



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

# **Standing Committee on Procedure and House Affairs**

---

PROC • NUMBER 045 • 2nd SESSION • 41st PARLIAMENT

---

**EVIDENCE**

**Tuesday, June 17, 2014**

—  
**Chair**

**Mr. Joe Preston**



## Standing Committee on Procedure and House Affairs

Tuesday, June 17, 2014

• (1100)

[English]

**The Chair (Mr. Joe Preston (Elgin—Middlesex—London, CPC)):** I will call meeting number 45 to order. We're in public, televised, and all looking good.

We're here under Standing Order 106(4), with an order from members of the committee—

**Mr. David Christopherson (Hamilton Centre, NDP):** Point of order?

**The Chair:** Okay. A point of order.

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

You're at the point where you're advising us as to why we've come together, and that's why I've asked for a point of order at this stage.

I'd like a little clarification if I could, Chair, starting with, what happened to Thursday's meeting?

**The Chair:** What happened to last Thursday's meeting?

• (1105)

**Mr. David Christopherson:** Yes. We were scheduled to meet. We had a plan. Then all of a sudden it was cancelled.

**The Chair:** I assumed we had a plan when we left here the Tuesday before. I had commitment from all sides that we would move forward and move an extension on Mr. Trost's motion. I had a commitment on concurrence on that. When that turned out to be a mistruth, I decided then that I was not sure where we were headed on the plan, and so let's just wait and see what we have going on.

**Mr. David Christopherson:** Well, let's just set that aside for the moment. That would then have us.... I may return to that. I reserve the right to return.

However, that would have had us meeting today and Thursday as our regular meetings. There was nothing special about this. This is our usual time. The House is sitting. It's in order.

There are some people who had it in their minds that they were going to be out of here early, and that's up to them and their minds, but the fact is that as long as the House is sitting, we meet. So I'm a little unclear as to why we wouldn't be proceeding with the agenda today that we had set last week, such as dealing with witnesses for the private member's bill. We were going to have two witnesses, and we were going to do the Bezan report, as we wanted to clean that up before we rose for the summer.

Yet all of a sudden, a letter signed by five members of the committee has you suggesting that "we're here because of this", yet it

seems to me that this is a regular meeting, in its regular place, and we already had an agenda that we set up at a previous regular meeting. I don't understand how we went from what we had planned to be done at a regularly scheduled meeting, how it's all set aside, and suddenly the business of five members is now the order of the day.

I raise that for this reason, Chair. If this stands as it is right now, then what it says is that any time five members or more don't like the agenda of a meeting that's coming up, all they have to do is sign this and make what is a regular meeting a special meeting. Then the agenda of the special meeting supersedes the agenda of the regularly scheduled meeting, which I don't think is your intention, because that just creates all kinds of chaos and havoc.

Maybe at this point, Chair, you could just help me understand how it is that we're where we are today and why we're not doing the regularly scheduled business of the committee.

**The Chair:** When a chair of a committee receives a letter signed by three or more members of the committee asking for a meeting on an individual topic under Standing Order 106(4), that meeting takes place within a certain period of time. It must be called within 48 hours and take place within five.... Today fit that mould, and I said let's use that time. We had done some planning at our last meeting, I'll give you that. However....

**Mr. David Christopherson:** However what?

**The Chair:** Well, it fell apart. I mean, some of the things you asked your chair to do, like move concurrence in the House.... I heard your obviously honest House leader say "yes" in here and "no" in the House. I assumed that you just meant that the plans we had made then had gone out the window. We had done some research on the witnesses; however, they weren't both available for our meeting—

**Mr. David Christopherson:** Really?

**The Chair:** Right.

**Mr. David Christopherson:** Were there any witnesses cancelled? Were there notices sent out—

**The Chair:** Yes—

**Mr. David Christopherson:** —to any witnesses where they were told, "Sorry, you were invited, but now you're uninvited"? Did that happen?

**The Chair:** We had one witness who was available, but holding a meeting with one witness out of two on a topic that needs to be done in one meeting just didn't...let's make it so we can do it together.

Mr. Christopherson, I'm not going to sit here—

**Mr. David Christopherson:** Chair, I'm sorry—

**The Chair:** —and argue scheduling with you. We have a motion

**Mr. David Christopherson:** Yes, you are, Chair, because you don't have the unilateral right to decide what this committee does. There is some semblance of democracy here.

**The Chair:** Agreed, but our Standing Orders make it very clear what a chair must do when he receives a notice of motion under Standing Order 106(4).

**Mr. David Christopherson:** I understand, Chair, but if there was already a regularly scheduled meeting at the time you said there'll be a special meeting.... How do you have two meetings at the same time? The regularly scheduled meeting and the special meeting...? A "special meeting" is a special meeting, and there's nothing special about today.

In fact, it's a regular meeting, and we had an agenda set. In addition to what you commented on, we were also going to do the Bezan report, and be dealing with the report on leaks. There was important business in being here.... It just looks, Chair, like there are more shenanigans going on. Unfortunately, it seems to have involved your office. I'm really at a loss as to how we're here for a special meeting during a regularly scheduled meeting and why we're not doing the regularly scheduled business that we have set out.

**The Chair:** I've given you the reason for it, and you continue to repeat why you don't like me, but that's fine with me, Mr. Christopherson—

**Mr. David Christopherson:** Oh, I quite like you. It's your ruling I don't like at all.

**The Chair:** The ruling, as the chair, is that when a Standing Order 106(4) motion comes—

**Mr. David Christopherson:** —and it replaces a regular meeting?

**The Chair:** —I have certain rules I must follow, and I follow them.

**Mr. David Christopherson:** Yes, but a special meeting replaces a regular meeting, Chair. Is that how that works?

**The Chair:** All our meetings are special, Mr. Christopherson.

**Mr. David Christopherson:** Don't do that, Chair. Don't trivialize this. This is important stuff.

**The Chair:** Knowing that it was a regular scheduled time, we were sure all of our members would be able to attend.

**Mr. David Christopherson:** Right, and we had an agenda set for that day, which is today, that we set previously at a regular meeting. I want to know why it is that gets trumped by this letter. It ought not.

**The Chair:** Well, I'm telling you it does.

**Mr. David Christopherson:** Wait a minute. I want to be clear about this.

You're telling me that a letter that comes in signed by three or more members of the committee asking for a special meeting on a particular subject—fair enough, and I'm a chair too, so I deal with these things—you deemed that because you knew, conveniently we were all going to be here for a regular meeting, it made sense that since they're going to be here for a regular meeting, why don't we have them here for a special meeting.

That's just not how it works.

**The Chair:** Let's just use our time—

**Mr. David Christopherson:** That's not how this works. If you want to call a special meeting, it would be a special meeting. A special meeting is not during the time of the regular meeting when we already have an agenda.

**The Chair:** I'm sorry you think that way, but it says right here in O'Brien and Bosc that the chair may agree to consider the request at a regular meeting of the committee.

**Mr. David Christopherson:** Let's consider the request. That doesn't mean it bumps off all the business that we had already set. You add it to the agenda as something we may talk about.

**The Chair:** Mr. Christopherson, on this point of order, I'm going to move on. I've told you what my ruling is, that a Standing Order 106(4) notice came to me, and I scheduled it during our regular meeting—

**Mr. David Christopherson:** —and you blew off the agenda we had all agreed on. How does that happen? How does an agenda we all agree on get unilaterally changed by the chair?

**The Chair:** On this point of order, I have Mr. Julian first, and then Mr. Richards, but let's move on, folks. We can argue about why we are meeting, but let's get meeting.

Mr. Julian.

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Mr. Chair, I think Mr. Christopherson's comments are very important.

