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Chair

Mr. Joe Preston

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• (1140)

[*English*]

The Chair (Mr. Joe Preston (Elgin—Middlesex—London, CPC)): I'd like to call us to order please. We are in public today for meeting number 54 of the procedure and House affairs committee, dealing with Bill C-586 by the member from Wellington—Halton Hills.

Mr. Chong, it's great to have you here today. We'll let you start with an opening statement and then we'll ask you all the hard questions we can possibly think of. Because of the delay from the votes, we'll give you the time to be able to do that.

Mr. Chong, you have the floor.

[*Translation*]

Hon. Michael Chong (Wellington—Halton Hills, CPC): Thank you, Mr. Chair.

[*English*]

Good morning, Chair.

Thank you for inviting me here today to talk about Bill C-586, the reform act 2014.

Mr. Chair, I believe this bill would strengthen the foundation on which our democratic institutions in Canada were founded, that foundation being responsible government. The ideas on which this bill are based are not my ideas. They are not new ideas; they are very old ideas, very Canadian ideas. This bill is based on the ideas of people like Robert Baldwin and Louis-Hippolyte Lafontaine—a monument to whom is standing behind us here in Centre Block—that establish the principles on which modern Canadian political institutions are based, ideas that have laid the foundation for modern Canada.

[*Translation*]

Dear colleagues, it has become clear that decades of changes to the House of Commons and the way we elect MPs have weakened the role of MPs in favour of party leadership structures. As a result, there is a growing divide between Canadians who want their MPs to have a bigger say and a House of Commons where power is concentrated in the leadership structure.

[*English*]

The reform act puts forward three simple reforms to strengthen the House of Commons by proposing to restore local control over party nominations, strengthen caucus as a decision-making body, and re-enforce accountability of party leaders to caucus. These three simple

reforms will empower MPs and give them the tools that they need to better represent Canadians in Ottawa.

When the original bill, Bill C-559, the reform act 2013, was introduced last December I welcomed suggestions on how to improve the bill. Based on the suggestions received in the months following the bill's introduction, I introduced a second bill, reform act 2014, on April 7. Since April I have consulted extensively with colleagues on both sides of the aisle. As a result, on September 11, I proposed further changes to the reform act 2014 in order to gain sufficient support at second reading. At the time, I called on this committee to adopt these changes if the bill were adopted at second reading. On September 24 the House of Commons adopted this bill and sent it to this committee, which brings us to today.

[*Translation*]

Mr. Chair, I have prepared for committee members a package that outlines the changes in the form of four amendments and a series of negated clauses.

I ask that you consider and adopt these amendments and negative certain clauses in order to secure passage of the bill at third reading.

[*English*]

Since the introduction of the reform act, I've received an incredible amount of feedback and support from members of Parliament, academics, stakeholders, and Canadians from across the country.

I ask the committee to support this bill and the proposed changes and to deal with this bill as expeditiously as possible. Time is short and we are up against the hard deadline of the dissolution of Parliament and a general election. I look forward to answering any questions that you may have.

Thank you very much for having me. Merci.

The Chair: Thank you, Mr. Chong.

We'll go to questions for a seven-minute round.

We'll start with Mr. Richards.

Mr. Blake Richards (Wild Rose, CPC): Thank you.

It's a pleasure to have you here today, Mr. Chong.

I do appreciate the remarks you made at the opening, which I know in fact to be very true, which is the fact that you have done a lot of work to consult with your colleagues on both sides of the aisle. I know I personally had some conversations with you about some of the concerns I had with your original bill. I know that many other members have done the same. Certainly that is something we can all appreciate, that you have done a lot of work to try to ensure that you've got the support of members from both sides toward what you're trying to accomplish. I think we all appreciate what you're trying to accomplish. In some cases, in some parts, we may disagree on how you're trying to accomplish this, but we certainly can all agree on the fact that your motivations are very laudable.

