rights they're allowed to exercise on the floor of the House of Commons versus those rights being taken away in the House and transplanted to committee. To say that you have the equal right at committee that you once had at the House level just doesn't pass common sense. It doesn't pass the smell test.

In the whole House of Commons, the most important chamber in the whole nation, you have rights. Now they're going to be gone, and they've been sent to a committee. Committees are important, but not as important as the House.

It speaks to the process. This is a big deal. If the government didn't see it as a big deal, they should have. It was brought in here sort of willy-nilly. It was laid on the table as, oh, by the way, we have a motion while we're considering routine motions and routine business; we have a little something. Boom! It's a little something that changes the way we make laws and takes away rights that members have. That's not little, not where I come from.

I think it's been disappointing, the way the government has handled this. I think it's disappointing that we all find ourselves in a situation where we did agree to limit the discussion, not because of its lack of importance but because we do have other business and it is equally important. We obviously will be voting against it. We would on principle. Even if it was a good idea, just the way the government did it deserves to be condemned and voted against.

The last thing I want to say, Chair, is that I was, however, very pleased to hear Tom talk about the willingness to do a two-track process. I want to underscore the position of our caucus chair, Mr. Julian, that changing the December 2 date is not on. It will only, it can only, be viewed by the public as this: the politicians haven't yet figured out how they're going to make it look like they're giving something without really putting anything out in the public domain. That's what it's going to look like, and that's the opposite of the intent, I believe, of all member of the House.

Beside that, the issue of Mr. Bezan—I mean, that's huge. A prima facie case of privilege on the part of the Speaker? That's a big deal. It stops everything. Everything stops when the Speaker says he has found a prima facie case of privilege. So to suggest that this has to take a back seat to anything is equally unacceptable.

I was very pleased when my House leader mentioned the idea of a two-track process, because it's the only way to really do the proper business before us in a way that respects the priority of both of them. Don't change that December 2 deadline. Even if we have to work weekends and nights, don't do that. Get a second track going. Get it in there. It's going to take a lot of work.

We've been around this kind of thing before, Tom. You know the amount of time it takes. We need to make sure there is that time. But you can't push Mr. Bezan's issue back, so the only thing that makes any sense is that there be two tracks.

• (1125)

My colleagues collectively will call the shot on this today, but I have to say, Tom, that at least for me, that sounded very, very

reasonable, and very doable, way of dealing with this motion, as unfortunate as it is that time is being limited. But having dealt with that, moving on to Madame Turmel's equally important motion, we also need to set up a process so that when we leave here today we all have the confidence that work on both the MPs' expenses file and the reference from the Speaker will start immediately, and that the two of them will move in parallel to meet timeframes that our colleagues in the House expect from this committee.

I will conclude again by lamenting and expressing concern at the government's view of democracy. I know it's a lot different. I've been here awhile. I was here when a lot of these government members were on this side of the House and this side of the committee and viewed this sort of thing a lot differently. It's simply part of the narrative that this government is laying down by virtue of its actions and its track record that it's one of the most undemocratic governments we've ever had in Canada. The evidence is piling up, not only in the House of Commons but, lo and behold, also down the hall in that other place.

You have the majority, and the government will win this vote, but understand, Mr. Chair, this won't be forgotten. This will not be swept under the carpet. There will be a day of reckoning. It's called an election, and at that time this government and every member in it will be held to account for its approach to democracy or, more importantly, their lack of respect for democracy.

Thanks, Mr. Chair.

• (1130)

**The Vice-Chair (Mr. Kevin Lamoureux):** I actually have Tom, then it is Elizabeth.

Tom, if you want to respond, then I'm going to be asking for leave for.... Did you want Elizabeth to go before you?

**Mr. Tom Lukiwski:** It doesn't really matter. I want to go in order. I thought Elizabeth might have been before me, but if I'm—

**The Vice-Chair (Mr. Kevin Lamoureux):** That's what I thought, but it was written down differently so I'm going by what I see in print. Why don't I simply ask the question. Is there leave to allow Ms. May to be able to present to the committee?

**Mr. Tom Lukiwski:** Sure.

**Some hon. members:** Agreed.

**The Vice-Chair (Mr. Kevin Lamoureux):** For both members?

**Some hon. members:** Agreed.

**The Vice-Chair (Mr. Kevin Lamoureux):** Go ahead, Elizabeth.

**Ms. Elizabeth May (Saanich—Gulf Islands, GP):** Thank you, Mr. Chair.

Thank you, members of the committee, for allowing me to speak to this, because it bears directly on my rights.

I want to start by saying that I'm going to use some forceful language, but I want to make it clear that I'm speaking to the system that would allow this to happen and not to any of you as individuals. You're my friends, and this is not personal.

What's taking place here is essentially an attempt at parliamentary vandalism. The writing of laws and legislation usually goes through a long process when we're making a change to the rules. This is a backdoor mechanism. It's only a fiction that this is Scott's motion coming to this committee, because the identical motion came from Andrew Saxton at the finance committee, and there was a motion earlier today at the ethics committee. I imagine all committees are going to be asked by the PMO to put forward identical motions that fundamentally change the way legislation moves through the House but without the usual practice and study that take place. On behalf of a number of independent members of Parliament and me as a Green Party member of Parliament, I've shared with you a longer letter. I'm obviously not going to recapitulate those arguments, but they go to the fundamental principle of the following.

All members of Parliament in this place are equal, and we were functionally equal until 1963 when the organized political parties managed to get through a change to the rules that said that if you were in a party with more than 12 MPs you were going to get more financial resources. Over time that's been expanded to include rights. Although it wasn't actually written in the 1963 motion, I accept that it's been expanded. I'm not trying to overturn the notion that until you have 12 MPs in your party you don't get a seat at committee and you're not going to get a daily question in question period. That's all sort of latched on through incremental changes that came along with financial resources for parties with more than 12 MPs. But this is the first time that any motion, either through the front door or the back door, has attempted to reduce the limited remaining rights of people in parties such as my own and the Bloc Québécois with fewer than 12 members or of independent members who don't represent a party at all. In constitutional terms we're still all equal. In constitutional terms our constituents are all equal and deserve equal representation.

