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

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**EVIDENCE**

**Tuesday, March 21, 2017**

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**Chair**

**The Honourable Larry Bagnell**



## Standing Committee on Procedure and House Affairs

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• (1105)

[English]

**The Chair (Hon. Larry Bagnell (Yukon, Lib.)):** We're now in public. We have a speakers list, Scott Simms and Mr. Richards.

Mr. Simms.

**Mr. Scott Simms (Coast of Bays—Central—Notre Dame, Lib.):** Thank you, Mr. Chair.

When I was first elected in 2004, I came here with a great sense of wonderment, anticipation, and excitement, and when I came here, I was overwhelmed by the amount of work that was involved in understanding how the House operates and how we go about our business, juxtaposed with the role of the member of Parliament. It is a multi-faceted job that is overwhelming, and certainly I'm not alone. I think everybody in this room understands just how overwhelming, but very special, this job can be. For me it's the job of a lifetime.

I'm very proud today to move this motion, which I am doing for several reasons.

Let me start by saying that a few weeks ago, the Honourable James McGrath, former MP for St. John's East passed away, and he left behind many legacies, one of which was a report from 1985 by a committee that he chaired. Some of that has been talked about. It was talked about earlier in the session, in the take-note debate we had on October 6, and some of that was also reflected during the modernization committee of 2003.

I've had several discussions since returning following this last election. One of the things I've always wanted to do in addition to all my other duties has been to help make this place work, not just for a sitting government, not just for the executive, but for every member of Parliament who exists, for every member of Parliament who has existed, and for all future members of Parliament, so we can look at the best practices by which we can improve this place.

This is not just a static event. This is a living, breathing organism of democracy that we exercise, and every other healthy democracy does the same thing.

I just recently returned from the U.K. where we visited the Houses of Parliament at Westminster and of course the Parliament of Scotland. I had several meetings about how they conduct their business, and the role of their members of Parliament. Over the years they have had some great discussions about how they do that. Back in the late 1990s they had a great discussion, and they followed that up with ways to improve. The record shows that they have improved

the way they organize their debates and their committees and the way they sit and deliberate over the country's business.

I've had several discussions with the current House leader about ways to improve this, and we have agreed on many things.

As we all know, and as was reported in the media, there is a discussion paper, which I was very impressed with as we poured our ideas into this on October 6, 2016. I really liked that take-note debate. I thought it was amazing. I think just about everybody in this room had a way of providing input into that take-note debate, which I thought was incredible. We came together in the spirit of goodwill so that each member of Parliament could represent their constituents and by the same token allow the government's business to be done.

That being said, in the spirit of the Honourable James McGrath, I want to move this motion, and I want to do it under the three overarching themes we've talked about for years, all the way up to our take-note debate on October 6: the management of debate, the management of the House and its sittings, and the management of committees.

I think there's a great deal of improvement to be had, and I'm really looking forward to hearing not just from the people who have the experience here. I came here when Mr. Christopherson did, and I know he too has a lot of good ideas, many even better than my own, but I also want to hear new ideas.

There are elements of this that I would like to see reflected in a study—things like electronic voting, things like committee business that can be improved upon, and the sittings of the House, and how we structure debates so that they are more effective for the country to run and certainly more effective for planning for each member of Parliament.

I'm asking all committee members here today to deeply consider that we now have the opportunity to make a change, reflecting upon the studies of the past and all that we have discussed up until this day, whether someone is a senior MP or a junior MP, and no matter what part of the country someone comes from.

I happily move this motion, and incorporate within it points A to E. I hope all committee members, in the spirit of goodwill and of democracy, more than anything else, provide the government with a guideline by which we can improve how democracy operates on the federal level.

Thank you very much, Mr. Chair.

**The Chair:** Could you read the motion you are proposing?

**Mr. Scott Simms:** I move:

That, in relation to the Committee's study of the Standing Orders and procedure of the House and its committees, and in addition to the proposals outlined in the October 6, 2016, take note debate on the Standing Orders, the Committee broaden the scope of its study to undertake a comprehensive review of the Standings Orders of the House of Commons as follows:

- a) The study shall be divided into the following 3 overarching themes:
  1. Management of Debate
  2. Management of the House and its sittings
  3. Management of Committees;

The Clerk of the Committee be instructed to write to each Member who is not a member of a caucus represented on the Committee to invite those Members to participate in the proceedings pursuant to Standing Order 119 and file with the Clerk of the Committee, in both official languages, any recommendations they may have as it relates to changes in any of the 3 themes outlined in (a) and prior to consideration of the draft report;

I've heard many great ideas from many independent members and smaller parties over these past 14 years.

- c) Parties submit their list of proposed witnesses to the Clerk of the Committee no later than 7 calendar days following the adoption of this motion;
- d) The Committee complete its study and report its findings and recommendations back to the House no later than June 2, 2017; and
- e) The Committee meet outside the regular meeting hours as necessary to complete the study pursuant to paragraph (d).

Again, I thank the committee and you, Mr. Chair.

• (1110)

**The Chair:** Thank you.

Mr. Richards.

**Mr. Blake Richards (Banff—Airdrie, CPC):** Thanks, Mr. Chair.

I listened to Mr. Simms. I listened to what he had to say, and it doesn't line up with this motion. We talk about democracy and all these things, and I have a lot of respect for Mr. Simms, but I know that this isn't his motion. I know that this has come from the Prime Minister's Office. There's no question about that. It comes within minutes, I think, of this draft that we received from the House leader in terms of what they want to do to impose changes that would lessen the accountability of the government to Canadians and to this Parliament, that would require the Prime Minister to only be here once a week for question period so he has less accountability. Liberal MPs want to have a day off, so they don't have to work Fridays.

None of that is about democracy. Although I have great respect for Mr. Simms, I don't really believe this is his motion. That's why I won't cast any doubt on his thoughts because I don't think that... This is something that he has been put up to, obviously.

That's unfortunate, because I really think that what you have here is a type of motion that shows exactly why it's so important that the opposition maintain some ability to hold the government accountable. A lot of the things that they're trying to remove, when you look at that letter from the House leader, are to prevent exactly what is being done here, trying to force through things.

When you look at, for example, the report that we've already done looking at Friday sittings, clearly, the report says that we wouldn't make any recommendations for change in that regard, yet we have this letter from the House leader now saying we're going to try to move ahead with this anyway.

In my mind, it certainly appears as though this is an attempt by the government to try to force through some of their changes, and they're

trying to force this committee to provide them cover. They have a Liberal majority, obviously, and they could do that if they chose. That's what they're trying to do. They're trying to force through changes that will benefit them, that will lessen their accountability to Canadians. Frankly, it's disgusting and pathetic.

I can tell you right now, although I know that when we look at some of the other things in the letter from the House leader, obviously none of the members here would have had an opportunity to have discussions with their caucus about this yet. I can tell you one thing and it's that there has already been an indication and this committee was an example. It was unanimous. The suggestion of this committee was that we not make a change to Fridays, for example. Any attempts by this government, and this is clearly what it is, to lessen their accountability to Canadians and to this Parliament will be met with every bit of resistance that can possibly be met with by this party, and I'm sure by all of the opposition parties.

If this is the kind of approach that they're planning to take, they had better be prepared for that.

I guess beyond that, the only other thing that I would add is that, with something like this, I would want to see some kind of commitment, obviously, that these meetings will all be conducted in public, because it is important that Canadians have the ability to see what the government is trying to do in terms of lessening their accountability to Canadians.

Those are some of my initial comments. I'll probably have a lot more to say on this, but this is sad and pathetic, Mr. Chair.

• (1115)

**The Chair:** Mr. Reid.

**Mr. Scott Reid (Lanark—Frontenac—Kingston, CPC):** Was not Mr. Christopherson before me?

**The Chair:** I'm sorry.

Mr. Christopherson and then Mr. Reid.

**Mr. David Christopherson (Hamilton Centre, NDP):** Thank you, Chair, and thank you, Mr. Reid.

I share the sentiment of my colleague, Mr. Richards, and I want to hearken back to the election campaign where the now government, the Liberal Party, at the time made all kinds of promises, highfalutin, high-sounding promises, about how they were going to change the relationship between committees and Parliament. Committees were going to be respected. Committees were not going to be browbeaten by the government to toe the party line, and parliamentary secretaries weren't going to sit on the committee and direct things.

Most importantly, they said they were going to bring back the independence of committees as they were originally conceived when the parliamentary system was first thought of. That was the promise. I tell you it's been a struggle to recognize where that's been honoured. It has in a few occasions and I have said publicly that's a good thing.

My favourite part of being an MP, other than being in my riding with my constituents, here on the Hill is committee work. I love doing committee work. I've gone out of my way, when the government has shown some respect and lived up to what they promised, to say so in the hope that would further it and continue it. This is the antithesis of that.

If I can, Chair, I also want to share my thoughts with Mr. Richards in that I agree with him and I'll defer at any moment to give Mr. Simms the floor, since I'm about to talk about him. I'll give him that. I have great respect for Mr. Simms, and that's why I agree with Mr. Richards that I don't believe that this really is Mr. Simms' idea. If he wants to take complete ownership of it, that's fine, but I think we all know that it's kind of a poor ruse. This is from on high. This is directly out of the Prime Minister's Office, marching orders given to the House leader and then all the way down to here at the committee.

Again, that was not supposed to be the way this government was going to be with committees. That's why I'm so furious at this, because this was a good thing that the government was saying. I made it very clear that if we couldn't win—I wanted us to win—then I did want them to win. I liked a lot of the things that they were talking about. A lot of them were the same things as us, like breathing more democracy into this place and bringing back a lot of the traditions and respect that used to be here that got lost over the last decade—all good things.

So what happened? Because there's no goodwill. I'm sorry, my friend said he was doing this out of goodwill but I don't see any. Had there been goodwill, this would have started maybe at the House leaders' level where they would have said, look, here's what we're considering doing. How do you feel about that? It would have worked its way through and found a way to the committee. We'd have been seized of it in a way where it would be, "This is something we'd like you to take a look at in a respectful kind of way", and then we would go about, with the steering committee, putting together what a plan might look like. That's how we would do that and that's how we've been trying to function.

I have to tell you it feels like I'm back in the last Parliament. This is the kind of nonsense we used to face with the Harper government every bloody day at every bloody committee. It was supposed to be different. This doesn't feel different. The government tried to bring in some of these changes. You know, context matters. There was government motion number six, an odious piece of parliamentary business if ever there was any, and clearly enough it was, because ultimately the government had to back down, big time back down.