You've mentioned the amendments that you've proposed. We've seen those in the media and are all aware of what they are, but you didn't really have a chance in your opening remarks to tell us a little bit about them. Just so it's on the record here with the committee, could you maybe briefly tell us a little bit about what amendments you are proposing? Can you do that fairly briefly, because I do have a couple of other questions I'd like to ask you.

• (1145)

Hon. Michael Chong: Sure. Broadly speaking, there are two sets of changes that I've proposed to this bill. The first concerns party nominations, for which I'm proposing that the bill simply remove from the Canada Elections Act the party leader veto over party candidates and leave the determination as to who would endorse a candidate for the purposes of an election to the registered political party.

The second set of changes that I propose concerns the governance and structure of party caucuses. The change there is quite simply this: that before each of the four sets of rules can be put into force—those being the rules for review and removal of the party leader, the election of an interim leader, the removal and re-admission of a caucus member, and fourthly the election of a caucus chair—a caucus as its first item of business after each and every general election would have to vote in a recorded manner on each of these four sets of rules, either adopting or rejecting them.

In the event that they rejected a rule, they could choose to revert to the unwritten status quo or alternatively adopt a modified written rule.

These changes, announced on September 11, were done to address the real concern from all party caucuses here on the Hill that the bill was too prescriptive and didn't take into account unique circumstances or special situations.

Mr. Blake Richards: I appreciate that. You would know that those are some of the concerns I had and that I know many others had as well in regard to the bill as it was originally written, and even in the second form.

I certainly would agree with you that the amendments you are suggesting are valuable amendments. You have three areas that you seek to reform with the bill, the first being the rules about party nominations, which you have just mentioned. I think the concern was that the bill was too prescriptive, that Parliament was deciding for the political party how it would conduct its affairs. You've put back the ability of the political party to make the choice, prescribing that there must be something in the political party's rules, but that it's

their choice as to how they would conduct themselves, and this gives them the power to govern themselves.

The same goes for the caucus provisions. You're allowing the caucus to make a choice as to whether it wants to utilize the rules in choosing its leadership and deciding who can and can't be a member of the caucus, again allowing the caucus to make choices about how it would govern itself. These are principles that I think we all would agree make some sense.

The case that becomes a little foggier arises when you talk about the provisions for the party leadership. The leader of the party is of course the leader of the caucus and therefore should be accountable to the caucus in some way, but also is the leader of the political party and therefore should be responsible and accountable to the members of that party in some way.

The one concern that I think remains with the suggestions—including the amendments—that you're proposing would be whether in fact the changes, even with the amendments, still put too much emphasis on the caucus and therefore remove some ability for the political party to have the same accountability.

Obviously this is something that every political party views somewhat differently, but at the end of the day, both the caucus and party members feel that there is some need for accountability to them. The concern would be whether this, then, by tipping the balance of power more towards the party caucus, removes some ability for there to be accountability to the political party, putting the control more—

And I know this is a philosophical debate. Some people believe that maybe it should be more the one way, and some believe it should be more the other. But that's the concern: should every political party have the ability to make that decision for itself?

Do you not feel that maybe, by allowing a caucus to make the decision to take this power for itself, the bill removes some of the control from the party and the political party members? I'd want to hear your thoughts on that.

• (1150)

Hon. Michael Chong: Thank you, Mr. Richards.

The first thing I'd say is that the bill doesn't affect the power of the registered political party and its members to elect the leader as they currently do, or to review the leader as they currently do. All the bill does is recognize—

Mr. Blake Richards: I don't mean to interrupt you, and I agree that technically it does not change that. By virtue of the fact that it does give more control to the caucus, and when you're talking about barriers of 20% and these kinds of things, does that then remove some power from the members because you're giving more to the caucus members?

That was the question I was trying to get at.

The Chair: You have 10 seconds left.