The second point I want to make briefly is that it is completely not equal, equivalent or fair to say, "oh well, we had rights to present amendments at report stage in the House and now those rights have been shifted to committee". In the House, the only way I am ever able to speak to a bill in any substantive way other than through repeat interventions from questions and comments, and the only way I ever get 10 minutes to speak to a bill in the House, particularly with time allocation, is if substantive amendments have been accepted by the Speaker at report stage.

The only way to actually explain my amendments in any significant and real way is in those moments on the floor at report stage. It is not equal or equivalent to have motions deemed to have been moved, to allow members in my position a minute to speak to an amendment, but to prevent them from responding to misunderstandings of it from other members. I could not even respond when a member of the finance committee suggested a friendly amendment and asked me, "Is that friendly?" I wasn't allowed to answer. That happened last spring in the finance committee, the environment committee, natural resources committee, and justice committee. They all did the same thing. They allowed me to present an amendment for one minute but not to respond to it. That opportunity is not equivalent or equal to what's being taken away at the report stage in the House. This is subterfuge. This is an offence to individual members of Parliament and to the institution of Parliament itself, and because I believe you to be really good people over there, I would like to ask you respectfully to withdraw

this motion. You don't have a bill before this committee right now. There is no urgency to pass this motion.

As the members of the official opposition have made very clear this morning, this committee has important work to do and this motion is in the way. Rather than push it through.... Although "might makes right" and you have all the votes, in this instance you're stomping on the rights of individual members of Parliament. I know that as individual members yourselves, you don't want to do that. Please withdraw this motion and don't put it to a vote today.

Thank you.

• (1135)

**The Vice-Chair (Mr. Kevin Lamoureux):** Jean-François.

[*Translation*]

**Mr. Jean-François Fortin (Haute-Gaspésie—La Mitis—Matane—Matapédia, BQ):** Thank you very much.

I would like to add to the comments of my colleague, Ms. May. In fact, this motion deprives us of a fundamental right, the right to submit amendments to the House of Commons. We understand the decision of the Speaker of the House to ask the committees to find a way so that we can play our role there. However, we think the wording of the motion prevents us from attaining the objectives the Speaker had in mind when he made his decision.

Like Ms. May, I do not think it is urgent that we pass this motion today; rather, it would be more appropriate for the committee to consider it in an organized way. What I mean by that is that we should introduce a process to conduct a study on the rights of independent members of Parliament and on the role we must give members of non-recognized parties; in other words, parties that do not meet the criteria, for example, having at least 12 members. The same goes for the members who have been expelled from caucus or who have been elected as independent MPs. So it would be appropriate to set up a process to study the rights of independent members and draw from other Westminster-style Parliaments that, like us, have thought about the role that MPs who are not caucus members or who are not considered independent must play.

For example, other places in the world with the same political system and the same parliamentary process as us, as well as legislative assemblies across Canada, have managed to make a place for independent members. We can look to the Quebec National Assembly, for example, which gave members the right to sit in a parliamentary committee. Not only does that include the right to suggest amendments, but also the right to explain them, argue and put questions to witnesses, whose answers may have some bearing on the proposed amendments.

This motion quickly rushes out the back door the prerogative of MPs to properly represent their constituents, not only in the House of Commons, but also using all the existing mechanisms in committees. We must be given the chance to fully represent our constituents.



The motion as worded proposes, among other things, that we make brief observations to support our amendments. It does not allow us to conclude that the rights of independent members or members from non-recognized parties would be preserved. According to the Bloc Québécois, serious harm will occur if this motion is passed as worded today.

I invite you to take the time to think about it. You have the means to put in place a thought process that is much more comprehensive and goes much further for society and for the Canadians we represent.

Thank you.

[*English*]

**The Vice-Chair (Mr. Kevin Lamoureux):** Thank you.

We go to Tom, followed by Nathan.

**Mr. Tom Lukiwski:** Then it may be followed by Tom again.

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

**The Vice-Chair (Mr. Kevin Lamoureux):** Quite possibly.

**Mr. Tom Lukiwski:** We're eventually going to be talking in circles here, so I won't take up too much time to rebut what both Jean-François and Elizabeth May said. Suffice it to say that we're going to agree to disagree. I don't think we're going to be getting anything resolved by debating back and forth, whether we're right, they're right, or somewhere in between. Suffice it to say that the government's position is that we will not reject the motion, we will not remove the motion. We feel that it's legitimate and that it's fair, frankly.

I would also point out that when we first introduced the motion, David, who spoke on behalf of the NDP, said, "Yes, I thought the motion was good; we're actually giving something to the members that they hadn't already had."

● (1140)

**Mr. David Christopherson:** Now, I've given clarification as to what it really was. Come on, Tom.

**Mr. Tom Lukiwski:** It's true: you cannot deny the fact that they will be receiving something they didn't have before, and that is the ability to go to committee to make amendments. I'll leave it at that.

With respect to a couple of other points made, specifically David's, who said he was glad to hear that I had agreed to the two-track process, I hadn't. I will still be arguing the *sub judice* convention, certainly. I take full well the fact that the Speaker has found a prima facie case. I respect that, but I also realize that committees are the masters of their own agenda, their own fate, and their own schedule, and we can determine exactly when we begin that. I just firmly believe that anything...

That's why the *sub judice* convention has been recognized. That's why it has been diligently observed every time there is an occasion when comments made, whether in the House or in committee, could be prejudicial to an ongoing court case. We have respected that as parliamentarians. We have respected not going down that road. I think we have to continue to do that.