Then, as Mr. Richards has said, we took a look at some of these issues—not all of them but some of them—in the family-friendly Parliament review we did, and some of these things were rejected. Now they're back, not for consideration or for discussion as they're putting it. Make no mistake, this is being served up to be rammed through.

I haven't heard the government talk about what we're going to do about the issue of the normal history of all-party agreement on these things. I think this would be a great opportunity to reintroduce the Cullen model. It worked very well in democratic reform and this is somewhat similar. We're dealing with rules that affect all of us. We want to give everybody an opportunity to have input. You try to find

compromise where you can or at the very least reach majority with more than one party.

• (1120)

The Cullen model in the Special Committee on Electoral Reform gave us that opportunity. The government hasn't talked about that at all right now.

I have to agree with Mr. Richards, again, who had the opportunity to speak first and lay out some of these important issues. It looks like the government is prepared to change the rules of our House using their majority. How the hell is that fair? How does that even come anywhere near what you promised in the campaign? Every one of you promised that you were going to be different, and Canadians bought it and gave you a huge majority. Here we are now, facing Harper 2.0. This is really serious.

We have, as part of our mandate, a job to review the Standing Orders anyway. It's part of our mandate during this Parliament. Parliament did theirs, and they did it within 90 days. We have a mandate that we're supposed to review the Standing Orders. Normally that's done in a collegial fashion. We're not doing that. The government has reached in, cherry-picked certain things it wants, and stuffed them into this motion. From all accounts, it looks like they are prepared to just ram, ram, ram. That's just Harper, Harper, Harper.

Not only that, to add insult to injury, we haven't even had a chance to take it to caucus yet. The discussion paper was dropped last week, followed by the motion. Now we're back here. Tomorrow is caucus, yet today the government is so anxious to ram this through that it hasn't even given us an opportunity to take it to our caucuses so that when we speak here at this committee, we have a mandate from our caucuses to speak on behalf of our colleagues. They're looking at this in terms of, "We have a majority. We're going to ram it through."

Take a look at my speech on Bill C-23. It's very similar, because this action is very similar. I say to my colleagues across the way, you can't be feeling good about this, as everybody busies themselves with their notes.

This is not a good day for Liberal promises about committee work and Parliament. At the very least, give us a chance to take it to our caucuses before you start ramming. At least let us do that. Let us check off the box that at least you gave the caucuses a chance to talk before you rammed through your cherry-picked changes to the way our Parliament functions.

With that in mind, Chair, I would move adjournment of this debate to allow us an opportunity to consult with our caucuses.

**Mr. Scott Reid:** Is that debatable, Mr. Chair?

**The Chair:** No. It's non-debatable. Those in favour of adjourning?

(Motion negatived)

**Mr. David Christopherson:** Really?

Chair, do I still have the floor?

**The Chair:** Yes, go ahead.

**Mr. David Christopherson:** I'm not starting yet. Don't worry. You'll know.

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

I don't know how else to do this, but I want to communicate something to Mr. Christopherson.

As a thought, given that you have the floor, I wonder if you'd consider the possibility of asking that the debate be adjourned to some specified future date—the nearest one seems to be Thursday—thereby allowing people to go back to their caucuses. That would also allow our witnesses, who came with the expectation that they would be dealing with that, to have us move back to their material. We could discuss how we're going to deal with the issue of juggling the Elections Canada stuff, for which we have a tight deadline, which is Mr. Simms' proposed deadline of June, without having the threat of giving up the floor and having the thing passed through hanging over our heads at every moment. I'm just suggesting it as a possibility.

**Mr. David Christopherson:** That's an excellent point. I think it's an improvement on what I was attempting. It still gets this off our plate right now but lets us also continue to do the work we were ready to do. I can't remember the exact wording, but I would move the adjournment of the debate until at least our next meeting on Thursday to allow our caucuses an opportunity to consult. It would then allow us a chance to continue the work we came here to do originally.

Does that cover it, Scott?

• (1125)

**Mr. Scott Reid:** That gets it. Yes.

**Mr. David Christopherson:** Clerk, does that get me through as a motion? If not, I would seek some guidance. You know my intent.

**The Chair:** The clerk informs me that this is a substantive motion, but we have a substantive motion on the floor already, so we can't deal with that at this moment.

**Mr. David Christopherson:** Chair, through you, may I ask for advice from the clerk on what an appropriate motion might be to achieve.... You know I'm trying to adjourn this debate right now. I know that I can do that on a main motion, I just don't have the right wording. Can you help me?

**The Chair:** The clerk suggests there is no other procedure. You've tried. You've had your motions, and there aren't any other.

**Mr. Scott Reid:** Mr. Chair, again it's a point of order. Is it not possible to suspend the debate until next Thursday? Would that work? I'm not sure that's not just saying the same thing in a different way, and I'm not sure if it's a solution to the problem.

**The Chair:** No, that wouldn't work.

**Mr. David Christopherson:** I don't want to belabour this, Chair, and I promise to drop it if it's going nowhere. Normally, in parliamentary procedure there is the ability to table a motion, so that you can set business aside, if the majority decides to, and then you continue with the agenda, which I think is an improvement over what I offered earlier, which was a straight-up adjournment of the meeting that would allow us to continue working.

There is some means, a motion that allows us to set aside a debate that we're having right now. I don't have the exact wording. I don't think it's a motion to table, but that effectively is what it is.

I know it is in *Robert's Rules*.

**The Chair:** You can do that, but you have to have unanimous consent.

**Mr. David Christopherson:** It takes unanimous consent to table? Short of saying no, I'm unclear. Help me.

**The Chair:** To not proceed with this debate that we're in right now you would need unanimous consent.

**Mr. David Christopherson:** The clerk is saying no, Chair.

**The Chair:** You can adjourn the debate with the consent of the committee, which you didn't get. Then, to present a substantive motion, which was your next attempt, you need unanimous consent, which you don't have.

**Mr. David Christopherson:** Chair, I'm going to relinquish the floor to my friend, Mr. Reid.

**The Chair:** Mr. Reid, you're next on the speaking list.

**Mr. Scott Reid:** I was going to a point of order for further guidance from you and the clerk. What about the possibility...? I think everybody knows what my objective is, which is to get us to Thursday before we take up this debate again.

I'm wondering if I were to propose an amendment to Mr. Simms's motion, which states that the debate be suspended and taken up again on Thursday, would that be permissible or is that also just a workaround that is not permitted under the rules?

Effectively the amendment would be adopted. The main motion would be held up until such time as we come back. Would that work or not?

• (1130)

**The Chair:** That wouldn't work either because once you got the amendment, even if it passed, then you would still need to vote on the entire motion to put that amendment into effect.

**Mr. Scott Reid:** I see. Okay. That's helpful to me.

In that case, I do have some things to say with regard to the main motion.

**Mr. Blake Richards:** I have a point of order first, Mr. Chair, if I may.

Clearly, there has been an indication here that both opposition parties are not comfortable with proceeding with this motion until they've at least had a chance to talk to their caucuses. Obviously, some very significant reservations and concerns have been expressed by both me and Mr. Christopherson about the motion. Obviously, attempts have been made to adjourn the debate. I think it's fairly clear that this motion will not be coming to a final vote today.

I see our Elections Canada officials sitting at the end of the table. There are probably other things they could be doing other than watching. Maybe they want to stay and watch the debate, I don't know, but maybe you could ask for unanimous consent to let them be dismissed, so they don't have to sit here.

**The Chair:** That's a good point.

Does anyone object to allowing our...?

Thank you very much for coming. I congratulated you in the House yesterday for all your work on the two very important reports we did, which, as I said in the House, are going to change elections and make them much smoother. Thank you for that.

Hopefully, we'll see you soon.

**Ms. Anne Lawson (General Counsel and Senior Director, Elections Canada):** Thank you.

**The Chair:** I'm sorry for your coming all this way and not getting a chance to provide input.

We'll carry on with Mr. Reid.

**Mr. Scott Reid:** Thank you, Mr. Chair.

I'm going to try to go through this systematically, if I may.

Mr. Simms' notice of motion was received by the clerk of this committee on the Friday before the break week, so in a sense it was received by us some 10 days ago. In practice, many of us were unavailable. I was on another continent, actually. It was submitted for the minimum allowable time under the parliamentary rules before this debate came up.

It was given to the clerk at 3:11 p.m. on the Friday before a break week, which is to say... Everybody understands what that means. In a way, it was designed to be as obscure as possible. It was released and given to the clerk...

Forgive me; I don't know. Did you receive it in both official languages?

**The Clerk of the Committee (Mr. Andrew Lauzon):** Yes.

**Mr. Scott Reid:** Okay, so it was translated.

I don't think I'm being unkind to Mr. Simms when I say that he is not as fluent in French as he is in English; let's just say that. Hence it had to be done by somebody other than Mr. Simms.

I don't mean to be unkind.

**Mr. Scott Simms:** I took it as such.

**Mr. Scott Reid:** All right.

**An hon. member:** It was probably somebody in the PMO.

**Mr. Scott Simms:** You're right.

**Mr. Scott Reid:** The government House leader discussion paper was released at 1:00 p.m. on Friday. That is an approximate time, to be fair, but assuming complete accuracy, that was 131 minutes prior to the motion of Mr. Simms. The government House leader's paper is pretty meaty. I think it's eight pages long.

I would argue that it is somewhat implausible that... Although Scott can correct me if he chooses to do so, I would argue that on its face it is somewhat implausible that Mr. Simms received the paper, read it, put together the motion—it's a very thorough and well-worded motion with five subsidiary items, one of which has three sub-subsidiary items, so two enumerated lists in it—and had it translated and submitted to the clerk all within two hours and 11 minutes.

There appears to be complete consensus on the Liberal side that this is the right way to go, so he either got the consent of his colleagues afterwards, without this being coordinated by the House leader's office or the PMO or... I could go on and on this way. You get the point that clearly this is a coordinated effort. There is nothing wrong with coordination, for goodness' sake.

I think it is problematic to say, as someone in Mr. Simms's office did to *The Hill Times*—not Mr. Simms himself—that this was an entirely independent effort. That is not a plausible narrative, and I'm glad that Scott didn't say that because it is obviously not the way things really were.

Anyway, the motion has two primary characteristics. I'm referring to the motion now and not to Ms. Chagger's discussion paper on the House rules. I'll come to the discussion paper in time.