Hon. Michael Chong: All that the bill does is to clarify the existing unwritten constitutional convention, parliamentary convention, that caucuses have the right to review the leader and to replace the leader of the party within the House of Commons if they see fit. I think there are plenty of examples to illustrate that unwritten convention.

The Chair: Thank you, Mr. Chong.

Thank you, Mr. Richards.

We'll go to Professor Scott, for seven minutes.

Mr. Craig Scott (Toronto—Danforth, NDP): It's the lingering effect from the last meeting....

The Chair: It is lingering, yes.

Mr. Craig Scott: Thank you, Mr. Chair.

And thank you, Mr. Chong—Michael—for stimulating the debate as you have.

We all know the trajectory of this, and I think it's been good for our democracy that we're having this discussion. Let me go to the heart of one question. With your suggested amendments, you've moved from a prescriptive approach to a model rule, non-binding, probably a bit more than, guidelines approach to the internal governance sections.

Could you tell us in your own words why you believe this will still be effective, despite its maybe disappointing some people that the prescriptive part is gone, in terms of transparency, spotlighting, and making sure that parties actually have to justify their internal rules. Do you feel this is something that can be effective without being prescriptive?

Hon. Michael Chong: I believe it will be effective without being prescriptive. I believe the first test of the bill, if it is adopted by Parliament, will be after the next general election in October of next year, because the first official business that members of Parliament will have to attend to is to congregate as caucuses and vote on each of the four sets of rules. I think that will create a situation where the issue of the structure and governance of caucuses will be constantly revisited after every general election, which will provide an opportunity for debate and improvements.

I also believe that we live in an era of greater and greater transparency where members of the public demand that their public institutions be ever more accountable, whether those institutions be the House of Commons and the Senate of Canada, or registered political parties and party caucuses. So I think the long-term trend on the part of our institutions and our party caucuses will be toward the adoption of these rules and to greater transparency.

I think this puts in place a perpetual motion machine that will ensure that we move toward that era of greater transparency and openness.

Mr. Craig Scott: That's great. That leads me to my second question.

At some level, even though the rules are non-binding, I'm wondering if we have some responsibility to make sure that each one of them reflects the best possible, or almost best, practice. I ask this because if, over time, there is going to be this political and normative

pressure on parties to justify departures from the rules, I for one would prefer to be in the situation where we're having to justify departure from the best possible rules.

On the caucus chairs issue, as you'll know, the NDP already elects our caucus chairs. We do it every year and not simply after each election, and we also have a rule to say there must be a deputy chair, and that at least one of the two must be female. We've arrived at this position thoughtfully.

Your model, your approach, now allows us to just continue doing this by saying that we think this is better. At the same time, could you comment on whether the NDP approach, an approach like this, could be the model rule as opposed to the one you have?

● (1155)

Hon. Michael Chong: I haven't really thought about the NDP rule that you currently have, but my preference is for the rule that's in the bill. Obviously, I have put it in the bill because I thought that would be the best approach.

That said, I acknowledge that there are caucuses that have unique circumstances or different situations or different traditions, and so allowing caucuses that flexibility, as the changes I proposed on September 11 would do, I think, is a good thing.

The other thing to note, though, is that the vote on each of the four sets of rules would be a recorded vote, and the importance of the recorded vote is this. We in this country have long had a tradition that votes should be publicly recorded on issues of policy and substance to ensure that members of Parliament are held accountable for their actions. We've also had a long-held tradition that votes for or against individuals for office should be secret ballot votes. That was a hard-fought-for right and one that I think we should maintain, and one with which the bill is consistent.

Mr. Craig Scott: Great, thank you.