We can still get to it, but there is an ongoing court case right now, and we have a conflict with things that may be said in this committee

that could ultimately be proven prejudicial to the court proceedings. Whether they be prejudicial to Mr. Bezan or to Elections Canada, it matters not. The fact is that quite clearly the convention is put there to prevent this type of prejudicial comment from being made by parliamentarians under our privilege and under the immunity provided to us, both in committee and in the House. I don't think we can go down that road in a track parallel to the study on MP transparency. I will argue that in far more detail if need be.

With respect to going back to the study on MP transparency, listen, I share the views of everyone here that we need to get some resolution of that. However, I do take some offence, frankly, to the characterization by the NDP that it seems they are the only ones—or they're at least trying to imply that they are the only ones—really wanting to get this done because they're truly the ones wanting to make sure that we shine the light on MP expenses. I would point out, as I've done before, as has Kevin, that if they were truly, truly wanting to shed light on MP transparency, they would follow the lead that both the Liberals and our party have done—

**An hon. member:** You haven't done anything.

**Mr. Tom Lukiwski:** —by already committing to voluntarily post expenses online. That's something we've done.

We would like to see a system put in place—and I think the Board of Internal Economy has started to get something that we might be able to agree upon—that all parties can utilize so there is consistency in reporting. That's great, but in the interim, since the Board of Internal Economy is saying that they won't have their system ready until next April, we're voluntarily posting our expenses, as are the Liberals. The NDP have not agreed to do so. So let's be very cautious about the characterization that there is only one party that is really concerned about this. We are, because we're doing it. I have not seen the NDP agree to this. I don't know why.

**Mr. Peter Julian:** You've done zero. You've done less than zero.

**Mr. Tom Lukiwski:** Well, Peter, you can have your words, but words are far weaker than actions. The NDP is the only registered, recognized party that is not posting expenses. I believe Elizabeth is already and has been for some time—

● (1145)

**Ms. Elizabeth May:** I scan all my expense receipts.

**Mr. Tom Lukiwski:** —but I leave it to the public to determine who is really serious about showing the expenses of their members.

With that, Chair, I'll leave and let Nathan speak—except that I would like, as I mentioned earlier, for us to dispense by way of a vote with Mr. Reid's motion and then hopefully move on to Madam Turmel's motion.

The last word on that is that there's some criticism that we brought this motion of Scott's forward in an inappropriate manner. I would point out that Madam Turmel also has given a motion in the same fashion we presented ours and we will be debating that, so I don't think there's anything wrong with what we did. Nor do I think there's anything wrong with Madam Turmel putting her motion forward for debate.

Thank you, Chair.

**The Vice-Chair (Mr. Kevin Lamoureux):** Nathan.

**Mr. Nathan Cullen:** As this debate is petering out, I appreciate first of all the words of my two colleagues down the way, speaking on behalf of rights they're being told they're now given excellent privilege to, and that in disagreeing there's a smack of paternalism in this. I have three-year-old boys, and sometimes when I tell them to do something that I know is good for them, they may disagree. But from one member of Parliament to another, to tell an MP what's good for them and not listen to what they're actually saying, that speaks of a certain hubris and of the actual intention—the inconvenience of democracy from time to time, which disturbs the Conservatives and their backsides when we have to sit through a number of hours of votes.

I wonder what Elsie Wayne and Jean Charest would say about this, when they were thrust into the independent role and suddenly found themselves on the other side. Everything comes full circle in Parliament. It's a funny thing in politics sometimes: you think you're taking such great advantage of your situation and only find out later that you hurt yourself deeply.

With respect to the two tracks and the *sub judice* convention, I heard two things very specifically from Tom. It is going to be difficult for him now to argue a position that he won't be able to maintain. The one thing is respect for the Speaker's ruling. I believe him; we all respect the Speaker's ruling with respect to Mr. Bezan. The question is whether we can at least begin to have some sort of conversation about that serious ruling coming from the Speaker.

The second thing, which now runs counter to Tom's own argument, is that *sub judice* was refuted by the Speaker. That argument didn't hold weight for the Speaker in his ruling. The fact that this is before the courts did not stop him from finding a *prima facie* case of privilege. Sending that privilege to this committee to deal with doesn't hold. You can't have it both ways: you can't respect the Speaker's ruling and then ignore the Speaker's ruling.

So when we set out to say that we can have at least some initial hearings with witnesses who are already going to be in front of us, Chair, it doesn't cause any inconvenience for the witnesses or the members. It certainly allows Mr. Bezan and others to make the case with respect to a serious matter, which is whether he should be standing in the House of Commons and voting.

That is what the Speaker ruled on, and he had no qualms, although he mentioned it, about the fact that it is before a court. If he had serious concerns about this *sub judice* protocol that we have in Parliament, then he would have said so. He would have asked for a delay. He would have suggested that the courts needed to deal with the matter first before Parliament could. He did not say that; he said the opposite. He said that of course we can do this, and while it may be convention, there are times when members' privileges are in question that cannot wait on a court and a judge to decide whether those things are important or not.

To my friend across the way and his sincere belief that the Speaker should be respected, let's respect the Speaker and the ruling, the very wise ruling, that he made. *Sub judice* does not and should prevent us from looking into this matter. If that is the argument being used, one can only suspect there is some other reason. That is where we get into hot water. Exactly.

Finally, Mr. Chair, because we've spent perhaps more time on this today than we planned to, I think the suggestion by Madam May and Monsieur Fortin was meant in sincerity to the government. The fact that it has been so casually dismissed is interesting.

I can only say to my friends across the way that what goes around comes around. All of these shortcuts that they've been taking around democratic inconveniences over the last number of years seem to be coming home, gentlemen. It seems to me that the news of the day should remind us of that fact that cutting corners on democracy and pretending that promises made are no longer promises made—with nominating unelected senators, with going back on your word, with finding that the debate and the to and fro in Parliament, which I believe to be a healthy thing, are somehow against the will of the almighty Prime Minister—seems to have caught back up.