The motion has two primary characteristics, as far as I can see. First of all, it is an omnibus motion. That is to say, it takes all of the Standing Orders and puts them into a single motion, rather like an omnibus bill. We will divide it up into three overarching themes. Actually, to be honest, these are not the themes I would have divided things up into if it had been me writing this. I don't think these are the three natural divisions. They are nonetheless, "Management of Debate, Management of the House and its sittings", and "Management of Committees". By definition, it's already omnibus, but there are other things I think don't fit easily into those headings that are within the Standing Orders.

It deals with everything in the House leader's discussion paper, and also the take-note debate, which is required under the Standing Orders to occur within a set period of time following a general election. That took place, in practice, on October 6. That is a debate, I regret to say, in which I was not personally able to take part because I was travelling with a parliamentary committee on electoral reform. I can't remember where we were. I think we might have been in Iqaluit. We certainly weren't here, and for what it's worth, my input, therefore, did not make it in. That's nobody's fault. That's just one of those unfortunate results of parliamentary scheduling—the vagaries of parliamentary scheduling.

However, you see that it's omnibus in several senses. I don't know whether you know what an omnibus is or was. An omnibus was a tract vehicle originally pulled by a horse. It was the answer to a streetcar in places like London, and you would go along a track. In order to help pay for the cost of running the omnibus, people had tickets, just like they do on a streetcar in Toronto today, or any other city that has streetcars or a bus. In fact, with regard to buses, the kind that you get on here in Ottawa, the name comes from omnibuses.

On the side of omnibuses would be ads. If you looked back at the Victorian etchings, illustrations, things that were in the *Illustrated London News* or *The Edinburgh Review* in, say, 1850, you would see illustrations of omnibuses. People complained about the traffic problems in those days. Horses have their own form of exhaust, and they complained about that. It wasn't always removed as promptly as it should be.

• (1135)

Crossing the streets in long dresses was a problem. Gentlemen in those days wore spats. Do you ever wonder why people don't wear spats anymore? Okay, the reason is because we don't get poop on our shoes when we cross the street. That's what spats were for. Shoe shines would clean off the leather portions of your shoes but where the laces were, you can understand why that would be problematic.

**Mr. Scott Simms:** I understand why now.

**Mr. Scott Reid:** The spats covered the laces. You can't get spats anymore. As someone who is an aficionado of steampunk, Mr. Chair, and is trying to acquire an entire Victorian outfit for.... Top hats are easy to find. Spats are hard to find. Clean spats are impossible to find.

Anyway, on the sides of buses, just to defray the cost of running the omnibus, they would put up illustrations, ads. I guess you remember some of these things from looking at these illustrations. Pears soap is advertised on the side; they are still around. There's Bovril, a kind of little gelatin cube, and so on.

What you saw when an omnibus went by were all these completely unrelated things, advertisements, stuck to the outside. An omnibus was a metaphor for a whole bunch of unrelated things, all being dragged along in the same direction by a vehicle whose purpose was ultimately entirely different. Thus we have omnibus bills, and in this case, you can see why I say this is an omnibus motion.

There is no small degree of irony in the fact that this omnibus motion is dealing with *inter alia*, the issue of omnibus bills and how to deal with omnibus bills, something that the government has said it wants to deal with. It wants to change the way these things are done. I'm not in a position yet to confirm the depth of commitment to that promise but certainly this is not a positive start. I would chastise or reprimand Mr. Simms if I thought he was actually the author of this thing, but I don't.

I do chastise the government for creating an omnibus motion to deal with a series of subjects that, while they are united in being Standing Orders of the House, are not united in any other way. We are a corporate entity of the House of Commons with a history, and the history, of course, includes the rules we apply to ourselves, a history that goes back centuries. It doesn't just go back to

Confederation. Our Standing Orders and our practices go back, of course, to 1867, but they were not created *de novo* at that point. They were taken from the Standing Orders of the Legislative Assembly of the Province of Canada, and therefore, go back to 1840, at which point they were not created *de novo*.

In fact, those Standing Orders were taken from the two prior assemblies of Upper and Lower Canada. The Legislative Assembly of Lower Canada and the Legislative Assembly of Upper Canada both of which had held their first elections in 1792 and their first actual meetings in 1793, and adopted the Standing Orders at that time. Those Standing Orders were not created *de novo* at that point. They came from the House of Commons in Britain. There are Standing Orders adopted in the House of Commons in Britain that survive in an unchanged or almost unchanged form to this very day in our Standing Orders.

Not only that, if you look at the congressional rules, the ones that cover the House of Representatives in the United States, you'll see that they have some identical rules to ours. This happened because the Americans adopted a set of rules designed by Thomas Jefferson, after struggling without a set of well-established rules for their first years as a republic. He presented a set of rules that he had adopted from the House of Commons in the United Kingdom. So, we, the Brits, the Americans, and I should add virtually every other country in the Commonwealth, also every American state, because they have a similar lineage there, and every Canadian province, every Australian state, all have a set of rules and practices that have a common lineage, which is why we can have precedence that goes between these jurisdictions.

We have a long and distinguished heritage. We do not change these things in one shot as an omnibus measure. It may be that it's happened somewhere. I don't know. It's an obscure piece of history. I do know that in our own history we take very seriously the need to do these things bit by bit. I do not mean to suggest that at any given point in time the previous existing Standing Orders are fully acceptable, but I do mean to suggest that we deal with these issues one at a time.

• (1140)

There is on the wall of the legislative assembly chamber in Quebec—this would be the National Assembly chamber now, but it was originally the legislative assembly chamber—a beautiful mural, quite an impressive painting of the very first meeting of the legislative assembly, its ancestor, the Legislative Assembly of Lower Canada, in either January 23 or 26, 1793. I can't remember which of the two dates. The reason that date stands out in my mind, despite the slight imprecision, is that by a curious coincidence that debate in the Legislative Assembly of Lower Canada took place on the very same day that King Louis XVI was beheaded in Paris.



What happened in that debate was that the Standing Orders of the House of Commons, which had been adopted and put in place for the legislative assembly of Quebec, had a very obvious flaw. They were only in English. I don't know if they even stated the language of debate, but it was clear that the language of debate was to be English. This had to be resolved, so the very first debate was over the Standing Orders, and changing them, and allowing the use of either French or English in debates of the legislative assembly. That event is recorded.

The Standing Orders are important, and dealing with them piecemeal, one at a time, is the right way to go about them. We are a precedent-based collegiate body. What we do is done not by revolution but by evolution, a step at a time, not by omnibus measures, not by trying to do all at once, which is what this does.

In section d) the motion states, "The Committee complete its study and report its findings and recommendations back to the House no later than June 2, 2017". We would, in fact, deal with all the subject matter, every Standing Order, and have it done by June 2, 2017. I haven't worked out the number of days between now and then, but it is not a large number of days.

I could talk of what a rush that is. I will talk of what a rush that is, but as a starting point this says there will be nothing left. It will all be taken care of. If we don't have enough witness testimony, it doesn't matter; we'll be sending our report back. This is a problem.

Here's the clever rhetoric I was working up to. That's closure, clearly. We're ending debate. It's all over. We're done. In Britain, they call it the guillotine.

Do you see how clever that is? I linked back to the guillotining of Louis XVI on the same day.

• (1145)

**Mr. Jamie Schmale (Haliburton—Kawartha Lakes—Brock, CPC):** That was very clever.

**Mr. Scott Reid:** Isn't that clever?

**Mr. Jamie Schmale:** I thought it was extremely clever. Well done, Scott.

**Mr. Scott Reid:** Actually, I think that's a really good way to describe it. The British term "guillotine" says it all. We cut off debate, whether or not that will have catastrophic results. I think that is very imprudent, so that's an issue. I just can't see how we would deal with this.

I want to cite some of the things that this reminds me of, and then I will turn to some other issues.

There are three items this reminds me of. The first and perhaps the most obvious is government motion number six from May of last year. Government motion number six would have...on a temporary basis. I believe it was for one year, if memory serves.

Actually, I could check that. I have a copy of motion number six here. It was going to impose certain limits on the ability of opposition parties to do their work. It was going to limit their ability to use the procedures of the House to slow down and sometimes, procedurally, to stop government business until some form of

compromise is achieved. The motion would have remained in effect, as I understand it, for a year.

It was met with astonishment by the other parties. It was presented in a very interesting way. At the time, I was deputy opposition House leader, a position which, both on the opposition and government sides, I had had in one form or another for a decade. Motion number six was the first occasion where I had seen a motion presented in this manner without first being vetted and discussed. It was only a temporary suspension of the rules, but it was nevertheless a change to the rules without consensus and without consent. It was met with very considerable anger.

At first, the government was going to tough its way through. The opposition to doing things this way included efforts on the part of the opposition parties to slow things down. The New Democrats took their time taking their seats in the House of Commons, and as we all recall, the Prime Minister, angered by this, thrust his way across the floor of the House of Commons and grabbed the opposition whip, my colleague, Gord Brown, by the lapels, and dragged him through some New Democrat MPs, elbowing one of them as he went through. This led to the the name "Elbowgate" as the description for this event.

That was all caused by the resistance that the opposition was trying to put up within what is permitted under the rules, in order not to see the government engage in a further suspension of opposition powers and the opposition's ability to do its job. That unfortunate episode led—wisely, I think—to the then government House leader, Dominic LeBlanc withdrawing the motion. I'm afraid I don't have the exact quote in front of me, but what he said at the time was that the government had heard the concerns of the opposition parties and was withdrawing the motion in favour of looking for a more consensual approach.

By the way, I think I should tell you that I had the impression from the start that motion number six was not Dominic LeBlanc's own initiative, though as House leader he introduced it. Everybody knows he's a pretty easygoing guy, and that kind of draconian thing is just not, in my view, something he would have designed independently in any way. No House leader designs the rules to change the House without getting the approval of the Prime Minister.

I don't think I have to demonstrate my case for that, but Mr. Christopherson was in government at one time and he may have seen his House leader act without telling Premier Rae—

• (1150)

**Mr. David Christopherson:** No, otherwise he would be a former House leader.

**Mr. Scott Reid:** You wouldn't get it through the House, believe me, if the Prime Minister or premier were caught off guard. This was Justin Trudeau doing this. Also, now Bardish Chagger has taken over as House leader, and in general terms, I think, has—and I've told her this personally but I don't mind saying it publicly—done a remarkably good job for someone who was thrust in with so little experience. That is not an easy role for anybody, let alone someone who is new to the game.