As you know, Mr. Chair, you moved concurrence and got it in the House, so that's a red herring.

**The Chair:** You looked me in the eye and said "no", Mr. Julian, after you said "yes" at this table. There's a matter of trust.

**Mr. Peter Julian:** I said no to that day, and you presented it the next day, and you had said you were going to present it on Thursday. If you want to go a day ahead, that's fine, but you should flag it with the opposition when you do that. I think that is appropriate counsel. If you are going to do it on a day that is different from the day that's agreed to, that's your choice, but we ended up having concurrence on the day that we agreed to.

**The Chair:** Let's get back to this meeting.

**Mr. Peter Julian:** Getting back to this meeting, Mr. Chair, this committee is the furthest behind of any committee on Parliament Hill. We discussed a couple of weeks ago all of the outstanding issues, including what has been raised by the deputy law clerk as pretty egregious leaks from the Standing Committee on Procedure and House Affairs. There was agreement to have discussions on that. There was agreement to have witnesses.

We have pressing deadlines that are coming up in just a few days. We have two committee meetings prior to the next expiry of a private member's bill. There are some real problems with this committee's functioning. I'm not a member of the committee. I come in, and I'm happy to be here, but the reality is the committee is far, far, far behind, and we're seeing committee meetings being cancelled unilaterally. We're seeing committee meetings being replaced.

It is not appropriate process, and I have to agree with Mr. Christopherson. The idea that we can have three members sign and replace any regular meeting of the committee is inappropriate. There are other venues for doing that, but the greater concern is the fact that this committee is so far behind. It keeps asking for extensions, but no work gets done because I think your government members seem to be more intent on a kangaroo court and a witch hunt than actually working on what procedure and House affairs should be working on.

•(1110)

**The Chair:** Mr. Richards, and then Mr. Lukiwski.

We'll get on with this meeting, please.

**Mr. Blake Richards (Wild Rose, CPC):** Mr. Chair, my understanding is you've made a ruling on this point of order, so I'm curious as to how there continues to be a debate on a point of order on which you've ruled. I think it's inappropriate.

**The Chair:** I'm trying to make it special for Mr. Christopherson.

Mr. Lukiwski.

**Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC):** Mr. Chair, just to underscore quickly what Blake said, obviously the NDP doesn't want to be here to discuss this issue because of its potentially damaging effect it has on them, having to repay \$1.17 million. We want to find out exactly how we can best make that happen. That's why we're supposed to be here. That's why we requested this special meeting that can be scheduled during a regular meeting. If the NDP wants to continue to try to obfuscate and evade their responsibility of repayment, that's up to them, but we want to have a meeting on it, and you've made a ruling. If the NDP wants to challenge the ruling, let them go ahead, and let's get on with the meeting.

**Mr. David Christopherson:** There you go: shut her down.

**The Chair:** I agree with what's been said, that we certainly still have some items on our agenda.

I will take a bit of offence at Mr. Julian's statement about this committee being far behind. We accomplished two or three very big things during this session of Parliament. I thank all those who are regular members of the committee for their hard work; perhaps Mr. Julian should look in more often. I feel very comfortable about what we've been able to accomplish.

Let's move forward on the reason we're here today, which is Standing Order 106(4).

**Mr. David Christopherson:** Mr. Chair, I'm sorry, I'm going to challenge the chair.

**The Chair:** On what—that we're having a meeting at our regular time?

**Mr. David Christopherson:** No, on your ruling that this is a special meeting. How can a special meeting be at the same time as a regular meeting?

**An hon. member:** [*Inaudible—Editor*]

**Mr. David Christopherson:** Well, I know the government; you have your political agenda, and—

**The Chair:** Not across the table, please; through me. If you want to challenge me, I'm perfectly fine with that.

**Mr. David Christopherson:** Yes. I would like to challenge—

**The Chair:** Pardon, Mr. Reid?

**Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC):** [*Inaudible—Editor*]...actually say what the challenge is? I have no idea what the challenge is other than to—

**The Chair:** I guess it's whether we're special or not.

Look, I'm suggesting that we're having a meeting due to receipt of a Standing Order 106(4) letter from enough members of the committee in order to have it. We're having it in our regularly scheduled time.

**Mr. David Christopherson:** And that's what I'm raising. It's strictly a procedural point of order. I don't believe you can declare a special meeting to automatically replace a regularly scheduled meeting just because three members sign a paper.

**The Chair:** I read the passage from O'Brien and Bosc. I understand that you dislike it, Mr. Christopherson, but procedurally it's correct.

**Mr. David Christopherson:** But my point, Chair, is that what you're doing is changing the agenda.

**The Chair:** I've made my ruling. Let's go.

**Mr. Blake Richards:** It's my understanding that a motion to challenge the chair cannot be debated, so why are we debating this?

**The Chair:** It's because your chair was a bit mad at him.

**Mr. David Christopherson:** And it's all personal, isn't it.

**The Chair:** Let's have a vote on the challenge. All those in favour of sustaining the ruling of the chair?

*[Ruling of the chair sustained]*

**The Chair:** We're going with what the chair said: it's special.

**Mr. David Christopherson:** Does that mean that the items on the regularly scheduled meeting are moot, don't exist, appear miraculously at some point? What happens with that?

**The Chair:** We'll certainly deal with this first, Mr. Christopherson. We've suggested that this is our order of business, so we'll deal with this.

**Mr. David Christopherson:** Right, and that's the real point—the idea to use these parliamentary moves to get this to be the number one item.

**The Chair:** Are you still arguing the point, Mr. Christopherson?

**Mr. David Christopherson:** No, I'm observing. I wouldn't be arguing, Chair, because you ruled.

**The Chair:** Yes, I know.

So on the order....

Mr. Julian, on a different point of order; it's the right season for it.

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

On a point of order, I think it's obvious to anybody who actually was in the House last week, on June 12, that the Speaker of the House of Commons actually ruled on the advisability of the use of Standing Order 56.1.

Mr. Chair, I'm sure you would have read it, because this is something that has a great deal of relevance to the work of the committee. But we asked them; following the appearance of the leader of the official opposition, we said at the time that we had no objection to the leader of the official opposition coming forward to committee. We wanted to contrast the leader of the official opposition's availability with the fact that Conservative ministers regularly will not come to committees, defy committees, refuse to come to answer in areas—

• (1115)

**The Chair:** Can you get to your point of order?

**Mr. Peter Julian:** I'm coming to that, Mr. Chair.

**The Chair:** Well, do so.

**Mr. Peter Julian:** As you know, I do have some ability to provide a preamble to that point of order.

**The Chair:** I'm getting to your limit, so get to the point of order.

**Mr. Peter Julian:** Mr. Chair, if you want to give the impression of destruction of due process, you could do that by shutting down a member of the opposition on a point of order.

So the leader of the official opposition appeared. Subsequently we asked the Speaker for a ruling. I won't read the whole ruling, but at the heart of the motion, as discussed by the Speaker, was an issue of whether the motion in question was an admissible motion pursuant

to Standing Order 56.1. Further, on page 6 of his lengthy ruling, he says the following:

In fact, it leads the Chair to the conclusion that the motion was...stepping beyond what the House has come to accept as being within the confines of Standing Order 56.1.

**So I'll read that again:** In fact, it leads the Chair to the conclusion that the motion was...stepping beyond what the House has come to accept as being within the confines of Standing Order 56.1.

So in terms of the admissibility, in terms of whether or not the original motion was in order, the Speaker was very clear. The motion was not in order. The motion was not admissible. He said the leader of the official opposition has already appeared. So of course that component is moot. I think we would all agree with that. The reality is the leader of the official opposition answered all questions, and the folks who I talk with are very clear that it's good to have a leader actually taking responsibility, coming forward, and answering questions. But there's no doubt that the Speaker's ruling changes this committee's focus.