Here we are at another committee, trying to allow Independents to have their independent voice and one of the few privileges that a member from a non-recognized party has. They don't have many. New Democrats have been there. Conservatives have been there. Anybody in those mini-caucuses will know that there's a great disadvantage in not being in an officially recognized party. It's not just during question period and in terms of staffing and resources; there are many others, and lots of them. This was one of them.

It was used to some great effect to show that the omnibus legislation the government was ramming through undemocratically—oh, is there a pattern here that I detect?—was flawed and should be considered in its parts. Oh, lo and behold, they made mistakes with the EI system. They made mistakes with the environmental assessment system, some of them knowingly and some of them not. They made bad legislation, and they wanted to make it quickly because it was on their timeline rather on the timeline of the country. What a shame!

● (1150)

**An hon. member:** And taxation of credit unions.

**Mr. Nathan Cullen:** Oh, right, that was a couple hundred million dollars that hit credit unions across the country. What a great bit of omnibus legislation that was, gentlemen: helping the economy out, creating jobs, taxing credit unions. Well done! Why? Because you don't listen. My goodness, you've been given a sincere argument from Madam May and Monsieur Fortin and from us as well. You're choosing, obviously, to ignore that argument.

We won't prolong the conversation any more, because we have another democratic initiative—Madam Turmel's motion—to get to.

We also have our schedule to set with regard to the study of MPs' expenses. Before one gets too sanctimonious about the expenses being posted online by my Conservative and Liberal colleagues across the way, you'll note that the media certainly finds them lacking in detail, and there's an inconsistency in the fact that they're voluntary. That's what the Senate had for goodness' sake. How about we have a system that actually works consistently for everybody, which we will get to, and we will do properly and it won't be provocative for a moment and then fail in the end to bring transparency? I'll ask any of my friends here to show me where the link is on their website, for goodness' sake. I can't even find it on the Conservative Party website, but there you have it.

The fact of the matter remains—

**Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC):** Mr. Chair, on a point of order, I believe I can assist in this matter.

**Mr. David Christopherson:** It's not a point of order.

**Mr. Scott Reid:** In my case, you can find—

**Mr. David Christopherson:** It's not a point of order.

**Mr. Scott Reid:** —the information in my annual reports I publish for constituents—

**Mr. David Christopherson:** It is not a point of order.

**Mr. Scott Reid:** —which is in fact on my website. So I think that answers the question for me with regard to what Mr. Cullen was raising.

**The Vice-Chair (Mr. Kevin Lamoureux):** As was pointed out, I don't believe it is a point of order. It might be a dispute over the facts.

**Mr. Scott Reid:** He did say, "I invite any of you", and I was trying to comply with that.

**Mr. Nathan Cullen:** No, I think Mr. Reid's point bolsters my argument. Having five Conservatives out of 168 actually making some attempt to post transparent accounting shows the actual sincerity of their effort.

**Mr. David Christopherson:** Hear, hear!

**Mr. Nathan Cullen:** Maybe Mr. Reid took the comment personally, but he is also a part of his caucus, and his caucus has decided that this is their effort at transparency: five out of 168. I can't do the math quickly in my head, but it's not very many.

My point is this. At some point this lesson, this hard lesson, will be learned. I hope my friends enjoy question period this afternoon. I'm sure they will. I'm sure they'll clap and cheer enthusiastically for their leader, defending him enthusiastically as he changes the story on a daily basis as to what actually happened.

The source of this is consistent. That's what's amazing to me. We have another source of it here today, another example of it here today, which is to say if anyone raises a point counter to what the government currently believes on any issue—it doesn't really matter whether it is within the caucus, between parties, from Canadians, from reporters—the consistent theme, the pattern of language is to deny the conversation that is democratic and, I believe, foundational to this country.

So congratulations. Go win their vote. Make another shortcut around democratic debate, and remember the day when this comes back, because it will. I've been here only 10 years, but I've seen it enough to know already.

We'll, of course, have a recorded vote on this, Mr. Chair.

**The Vice-Chair (Mr. Kevin Lamoureux):** I believe that's it for comments on the amendment.

We have to go through two actual votes, one on the amendment and one on the motion itself. On a personal note, my position on them has already been stated. Only if there is a tie will I break it with

a vote, but at the end of the day people can read my comments if they want to know what my thoughts are with regard to it.

We're going to go, first and foremost, to the amendment.

(Amendment negatived [See *Minutes of Proceedings*])

**The Vice-Chair (Mr. Kevin Lamoureux):** Nathan, did you want this one recorded also?

**Mr. Nathan Cullen:** No, we'll record on the main motion, please, Chair.

**The Vice-Chair (Mr. Kevin Lamoureux):** This amendment has been defeated.

Now we're on the main motion for which a recorded vote has been requested. So I'll ask the clerk to conduct the count.

• (1155)

**Mr. Tom Lukiwski:** Could you read the motion, please?

**The Vice-Chair (Mr. Kevin Lamoureux):** It reads as follows: That, in relation to Orders of Reference from the House respecting Bills,

(a) the Clerk of the Committee shall, upon the Committee receiving such an Order of Reference, write to each Member who is not a member of a caucus represented on the Committee to invite those Members to file, in a letter to the Chair of the Committee, in both official languages, any amendments to the Bill, which is the subject of the said Order, which they would suggest that the Committee consider;

(b) suggested amendments filed, pursuant to paragraph (a), at least 48 hours prior to the start of clause-by-clause consideration of the Bill to which the amendments relate shall be deemed to be proposed during the said consideration, provided that the Committee may, by motion, vary this deadline in respect of a given Bill; and

(c) during the clause-by-clause consideration of a Bill, the Chair shall allow a Member who filed suggested amendments, pursuant to paragraph (a), an opportunity to make brief representations in support of them.

That's the motion as read. We'll have a recorded vote.