I don't think this new motion is her production, either. I think the same brain trust that produced the last one has produced this one. Rather than trying to push it through as a government motion in the House, they're trying a different mechanism, a discussion paper followed by an omnibus motion presented ostensibly by a private member who just wants to get on with business.

I think all that gives some explanation as to the parallel with motion number six.

I do want to mention that the whole thing that led... Motion number six may have been in the works for a long time; I actually don't know. When it was presented, though, Dominic said something that I thought was really extraordinary. He came in, threw it down at a House leader's meeting, and said that this was their response to the shenanigans that were being carried on the previous week. The shenanigans he was talking about were that a vote that was called at the instigation of the opposition—as the rules permit—which the government came close to losing. It was called at the instigation of the New Democrats. I can't remember the specific thing it was over—and perhaps Mr. Christopherson recalls—but we came within a vote or two of the government losing on some measure. That's not a shenanigan, Mr. Chair. That's using the rules the way the rules are written.

Faced with a near defeat on one motion or vote out of goodness knows how many, the appropriate response is not to.... If people vote against you following an election, the appropriate response is not to take the hand that cast the ballot and cut it off; it's to accept the fact that this is the way the rules work.

If you want to change the rules, you have to give a reason why. Maybe that rule is unreasonable. Maybe it could be adjusted slightly. Governments in the past, even when they are capable of using the rules to their advantage, have sometimes recognized that it's inappropriate to do so. I've admired that.

Let me give an example that comes from a Liberal government to show that this is not simply self-praise I'm engaging in here. When I was serving for my first time in opposition to a majority government, when Jean Chrétien was prime minister, it sometimes occurred that a committee would be meeting at the same time the bells were ringing for a vote in the House.

Of course, that still happens. What happens now is that, as soon as we hear the bells ringing—and every committee room is wired so that we can hear the bells ringing—we stop and have to find out if there is unanimous consent to consider continuing the meeting. That is done to make sure members can return to the House without changing the structure of the committee and allowing something to be pushed through, something which can only be taken advantage of by a majority government. Minority governments can't do this because they don't have the majority on committee. Opposition parties can't do this. Only a majority government can take advantage of that. This led to MPs being forced to stay in committee to prevent these such things from happening, essentially filibustering right through a vote in the House, not appearing there.

Recognizing that the absence of a way of dealing with this had led to mischief, even though it was to his own government's benefit, the House leader of the day, at the initiative of James Rajotte, a

Conservative MP who had this problem with the finance committee, with the co-operative work of the Liberal House leader Don Boudria—an outstanding House leader, by the way, which is something I've said on numerous occasions and still believe today—and with the co-operation of their House leaders, they agreed to look at changing the rules. A rule change was adopted, just the one standing order, but a standing order that put in place the rule we have today.

●(1155)

There you go. That illustrates how something can be initiated and change the Standing Orders piecemeal. It also shows how a majority government can, when it takes democracy seriously.... I don't think Jean Chrétien is the greatest democrat in our history, from either of the two governing parties, let alone the other parties. Nonetheless, he took democracy more seriously, I would say, than the current Prime Minister does in allowing that to be passed. Of course, that rule change also would not have gone through without the Prime Minister's consent. That is how things ought to be done.

All right. I discussed motion number six and some parallels. Some of the subject matter here is very different from what was in motion six. Some of it deals with things that were not dealt with in motion six, such as removing Friday sittings, creating a special Prime Minister's question time, and so on. But the basic theme will put in rules that deprive the opposition of its ability to prolong and delay debates, to slow things down to give it effectively what would be known, if we were talking about constitutional law rather than the internal laws contained in our Standing Orders, as a suspensive veto.

A suspensive veto is what, for example, our Senate has over constitutional amendments. It can veto a law. If the Senate doesn't pass it, a law doesn't go through on amendment, they can suspend it for six months. That is what oppositions have, to varying degrees. They have a real veto when there's a minority government. I know this by having served in a minority government, both on the government side and on the opposition benches.

All these rule changes, by the way, that I'm concerned about would be much less powerful in the context of a minority government, but with a majority government, you already have, my goodness, all the levers of power in your hands. This takes away the suspensive veto, or it makes the suspension so cursory as to be meaningless. That, I think, is both regrettable and, let me suggest, it is also a straw in the wind indicating a lack of respect for democracy, a lack of desire for democracy, and here I'm talking about the Prime Minister himself, not about the Liberal Party in general. A frustration, I think, with the fact that a democracy, in the procedural sense, democracy as a process, keeps him from getting his way....

I think the Prime Minister sees himself as having a great vision for the country and sees mediating institutions as being problems in achieving that great vision. He cannot take Canadians and make us better people than we are right now prepared to be, thrust us beyond what our own expectations of ourselves are, unless he takes away our ability, built up over centuries, to limit his power.

We see, for example, the really quite extraordinary display that took place over electoral reform.

I see my colleague Ms. May was here. Has she left the room?

• (1200)

**Mr. Jamie Schmale:** Yes, she has.

**Mr. David Christopherson:** She saw she may not get the floor so she....

**Mr. Scott Reid:** That's fair. I did not realize she was seeking the floor, but anyway, she was on that committee with me.

Mr. Christopherson was intimately involved in this, as was Mr. Richards, who travelled around the country with me and with Ms. May. For that matter, Ms. Sahota travelled with us as well. I thought we formed a special bond doing that. I thought Blake formed a particularly special bond with Elizabeth—

**Mr. Blake Richards:** What's he trying to say here?

**Mr. Scott Reid:** I just noticed the way she sought you out as her dinner companion every night no matter where we were across the country.

**Mr. Blake Richards:** I'm a popular guy. What can I say?

**Mr. Scott Reid:** What happened there was the Prime Minister indicated an openness until the whole process was over, and then he said no.

I'm sorry, I've lost my.... This is not a delay tactic. I've simply lost my train of thought.

**An hon. member:** Was it an omnibus train of thought?

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

**Mr. Scott Reid:** Yes, very appropriately it has been. That's right. I've moved on from the Pears soap to the Bovril soup cubes.

The other thing we saw was that, after it was over, the Prime Minister said he was actually never willing to consider proportional representation in the first place. First past the post was unacceptable for reasons he went on at great length about at one point; we would be seeing the last election ever under first past the post. However, when proportionality was presented as an alternative.... As you know, the majority of the committee, the consensus of the committee, everybody except the Liberals, was in favour of a referendum on a version of PR to be chosen and designed by the government, which was to be subject to certain parameters—it being five or less on the Gallagher index—versus the status quo, or first past the post.

When PR was presented as an alternative, the Prime Minister said that he didn't want that. He had his Minister of Democratic Institutions say that her mandate letter said, "I am not to pursue this". Then the Prime Minister came out and explained himself. He was quite specific about this, saying that he was not one to consider PR,

"it's divisive"—I'll let him speak for himself on that—and "I was never willing to consider it. I've been quite consistent. Look, here's what I was saying back in 2012."

It was extraordinary, a bit like—and I'm showing my age—that entire season of *Dallas* that turned out to be a dream that Pam Ewing had.

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

**Mr. Scott Reid:** It had all not actually happened.

I think the reason it hadn't happened was because it was not the outcome the Prime Minister was willing to consider. That happened to be the outcome that guaranteed he would get a majority of the seats with as little as 32% or 33% of the vote, a system which, thanks to an excellent research study that was mentioned in our report, indicated that in every one of the elections of the past 20 years, the Liberals would have won a greater number of seats than they would have under the current system. In fact, based on the excellence that was provided to that committee by Professor Byron Weber Becker of the University of Waterloo, it is the only system that produces better results than first past the post, literally the only system you can devise that produces better results for the Liberals than the current system. That was the only one he was going to consider from the start.

Here's your parallel: "We are in favour of democracy, electoral democracy, electoral reform to create a better electoral system. There's only one outcome, and I'll give the impression that I'm willing to consider multiple options until such time as they are taken seriously. At that point, given that I was unable to nurse you into the appropriate decision, I'm now renegeing on that decision."

This is one of those premises that was not unambiguous. The fact that it was repeated.... Some heroic person in the New Democrats figured out how many times it was repeated. I'm told it was repeated 852 times, or something like that, by various Liberal speakers in the House of Commons. It would have led a casual observer to think that they were more serious about this than they turned out to be.

But there you go. If hey don't get what they want, which just happens to give the Prime Minister more power, then they're not willing to move.

On motion number six, you saw the same thing. They were going to push that through come hell or high water. They hadn't anticipated the very unexpected phenomenon of the huge backlash following the equally unexpected phenomenon of the Prime Minister manhandling Ruth Ellen Brousseau in the House of Commons, a matter which, as you know, came before this very committee as a matter of privilege. They had to back down in the face of that crisis.

That was extraordinary. I've been here for 17 years, and that is the only time in the House or in committee—or actually in a number of sports bars where some of us may not have been completely sober—that I've ever seen a member of Parliament manhandle anybody else, except for the time that Jean Chrétien grabbed Bill Clennett, the protester, by the ears.

•(1205)

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

**Mr. Scott Reid:** I'm sorry. What was that? It was the throat. I stand corrected.

At any rate, it was—

**Mr. Blake Richards:** You should come and watch me play hockey sometime, Scott, and you will see a member of Parliament manhandle all kinds of people.

**Mr. Scott Reid:** Fair enough, I take your point.

Certainly, it wasn't the only time that had happened. It used to happen all the time in the 18th and 19th centuries, but it doesn't happen now. The king used to also enter the House of Commons with armed men and seize members who were going to vote the wrong way and lock them up until they decided to change their minds, but we don't do that either, all, by the way, as a result of making small changes rather than omnibus changes to the Standing Orders, one of which is that the king can't enter the House of Commons.

All right. I was saying that there were three things this reminded me of. Government motion number 6 was the first. The second one was electoral reform. The third was the assisted dying bill. Here, there's a parallel between the process behind the assisted dying bill, the process for considering electoral reform, and the process for dealing with the Standing Orders.

The parallel is this. In each case, the government has, at stage one, announced some kind of apparently consensual goal that's likely to have broad-based support—in all fairness, the assisted dying bill isn't really about government powers—but does not extend its power or reach and does not diminish the well-being and liberty of others. Then it engages in a very long, amorphous consultation period, which is different in kind and certainly in order from the way in which we normally would deal with bills or legislation. Then it creates a panic and a rush to get things done in a great hurry and suggests we should do whatever it takes—throw on extra meetings, meet late into the night, be in on weekends—to get things done by a very tight and artificial deadline.