The committee cannot continue with a study already raised by the deputy law clerk, and already raised by the former Law Clerk, as being problematic with the exception of the fact that the motion was brought forward in the House. I can reference that more specifically. Both the deputy law clerk and the former law clerk said, "This is really problematic". There is a House order, so maybe there is a way of looking through this. Now we have a very clear direction from the Speaker that the motion was inadmissible; it was out of order.

Mr. Chair, with all due respect, I think it's been made very clear. The Speaker should not be defied on this. The Speaker should not be overruled by a committee. The Speaker has ruled. The Speaker has said that it was inadmissible; it was out of order; it goes beyond the confines of what is permitted under Standing Order 56.1.

That is a clear acknowledgment that the idea government members have that we can just pursue this Standing Order 56.1 study forever, that we can continue a kangaroo court forever, is something that has been very clearly pointed to by the Speaker as not being appropriate. It's inadmissible. It was out of order. That means, of course, that things will continue in other venues like the Board of Internal Economy, which to our mind is partisan and secretive, but the reality is in terms of the original House order, it was inadmissible.

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

Mr. Lukiwski, on the same point of order.

**Mr. Tom Lukiwski:** Yes, very much so, Mr. Chair; I'd certainly like to respond to the point of order. Of course, the overriding point I will make, in some detail, is to contradict what Mr. Julian just said, because the Speaker absolutely did not say that it was inadmissible. Let me articulate that in greater detail.

I want to answer his assertions first by looking at what the Speaker's ruling does and does not actually say. Second, I want to point to several subsequent events that put today's meeting and today's request to have the deputy law clerk brief the committee on last week's finding of the Board of Internal Economy, that the NDP inappropriately used House of Commons resources, squarely within this committee's ordinary purview and its permanent mandate.

First, despite what the member opposite said, the Speaker did not rule our March 27, 2014, order of reference out of order. I don't want to muddy the waters here, as my colleague opposite always tries to do, so I want to quote what the Speaker actually said, not what my colleague opposite would like to try to make others think the Speaker said.

What the Speaker actually said—this will come from page 6719 of *Debates* for June 12, 2014—was the following: Thus, for the reasons stated, I would have been inclined to rule the motion out of order had this matter been raised within a reasonable delay.... Instead, in the absence of any objection at the time that the motion was moved, the matter went forward and the motion was adopted.

At no point in his ruling did the Speaker say that the order of reference was null and void. Likewise, the Speaker did not say that any proceedings undertaken pursuant to this order of reference were to be vacated. The Speaker simply said that had Mr. Julian jumped to his feet in the House that day and not some two months later, he would have been inclined to rule in that fashion. But that's not even to say with certainty that's how he would have ruled.

Before moving on, I would also like to point out that our Speaker made reference to a similar ruling by a previous Speaker, Mr. Speaker Milliken, from September 18, 2001. I think it's important to understand when that September 2001 ruling originated.

On June 12, 2001, a motion under Standing Order 56.1—the very motion that Mr. Julian is trying to say was out of order—had been adopted with respect to the disposition of legislation and the estimates over the course of that sitting and the next one. Now, a point of order had been raised later that day, the same day, and before the terms of the order made under Standing Order 56.1 had been carried out. But even though the point of order was raised the same day, but later in the day, Speaker Milliken dismissed the objections at page 5031 of the *Debates* on June 12, 2001, stating: In so far as today's proceedings are concerned, the Chair is satisfied that the motion was adopted this morning without 25 members rising in their place and without objection at that time as to the procedural acceptability of the motion. The matter has come before the House at this late hour and, in my view, the motion has been adopted and will apply for tonight's proceedings, and we will leave it at that.

In effect, what Speaker Milliken was saying was that the objection raised to Standing Order 56.1 came hours afterwards, not immediately, and therefore would not be accepted.

In this case, Mr. Julian waited almost two months after Standing Order 56.1 was passed. And he now expects that the procedural point of order of his should be approved and accepted? Clearly not.

While a September 18 ruling, which was cited by Speaker Scheer last week, was rendered after all implicated proceedings had been carried out, it was a follow-up to the June 12 ruling that made was after the Standing Order 56.1 was adopted and before the terms were carried out.

As I said, Mr. Chair, the Speaker ruled that if you want to make a point of order on the acceptability or unacceptability of Standing Order 56.1, you have to do so immediately. Mr. Julian waited two months. We can't excuse his incompetence. We can only say that the Speaker ruled appropriately.

● (1120)

I would submit to you, Mr. Chair, that a parallel situation exists here. A motion was proposed and adopted but because it was challenged too late, it was not rescinded, and that's the key point. It was not rescinded; it was not vacated. Despite the opposition trying to say that the motion was ruled out of order, it simply was not.

Secondly, Mr. Chair, the basis for this study, this examination of how the NDP should or could be compelled to repay the \$1.7 million, has been expanded. I say that, Mr. Chair, because on Wednesday of May 14, as you would well know, this committee received a memo from the Clerk of the House of Commons conveying certain documents from the Board of Internal Economy. That covering memo included a request from the Board of Internal Economy for this committee to consider these issues and, pursuant to Standing Order 108(3)(a)(i), to prepare a report in response.

Let me read for the record the provision of the Standing Orders that I just referred to:

(3) The mandate of the Standing Committee on:

(a) Procedure and House Affairs shall include, in addition to the duties set forth in Standing Order 104, and among other matters:

(i) the review of and report on, to the Speaker as well as the Board of Internal Economy, the administration of the House and the provision of services and facilities to Members provided that all matters related thereto shall be deemed to have been permanently referred to the Committee upon its membership having been established;

So if you look back at that May 14 memorandum, you will see that the first documents following the covering memo relate to large-volume mailings, the mailings in question, the mailings that were ruled inappropriate by the Board of Internal Economy, whose cost the board has determined should be repaid by the NDP. Quite clearly the \$1.17 million in inappropriate mailings by the NDP falls within the scope of the mandate of this committee, and certainly falls within the scope of the materials the board has referred to this committee.

At our meeting on June 3 we accepted the request of the Board of Internal Economy. The motion adopted that day reads in part:

That the Committee accept the request of the Board of Internal Economy of Wednesday, May 14, 2014, to provide it and the Speaker with a report, pursuant to Standing Order 108(3)(a)(i), in addition to any report the Committee may provide to the House in relation to this study;

Of course, Mr. Chair, the motion also contained another clause of great relevance here. As my friends opposite seem to talk about the relevance of this study, let's talk about that.

The paragraph immediately preceding the one that I just quoted provides the following:

That, in view of the evidence adduced to date, the Committee expand its study, if further evidence warrants, to topics incidental to matters relating to the election of Members to the House of Commons, pursuant to Standing Order 108(3)(a)(vi);

The pivotal words here are “if further evidence warrants”. Now I would suggest that we certainly have within our grasp that appropriate “further evidence”. As everyone knows, after several months of meetings the Board of Internal Economy concluded this month that the large-volume mailings undertaken by the official opposition formed an inappropriate use of House of Commons resources to the tune of almost \$1.2 million. According to the June 2, 2014, minutes of the board, as tabled in the House, the board agreed to the following:

that the NDP mailings under recent investigation were in contravention of the Board's by-laws on the grounds that they were prepared by and for the benefit of a political party;

Furthermore, it agreed:

that the Board spokespersons be authorized to report to the public that the mailings have been found in contravention of the by-laws....

That is exactly what has occurred.