(Motion agreed to: yeas 6; nays 4)

**The Vice-Chair (Mr. Kevin Lamoureux):** I understand that it is the will of the committee to now go to Ms. Turmel.

[*Translation*]

**Ms. Nicole Turmel (Hull—Aylmer, NDP):** Thank you, Mr. Chair.

At our last meeting, I introduced my motion on how we should work in camera. I would like to repeat that certain conditions should be respected for in camera meetings. I have only been an MP for two years, but I find it really strange that we are reduced to having to introduce a motion to determine how we should work and what topics should be accessible to Canadians, to the media, to everyone, so that democracy and transparency are respected in our workplace.

I find it very strange because in the briefing for new members of the House, individuals from the government in power and others told us that how we work in the House is completely different from how we work in committee. We were told that things are friendlier in committee, that people try to resolve problems and find solutions that everyone agrees on. But to our surprise, neither I nor any of my work colleagues have seen that yet, and I don't think any committee works that way.

In my experience, specific rules need to be followed to sit in camera, especially when we are negotiating and do not want certain things to be made public, such as the conditions presented or the mandate we've been given. Now, everything is susceptible to being handled in camera, simply because we don't want Canadians to know what we've discussed or who was in favour and who was not. Indeed, this government runs things by making decisions in advance, without any thought to the potential consequences for Canadians, without any thought to how to resolve the problems.

My colleague said that this situation was going to hurt everyone from the standpoint of democracy, but also with respect to how we work. It's been said that Canada was a free country that tried to show Canadians, if not the entire world, that it was possible to work for everyone's well-being. But now I am seeing that there is no transparency, no democracy, not in our committee or in any others. It's truly unfortunate.

Like my colleagues, I believe that Mr. Lukiwski actually said in his presentation that he thought it was possible to work on two objectives at the same time, namely, the motion introduced by our party on transparency and how MPs submit their expense accounts and, at the same time, the question of privilege. Despite what we heard, he says that that is not what he said. I can understand why people want to work in camera. When people say one thing and then go back on their word later, it is better to have said it in camera.

It is unfortunate that the government in power wants to change ways of operating that are transparent and allow Canadians to see how motions are introduced and how decisions about them are made.

I would really like to go back to the Speech from the Throne, on the budget and Bill C-4, which we are now discussing. I think it is the best way to show that we are forcing the current Parliament to make quick decisions. I don't think this way of operating makes any sense. We are talking about decisions having to do with motions or matters that are going to undermine—I think that's the right word—what is happening across Canada, whether it's associations or even the future of the environment, democracy or agriculture.

• (1200)

In committee and in the House, people are allowed to block an open discussion. However, Canada wanted to be a country open to everything, open to discussion; it was transparent. We were able to answer every question, regardless of the party in power. That is the most important thing. The opposition party could have good discussions without finding out a week, two weeks or a month later that the content of budgets, motions or bills introduced by the government went completely against what we knew in Canada.

If we really want to change things, the conditions allowing meetings to be held in camera must be approved by all parties on committees or by a majority of them. That is what some provinces and associations do. It would be a good way to review our rules of procedure and allow everyone to have their say in how we work in committee.

I repeat that our motion is quite justified and it would be very acceptable to all Canadians. The important points to mention are wages, salaries and other employee benefits, as well as contracts and contract negotiations. At the start of my intervention, I referred to

contracts and contract negotiations. I don't think any party or group or any business would want their mandate to be made public before sitting down and negotiating.

Labour relations and personnel matters, draft reports and briefings concerning national security are very important topics. As opposition members, we understand very well that these are things that must be discussed in camera. However, all the other topics should be available to the public and open to the media. That way, people can see who is for them and who is against them, and we can have an open discussion. I also mentioned that votes should be recorded so that the positions of the parties and of individuals are known.

I reiterate the importance of passing this motion. All parliamentary committees, including our own, need to be able to work together in a more open setting in order to resolve problems. We must not get in the way of future work of the committees or the House.

• (1205)

[English]

**The Vice-Chair (Mr. Kevin Lamoureux):** Thank you.

Now we're going to go to Tom followed by David and then Peter.

**Mr. Tom Lukiwski:** Thank you, Chair. I will again try to be very, very brief. I believe this will be the only intervention that the government will make on this issue.

We will be opposing the motion, and on very good grounds. There is a reason that committees have the ability to determine among themselves whether or not proceedings should go in camera, namely one size does not fit all. The motion before us gave us specific instances when a committee should be allowed to go in camera, but it cannot possibly anticipate every situation that would require an in camera discussion. It simply can't.

Let me give you a few examples—and just a few. We've seen examples of this before. I'm not going to mention any names. A witness might be unable to appear because of a personal reason, say a death in the family or a severe illness. The information that the witness might have would probably be critical to the committee in their judgment of the particular issue they're studying. But in the same fashion, if it were not in camera, the fact that this witness had a personal issue they were dealing with might come out in discussions about why there was a delay, why they weren't able to attend the meeting last week when we scheduled them, that type of thing. I think that's unfair.

Perhaps a witness is unable to attend or does not want to testify before a committee because of what they believe to be the possibility of some personal security issues. They might feel threatened if their appearance were noted publicly. Their personal safety might be put in jeopardy. We have a subcommittee on human rights, where I believe there would be some witnesses who would not want to appear in public for those very reasons.

Sometimes documents come to committee that reveal personal information about a witness that is not supposed to be made public, but inadvertently this information might come out because the witness appeared in public.

My point is that as much as I appreciate where Madam Turmel is coming from, there is no way any motion could be constructed that could possibly capture all of the in camera provisions that might be requested. It just can't, and that's why the committee must have the ability to determine, on their own, whether or not proceedings should go in camera or remain in public. If the motion could possibly capture everything, I would be amazed, but I just know it's not possible.