At about that point, it became clear that their agenda was actually entirely different. It was to increase their own powers, and they hoped that the process of spinning their wheels and creating an artificial crisis would accomplish their goal.

This happened with the assisted dying bill, where they delayed things so long through the committee hearings, which should have taken place after the government had produced its bill but instead took place beforehand as an information-gathering exercise.... They were up against a deadline. Now, in all fairness, the government had sought an extension from the Supreme Court, which refused an extension, but we know that the deadline, which we wound up missing, in June of last year.... June 23, I think it was. Forgive me. I can't remember, but it was a day in June—

•(1210)

**Mr. Jamie Schmale:** I can't remember, but it was in June, yes.

**Mr. Scott Reid:** That would not have led to the nightmare scenario that the government was fearmongering about, where doctors would be running around with poison-filled syringes in their hands, euthanizing people merrily in the streets lest we pass a bill to restrain them. *Au contraire*, had we done nothing, which actually was my preferred course of action, the common law would have guided us towards a sensible way of dealing with the vexed and difficult question of the right to die, or the right not to be impeded in providing for your future—however you wish to describe it. I'm trying to avoid the value-laden language that was used by various sides at that time.

**Mr. Blake Richards:** On a point of order, Mr. Chair, I'm really enjoying the remarks from Mr. Reid, and I can tell he's just getting started. I can even see he has a lot of notes here that he hasn't been able to get to yet, so he obviously has a lot more to say and I think we're all very interested. I know that in fact there was so much excitement for some of the members—the parliamentary secretary and Ms. May, who were here—that they just couldn't contain themselves any longer and they had to leave the room because it was just too much for them to take. There was so much excitement about what Mr. Reid had to say here.

I notice that Kady O'Malley is still here but it was, again, too much excitement even for a number of members of the media who were here, and they couldn't contain themselves any longer.

I know Mr. Reid does have a lot more to say, and we look forward to hearing it because I can see he has lots of points to make, and so far it's been quite entertaining and informative, no question. I also notice that many people have tried to get up more than once to sustain themselves with more nourishment, for example, because of the fact that it's so entertaining, but my suspicion is that he may even have so much to say that maybe he will need most of the time until we end at one o'clock today or maybe even all of it. I don't know.

I know there are other people on the speakers list so I'm just kind of curious, Mr. Chair, if maybe the Liberal members want to give any indication if their intention would be then to bring this forward again, because obviously our agenda would be that Thursday would be with Elections Canada officials again. I wonder if they might give us some indication as to whether they intend to bring this motion forward should it go to the end of the day, and it certainly looks to me as if it will go to the end of the meeting today, in terms of the debate about this motion.

Would they be intending to bring this forward again on Thursday? I just wonder if there is anyone who would give us some indication of that, first of all, and then maybe I would have a follow-up question to that. Could someone maybe give us an indication there?

**Mr. Scott Simms:** In response to that, I put a motion forward that I feel is very important, for reasons that I've outlined earlier, and I'd like to have a vote on this. I'd like for us to get started on this because I think after years of talking about this....

My colleague Mr. Christopherson talks about how, in the past, the House leaders would have a discussion about this, but our House leaders have been having a discussion about this for decades, or even longer.

I like to think that we can do some serious stuff here by action. All the things that you've incorporated in your speeches, including the history of the guillotine, which I hate.... Don't get me wrong; I'm not correcting you. You said the guillotine was used for closure, but it was actually used for allocation of time. Now, one may say that it's six of one and half a dozen of the other, but you are a man of detail and I just want to point out that it was done in 1887 on the guillotine motion and it's been used several times since then in various forms, in various amendments, and so on and so forth.

I, personally, am not a fan of the guillotine, and I will tell you why. When we say yes—

**Mr. Scott Reid:** [*Inaudible—Editor*]

**Mr. Scott Simms:** Yes, that's right. When we say yes to doing this study, I would love for you and I to have this conversation about it and incorporate it into the study as to why I think it has to change. I'm not sure if you feel the same way. I think you might, but I shouldn't say that, and I won't know until we vote.

The other point I want to make is...directions from the PMO. I appreciate the comments from Mr. Richards—

•(1215)

**Mr. Scott Reid:** Actually, on a point of order, Mr. Chair, I just want to stop....

Procedurally this is unconventional. I don't mind it, but I assume I still have the floor—

**The Chair:** Yes.

**Mr. Scott Reid:** —and this is sort of a sub-heading of that or something.

**The Chair:** It's Mr. Richard's point of order.

**Mr. Scott Reid:** Okay. All right, as long as we're clear about that.

**Mr. Scott Simms:** I'm speaking to the point of order.

**Mr. Scott Reid:** Okay. I just wanted to make sure that was the gist of that

**The Chair:** You'll get it back, though.

**Mr. Scott Simms:** He did talk about directions from the PMO, and I have had this discussion with so many of my colleagues, as I was a former critic of democratic reform. That's where it all began. My directions came from experience, much like yours. Mr. Richards talks about directions from the PMO with an incredible amount of clarity, which one can only experience through experiencing just that. The only thing he probably should have added at the end is, “and trust me, I know that”.

Anyway, I apologize. That may have been a little bit over the top because I do have a great respect for Mr. Richards, as I always have had, so I'm just jabbing back a bit. Forgive me, but I do want to engage in all that has been said here. Through this study, once we do it, I want to use the time that we have so that we can get this done, and I want to put this in the hands of the government and incorporate all our thoughts about this and reach that consensus.

I don't know if that does a—

**Mr. Blake Richards:** Mr. Chair, I'm not sure that I got really.... It certainly sounded to me like the intention would be to carry on with this and to try to “ram” it through as has been put so well by Mr.

Christopherson. I wish I could believe that this was really about trying to get consensus and it was really about trying to bring everybody's viewpoints in.

I know it was noted earlier by Mr. Reid that he wasn't able to be there to provide input for the Standing Orders debate, for example. Of course, a number of us weren't and it was another one of the failed Liberal attempts to fool people with the electoral reform initiative that brought us away from here for that.

I don't think anyone is under any illusion as to what this is about. It's clearly about the idea of giving the Prime Minister one day a week he has to show up here to be accountable to Canadians. It's clearly about giving Liberal MPs another day off. We want to make sure that Canadians have an ability to hold this government accountable. Obviously, there is some significant concern here.

If the intention is to continue to try to ram this through, as it appears to be, and that means that they want to continue with this on Thursday, Mr. Chair, I wonder if it's just a question for you about how you intend to deal with the Elections Canada officials. I hate to put them through this show of coming here and then having to be dismissed and things like that. Obviously, that's an important study and one that we think we should be carrying on with as well. I don't know why suddenly— it seemed like not that long ago that it was such an important thing for the government and we had to really move forward with it. All of a sudden, the Standing Orders changes are trumping it.

I don't know what has happened in the interim, but somehow they've decided they want to be less accountable to Canadians and that takes priority over changing the election rules. I'm really confused as to where we're headed here and if there's something that we need to do with the Elections Canada officials to notify them of this change from the government about this desire to immediately be less accountable to Canadians.

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

**Mr. Arnold Chan (Scarborough—Agincourt, Lib.):** We're debating a point of order.

**The Chair:** I'm definitely sensitive to the witnesses and as this procedure unfolds, I will make sure we can give them the best information and timing that we can.

We'll go back to Mr. Reid. You have the floor.

**Mr. Jamie Schmale:** Mr. Chair, before he gets going I want to make a point of order, if I could too.

During Mr. Reid's amazing words—and I learned a lot actually, so thank you for that, Mr. Reid—our friend, Elizabeth May, did some minor fact-checking and we want to correct the record a bit, Mr. Chair, if we could.

I believe that Mr. Reid said that he and the electoral reform committee were in Iqaluit on October 6, but it appears they were actually in Prince Edward Island. I think it's very important to have that record corrected. I'm sure Mr. Reid didn't intentionally mean to mislead the committee.

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

**Mr. Jamie Schmale:** I just wanted to make sure everyone knew that.

• (1220)

**The Chair:** Mr. Reid, you have the floor.

**Mr. Scott Reid:** Thank you.

My goodness, I got a lot wrong there. I was on the wrong island

**Mr. Scott Simms:** You were just slightly off.

**Mr. Scott Reid:** They are very similar, you know. It's easy to make that mistake.

For what it's worth, I actually ended up liking Iqaluit a lot more than I thought I would. I knew Prince Edward Island would be nice, but I had never been to Iqaluit. It was actually a pretty cool place.

Thank you to Mr. Simms for the history of the guillotine. Regrettably, from my work in the human rights subcommittee, I'm more knowledgeable about the history of the other kind of guillotine. I will add the corrections that Mr. Simms offered today to my list of useful but obscure facts.

When we left off, I had gone through the assisted dying bill and the electoral reform process and pointed out the way in which there has been a long, heel-dragging process, followed by a rush. I'm not sure—I want to emphasize—this is necessarily always the result of a dastardly master plan. I don't mean to suggest that somewhere out there there is an aspiring Bond villain plotting out these things so that we see a mechanistic repetition of the same centrally planned nefarious plot in which a single plan unwinds like clockwork.

I think that in each of these cases there has been a bit of impetuosity. I've long believed and I've often said that with regard to electoral reform, what the government appears to have tried to do was simply find policies they could use to poach New Democrat votes in the 2015 election. The electoral reform proposal was one that was taken word for word from the motion that Craig Scott had proposed and the New Democrats had introduced in the House of Commons, which was debated in December of 2014. It was literally word for word, although there was a semicolon in that motion that went on to advocate MMP, and that was where the Liberal motion stopped. The words about 2015 being the last election held under first past the post, that was word for word an NDP motion. I think its purpose was to win NDP votes, pure and simple.

I think—although I don't know this—that the Liberals did not anticipate winning a majority government. I think they thought at best they'd be a minority, or there was a good chance they'd be the main opposition party in a minority government, but at any rate, they wouldn't have to actually fulfill this. But when the election took place, I think they then said, "Here's our main chance. Maybe we can take something that was meant to be a promise of the species of universal child care." That was a perennial Liberal promise in 1993, the election of 1997, the election of 2000, and I think it was still there in 2004. Finally it just kind of faded away. I think it was meant to be one of those things. It would draw votes over and over again, without actually having to be fulfilled.