On June 3 the Speaker issued a statement, which appeared on the parliamentary website, whose first paragraph reads:

The Honourable Andrew Scheer, Speaker of the House of Commons and Chair of the Board of Internal Economy has confirmed that further to its statement of March 24, 2014, the Board has determined that certain mailings sent by the New Democratic Party (NDP) Members

—and this is the critical point here—

were prepared by and for the benefit of the NDP as a political party and to advance electoral purposes, and are therefore in contravention of the by-laws.

• (1125)

In other words, to be perfectly clear, the mailings were not your typical ten percenters or franked mail that promote individual members. They were promoting two things, the NDP party and the byelections in question, and they referred to the NDP website, all of which are in contravention of the Board of Internal Economy bylaws.

Further, Mr. Chair, these were printed outside—for the most part—of the House of Commons. Therefore, the House was not aware of these mailings. Had they been made aware of such mailings, I am sure that the board in their wisdom would have ruled them to be out of order and those mailings would not have been sent. But the NDP, knowing that was the probable outcome, had they consulted with and sought approval for it, sought not to do so. As I said, Mr. Chair, this is further evidence that is now available to all of us and of the variety contemplated by the motion we adopted on June 3.

Let me read again the relevant clause of that June 3 committee order. Again I will quote: “That, in view of the evidence adduced to date, the Committee expand its study, if further evidence warrants, to topics incidental to matters relating to the election of Members to the House of Commons, pursuant to Standing Order 108(3)(a)(vi)...”.

Mr. Chair, the Board of Internal Economy has found as a fact that these mailings were to advance electoral purposes. Since obviously they did not constitute a parliamentary purpose, and this committee has a permanent mandate, under Standing Order 108(3)(a)(vi) related to “the review of and report on all matters relating to the election of Members to the House of Commons”, therefore, these developments squarely put further study related to these inappropriate mailings within our normal jurisdiction to consider electoral matters.

We need to have the deputy law clerk brief us on exactly what the board's decision is, what it means, what consequences flow from it, the potential remedies available to the board and to the House, and how the board can secure compliance from the rule-breakers. Since we've accepted the board's invitation to prepare a report, and given the subsequent findings, we need to understand these developments so that we can determine how this committee could or even whether we should—at this point in time, at least—investigate various elements.

Moreover, since the board made the findings of fact that the mailings were of an electoral nature, we also need to wrap our heads around what that means with respect to electoral laws, which are supposed to govern us all. In what ways did this \$1.17 million give an inappropriate benefit to the NDP and its candidates? How would that impact on contribution limits and expense rules that apply to the NDP? How would that impact, Mr. Chair?

All of this begins with today's request for this meeting in order to be briefed by the deputy law clerk. That's why we called the (106)4. All of this, as you have already ruled, Chair, is perfectly in order.

In concluding on this point of order, Mr. Chairman, let me summarize my points as follows.

Firstly, the committee's order of reference of March 27, 2014, was not declared null and void, despite what the NDP might say, and there was definitely no ruling that any proceedings undertaken as consequences should be vacated.

Secondly, the Board of Internal Economy referred additional materials to us on May 14, 2014, and requested that we prepare a report pursuant to our authority under Standing Order 108(3)(a)(i). We accepted this request on June 3 of this year.

Thirdly, also on June 3, 2014, this committee agreed to, if further evidence warrants, expand this study into the realm of our permanent mandate related to electoral matters. The Board of Internal Economy has concluded that these large-volume mailings were for the benefit of a political party and to advance electoral purposes, which is in contravention of the Board of Internal Economy bylaws. Therefore, this is without a doubt within our committee's purview to study.

• (1130)

Therefore, Mr. Chairman, you should feel free to dismiss the NDP's point of order so that we and the taxpayers can get briefed about the serious consequences of these findings and about the \$1.1 million in inappropriate mailings, which, of course, were of benefit to the NDP but in clear contravention of the Board of Internal Economy bylaws.

Thank you, Chair.

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

Mr. Julian, please give a fairly short rebuttal if you could.

**Mr. Peter Julian:** I'm sorry, Mr. Chair. I mean, if you're going to show bias, that's showing bias. You just had a filibuster for 20 minutes, and I'll start with the very clear fact, Mr. Chair, that what I'm getting from Canadians is about all these mailings the Conservatives are sending out with vicious attacks on the leader of the Official Opposition and sometimes vicious attacks on the leader of the Liberal Party. Canadians are saying, “I just got this in the mail. I can't believe the Conservatives...the secretive Conservative-dominated Board of Internal Economy, is saying this vicious attack on the leader of the official opposition is okay, but—gosh—the NDP talking about environment policy is not”.

**The Chair:** Mr. Julian.



**Mr. Peter Julian:** So quite frankly the partisanship of the Board of Internal Economy—

**The Chair:** Mr. Julian, I know you recognize your name because you will occasionally turn when I use it.

When I say, Mr. Julian, I would like you to stop...because you are way off. You are on your point of order about the Speaker's ruling, and now you're off into some universe about mailings.

Could you please talk about your point of order?

• (1135)

**Mr. Peter Julian:** Mr. Chair, we have just had a 20-minute dialogue from the Conservative Party on the mailings.

**The Chair:** I understand that, but we're not going to talk about the quality of mailings in the rulings.

**Mr. Peter Julian:** We did not interrupt him throughout his rant against the NDP. The reality is that we do have a system of checks and balances in this country. We do have due process. My point to start is—

**The Chair:** Oh, here we go.

**Mr. Peter Julian:**—very clear that people see the Conservatives doing these despicable partisan mailings even as we speak. That's what Canadians are seeing, and that's why they're getting back to me and saying they can't believe they received this today, Mr. Chair. They'll say they received this today.

They are Conservative voters. Some of them voted Conservative. They'll say, "I've voted Conservative all my life, and I just received this—"

**The Chair:** On the point of order, please.

**Mr. Peter Julian:**—"despicable mailing and I can't believe the Conservatives are this hypocritical".

So, on the point of order, Mr. Chair,—

**The Chair:** There we go.

**Mr. Peter Julian:**—since you seem to believe that fairness is giving 20 minutes to the parliamentary secretary and a few minutes to the official opposition, let's go back first—

**The Chair:** You're not done yet. I'm assuming we're going to get there. So...

**Mr. Peter Julian:** I will start with the Speaker's ruling, because very conveniently Mr. Lukiwski didn't actually reference the ruling. He kind of said this exact word that needed to be found about being null and void is the only thing that we would listen to. Then he cited Mr. Milliken's rulings from 13 years ago, which were cited by the Government House Leader, of course, in the House of Commons, and he lost on that point. He raised Milliken's point that Mr. Lukiwski has repeated, and the Speaker ruled against him.

What the Speaker said again, and I am quoting now from the Speaker's ruling—unlike Mr. Lukiwski who is quoting from Mr. Milliken 13 years ago—which shows the relevance, I think:

At issue then is whether the motion in question was an admissible motion, pursuant to Standing Order 56.1.

That is the question the Speaker was asked, and the Speaker ruled: it leads the Chair to the conclusion that the motion

stepped

beyond what the House has come to accept as being within the confines of Standing Order 56.1.

That's on page 6. So the Speaker asked the question. At the heart of the question, which was absolutely right, was whether or not this was admissible. On page 6 he said it was not admissible as it stepped "beyond what the House has come to accept as being within the confines of Standing Order 56.1".

**Mr. Tom Lukiwski:** Point of order, Chair.

**Mr. Peter Julian:** The question of admissibility is very clear, front and centre.

**Mr. Tom Lukiwski:** Where did he say it's not admissible?

**Mr. Peter Julian:** Would you not interrupt my point of order with another point of order?

**Mr. Tom Lukiwski:** Where did he say it was not admissible? I just want to make sure he's quoting accurately, Mr. Chair.