Why would we want to constrict committees to a set of examples that could prove problematic in the future? It would be the worst thing, in my view, for parliamentarians to adopt this motion and then all of a sudden an example comes forward that was unanticipated and a witness says, "This is putting me and/or my family, and/or others, in jeopardy. I would like to have testimony given, delivered to the committee, but I would like it to be in camera." And the committee says, "I'm sorry. Because we adopted this motion, we can't go in camera." That would be ridiculous.

There are examples that will be unanticipated. This motion does not capture it, and for that reason, we will be opposing the motion.

Thank you, Chair.

• (1210)

**The Vice-Chair (Mr. Kevin Lamoureux):** I understand that's likely going to be the government's last word on it, but we still have two more speakers, at least.

David, you're up next.

**Mr. David Christopherson:** Thanks, Chair.

I have to tell you that has to be the lamest defence I have ever heard for keeping things secret from the Canadian public. Let's deal with the issue Mr. Lukiwski has put forward.

First of all, any committee can do anything by unanimous consent. I can't imagine that any member sitting at this table would want to publicly put anyone in any kind of jeopardy. If the motion were put forward that, by unanimous consent, a particular situation would be dealt with, that could be done. You can even write language into the motion that allows for extenuating circumstances, and then they could be defined to allow any of them to come in, and the committee could deal with it appropriately.

It didn't touch any of the other issues. Here's one of the biggest—

Pardon me, Mr. Butt.

**Mr. Brad Butt (Mississauga—Streetsville, CPC):** You are changing your motion already. It wasn't well thought out, obviously.

**The Vice-Chair (Mr. Kevin Lamoureux):** Who's got the floor? Let's go.

**Mr. David Christopherson:** He's a real player, that one.

Hang tight, you'll catch on.

One of the most egregious things that exists right now—and this is outrageous, it truly is—is that if the opposition moves a motion in camera to do anything and that motion fails to get a majority, it can't be reported. Not only is it not reported, it can't be reported outside that room. This is why the government wants to leave it the way it is, make no mistake. As things are right now, as soon as they can get in

camera, no matter what initiative that opposition members try by virtue of in-order motions, and if those motions don't carry, it's the tree in the forest that nobody ever knows about. If they do know, somebody can be held accountable for breaking confidentiality. They can be found in contempt of Parliament for merely talking about a motion they moved but which failed at a committee meeting. If you walk out the door and talk about your motion and how disappointed you are that the government wouldn't allow whatever the motion was, you are now subject to a possible contempt of Parliament charge.

I didn't hear Mr. Lukiwski respond to that one. That's got nothing to do with any kind of personal matter or extenuating circumstances or issues that any commonsense individual would be prepared to accommodate. They're still not saying anything about it, and I bet they won't.

We've made it clear, by putting this forward, that should we form a majority government, we will make these changes. Yes, it's going to hurt, because we won't have the tool that the government currently has and all governments before them. But the fact remains that it's undemocratic and it's unacceptable. It's unacceptable to us on this side of the House now, and it will be equally unacceptable when, in 2015, we're on the other side of the House. We will make this change.

I'd love to hear any one of the two, four, six people sitting across from me give one good reason why a motion that fails can't be reported to the public. What is the big national secret that's been violated? What egregious taking away of a member's results comes because of that? I'd like to know, because having been in politics now in all three orders of government for almost 30 years, I can tell you that there is absolutely no justification for denying members the right to talk about initiatives they tried to do in committee but failed because they don't have a majority.

You know you won a majority. You won the right to govern. You didn't win the right to reign over us!

Not a peep from them.

**Mr. Scott Reid:** On a point of order—

**Mr. David Christopherson:** Mr. Reid, I would gladly give the floor to you, if you want to defend that argument.

• (1215)

**Mr. Scott Reid:** I'm not sure I want to have Mr. Christopherson decide on what I'm allowed to talk about. But if he's willing to let me speak to the entire motion, I could probably take up as much time as he could, and it might be refreshing to hear somebody else.

**The Vice-Chair (Mr. Kevin Lamoureux):** I don't think that's a point of order.

**Mr. David Christopherson:** I'll give you lots of time.

**The Vice-Chair (Mr. Kevin Lamoureux):** I don't think it's a point of order, Scott.

David, if you want to continue on.

**Mr. David Christopherson:** I think he wants on the list.

**The Vice-Chair (Mr. Kevin Lamoureux):** We'll put his name on the list.

**Mr. David Christopherson:** I hope he does get time, because I would love to know what that violates. Oftentimes, the opposition's position and its arguments and things it would bring to light require motions to be passed by the committee. The government has the majority; the opposition doesn't usually win votes where we move to our partisan corners. But by denying the right of opposition members to even talk about what they tried to do in camera is simply to stifle the opposition and deny them the right to have their voice. Nobody wants to talk about personnel matters or wages or legal matters, and the public will accept that. The check and balance for the public is that the opposition is in there too; it has a mandate to hold the government to account. But the kind of work that goes on, and any of us who have been in committee and know what happens in camera are appalled at how little the public knows about what's happening in committee where the real politics of dealing with issues happens.

Think about it. You move a motion in committee to hold a hearing, to ask for an answer to a question. On virtually anything, no matter how big or small, you're not allowed to talk about it. It's one thing to accept the fact that every time you move a motion you're always going to lose—

Hey guys, please keep it down. When you're drowning me out you really have to be loud.

**Mr. Blake Richards (Wild Rose, CPC):** What? Use your inner voice.

**Mr. David Christopherson:** Sorry, Mr. Richards, do you want to finally join in and contribute?

**Mr. Blake Richards:** My ears are just ringing, that's all.

**Mr. David Christopherson:** Well, there's the door.

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

**Mr. David Christopherson:** By the way, it's my understanding that these are the Senate rules. Just how egregious can they be? How much are we threatening the ship of state here?