When they found themselves in the position where they could follow through, they chose to follow through with a system that

appears to me to be designed to ensure that only one alternative to the status quo would be available. That was to drag their heels for a long time—they did it for six months—and then to hold committee hearings and report back after it was too late to actually put forward any option as an alternative to the status quo other than preferential votes, which, in single-member districts, have the advantage of not requiring a redistribution.

Every form of proportional representation requires redistribution. Redistribution takes two years, so then they could say, "Gosh, if proportionality was a valid option.... Here we see the deadline we have to pass. We see it in our rearview mirror; we just drove past it. We're so sorry, but we have this sacred promise. We've repeated it hundreds of times. We have promised that 2015 will be the last election under first past the post." Then they go ahead and introduce preferential voting. I think that was the plan.

• (1225)

I wrote an editorial to that effect in the *Ottawa Citizen* in May of last year, and then went out of my way to collect all the information I could from the Chief Electoral Officer as to whether it would be possible to achieve any of these other systems by the deadline the government had set up.

Speaking of P.E.I., I missed the committee's hearings in St. John's. I flew back to Ottawa to ask the Chief Electoral Officer some additional questions like whether the time it takes for redistribution could be expedited. I built on questions that Ms. May and others had asked in previous committee meetings. You were chairing it, Mr. Chair.

Then I flew back to P.E.I. on my own to meet the committee and to continue meeting witnesses. We were able to demonstrate that it would be possible to have electoral reform that involved changes to the layout of the seats, and therefore made proportional representation possible by 2019, while still meeting the government's deadline.

This allowed us to say we can achieve the government's bottom line; the NDP bottom line, which is PR; the Conservative bottom line, which is a referendum. We can do it all. Here's our report. Here are the backup facts. The report of the committee consists largely of those demonstrations.

The government's discussion paper was submitted on the Friday before we went away. It contains some items that I, at least initially.... These are not actual alternative standing orders. Here's the study. Column one has a standing order on... and the way it is now, Standing Order 2 shows its alternative. But they do lay out the general issues to be considered, which structured this way would take a substantial amount of time to go through.

**Mr. David Christopherson:** Go ahead.

**Mr. Scott Reid:** No, I actually—

**Mr. Jamie Schmale:** Take your time.

**Mr. Scott Reid:** I didn't mean for me today; I meant for a committee over a period of months. That's very different from—

**Mr. Jamie Schmale:** I think you should start now.

**Mr. Blake Richards:** You have 32 minutes now. Go ahead.

**Mr. Scott Reid:** All right.

I don't fault the House leader for doing things this way. Taken on its own, and without the omnibus motion and the artificial deadline imposed by that motion, it's not bad in many respects.

I am a bit puzzled why some of the things are in there, because we did discuss them at previous meetings of this committee and rejected them. The most obvious item is the proposal to abolish Friday sittings. We indicated we didn't support that. That was actually reported back by this committee, so it seems odd that we're being asked to consider it again.

There are others that haven't been discussed, including, for example, electronic voting. The electronic voting issue was discussed, as noted here, by the McGrath committee. It was discussed and a report was actually issued on electronic voting—true fact—by the committee on standing order improvements set up by the Chrétien government. It was a special committee, as I mentioned. It issued six reports.

I have not had a chance to read those reports—although, obviously, I would want to do this. We would all want to do that. We'd probably want to enter them into evidence. Six reports, one of which was on electronic voting the time, were issued. Things have changed. Systems have changed for electronic voting. I'm guessing they're more reliable than they were in the past, and as the government House leader's report observes, we are moving to the West Block.

The House of Commons will be there, I think, by the end of this Parliament. I'm not certain of that, but, if not, it will be where we open the next Parliament. So as one is installing desks, one could put in electronic voting systems. There is an obvious logic to that from an infrastructure cost point of view, and so on.

There are things in there that on their face strike me as reasonable. By the way, I don't want to launder the details of that proposal, but that's one kind of electronic voting. You can also vote without actually going to the chamber. That's how they do it in the U.S. Congress. I don't like that. I think we should be in the House. I won't say we have no lessons to learn from the American representatives, but that is not one of the lessons we have to learn from them, or if we do, we have to learn the merits of doing things while actually being in the Commons for what it's worth.

There are a number of things in here, and I'm not belittling the report. I did say I didn't really agree with the arrangement of three themes. Theme one is management of the House, of which the subsidiary headings include the issue of sittings, including Fridays, and then electronic voting. Those are just different topics. They're not two subsets of the same thing, but different topics going back to the omnibus point I was making earlier about the House calendar, whether we should start sitting earlier in January, earlier in September, whatever, and the nature of routine proceedings.

There would be another review of private members' business, which involves a number of technical changes. Let's go through private members' business to make the point about the difficulty of trying to do all these things within the very tight deadline suggested by Mr. Simms' motion.

Remember I said it was theme one of three themes. Within the rubric of management of the House, we have the subsidiary headings of the sittings, electronic voting, the House calendar, routine proceedings, private members' business, and prorogation.

Prorogation is obviously also an entirely different topic and not a simple matter, because it involves moving from the House and its privileges to the nature of the crown, and what the Constitution, particularly the unwritten part of the Constitution, the conventions, say about prorogation. I think prorogation is a very important issue. I spent a lot of time reading about it in the midst of the crisis that led to prorogation in 2008. Given the tiny number of people who know anything about this at all, I regard myself to be in the upper one per cent of the Canadian population in my knowledge of prorogation, at the risk of sounding a bit self-promoting in that regard. We could spend an entire Parliament dealing with the issue of prorogation in itself. It might be a good topic for us to look at.

• (1230)

We'd look at conventions. We'd have to look at how what we report affects conventions. Conventions are the practices that are seen as being particularly weighty in public opinion, the things that it is outrageous to violate, even though there is no law to that effect. Those take form in a particular way, and if you want to change a convention or affect it, or systematize it—which I think is really what we're trying to do here, to systematize it—you have to act in a certain manner.

A committee report can be very valuable in that regard. A committee report that just mentions this thing in passing as part of a rush would be very unhelpful. One of the things that happens in scholarly disputes is the issue of does a convention exist here, is there still that usage or has a convention eroded and one that previously existed does not exist. You'd have to bring yourself up to date with some very significant scholarship on this. Albert Venn Dicey, the great 19th century English writer, wrote *Introduction to the Study of the Law of the Constitution*, the classic text that created the term “convention”.

Lord Bryce, who would be named the British ambassador to the United States, in his book *The American Commonwealth*, in which he wrote about the American political system for a British audience, pointed out to his British audience that although the Americans thought they had a purely written constitution, they had conventions too, and he listed examples of the conventions that existed. Conventions are restrictions on a power that nominally exists, an unwritten restriction, or at least an uncodified restriction, not written down in the statute of the Constitution, the violation of which would result in profound sanctions.

One that existed at that time was that the president, who in theory could serve unlimited consecutive terms, would serve no more than two, following the precedent set by George Washington. That convention prevailed until 1940 when Franklin Roosevelt ran for a third term and was not punished for it. Voters voted him in, but sometime within the Eisenhower presidency Congress and then three-fourths of the states passed identical resolutions amending the constitution so that couldn't happen again. No president can serve more than two terms. It is not a slight against Franklin Roosevelt to say that a lesser man with an equal temptation could use that office and the perpetual holding of that office in ways that the framers of the Constitution, and obviously the majority of Americans in the 1950s when that amendment was passed, did not think were appropriate. And so a convention was codified to ensure that it could not be overridden again.

It's all about conventions when it comes to prorogation, and it was not clear what the conventions were. So I'm not saying that prorogation shouldn't be here. I think it's a really great topic to study. I'm just saying that it can't be studied as one of a three-part list, part one of which has six subsidiary parts, one of which is something that is so vast that you have to get into.... I didn't mention Ivor Jennings, another great scholar we could look at. If we did study prorogation, the amount of work would prevent us from having time for anything else. And we've got to do this by June 20th?

We have to come up with witnesses, according to Mr. Simms' motion, if we adopt it today, by Tuesday of next week.

• (1235)

In terms of the chief authorities on conventionality and on the way in which prorogation is handled and historically has been handled in Commonwealth countries, these precedents are taken very seriously by our main scholars. They could not be located within seven days. In some cases, we would have to find out who these people are. How do we know? We're not specialists.

That's just for prorogation. I'm only mentioning it because it's the one that my eyes stopped upon as I went down this list. It's not because it is the standout, but maybe it is the standout.

On private members' business, here is what is written. The House leader's report or discussion paper frequently cites the McGrath committee. It reads:

A principle objective of the McGrath Committee report was to find ways to give Members a more meaningful role in the legislative process. A well-functioning House depends on the extent to which Members feel like they are involved and contribute to the legislative process.

That's the first paragraph. You can't object to that, except to say that for making members "feel" like they're involved, I would say that it's more about the extent to which members are actually involved, but that's okay. That's a minor thing.

Here's the next paragraph. I want you to keep track of all the different potential ways in which we could change private members' business. There aren't bullet points here, but I'm going to number them. I'm quoting again:

A key way to empower Members is through Private Members' Business. Possible changes to Private Members' Business could be examined to achieve that objective.

Some examples include:

...adding another rubric for Private Members' Business each week; examining the possibility of allowing Members' to exchange places on the List for the Consideration of Private Members' Business under certain conditions; and ways to manage Senate Public Bills that delay the replenishment of Private Members' Business, possibly by having a separate rubric for these bills.

There you go. There are three separate subsidiary pieces of business under private members' business. Our three-part program of adjustment to our rules, which turns out to include, in the case of theme one, six separate substantive subheadings, now involves a third level of subheadings. It's starting to look like a statute: section 1, subsection 1(a), sub-subsection 1(a)(i), etc. It's kind of looking like that.

There is a lot of substance here, and we're supposed to find the experts who can deal with this within seven days and to have all of discussions done and a report back by June 2.

Let me tell you about the experience of the electoral reform committee of which I was a member, with its December 1 deadline. That did not mean we had open discussions and were getting new and fresh ideas up until November 30. That is not what happened. We had to take a considerable amount of time towards the end to go through it. We could go and look it up, but there was a three-week period or so during which we simply could not add new material and have it translated. The professional staff, the analysts, and the clerks were, as is typical here, of superb quality, very hard-working, and very long-suffering.

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

**Mr. Scott Reid:** There is a consensus on that.

They did what they could to give us as much time as possible and to put off our decision points on various things as long as possible. We were able to put off the recommendations later than the rest, but we had a substantial amount of summation of witness testimony.