**Mr. Peter Julian:** Mr. Lukiwski is—

**The Chair:** Move on, Mr. Julian.

**Mr. David Christopherson:** Calm down. We get our turn, and then you get to talk.

**The Chair:** Not across the table, please, gentlemen.

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

I understand under McCarthyism there were the same kinds of hearings with the Republicans yelling and screaming at witnesses. I gather that's what Mr. Lukiwski is trying to do.

If he's lost it and he's screaming, it's because he's losing.

Let's go to the issue that was raised both by the deputy law clerk and by the former Law Clerk. The deputy law clerk actually raised this in his memo, Mr. Chair, to all of us. The deputy law clerk actually analyzed the original order and said that the determination around the use of resources was exclusively given to the Board of Internal Economy. He did say that. The fact that the Board of Internal Economy has now been deformed into an ugly, partisan, secretive body is something to debate in another place, but here, very clearly, he said that the Board of Internal Economy was given that mandate under the mandate of the Parliament of Canada Act. So we're talking about statutes.

Then further on, warning the committee, he said, "Subject to the discussion below...one could then conclude that the study before your committee does not squarely fall within its mandate". He said very clearly that this study does not fall within the committee's mandate. This was the deputy law clerk stepping forward and saying, hold on, this is not within your mandate. He continued, "However"—and this is the one caveat, the one exception, which is on page 3, and Mr. Lukiwski can follow along, of the guidance provided to this committee—"the matter is before your committee following the adoption on March 27, 2014...of a motion of instruction of the House of Commons."

That was a procedural dirty trick pulled by the Conservatives at the time.

We allowed the leader of the official opposition to come forward to speak, because we knew Canadians would like to see him, and that worked very well. The next day we appealed the decision and, given the Speaker's ruling that says it was inadmissible, that eliminated the only exception the deputy law clerk found, that it is not within the mandate of the committee. However, because of that motion of instruction of the House of Commons, the committee could consider it.

Then, of course, Mr. Chair, following that, the deputy law clerk went over a whole range of cautions to this committee, many of which have not been observed and many of which we would love to ask him about, because he warned the committee about conducting exactly the kind of kangaroo court we've seen at procedure and House affairs, in a despicable way.

The deputy law clerk actually cautioned that the only reason we could study this was because of that instruction. Now we have the Speaker saying, "Mr. Chair, well, hold on now. That was inadmissible", and the question of the admissibility of that motion, that dirty trick, the Standing Order 56.1, stepped beyond what the House has come to accept as being within the confines of Standing order 56.1. That is the conclusion of the Speaker of the House.

Mr. Chair, the issue of the former Law Clerk and the cautions he provided are very germane to this discussion. Mr. Chair, even though I like you personally, I know you're in a framework in which the PMO tells Conservative members what to do, so I have no doubt about the eventual outcome of this point of order.

I see this majority every day in so many ways just trying to crush and attack opposition, whether it's the Chief Justice of the Supreme Court, the Parliamentary Budgetary Officer, the Chief Electoral Officer, or the leader of the official opposition, it's all the same. And it is important to note, because Canadians believe in fair process, and I'm speaking, through you, to those Canadians who believe in fair process, that the former Law Clerk said:

To allow the use of House proceedings for any purpose whatsoever would be to license parliamentary tyranny by a governing majority over the minority parties sitting in opposition if not also over outside third parties.

The former Law Clerk also warned that the committee is at risk of creating double jeopardy by pursuing matters that are traditionally the exclusive purview of the Board of Internal Economy.

Mr. Chair, here we have a Speaker's ruling that very clearly falls within the purview of what the deputy law clerk instructed us in terms of this not being a mandate of the committee. However, you have the House mandate. The Speaker then said, "Well, hold on. It's inadmissible". That motion was inadmissible, and very clearly, he said, it stepped beyond the bounds of what is considered appropriate. Then you have the former law clerk saying that to "allow the use of House proceedings for any purpose whatsoever would be to license parliamentary tyranny by a governing majority...". This is exactly what is happening here, Mr. Chair.

• (1140)

In what we've seen over the last few months, this is an unprecedented attack on an opposition party. We have had no

opposition to having the Conservative mailings, the Liberal mailings, and the New Democrat mailings evaluated independently. What we've seen instead at the Board of Internal Economy is that the House administration has been prohibited from analyzing the despicable, partisan, personal attacks in the Conservative mailings that are going out every day and the Liberal mailings that follow the same guidelines as the NDP mailings.

We don't object to having the mailings analyzed. Of course we don't. What we do object to is the parliamentary tyranny that the former law clerk warned us about: a licensing of parliamentary tyranny by a governing majority over the minority parties. We see this now in the turning of the Board of Internal Economy, which always functioned on a consensus model, into an ugly, ugly, secretive partisan body that targets whoever they want.

We see this in ministers now trying to say that crown corporations can be part of any witch hunt. We now are seeing this when the deputy law clerk, the former law clerk, and the Speaker have all cautioned this committee.

Mr. Lukiwski said no, just go right ahead, and let's bring a lynch mob out and attack the opposition. That is completely inappropriate, Mr. Chair. This is an inappropriate process. This is a process that very clearly was inadmissible from the start and is clearly inadmissible now. What we see is a government with its parliamentary tyranny, as the former law clerk very clearly cautioned all Canadians prior to the start of this hearing. We're seeing a parliamentary tyranny of the majority imposing itself.

Mr. Chair, I don't think Canadians sided with the Prime Minister when he attacked the chief justice. I don't think Canadians sided with the Prime Minister when he attacked the Parliamentary Budget Officer, or the Chief Electoral Officer, or Sheila Fraser. I don't think Canadians side with the Prime Minister in attacking the official opposition.

What Canadians would expect is, as we have.... I know that our motion is going to be coming forward this week from the NDP saying that the Auditor General should come in and look at all mailings and at parliamentary resources. We've been trying that. As you know, Mr. Chair, we tried that last fall. We said that the Auditor General should be brought in—independent—and he will evaluate everybody appropriately. He will look at the overall use of parliamentary funds, including some of the things that the Board of Internal Economy has been doing, and then Canadians can have trust in that result.

It was refused by the Conservatives and Liberals last fall. It was refused again in the spring, when we brought it forward to the House of Commons. But it's what Canadians want. There is no doubt, Mr. Chair. Canadians believe that the Auditor General should be independent in evaluating things. It shouldn't be a partisan, secret, ugly, backroom Conservative committee making these types of decisions and attacking—in the same way they attacked the Chief Justice of the Supreme Court—the parliamentary opposition.

Mr. Chair, in conclusion, even though Mr. Lukiwski tried to avoid actually reading the words of the Speaker, we have a Speaker who said, in response to the question of “At issue then is whether the motion in question was an admissible motion, pursuant to Standing Order 56.1”.... He asked the question and gave the answer: “...it leads the Chair to the conclusion that the motion” stepped “beyond what the House has come to accept as being within the confines of Standing Order 56.1”—inadmissible.

The parliamentary secretary can say, “Well, no, I wanted this particular word and if I don't have this particular word, then the Conservatives can do whatever the hell they want.” That's not the way it works in a real democracy, Mr. Chair. Perhaps in some banana republics potentially, yes, but in Canada, Canadians actually believe in due process.

They believe in having the essential fairness that whether you go into a court or before a jury you're evaluated in the same way that everybody else is evaluated. You're not evaluated differently because you're a New Democrat and you're the strongest official opposition the Prime Minister has ever seen. You're not evaluated differently from how a Conservative mailing would be evaluated. You don't have a secretive Conservative body saying that you can attack the leader of the official opposition in an intensely personal way, in a partisan and personal way, and that's okay, because “we've decided it's okay because we set the rules because we're Conservatives and we can do whatever we want”.