**An hon. member:** It's a low bar.

**Mr. David Christopherson:** Yes, really, talk about a low, low democratic bar—

**Mr. Tom Lukiwski:** Guys, it's your house—

**Mr. David Christopherson:** —and the House of Commons can't even climb that ant hill.

**Mr. Tom Lukiwski:** I thought you were one of the ones you would have appointed to the Senate if the coalition had gone through. You're really ruining your case.

**Mr. David Christopherson:** Yeah, yeah....

**Mr. Tom Lukiwski:** There's still a chance.

**The Vice-Chair (Mr. Kevin Lamoureux):** I think David's trying to express himself and he should be afforded the opportunity to do so.

**Mr. David Christopherson:** Thank you, Chair.

It's hard for me to come out of my shell.

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

**Mr. David Christopherson:** In all seriousness, this is so out of date with the way things are. It's an old tool that was given to the government of the day, which wants the other side...because it's always been that way, up until 2015, one of the two. And they go back and forth, wink wink, nudge nudge, don't worry, we won't wreck the stuff that really makes it cool here. Well, it's time. There are an awful lot of things that are changing, and transparency and accountability is the issue of the day. How can there be transparency and how can there be accountability when members, by law, are denied the right simply to talk about a motion they made in committee but which failed?

What possible, cataclysmic event is going to happen because of that? Only one, and it's only cataclysmic on the government side, and that is they would lose the right to keep opposition members muzzled. That's what it's about.

Mr. Lukiwski is saying, "Well, we're only going to give one quick little talk." Again, like the previous issue, they're hoping this goes away with their majority. They can do that and they can force us on to other matters, but there is that day of reckoning and it is called an election. This is yet but one more piece of the puzzle that shows clearly this government has far more interest in maintaining and exercising power—raw, pure power—than they do the rather inconvenient niceties of democracy. They view winning as, "Well, we get to do whatever we want, we've got a majority."

● (1220)

**Mr. Brad Butt:** That sounds like Bob Rae in Ontario. That guy sat the least of any government in the history of Ontario. It was your government; you were a cabinet minister.

**Mr. David Christopherson:** Mr. Butt, when you leave here, if you have a hundredth of the positive reputation of Bob Rae, you've done well. I strongly suspect you're not going to make it.

I will continue wherever I can, as all of us will, to fight these unfair rules. I get where some of the government members are. They've never been anywhere except in government. They don't know what opposition is. Some of my other colleagues are a little more careful about what they're saying, because they know that we write down the things they've said before and that those can come back. I would just suggest that while it's nice and easy to feel comfortable in the confines of your majority government, the fact remains that eventually these members have to leave the Hill, and eventually they have to face Canadians and have to answer as to why they felt that secrecy was more important than transparency, because that's the issue. We've provided opportunities for things that reasonable-minded Canadians understand would be dealt with behind closed doors.

Mr. Lukiwski has raised an issue, and I have responded that unanimous consent would deal with that instantly without saying anything, but you can easily—

**The Vice-Chair (Mr. Kevin Lamoureux):** Go ahead, Tom, on a point of order.

**Mr. Tom Lukiwski:** Actually, it's more of a point of clarification just for the benefit of my good friend David. It's Lukiwski not "Lukew-ski".

**Mr. David Christopherson:** I apologize, Tom.

**The Vice-Chair (Mr. Kevin Lamoureux):** It's not a point of order but—

**Mr. Tom Lukiwski:** It's a tough one, I admit.

**Mr. David Christopherson:** It's a personal one. I accept that, and I do apologize.

**The Vice-Chair (Mr. Kevin Lamoureux):** The alternative is to say Tom. That works better.

**Mr. David Christopherson:** I do apologize. As somebody who has a name like mine, I understand what it's like to have it butchered, and I do apologize, sir.

Regarding Tom's suggestion, that here was this huge problem, the fact remains that we could easily put together language that talks about certain circumstances, saying that in those circumstances, with a unanimous consent, the committee agrees that the rules are that you could go in camera on that.

I mean, come along. There are very few pieces of legislation that don't have some proviso somewhere that somebody has residual authority or there's a means to deal with circumstances that aren't dealt with in the prescribed legislation.

I've been a cabinet minister, and I'm sure there are others in the room who have too. Quite frankly, you do the best you can with the legislation, then you narrow it down further with your regulations, but you're never going to capture everything. When you identify an issue, as Tom has done, then what you do is you build in a mechanism whereby reasonable people can deal with it. Will it always cover everything one hundred per cent? No, but no legislation does. The best legislation goes as far as it can, and then leaves the flexibility of the members to make common sense decisions, which remarkably, over the decades I've been in public life, are actually easier to find than you might think when people put down the partisanship. If you set that aside, it's amazing how quickly we can come to a meeting of the minds on issues that don't need to be particularly partisan.

I think it's clear, Chair, where the government is not going, and that is into the world of transparency. They talk a good game about democracy, but when we keep seeing charges and allegations and everything that's going on in the Senate, and we have a government that passes a fixed date election law only to violate it in the very first term they passed it, this is a government that doesn't respect democracy. And if you don't respect democracy, regardless of what the government may think, you can't respect Canadians, because Canadians expect that their democracy is what gives them their rights. So when you don't show that kind of respect to Canadians' democracy, you are showing them a lack of respect.

Not only that, they have a right to know. That's what transparency is about. The old paternalistic ways of doing things are gone, folks. It's over. It's about transparency and being accountable for everything you say and do, and that you don't have the ability anymore to go into committee rooms and tile the door and bar everyone from being in there, and then deny the participants in the room the ability to talk about what happened—particularly when it's none of the issues A through E. But without changing that rule, every motion made by an opposition member that's lost in committee will continue

to be protected by law from being put in the light of transparency to the public.