I don't see how you could accomplish that given the June 2 deadline, which in practice means, I don't know, a May 15 deadline for starting to sum up the witness testimony or for complete.... Actually, it would be earlier than that, probably, but we can go back and examine that. The records of the electoral reform committee exist and provide as close a parallel as I can think of to this sort of thing, where you're dealing with something that's very amorphous in its initial conception, as opposed to a committee being presented with a bill, where there's a whole different system we go through, or as opposed to us dealing with a matter of privilege, again, in certain situations.

• (1240)

When it comes to this kind of thing where you have an amorphous subject matter and you have to turn it into recommendations, a substantial lead time must be taken into account. Your deadline is actually much earlier than it appears to be. That is a significant issue for us as we work toward this deadline.



Mr. Simms' motion proposes that we be prepared to engage in extra sittings.

Where is that...?

**Mr. Jamie Schmale:** It's at the bottom.

**Mr. Scott Reid:** Oh, yes. This is it:

e) The Committee meet outside the regular meeting hours as necessary to complete the study pursuant to paragraph (d).

Wow. Even if you didn't have any competing agenda items for this committee, you'd have a lot of difficulty, as I've suggested, with that deadline. In fact I'll state baldly that the deadline is simply incompatible. I'm not so sure the deadline would have been incompatible if we'd started on the first day Parliament came back and said that we were going to produce a report on the last day before Parliament rose, with a series of recommendations to be given to the next Parliament, because the subject matter is so vast. It is an omnibus rewriting of everything.

It is like creating a new law code. It is the code of Justinian for the Parliament of Canada. Justinian, the Roman emperor, sent out four great scholars, whose names I can't remember—I think one was Trebonius—to different parts of the empire to gather up the best of the laws they could find so that they could produce a single code. They went off and did their work, and the stuff survives. Their reports and his code were produced, but it took decades. It was a long, slow process to codify everything in one single place.

The Criminal Code is a similar sort of thing. It's a codex, a single place where all the criminal laws are connected. We developed that. It was a project of the Canadian Parliament to collect all of the different criminal sanctions and various laws and put them in one spot, the logic being—the sound logic, I think—that it was better to have one place where all the criminal laws were codified. Then nothing outside of that could be subject to criminal sanction. It was for greater certainty and the greater liberty of individuals. That theme has been a consistent part of our parliamentary heritage and our history.

That took place, if I am not mistaken, in the 1890s, but it was not the work of a year, or even of a single Parliament. It was a vast undertaking. I submit that if we approach this as an omnibus measure, then the same problems arise. That's assuming, as I say, that we don't have alternative draws on our attention. But that is not the case.

The Minister of Democratic Institutions met with us just last week. In fact I believe she met with us on March 9, the day before the discussion paper came out and the day before Mr. Simms submitted his motion.

I believe, Scott, you were there at that meeting.

**Mr. Scott Simms:** Yes.

**Mr. Scott Reid:** Okay. Then these words will seem familiar to you.

She expressed a very valid and I think businesslike concern with the time required to implement some of the recommendations that this committee was likely to make to the proposals contained in the report of the Chief Electoral Officer, which he submits, as required

by statute, following every general election, including following the 42nd general election. He produced this report.

We were to produce a response to it. We were in the process of doing that, step by step and bit by bit, working on the easy stuff first, the stuff where we have a consensus. We may not have a consensus on everything, but of course we'll have to cross that bridge when we come to it.

At any rate, at that meeting she said that she had to get on with introducing legislation in the autumn. Therefore, she made the following comments in her opening remarks:

The road to the 2019 election is getting ever shorter. I am committed, as I know all members of this committee are, to improving our electoral system before the next election to the benefit of all Canadians. To accomplish this goal, Canadians need us to work together. I hope to continue to receive your valuable input to inform the direction of improving our electoral process to make it accessible, efficient, and equitable for voters.

Elections Canada needs sufficient time to implement any changes made to the Canada Elections Act before the next election and would like to be election-ready well in advance of an expected writ. The more time Elections Canada has to prepare, the better.

We must also take into consideration that other legislative changes may be necessary to implement your recommendations.

● (1245)

The development and preparation of this bill, and the important discussions and debates in the House of Commons and Senate, shouldn't be rushed.

To give Elections Canada the time it needs, as well as to give parliamentarians the time they need, my hope would be to introduce legislation before the end of this year that would build on your hard work with respect to the Chief Electoral Officer's recommendations. It is our responsibility to take the time to get this right. It is also our responsibility to get it done. It's what Canadians expect.

Now here's the key part:

If the House could have your next report before the House rises for the summer, preferably by May 19, I think we would be well positioned to advance some significant reforms that would improve the electoral process for Canadians.

That's where she wants to go. I literally have no idea how we would achieve that, given that our days would be consumed by that, and to hold these very extensive hearings at the very same time. Her deadline is almost identical with the de facto deadline this committee faces.

Later on she made the observation that, after all, there were over 130 recommendations, which was, as she put it, "quite the task".

Mr. Chair, having gone through all of that, and as we have just 10 minutes left here, I did have some other things I wanted to talk to with regard to the main motion that Mr. Simms has put forward. But I think perhaps it might make better sense at this point to move to the method I have suggested for improving upon it—let's put it that way.

Mr. Chair, I move that the motion presently before us be amended by:

- (a) deleting "2017; and", at the end of paragraph (d), and substituting "2017;";
- (b) adding, immediately after paragraph (d), "(e) notwithstanding paragraph (d), but consistent with the Committee's past practices, as discussed at its December 8, 2016 meeting, the Committee shall not report any recommendation for an amended Standing Order, provisional Standing Order, new Standing Order, Sessional Order, Special Order, or to create or to revise a usual practice of the House, which is not unanimously agreed to by the Committee; and"
- (c) relettering paragraph (e) as paragraph (f).

I regret, Mr. Chair, that I have only an English translation of this. I don't have this in both languages, although we are, I'm told, working on getting one done, so I can't distribute it to all members. I apologize for that, in fact.

• (1250)

**Mr. Jamie Schmale:** You could have got it, Scott.

**Mr. Scott Reid:** Well, if you had me translating it would be interesting.

Anyway, let me submit that to the clerk, if I could.

**A voice:** It's done.

**Mr. Scott Reid:** Oh, you did. Thank you.

Dennis, my assistant, has already done so.

**The Chair:** Okay, the amendment appears to be in order, so now we're debating the amendment.

Who wishes to speak to the amendment?

• (1255)

**Mr. Scott Reid:** I will move it normally.

**The Chair:** Okay, Scott.

**Mr. Scott Reid:** I think that's the normal practice.

The purpose of the amendment is to deal with an issue that I think is.... I'm trying to figure how to put this. I'm not directly addressing the two things. I'm directly addressing one of the two things that I raised. I expressed my concern about de facto closure being imposed; so that's part of it. I'm not directly dealing with the nature of the omnibus measure. What I'm really saying is that once we've said we're only going to pass things that everybody agrees to—which have the support of the NDP, the Liberals, and the Conservatives—we've effectively eliminated anything that anybody believes is too big a chunk to bite off.

As a practical matter, for example, I would make the suggestion that the prorogation element is too large a chunk to bite off, unless it's being done on its own. Even then I'd have doubts about the prorogation item, so there you go. You start taking that omnibus, to use the colourful metaphor, the actual vehicle with all those posters on its side, and you essentially say, let's focus on the Pears soap and not on the Bovril gelatin cubes, because we can get a consensus here.

If I were choosing my druthers, I would be looking, for example.... That long list of items is under three rubrics, or three headings, but as I mentioned, there are many subsidiary topics that are the real substantive topics. I would think that private members' business is a legitimate thing to be discussed. I would love to deal with that. I think we could probably get some consensus. I don't see any evidence from its actions to date that the government is unreasonable in its approach toward private members' business as a whole. That's a positive trend that we've seen developing for some time. The Chrétien government improved over its lifetime and was clearly, by the end, much better than the Mulroney government had been in this regard. The Martin government was too brief to really count; it was a minority Parliament, so it was hard to get private members' bills through. We had another majority under Harper, and again it was an improvement. I think we can see a trend heading generally in a positive direction, and coming back and working on

that, making the kinds of changes that are suggested here, might very well prove beneficial. But we have to be careful about it. Anyway, that would be one I would suggest.

On the discussion of management of debate, I think you'd have a hard time getting consensus on that, in that in practice this appears to be about giving government greater control over the agenda, which is the opposite to the direction that opposition parties always want to go. I would say it actually is not truly necessary to achieve a majority government to get a reasonable agenda through. I think you'd have trouble getting consensus, but it doesn't matter, because that's the point. Once you agree that nothing goes through without consensus, everybody agreeing, we simply find that one drops from the agenda.

It reminds me, Mr. Chair, very much of the way in which we dealt with things when I was chairing the international human rights—

• (1300)

**Mr. Blake Richards:** I have a point of order, Chair.

**The Chair:** You have a point of order.

**Mr. Blake Richards:** As interested as I am, I do note that it is now one o'clock, and this might be something we can continue on Thursday.

**The Chair:** Go ahead, Mr. Chan.

**Mr. Arnold Chan:** I would like to respond to my friend's point of order.

**Mr. David Christopherson:** You're not going to—

**Mr. Arnold Chan:** While it is the practice of committees to informally adjourn, it's the time that we discussed—

**Mr. David Christopherson:** You've got to be kidding me.

**Mr. Arnold Chan:** I would direct the chair to consider O'Brien and Bosc, chapter 20—I have the floor now, gentlemen—page 1087, that this would normally be done informally; however, a “committee chair cannot adjourn the meeting without the consent of a majority of the members”.

**Mr. David Christopherson:** War...is that what you want, war?

**Mr. Arnold Chan:** Given how riveted I've been with Mr. Reid's presentation, I am prepared to continue to listen to this. I would also direct the chair to consider the ruling of Speaker Lamoureux in the *Debates* of March 26, 1971—

**Mr. David Christopherson:** Really?

**Mr. Arnold Chan:** —on pages 4639 to 4640, that “no committee meeting can be adjourned unless a consensus, or the general consent of a majority of the members then present, is obtained.”

I assume that Mr. Richards is moving a motion to adjourn.

Are you moving a motion to adjourn?