● (1145)

That is not how Canada functions. That is what the former Law Clerk cautioned us against when he said:

To allow the use of House proceedings for any purpose whatsoever would be to license parliamentary tyranny by a governing majority.

We have the Speaker's ruling. We have the deputy law clerk very clearly saying this is not within the mandate of procedure and House affairs. However, with that instruction, perhaps it could be allowed, except that the instruction was inadmissible. We have the very prescient warnings from the former Law Clerk saying the kinds of things we're seeing now, that the use of House proceedings for any purpose whatsoever would be to license parliamentary tyranny by a governing majority over the minority.

Mr. Chair, though I have no hope that this will get fair hearing, we are not talking about the kind of rules of evidence that work in a court of law. The courts will eventually, as they have rejected so many Conservative bills, reject these kangaroo courts proceedings, I think, as well. I have no hope in this particular venue with a Conservative majority, even if you were sympathetic, even if you said, yes, that's true, and all the points the NDP have raised are true. Even if you said, “as Chair, I will rule that this continued witch hunt is inadmissible,” the Conservative majority would overrule you. I've seen a few times that Conservative chairs have tried to stand up for justice, rule of law, and due process. I've seen Conservative majorities just steamroll them out. So I have sympathy for your position. I like you as a person, but I know that the Conservatives will force you, if you don't do it yourself, to rule against and defy the Speaker's ruling and the clear warnings and concerns raised by both the deputy law clerk and former Law Clerk.

I find that appalling, Mr. Chair. I think the vast majority of Canadians would say we need a return to due process in this country. We actually need in this country a system of checks and balances so that the parliamentary tyranny by a governing majority, which the former Law Clerk warned us about, does not come to pass in every facet of Canadian life.

● (1150)

**The Chair:** Thank you.

Mr. Lukiwski, you can give a short rebuttal, please.

**Mr. Tom Lukiwski:** I will be extremely brief.

Again, I would point out to my colleagues opposite and to anyone else who may be watching that at no point in the Speaker's ruling did he say the order of reference was null and void. At no point did he say that the proceedings undertaken as a result of the order of reference were to be vacated. Had he wished to do so, he could have done so. The Speaker could have said all of this should not be considered. He did not say so. Why? Because it was in order, Mr. Chair.

Finally, I would just point out, the member opposite keeps referring to the deputy law clerk. Let him appear. That's all we said: let him appear. If you think that he's going to support your position, let him appear. What are you afraid of? He and many other officials on the House administration side, not the elected politicians but the House administration officials who examined this, determined that the mailings were inappropriate. Let's bring some of those people here and find out what we can do about it. If he wishes to question the deputy law clerk and if he thinks the deputy law clerk will support his political position, he has an opportunity to do so. Let's get on with it. Let's schedule a time to see when we can bring Monsieur Denis to the committee.

**The Chair:** Thank you.

I have no other speakers, so I will rule that the motion based on Standing Order 106(4) that brought us here today is in order. It's admissible, certainly, because the committee did receive a specific order of reference from the House to start this process. The substance of the request pertains to the matter before us in the order of reference from the House. Since that study started at this committee, we've also received a request, as was mentioned, from the Board of Internal Economy to look further and supply them with a report at the end of our study.

Most important, if it was the intent of the Speaker to revoke this order of reference, he would have specifically done it in his ruling in the House.

Therefore, we are here today in order to decide whether we will invite the Law Clerk and at what time we will be seeing him.

Yes, Mr. Christopherson.

**Mr. David Christopherson:** Mr. Chair, if I might I would just exercise my right to serve a motion of motion. I believe it's been circulated, so I'll read it and then relinquish the floor back to you:

That the Committee request that the Auditor General of Canada conduct an audit into the mailing programs of all Members of Parliament from March 31, 2010 forward, including the mailing programs of House Officers and Ministers, to determine whether any by-laws were violated in the production or sending of addressed or unaddressed mail by Members, and report back to the Committee no later than Monday, December 15, 2014.

Thank you, Mr. Chair.

**The Chair:** Thank you.

That notice of motion is now with us.

We are now on the topic of today's meeting.

Mr. Lukiwski.

**Mr. Tom Lukiwski:** To that point, I don't know if you were assembling a speakers list—

**The Chair:** To that point.

**Mr. Tom Lukiwski:** Yes, to that point. All I was going to suggest is that if the committee agrees to instruct you and the clerks to this effect, that you to try to determine when Monsieur Denis might be available and schedule a meeting forthwith based on his schedule.

**The Chair:** Mr. Julian, on that point.

**Mr. Peter Julian:** Well, our next scheduled meeting is Thursday, Mr. Chair, but I have some other comments I'd like to make.

As far as having him on Thursday is concerned, I am absolutely in favour of that. In fact with the 48 hours' notice, it would have to be Thursday for a committee meeting to be held.

• (1155)

**Mr. Tom Lukiwski:** Just on that, I want to point out that this meeting is based on Standing Order 106(4). That's why we're here today. Subsequent to that, are we then under the ambit of 106(4) able to have a meeting with Monsieur Denis if he says, for example, that he's available tomorrow? Would we be able to schedule the meeting tomorrow?

**The Chair:** My understanding is that yes is the answer to that.

**Mr. Tom Lukiwski:** Then again I go back to my first suggestion. We find out what his schedule is and try to schedule a meeting at the earliest opportunity consistent with Monsieur Denis' personal schedule. If it's tomorrow, let it be tomorrow.

**A voice:** Does it have to be 24 hours?

**A voice:** No.

**The Chair:** Carry on, Mr. Julian.

**Mr. Peter Julian:** It's 48 hours. The Law Clerk is available on Thursday morning. We will be sitting on Thursday. If Mr. Lukiwski is thinking somehow that things are going to be wrapped up early, I would point out that Thursday is our next regularly scheduled—

**Mr. Tom Lukiwski:** He may be available tomorrow.

**Mr. Peter Julian:** —meeting.

**Mr. Tom Lukiwski:** Were you not listening, Peter? You don't listen to my questions to the clerk.

**Mr. Peter Julian:** The next scheduled meeting is Thursday. The chair would be putting that into place for Thursday.

Now, as far as the Thursday meeting is concerned—

**Mr. Tom Lukiwski:** Chair, I thought you had just ruled that under the ambit of Standing Order 106(4), it doesn't have to Thursday and we can have it tomorrow if we wish. I'd just like some clarification.

**Mr. Peter Julian:** Mr. Chair, this is the meeting under Standing Order 106(4). The Standing Order no longer applies. You can't schedule two meetings under the same Standing Order. You've got to be crazy.

**Mr. Tom Lukiwski:** Why don't you let the chair rule?

**Mr. Peter Julian:** Okay. The 106(4) meeting is now. We just clarified that at the beginning of the meeting. There is a 48-hour notice period required if the Conservatives want to request another meeting under 106(4). But you do not get two meetings out of one Standing Order 106(4). That's not even something the chair has to rule on; that's just very clearly what the Standing Orders say for committees. If the official opposition requests a meeting under 106(4), you can't then say that the NDP has now scheduled three meetings, with five members. We've had the meeting. In fact the chair was very clear about that in response to the question by Mr. Christopherson. We've had the 106(4) meeting. It is now. It's done.

If the Conservatives want to send in another notice they could, but the 48 hours would still apply, which means that we're talking about Thursday. So we're talking about a meeting on Thursday at 11 o'clock, if we're talking about due process. Unless we have now entered a circus zone, where the Conservatives just make up their own Standing Orders as they go along, defy the Speaker's ruling and defy everything, that would be a different kettle of fish.