The government does not have a leg to stand on with this issue. They do not. The only reason governments keep this in place is that it serves their needs by muzzling the opposition. We will continue to push for transparency and accountability while this undemocratic and unaccountable government remains in power, and hopefully, after 2015 we can bring a lot of changes to this place and come out at the end of that term, a first NDP-majority term, with a different Parliament, with a different way of doing politics. It won't be perfect, but it will be a lot more transparent, and we won't have the embarrassment this government has of having its members sitting there frantically trying to think how they can defend that particular argument, how they can defend the idea that muzzling the opposition in a democracy is a good and fair idea.

Good luck defending that.

Thanks, Chair.

● (1225)

**The Vice-Chair (Mr. Kevin Lamoureux):** We go to Peter, followed by Nathan, followed by Dave.

Go ahead, Peter,

**Mr. Peter Julian:** Thank you very much, Mr. Chair.

I'll be brief. I think the Conservatives should vote for this. Why? Because their constituents want to see this.

**Mr. Scott Reid:** Is that an actual, genuine point of order?

**Mr. Peter Julian:** A genuine point of order? Is that different from a point of order?

**Mr. Scott Reid:** As opposed to all the random non-points of order that other people and I have made earlier....

I thought I was on the speakers list as a result of—

**The Vice-Chair (Mr. Kevin Lamoureux):** Yes, but you're on after Dave.

**Mr. Scott Reid:** Oh, I see. Okay. I'm way down.

I'm sorry, Peter.

**Mr. Peter Julian:** That's okay.

**The Vice-Chair (Mr. Kevin Lamoureux):** It was a genuine point of order.

Go ahead, Peter.

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

**Mr. Peter Julian:** Well, it was a point of privilege, yes, but anyhow....

Here's why Conservatives should actually vote for this motion. First off, the Conservative brand has taken a real beating over the last few months. There's no doubt about it. In the Ipsos Reid opinion poll that's out this morning, the Conservatives are now in third place for the first time since their party was founded. What this means is that there's a resonance among the population; they are seeing that Conservatives walk, but they won't walk the talk around transparency.

The reality is that for your own constituents, if for nothing else, you have a reason to vote for this particular motion. I know that in my own riding people who voted Conservative last time say that they didn't vote for what they see happening on Parliament Hill and what they see happening in the Senate. But as Mr. Christopherson points out, the Senate actually has a level of transparency around committees that has been destroyed since the Conservatives became a majority, because, as you'll recall, Mr. Chair, prior to 2011, this is how committees functioned.

It is simply untrue to pretend that somehow this motion that's being brought forward is in any way a different approach from what we had, certainly since I first became a member of Parliament in 2004, along with Mr. Christopherson and Mr. Cullen, and Mr. Lukiwski as well, until 2011, when the Conservatives formed a majority. This is how committees functioned. Committees worked by unanimous consent. We ensured that these types of issues were treated in a confidential way. For seven years, we lived under a regime where there was some respect for Canadian taxpayers, some respect for democracy, and respect for transparency.

What changed in 2011? Conservatives decided they were going to bring a wrecking ball to that kind of committee transparency, and ever since then they have tried to bring in camera any issue that they feel will impact them politically in a negative way. That's what this is all about. There's nothing else.

This is how we functioned for seven years. Committees were much better at doing their work under those seven years of transparency than under the last two years of darkness. What we are asking for today is simply to have the Conservatives start to walk the talk. If it will help them get out of third place in the polls, it's probably a net benefit for Conservative members.

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

**Mr. Peter Julian:** Maybe you should think about that.

But the reality is, let's go back to the way that Canadians want committees to be. That means transparency. That means we go in camera only for exceptional items. Mr. Lukiwski added other items. This is all part of what we've done traditionally as part of committee work.

Through you, Mr. Chair, to the Conservatives, your brand is taking a real beating. You're seeing Conservative activists being upset. This is a small step in starting to restore the credibility of what has been a pretty tattered government.

• (1230)

**The Vice-Chair (Mr. Kevin Lamoureux):** We're going to Dave, and then Scott, and then Nathan hopefully will get the final word.

**Mr. Dave MacKenzie (Oxford, CPC):** Thank you, Mr. Chair.

I've sat through this committee since we've come back after September, and I was actually here in September when the NDP demanded that the committee come back to Ottawa. We met on September 8, and the NDP somehow had an opinion that the Conservatives would hold the meeting in camera just to confirm what we had already confirmed we would do in June. Talk about a complete and utter waste of taxpayers' money.

Do you know what, Mr. Chair? The meeting was not held in camera. I know it was a disappointment to the NDP. They lost their nerve when they went out to the press. All of a sudden it was like a deflated balloon.

I would say to you, Mr. Chair, that because all of those nasty things we heard about the previous motion coming from the PMO, this motion must come from the OLO because it's being brought to every committee and in the House. Oh, it's got to be from the OLO.

It didn't get reported here first; it was reported through the NDP's communications department to the press. That's when most people heard about it. We can talk about all of those other things, but I come from a background where we used to do hotel fights, which displayed more respect from combatants than there is from these people when they talk across the table. When we talk about in camera meetings, I haven't heard of one they think was wrong.

**Some hon. members:** Oh?

**Mr. Dave MacKenzie:** Mr. Chair, I thought I had the floor. They talked about decorum when we came back. If there is a party that has shown no decorum in the House, it's that party. They show no decorum or respect for anybody here.

Mr. Chair, it's not hard to vote against this. In different committees there are different reasons. Mr. Lukiwski tried to explain some of them, but I can tell you a few others. The courts have tried to shelter witnesses who don't want their identity known. You know what? In this place it's not hard to deal with these necessary, few issues in camera. The vast majority are held in public with recordings, and on many occasions the NDP have wanted them televised, and they've had them televised. I don't know how you could be more open than that.

For that reason, this is a notice of motion that I think is actually not needed, and I would certainly vote against it. I don't think it's what anybody in the public has anticipated, these people holding up the committee. We could have been dealing with what they think is important two or three meetings ago, but it's their choice.

Mr. Chair, let's move on.

