I just want to go back to one of the other rule changes that I and my colleagues have one particular concern about. When the rules that you had set out were prescriptive, it would have been impossible, other than through a very indirect mechanism, for a party to maintain central rules with respect to diversity, promotion, and equality goals in nomination. The NDP has very strong central policies that are intended to make sure that the best possible efforts are made to ensure that the pool of nomination candidates reflect equality and diversity goals. There would have been a way to get around it, and we talked about it, but it wasn't specifically possible in the bill as written. So I appreciate your responding to those concerns. My only question is that in doing so the mechanism seems to have been to remove the local nomination rules entirely, the local control over timing and the process. I'm just wondering if you had considered simply having a clear rule to the effect that the central rules of the sort we have would not be ousted by the local rules.

Hon. Michael Chong: I think the changes proposed on September 11 to leave it up to each registered political party to decide how to go about party nominations was the right thing to do. Ultimately, I believe that party members want to empower themselves. In every cycle of nominations that we go through as registered political parties, there are controversies in each of the parties about candidate nominations. These are usually centred around the central party imposing its will and authority over the local party. My view is that even though the changes proposed on September 11 aren't prescriptive in regard to party nominations, I think the long-term tendency will be for party members, through their national conventions and the adoption of changes to their national constitution and bylaws, to move toward greater local control over party nominations. This bill will allow parties to do that because, for the first time since October 1970, it will remove the statutory requirement that party leaders approve or endorse candidates for election.

The Chair: Thank you, Mr. Scott.

We'll move to Mr. Simms, for seven minutes. Welcome back Scott. It's good to have you back here. It's not because we don't love Kevin, but [*Inaudible — Editor*]...

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Thank you for that. I sincerely from the bottom of my dear heart would like to say thank you very much, and it's good to be back here to see everyone again. I feel like we went through good times together and we'll continue to do so. Is that enough? Have I greased the wheels enough, sir?

Mr. Chong, you know, we started here about 10 years ago, you and I, and we've had this conversation spanning probably five or six years.

The first time we spoke about this you talked about that one rule, which was the first rule, I guess, that inspired you to do this. I believe it was in 1970 when it was decided that the only way you could get your name affixed to a party—or should I say a party affixed to the name—was to have the signature of the leader, period. This was also brought up as something problematic by former Speaker Milliken, after retirement, in the Travers debate.

You didn't just do that, though. You went another route and became, as the word's being thrown around, “prescriptive” in many respects. It was illustrative, a learning experience, for all of us because other jurisdictions around the world use these types of measures, Australia most notably and, of course, the U.K. given the fact that they have Westminster systems like we do.

But why didn't you just stick to that one change? Effectively, you have changed it, right? So let's be clear: It's no longer just a leader but we as a caucus now who will have the power to decide who the nominee will be, correct?

• (1200)

Hon. Michael Chong: Yes, the bill encompasses change but not just to the Canada Elections Act but also to the Parliament of Canada Act in respect to parliamentary party caucuses.

Mr. Scott Simms: Still, it's quite definitive, now that you've accomplished getting rid of that rule from 1970.

Hon. Michael Chong: That is if this committee adopts this bill and its changes and sends it back to the House for third reading. Look, we're only about a third of the way through....

Mr. Scott Simms: My apologies, I tend to be Pollyannaish by nature. I apologize but I'm highly optimistic about this. But I congratulate you for that, because it took a lot of work and some might say, as the headlines might do, that you backed down. I don't think you backed down; I think you stepped up. I think you created a model by which a conversation can take place amongst all parties here. So like others before me, I congratulate you for doing that and as I say, you've always kept us in the loop, me included.

But when you look at the prescription from the very beginning, what model around the world did you look at and say this was really what you wanted to go towards? I don't think that's the most important question but it's one that hasn't been touched yet. So, which model did you look at and say okay, that's the one that seems to me like the best for transparency?

Hon. Michael Chong: I looked at the Canadian model. Firstly and foremostly, I looked at the way our great parliaments of the 1840s, 1850s, and beyond—well into the 20th century—operated.

We invented something unique here in Canada. We often forget that even though we consider ourselves a young country, we are in fact the third oldest continuous democracy in the world, and we invented something quite unique here in this country, first in legislatures in the colonies, such as Nova Scotia, and later here in the united Province of Canada in the 1840s. That concept was the concept of responsible government, a very simple concept that the Governor in Council was no longer accountable to London for his or her decision-making, but rather to the elected legislature.