Now since we are talking about a Thursday meeting, we certainly agree. But this is my question for you, Mr. Chair, and I'm very concerned about this. Since we are seeing such a complete destruction of due process by this government, we want to be able to question the deputy law clerk on a whole range of issues that came up in relation to this study, including the Speaker's ruling, the concerns and cautions offered by the deputy law clerk about the study itself, and the deputy law clerk's concerns about the systematic leaks by members of this committee. We raised concerns about that at this committee, Mr. Chair, and of course nothing has been done about it yet. We keep pressing the issue and saying that the idea that somehow committees can just leak everything that Conservatives have opposed in the past... But certainly, personally there is no doubt that the issue of leaks is an important one.

I want to ask you, Mr. Chair, about the following. I am assuming that we will be able to ask the deputy law clerk those questions. However, in other committees we have seen Conservative chairs systematically ruling out of order any question not permitted by the Conservatives. I want to make sure that is not going to happen in this case. I think Mr. Christopherson probably has some things to add to that.

**The Chair:** Sure. That can be right after Mr. Richards and Mr. Lukiwski.

Mr. Richards.

**Mr. Blake Richards:** Thanks, Mr. Chair.

I find it interesting to listen to Mr. Julian speak on behalf of the NDP and to indicate that they want to avoid a meeting. That's interesting to me since he spent a number of minutes at the beginning of this meeting talking about how he felt this committee was so far behind and that we should be working on things. That is what we're trying to do. We're trying to have a meeting as soon as possible to hear from the deputy law clerk. Despite that, he sits here now and is trying to avoid having a meeting as soon as possible.

It is sort of reminiscent of some of the antics in the media that he's been displaying in recent days. He's flailing about, trying to do everything he can to avoid accountability for their misuse of the money, and that seems to be what's happening here again today. It's unfortunate. I think we should get to the meeting as soon as we possibly can and hear from the deputy law clerk. I think it will be very helpful for us to hear from him.

• (1200)

**The Chair:** Mr. Lukiwski, on this motion.

**Mr. Tom Lukiwski:** Despite Mr. Julian's trying to infer that you don't know how to do your job and only he can give a proper ruling and understanding of the Standing Orders—

**The Chair:** I just question that.

**Mr. Tom Lukiwski:** I notice your admirable restraint, Mr. Chair, with the invective and insults hurled at you from the opposition. I would just like to ask the clerk. If he doesn't believe me—which I don't expect he ever will—let's just ask the clerk whether this committee has the ability and the right to call a meeting when it wishes, and therefore, if Monsieur Denis is available tomorrow, whether this committee has the ability to call a meeting for tomorrow.

**The Chair:** I'll make that decision on behalf of the clerk. The Chair has the ability to call meetings at any time, as long as notice—

**Mr. Tom Lukiwski:** Then Mr. Julian once again was wrong, and I go back to my initial point. Let's find out when Monsieur Denis is available, and I would suggest we call a meeting at the first opportunity, pursuant to his availability.

You're wrong again, Peter. Eventually you'll get it right though—don't worry.

**Mr. Blake Richards:** I don't know.

**Mr. Tom Lukiwski:** No, well, maybe not.

**The Chair:** Mr. Julian, you put Mr. Christopherson's name on my speakers list. I don't know whether he said he wants on.

**Mr. David Christopherson:** If Mr. Julian would like the floor back, I'll give it to him.

**The Chair:** You'll give it to him. Okay.

Mr. Julian.

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

I can only say we're talking about a very unprecedented and completely different approach from what I've ever seen in the 10 years I've been here. Mr. Lukiwski can certainly throw any insult he wants. That's fine. I like him, and I think he's often right, but often wrong, but the personal attacks that we see from Conservatives don't

change the fact that this is a complete shift away from the due process we are aware of.

We had a committee meeting set up for last week. It was cancelled. We had a committee meeting today that was replaced by the Standing Order 106(4). I hear the Conservatives saying that they're going to just demand a meeting any time they want, even though we have a scheduled meeting for Thursday, which is a two-hour period that is there.

That takes me back to my point that at every single point we've seen the Conservatives simply say, "Hey, we're going to throw the rules and the ruling out the window. We're going to proceed because we have that parliamentary majority", which the former Law Clerk warned us about. The question I ask you again is this: Is the official opposition going to be allowed to ask our questions, because systematically in Conservative committees, Conservative chairs rule opposition questions out of order.

We have seen this systematically right across our committees. We have seen chairs say, "No, the study is only on the benefits of this Conservative policy. You can't ask a question about any of the problems or consequences that come out of that Conservative policy".

We have seen that systematically. It's a huge abuse of the parliamentary process. It basically eliminates democratic debate.

I ask you again, Mr. Chair, because I'd like you to be on the record: are you going to rule opposition members' questions out of order, or are you going to allow us to ask the questions around the Speaker's ruling, around the issues that we've seen, of course, with the Board of Internal Economy and its partisan nature and the issue around the warnings that the deputy law clerk provided to us around this study itself, which said that the motion of instruction was the only thing that validated it and the motion of instruction has been ruled inadmissible.

We saw that in the Speaker's ruling. That is the ruling. Despite what Mr. Lukiwski says, the Conservatives lost that ruling. The Government House Leader was not happy when the ruling came down, but we got the ruling, and the reality is that is a ruling that members should be heeding.

Then, of course, there is the other issue, which is the systematic and planned ongoing partial leaks—not of everything. The documents that reinforced our position sometimes were withheld but systematic and partial leaks took place regularly following the warnings from the deputy law clerk that these leaks should not be taking place and that the committee should put in place every single measure to ensure that those leaks did not take place.

Those are the kinds of questions that I certainly will want to ask. My colleagues probably have other questions they want to ask the deputy law clerk. Will those questions be allowed? That is my question to you, Mr. Chair.

• (1205)

**The Chair:** As with any study in this committee, I certainly believe that fairness has been shown. If it's in the scope of the motion before us—

**Mr. David Christopherson:** Mr. Chair, I just relinquished my spot in order, not my spot entirely.

**The Chair:** Sorry, but I was asked a question. I was going to answer it even though Mr. Julian just loves me today.

I'll go back to you, Mr. Christopherson. Go ahead.

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

I won't be that long. I just want to tackle this issue that somehow we're running away from this meeting. Far from it.

First of all, we can't run away from anything, because the government has a majority. We accept that whatever tyranny they've decided they want to have, we're going to be whipsawed into that. That's the nature of the beast. The public will see it and render their judgment on that.

As I understand it, what we're asking the deputy law clerk to do is to talk about the mechanisms by which the government, in this case the Conservatives, can force the NDP to pay back money that we don't believe we owe.

Here's the situation. The trial as to whether or not we were guilty took place in private, in camera, where a majority, two out of three parties, ruled against the one party in a system that's supposed to be built on consensus, which is why it's okay to be in camera. The trial and jury took place in camera but now the sentencing is going to be done in public. We're still arguing, with what we believe is great merit, the fundamental findings of the Board of Internal Economy, the lack of any kind of natural justice and any public awareness of what's going on. The government keeps repeating, "You're guilty, you're guilty, you owe this." It's a star chamber. Nobody has put any evidence out in public. All we've ever asked for throughout the whole process is that this be put out in public. We're quite prepared to live by the rules, as the other parties are too. Let's see how the rules are being applied to the NDP and make sure that they're being applied equally to everybody. If that's the case, we'll live with the consequences. It's this business of having a trial and jury in camera in a star chamber, and then making a big deal about public sentencing, as if somehow that makes what was done earlier okay....