The ideas in this bill are based on that very foundational concept of responsible governments. I think we have strayed from some of those basic principles, and the bill is an attempt to restore some of those foundational ideas in our parliamentary system of government.

Mr. Scott Simms: One of the problems from the beginning, as some of my colleagues have pointed out but I'd like to point out again, is that there seemed to be a disequilibrium between the selection of a leader of the party within Parliament itself and the removal of one. The party has its process by which to choose a leader, and it's a very long one. It involves a lot of people, of the citizenry, but the removal of one requires few.

That obvious became a problem for all the major parties, and even the minor parties, for that matter. What are your thoughts on that?

Hon. Michael Chong: Thank you for giving me the opportunity to address this. I didn't have enough time in response to Mr. Blake's question to fully address it.

The power for caucuses of the House of Commons to review the leader currently exists, in my view. The problem is that these rules have never been written down on paper, and so they are opaque and generally unavailable to members, because of a great deal of confusion about what the exact process is.

There are many examples to prove that the convention exists, because of the behaviour of actors in our political system. We can look to provinces in which, just in the last 12 months, this power of caucus to review the leader has been executed.

Premier Dunderdale was premier at the beginning of this year; she no longer is because of such action. Premier Alison Redford was premier at the beginning of this year; she no longer is because of caucus action. Mr. Hudak, leader of the official opposition, is no longer leader of the official opposition because of caucus action. So at the provincial level we've had numerous examples in recent months.

At the federal level we've also had examples in recent years. Mr. Dion was replaced by Mr. Ignatieff between two general elections through the actions of caucus and other actors.

• (1205)

Mr. Scott Simms: We're now seeing the same played out in Manitoba.

Hon. Michael Chong: That's right; we're now seeing the same issue play out in Manitoba.

Even O'Brien and Bosc, the bible of parliamentary procedure, makes reference to the fact that in the absence of a leader of the official opposition, it is up to caucus to select the new leader of the official opposition.

So there is long precedent in Canada to demonstrate that caucuses currently have the power to review the leader. Here is the central problem. The central problem is that we have yet to clarify these rules in writing, and as a result there's a great deal of opacity—and this is vitally important—because the corollary to the removal of a party leader is the election of the interim leader.

In a democracy, few things are more important than how power transitions. We don't live in an absolute monarchy, wherein it transitions through hereditary means; we don't live in a dictatorship, wherein it transitions through the will of the leader. We live in a democracy, wherein we need great clarity and transparency on transitions in power.

I put to members of caucus that, in the event that a head of government were, heaven forbid, suddenly to die or suddenly become incapacitated or suddenly resign from office, the next day the Governor General would need to appoint a new head of government. Currently, the way that process is to take place within party caucuses and within the House of Commons in general amongst leading parliamentarians is not as clear as it should be. So we also need to clarify the rules concerning the election of the interim leader, because as I said before, in a democracy few things are more important than how power transitions in between elections.

The Chair: Thank you, Mr. Chong.

Thank you, Mr. Simms.

We'll go to a four-minute round.

Mr. Richards, you're starting off this one.

Mr. Blake Richards: Thank you. I have another question I want to move to, but actually I want to pick up on the conversation that was just happening.

You mentioned a number of examples of leaders being removed in provinces. I could add a couple to that list that we've seen in the Parliament of Canada in the last couple of decades as well, with a couple of different political parties that were able to remove their leaders.

Now, I may be mistaken, but I don't think in any of those cases there was any prescriptive legislation that provided for it to happen; it just happened generically. It was able to happen because the support wasn't there for the leader any longer.

Am I mistaken in that?

Hon. Michael Chong: No, that's correct. We inherited in 1867 a constitution that was partially written and partially unwritten, and much of the way we operate here is based on unwritten conventions.