We're not afraid of having this meeting. It's just going to be to talk about money we don't believe we owe anyway. We believe it was politically driven by the Conservatives, the hand-maidens of the Liberals, in a meeting that was conveniently in camera. It was a secret meeting where two of the parties found one of the other parties guilty in a system that's supposed to be consensus based to start with. There are all kinds of problems with this, from the beginning of the process to its findings.

If you want to bring in the deputy law clerk to talk about the procedures available to the government to continue its political execution of the official opposition, fine. Why would we run from that? We don't believe that we owe that money; we don't believe that we've broken the rules. All we're asking for is our day in court, but we want that court to be in public. That's what we're seeking here. The fact that this meeting and the process under Standing Order 106 (4) has, in our opinion, been manipulated is all just part of it.

We're not resisting because we're worried about what will happen at the meeting. Fine, let's have a discussion about that money. When

it turns out that the Liberals and Conservatives are guilty of technically violating all the rules too, we need to know what the mechanisms are to go after them, if that's the interest of the committee.

As for our trying to avoid that, it's not the issue. What we are trying to do is to preserve what little rights we have left around here. Make no mistake, the deputy law clerk is going to come in. Do you want to hold the meeting tomorrow? Fine. Hold the meeting tomorrow. We'll be there. But we have questions for the deputy law clerk consistent with some of the rulings that the Speaker made in terms of the guidance this committee was given. We're way over those lines of guidance.

By all means, let's have this meeting. Let's start talking about what's really going on here. Let's really drill down and talk about the difference between proper procedures and being fair-minded versus the kind of kangaroo court process we've seen. By all means, let's have the meeting, Mr. Chair, as long as we have free rein to ask questions relevant to the scope of the mandate of this committee, in addition to the government's questions.

● (1210)

With that understanding, we are fine with having this meeting. It's just a shame that the government's manipulation of the politics around here extends all the way to fiddling with agendas, with meetings that are cancelled, and with the calling of witnesses. It's all just very ugly, very messy, and very un-Canadian in the way it's being done. So be it.

So be it. We'll see you tomorrow.

**The Chair:** Mr. Julian, to finish.

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

I certainly agree with Mr. Christopherson. I was trying to figure out this idea that we have a regularly scheduled meeting on Thursday and we're going to be sitting on Thursday, so why the government would be pressing ahead with "hey, let's do this quickly".... I suddenly realized, Mr. Chair, that it's because of Northern Gateway... the Conservatives know that they are going to lose 20 seats if they go the way that we're expecting them to go after question period today

**An hon. member:** [*Inaudible—Editor*]

**Mr. Peter Julian:** Absolutely. It has all the relevance in the world.

Mr. Chair, if you could ask them to stop hurling insults, that would be wonderful.

So we have Northern Gateway coming this afternoon; the government has waited until the last possible minute to try to actually push ahead and steamroll British Columbians with this. We know that 70% of the population in British Columbia is opposed to Northern Gateway, and we know that it puts 20 seats in place for the NDP, because the NDP has been standing up for British Columbians and Conservatives have not been. So why, then, are we—

**The Chair:** Will you get to relevance, please? We are talking about a motion to invite the law clerk to this committee—

**Mr. Peter Julian:** Yes—

**The Chair:** —and you have gone to pipelines.

**Mr. Peter Julian:** —and we've said that Thursday is our regularly scheduled meeting. We've said that. We're open to that issue. I've raised a number of concerns about questions that might be allowed or disallowed, which I would like to hear you specifically come back on, Mr. Chair. But at the same time, the reason why this is being pushed for tomorrow is the Conservatives' incredible concern about the reaction from British Columbians to ramming through the pipeline. I think this probably sends the clearest message yet, Mr. Chair, that the decision tonight will be against British Columbians, because that is why the Conservatives are scrambling to throw in something, anything, to distract from what is going to be a pretty substantive reaction.

It's good to know now what the game plan is. The game plan is to try to detract from an issue that is going to cost the Conservatives 20 seats in British Columbia in the next election.

Mr. Chair, I will come back to the issue of questions being allowed: the Board of Internal Economy and its move to a partisan process; the Speaker's ruling rendering 56.1, the dirty trick that started this process in the procedure and House affairs committee, inadmissible; the leaks that the deputy law clerk very clearly warned us against and asked the committee to take appropriate precautions for; and his cautions about the study itself, cautions about this not fitting within the mandate of the committee. Those are four areas that we want to be asking questions on. Do we have your assurance that we will be able to ask questions in those areas?

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

On the motion of inviting the law clerk at the earliest convenience, those in favour of the motion? Those opposed?

(Motion agreed to)

**The Chair:** Then we will invite the law clerk at his earliest convenience.

Mr. Julian, in at least a partial answer to your question, I will be the fair chair that I am each and every day. If your questions are within the scope and the law clerk is able to answer them, then they will certainly be allowed.

We have a report finished—

Mr. Christopherson, are you on something else?

• (1215)

**Mr. David Christopherson:** I just wondered what you were going to do next, Chair. It sounds like you're—

**The Chair:** We have a report finished. It's a draft report, so I'd like it not discussed, but I would like the ability to distribute it to you. It is the report that the analysts have put together on the Bezan motion of privilege. May I distribute it to the committee or cause that to happen?

**Some hon. members:** Yes.

**The Chair:** Okay? So everybody is all right with that? We'll make sure that happens—by e-mail as well or just a hard copy?

Mr. Lukiwski.

**Mr. Tom Lukiwski:** Sorry, I just have a question, Chair. We're not going to be discussing it now?

**The Chair:** No. I have to ask permission to distribute a draft report.

**Mr. Tom Lukiwski:** We're fine with that.

**The Chair:** That's great. We'll give that out.

Is there anything else for our committee today?

**Mr. David Christopherson:** I have one last item. It's a housekeeping matter of committee business. On the Bezan report, we said that we were going to try to clean that up before we rose for the summer. What's your sense of that?

**The Chair:** This was my intent, that you get it now today. You have the ability to digest it somewhat, and if we get a chance to discuss it, then we can clear it up.

**Mr. David Christopherson:** What about the report on leaks?

**The Chair:** All would work if we had the time.

**Mr. David Christopherson:** That is what we were supposed to be doing today. Okay, thanks.

**The Chair:** Following procedures at the procedure and House affairs committee, Mr. Christopherson—

**Mr. David Christopherson:** [*Inaudible*] along.

**The Chair:** Mr. Julian.

**Mr. Peter Julian:** I just have a final point, Mr. Chair.

**The Chair:** I can't believe there's more, but go ahead.

**Mr. Peter Julian:** Mr. Christopherson's motion of course will be in order tomorrow.

**The Chair:** Well, of course.

**Mr. Peter Julian:** Its 48 hours.

**The Chair:** His motion will have reached its maturity. In order—

**Mr. Peter Julian:** Well the 48 hours will have expired. It didn't expire for today, but it will have expired for tomorrow, the 48 hours at least.

**The Chair:** He still has a couple of others that are at maturity. So whenever he deems to have them discussed, that could obviously happen.

Is there anything else by the committee today?

Then I thank you all. We will work on scheduling the deputy law clerk at his earliest convenience.

The meeting is adjourned.







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

---

### SPEAKER'S PERMISSION

---

Reproduction of the proceedings of the House of Commons and its Committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the *Copyright Act*. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a Committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the *Copyright Act*.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its Committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

---

Also available on the Parliament of Canada Web Site at the following address: <http://www.parl.gc.ca>

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

---

### PERMISSION DU PRÉSIDENT

---

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la *Loi sur le droit d'auteur*. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la *Loi sur le droit d'auteur*.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

---

Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante : <http://www.parl.gc.ca>