Mr. Blake Richards: So given the fact that this was able to happen without legislation being in place, what are your thoughts on that? Could we not continue the situation as it is now?

I'll add a second part to that question as well. Obviously in most if not all of those cases—and this goes back to what we were talking about earlier—the fact is that there is some accountability of the leader to caucus and some accountability to the party membership. The leader is leader of both the caucus and the party. It goes back to that whole principle that in most if not all of those cases, the majority of caucus and the party membership would I think have held the same views, that it was time for the leader to go. They lined up.

Of course, there could be instances in which that wouldn't be the case. My only concern—and I want to hear your thoughts on it—is that in that case the onus is put far more strongly onto the caucus.

Now, if their views were to differ from those of the party leadership, do you have concerns that the difference would then remove power from the party members as a result?

• (1210)

Hon. Michael Chong: Thank you.

In response to the first part of your question, which is that the current rules, being unwritten, are used from time to time, I would say that the problem with the nature of the unwritten rules we have today is that there's a great deal of confusion as to how they are to be used, because there is a lack of clarity about the details of how they are to be used. As a result, a leadership crisis tends to be a drawn-out affair in the Canadian system.

We're seeing, for example, recent cases in the provinces of Alberta and Manitoba that have put the efficient functioning of the administration of the government into question, and instead of being a swift affair dealt with in a matter of days, the resolution of such a situation tends to be long and drawn-out. I think that is a direct result of the opacity of these unwritten rules.

In response to the second part of your question, which concerns the role of caucus and the role of the party, I would say that the party still has tremendous powers. It still would elect the permanent leader of the party, and caucus members would be accountable for their actions, because the bill is specific, along with the changes that I proposed on September 11, that members vote for or against these rules in a recorded manner. So they could be held accountable not only by their constituents, but also by party members in their riding.

The Chair: Thank you, Mr. Chong.

We'll move to Madame Latendresse for four minutes, please.

[*Translation*]

Ms. Alexandrine Latendresse (Louis-Saint-Laurent, NDP): Thank you, Mr. Chair.

Mr. Chong, thank you for being here today to speak to your bill, which contains a number of interesting elements. In fact, I've already talked about it in the House.

We have numerous questions for you today. Although more specific, my first question is along the same lines as what Mr. Richards was saying.

Every two years, all the members of our party must vote on the leadership. We have to say whether our leader is doing a good job and should continue leading the party. Just since 2011, we have done that twice: in 2011, for Mr. Layton, and in 2013, for Mr. Mulcair.

If we record in writing the rules so that a caucus can decide whether or not to hold a review process, how would it be possible to reconcile a situation where the members of the party expressed overall satisfaction with their leader but the caucus did not agree?

Hon. Michael Chong: It's very important to understand that our political system is such that two types of parties exist: the one that exists outside Parliament and the one inside Parliament. Today, in Canada, that is the reason why the one outside Parliament is not in the House.

[*English*]

I think that fact is really important to acknowledge. These two parties operate in parallel. The registered political party does not exist within the halls of Parliament. That's why we have ethics commissioners and strict rules about using parliamentary resources for the purposes for the party outside Parliament, the registered political party.

We have parties within Parliament that do not exist outside of Parliament; these are the recognized parties in the House of Commons recognized under the Parliament of Canada Act, and we use public money to fund these parties for partisan purposes. But they are two separate, parallel sets of parties. I think the bill simply acknowledges that the second of these two parties, that is the party within Parliament, has a unique role to play in our system, has unique rights, and that this role and those rights need to be clarified in writing.

The two work in concert with each other, so I think both parties would and do have the right to review the leader. The bill is silent about the election of the permanent leader of the registered political party and, in effect, by being silent ensures that the current practice in Canada of having members of a registered political party, either through a convention or through "one member, one vote" or through a variety of mechanisms, still has the right to elect the permanent leader of a party and have that leader installed as the leader of the party within Parliament.

● (1215)

[*Translation*]

Ms. Alexandrine Latendresse: If I understand correctly, this can easily be applied to the system of parties inside Parliament. Right now, a party has to have 12 MPs in order to be recognized in the House. Do you think there's a way to adjust the rules you're proposing?

As far as very small parties go, for example, a party with 12 MPs, only 3 would be needed to call for a leadership review, as you propose. Do you think an adjustment could be made for a case such as that?

We all belong to fairly sizable parties, which is why we can understand the rules you are talking about. But what would you propose in the case of very small parties?

Hon. Michael Chong: It is for that reason that, on September 11, I proposed that the rules around conducting a party leadership review not be mandatory.

[*English*]

It's the choice of each caucus to decide what rules they would implement or how. Caucuses that have only twelve members would be able to adopt a modified version of the rule that would take into account their unique circumstances.

The Chair: Thank you very much.

We'll go to Mr. Richards.

Mr. Blake Richards: Thank you.

I just have one last thing. I mentioned that there was a question I had intended to ask in the last round and I want to get to that. I think that's the remainder of what I have to ask today, Mr. Chong.

I wonder whether you have had any discussions with political party officials. Obviously, at the heart of some of the questions we've been having an exchange on is the balance between the caucus and the party in some of these changes. So I'm curious about whether you've had conversations with executives of the various political parties to gauge their thoughts about whether they would have concerns with respect to what any of these changes would do? Obviously they're representatives of the memberships of the political party, so they have concerns about anything it would—probably inadvertently, I assume—do to remove any power from them and, therefore, through them from the members.

Have you, further than that, even beyond the executives or presidents of parties, had any conversations at a policy convention level or any kind of level whereby the members have had a chance to have their say, from the various political parties, on what they think about the proposals?

Hon. Michael Chong: Thank you for asking the question.

I've consulted widely with members from various political parties, including members of the Conservative Party of Canada. I spoke extensively with dozens and dozens of members of that party over a number of years about this bill and the contents of this bill, including members of the Conservative Party of Canada's National Council.

With respect to the second part of your question, I have supported these initiatives at national conventions of the Conservative Party of Canada for more than a decade. Numerous attempts have been made to introduce motions amending the party's national constitution. In some cases those motions have not made it to the floor of the national convention because of the process that was put in place; in other cases they did make it to the floor, but in one case there were some procedural difficulties.

So this is a bill that came out of many discussions with many people of the Conservative Party, including former leaders of the party.

Mr. Blake Richards: I can appreciate that you have had a lot of discussions with many people and have done a lot of work, and we all appreciate the amount of effort and study you've put into it.

I have one last question. Do you feel, as witnesses before this committee, that representatives of the political parties would be a good set of witnesses for us?

• (1220)

Hon. Michael Chong: I think people who have been politically involved would be very cogent witnesses. I think it would be very important to have somebody from the Manning Centre appear here to speak to this bill. Preston Manning was a person who long fought for the principles on which this bill is based. Dave Quist, the vice-president of the Manning institute, would, I think, make an excellent witness.

I think former parliamentarians such as Monte Solberg and Peter Milliken would also be excellent witnesses to appear in front of this committee.

So yes, I think people who have political experience—who have first-hand political experience, who have held elected office—would be incredibly important.

Mr. Blake Richards: What about specifically the idea of somebody who is actually a representative, whether it be the president of each party...would that particular individual for each party be helpful?

Hon. Michael Chong: I think, if it's the committee's wish to hear from the presidents of the respective parties in respect of the nomination provisions in the bill, that it would be very helpful.

In respect of the provisions concerning the Parliament of Canada Act, I think the witnesses would be more appropriate if they had held elected office.

Mr. Blake Richards: Thank you.

The Chair: I have a government spot next.

Seeing nobody, I'll go to Madame Latendresse for four minutes, please.

Ms. Alexandrine Latendresse: No. It's Mr. Scott.

The Chair: Okay. I'm sorry; it is Mr. Scott. I should have looked down.

Mr. Craig Scott: Thank you.

I wanted to give you the chance, if you could, to speak to one provision that hasn't yet come up, which is the expulsion and re-admission of MPs from caucus.

In my own comments and speech, from my perspective, in the real world in which we're all wanting to get to a slightly different equilibrium when it comes to independence of MPs within a functioning, coherent, solidaristic caucus, giving the power to the caucus as a whole to decide the expulsion and re-admission is an important reform, albeit one for each party to deal with now under your model.

Could you speak a little bit about whether you effectively agree about its importance in creating a bit more space for the independence of MPs?

Hon. Michael Chong: Yes. I think there are two things that are incredibly important with respect to the expulsion or re-admission of caucus members. The first is that we be consistent, and the second is that the leader not have the power to make that decision, because I think it disproportionately affects the equilibrium of power between individual caucus members and the party leader.

On the first point, of being consistent, I think it's very important that we in this country uphold the rule of law and that we not base our decisions on ad hoc and arbitrary measures, and in the House of Commons and in its recognized parties we too often do revert to ad hoc and arbitrary measures in the way we self-govern ourselves.

You could look at the history of the last several Parliaments and at the recognized parties in those Parliaments to see how in each respective caucus the rules concerning member expulsion have been applied very differently.

If there's one place in this country that the rule of law should be sacrosanct, it should be within the very houses of Parliament in which we sit.

I think it's incredibly important to clarify the rules regarding member expulsion because, as you know, independent members of Parliament have far fewer powers than party members of Parliament. Expelling a member is not a small thing and has a very direct consequence on that member's ability to represent their constituents here on Parliament Hill.

Mr. Craig Scott: Thank you for that.

I want to go back to the interesting dynamic between a leader of the party in Parliament—the recognized party—and the leader of the extra-parliamentary party, the registered party.

Am I right in thinking that people are going to have to get used, given the fact that there already is a certain messiness about that relationship, to the fact—and it all depends on the party's constitution—that if a leader is somehow removed or urged to resign within a caucus, that in and of itself has nothing to say about whether that leader remains the leader of the extra-parliamentary party?

Am I correct? You can end up with a situation in which a relatively popular extra-parliamentary leader continues as the leader even when the caucus has taken the step of saying, we no longer have confidence.

Is that correct?

•(1225)

Hon. Michael Chong: That is correct. We saw a situation somewhat similar to that in the aftermath of the prorogation crisis of December 2008, whereby the party of the official opposition within Parliament had a new leader in late December 2008, but the party outside Parliament did not select a new leader until May 2009. So even today it's possible to have a leader of the party outside Parliament other than the leader of the party inside Parliament.

Mr. Craig Scott: I have one last question, a very quick one.

Have you given any thought to whether—and this sounds very minor—we should have any kind of formalized, central clearing house place to which people can go to see what each party has decided with respect to each of these rules?

Hon. Michael Chong: No, I believe strongly that each party should be self-governing and that party caucuses should come to their own determinations on how they conduct themselves. I think the bill allows for that and will allow parties to live up to their unique traditions in special circumstances.

The Chair: Thank you.

Mr. Chong, I thank you for coming today and sharing with us and answering our questions. We'll have plenty more, but you've suggested some witnesses who may be able to help us with that too.

We thank you—

I'm sorry, go ahead.

Hon. Michael Chong: Mr. Chair, if it would be helpful to the committee, I could give you a list of other witnesses who might be helpful.

The Chair: Certainly, by all means do. We're going to talk a bit about that subject after we go into some committee business. But you can certainly share that list with the chair at any time, and I'll share it with the group.

Hon. Michael Chong: Thank you.

The Chair: We will suspend for a couple of minutes before we continue in camera.

[Proceedings continue in camera]

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