**Mr. Blake Richards:** Mr. Chair, what I was suggesting is per the usual practice, of course. If you note our agenda for today, you'll see that we were to sit from 11 o'clock to one o'clock, so I was indicating to you that your ordinary practice would probably be to end the meeting at one o'clock. That's what I'm suggesting.

**The Chair:** Do we have the consent of the committee to adjourn?

**Mr. David Christopherson:** Wow. You are serious.

**The Chair:** Who had the floor?

**Mr. David Christopherson:** And you think you're going to win this? Suddenly you're Harper, all of a sudden, and you're going to get away with this, and everything else is still going to be sunny and wonderful?

**The Chair:** Order.

Mr. Reid has the floor.

**Mr. Scott Reid:** Forgive me. Normally, the meetings just....

I'm still on the point of order, before I go on. I just want to make sure I understand it. One thing about these things is that they are a great chance to improve your understanding of the rules and the practices, so this is my chance to do so and make sure we are in order.

What I'm trying to find out, Mr. Chair, is just this. Normally when the committee ends, we don't go through a motion to adjourn, as one would have us do under *Robert's Rules of Order*. Does not the meeting simply end?

When I was chairing the international human rights subcommittee and we had a witness who wanted to go over the time, I always made a point of seeing the clock. We'd have our meeting, starting at 1 and ending at 2, and I'd say that I saw the clock as being not yet being at 2 p.m. Now the clock said something else, but this was done according to the practice that clocks used to be unreliable and that the time was whatever the House or a committee said it was. We still do a version of this; usually we see it as later than it is. We can therefore all agree, it being 3:30 on a Friday, or whatever it is, that the House adjourn.

That was a way of getting the consent of everybody to set aside the actual time—because our clocks are pretty accurate nowadays—and to agree. As this might give us our only chance to hear a fascinating witness on human rights, who had gone through terrible things or witnessed terrible things, our reasoning would be, “Let us extend ourselves all the way to question period.” I always did that.

In all fairness, I never sat down and had a discussion with the clerk on whether this was the only way of extending the meeting, so I'm just asking the question. I thought that was the only way to extend the meeting—to pretend that you had not yet arrived at the time—or else to ask, “Do we have the consent of the committee to push on?” I'm now asking that question.

**The Chair:** Sir, the clerk has pointed out to me that according to *House of Commons Procedure and Practice*, page 1087, “The committee Chair cannot adjourn the meeting without the consent of a majority of the members”.

● (1305)

**Mr. Scott Reid:** Mr. Chair, I appreciate that it says that, but my interpretation of those words, unless I'm corrected, would be that the chair cannot in the midst of a meeting—say at 12:30 rather than at 1—say, “I'm adjourning the meeting”. He has to get consent. This committee has ended its meetings early on numerous occasions under your chairmanship. You've always seen whether there was consent to end the meeting, and then we adjourned at that time.

My understanding is that the purpose is to prevent you from adjourning early. It's not to say that a meeting scheduled from 11 to 1 is actually an indefinite meeting at the call of the government.

I stand to be corrected on that, but I'd like to actually be corrected on it, if I'm mistaken.

**The Chair:** Well, it's definitely different from what I read out of the rules.

**Mr. Scott Reid:** I follow that, but the rule is that you can't adjourn the meeting early without the consent of the committee. It's not a matter of the scheduled time for the meeting to end.

**The Chair:** It doesn't say “early”. The word “early” is not there.

**Mr. Scott Reid:** No, I understand that. The chair cannot.... It doesn't say the meeting can't end. There's a distinction.

Look, the clerk advises you—not me. I don't want to seem inappropriate. I'm turning to the clerk. Could you advise the chair as to whether I am misunderstanding or correctly understanding the way the rules work in this regard?

**The Chair:** In response to your question, the clerk informs me that the committee adjourns with the consent of the committee and, unless that's available, the committee doesn't adjourn.

**Mr. Scott Reid:** Does it not take a motion to extend the committee to allow it to keep going? Again that is my understanding, and I stand to be corrected if that is not the case. I would have thought that what is required is a motion during the normal hours of the committee, and that would have taken precedence over the motion I was presenting, to extend the....

**The Chair:** The clerk says that's not the practice.

You have the floor, Mr. Reid, on the amendment.

**Mr. Scott Reid:** That's correct. I'm not in a position to challenge your ruling, although I must say that is not the way I've ever seen things done, but perhaps I've never been in a parallel situation. I am racking my brains.

**Mr. David Christopherson:** Bill C-23 was the last time this manoeuvre was used.

**Mr. Scott Reid:** And we sat for—

**Mr. David Christopherson:** It was exactly the same. I was going to filibuster for an hour and a half. They wouldn't let the committee adjourn, and I ended up filibustering for umpteen hours.

**An hon. member:** Eleven hours.

**Mr. David Christopherson:** You guys brought it on yourselves.

**Mr. Scott Reid:** Well, by a happy coincidence, none of us will face this problem because Mr. Simms will ensure that opposition members are completely emasculated from the committee, so we'll get home early and be utterly powerless.

**Mr. David Christopherson:** Yes.

**Mr. Scott Reid:** I mean, this is the fundamental problem with what's going on here, a despicable attempt to gut the way our Parliament works. Our Parliament has been the foundation of the move from the autocracy we once were under, serving an all powerful king, to become, bit by bit, the foundation stone for democracy, not just in the United Kingdom where this started, but also in Canada, in Australia and New Zealand, across Africa, and in India, the largest democracy in the world, through a transformation I've described, and a revolution in the United States. The foundation of our democracy is that we have a Parliament in which there can be people who are loyal to the Constitution but not loyal to the government of the day, people who follow a higher law and who are able to express that. Under our system, the Westminster system, we are able to present a loyal opposition, loyal to the Constitution, the crown, and to the things that make us great and not to an agenda with which we disagree.

**Some hon. members:** Hear, hear!

**Mr. Scott Reid:** Now, that is true when the Conservatives are in opposition. It is true when the New Democrats are in opposition. It was true when I was in the Canadian Alliance and we were in opposition. It was true when Justin Trudeau was in opposition. It was true when Jean Chrétien was in opposition. Both Sir John A. Macdonald and Sir Wilfrid Laurier were in opposition. It was true then and every single time every one of the people I've mentioned has wound up in government, every single one except Justin Trudeau has understood that it should remain that way when they are in government. But this man, this would-be tyrant, this would-be Juan Perón thinks that he ought to be governing without any mediating institutions and that no law should stand between him as the direct channel of the will of the people, as he interprets it. This man thinks he can throw all the rules aside because we know, Scott, you did not design this motion you put your name to. We know the statement you made is an absolute lie. We know that. We know that's why you didn't say it but got your staff to say it, because then you wouldn't be lying. But this tissue of lies this government is acting on, this contemptible abuse of our system, is beyond anything I have seen. It is typical of the kind of arrogant, selfish, rude individual who goes out there and elbows other members aside. I've never seen that happen either. I've never seen anybody other than your Prime Minister go out there and physically assault a member in the House of Commons.

There have been hundreds of members in the Commons, maybe 1,000 or more since I've come here, and never once except for your leader have I seen someone physically assault someone else. Then he got up in the House of Commons and used the language of a physical abuser when he defended himself, saying that "mistakes were made", using passive language. He had to go through three apologies. The third one was written by somebody else, but his actions were contemptible. This is contemptible. Your willingness to be involved in it is equally contemptible. Your attempt to shove it through when we're having a budget hearing—because there will be

a bad-news budget, you'll focus on that instead of on this—that's contemptible too. My goodness, this is a shameful government. I did not think I would be saying this. I'm not given to flights of rhetoric, as everybody familiar with my reputation for being boring is aware.

Now, I have a businesslike proposal for dealing with this. We will work as the Harper government did, as the Chrétien government did, to try to seek changes to the Standing Orders on which there is consent from all parties. I thought the part of Mr. Simms' motion suggesting that all members could make submissions was reasonable. That's why I didn't suggest amending it. People who are not members of a caucus—that includes Ms. May, for example—would be able to participate in the proceedings and file with the clerk of the committee any suggestions they have. It's a good idea, but it's an irrelevant idea when the Liberals in this committee just ram through whatever the fuck they want—I withdraw that word—without regard to what ought to be happening here. This is an abuse. I agree with Mr. Christopherson when he asked, and you think you're going to win this? I don't know, maybe you think you can just keep on sitting here, hour after hour into the night, tonight and tomorrow. We'd have to suspend for the votes, to come back, and it will exhaust us.

● (1310)

I assume that's your goal: just keep doing it and hopefully the media won't notice because they'll be so upset over whatever bad news you're dropping into your budget, they won't be paying attention.

**Mr. David Christopherson:** A point of order.

**The Chair:** Mr. Christopherson.

**Mr. David Christopherson:** Mr. Chair, you can see where we are, especially, sir, compared to where we've been, notwithstanding our little kerfuffle over Bill C-33, which derailed us for a short period of time. Some of us went out of our way to help get this committee back on track, if you'll recall. Most of the time, we've been very respectful of each other and of each other's rights. We've listened to one another politely, even when there is no media, nobody, around. That's the way we've been functioning. I've been on this committee for quite some time—not as long as Mr. Reid—and the committee works best, Mr. Chair, when we have that. You're our leader, helping us work collectively as a team, a team that includes each of us in the opposition too. It's easy from the government side, but we in the opposition have offered up that willingness to be part of a team and to work collectively on the issues that we have, especially on this committee because most of the things we do are non-partisan. The rule changes in the House should be non-partisan.

Mr. Chair, I'm appealing to you in your capacity as our chair. You have the authority to adjourn. I am personally, as a matter of privilege, asking you to please step in, preserve what's left of the ability of this committee to work as a single entity, and allow us to approach these rule changes in a way that's as fair and respectful as we've done everything else. I'm asking you to use your unilateral authority as the chair to adjourn this session. Allow us to get to our caucuses tomorrow to talk about this. Then let's come back on Thursday. That is not some gymnastics of parliamentary athletics. That's just polite common sense and respect. We haven't even had a chance to take this to our caucuses. Where on earth does the government think it's going to get the credibility to go out into the public and defend not just what you're doing, but how you're doing it? I'm asking you, Mr. Chair, to save the government from itself. Preserve the good work of this committee, the spirit of co-operation that exists, and adjourn this meeting. Let some fairness, common sense, and real democracy enter into this procedure. Mr. Chair, I implore you to please do that on behalf of this collective.

• (1315)

**The Chair:** I appreciate your description of how well we work together when everyone has a chance to input. However, I have to follow the rules, which the clerk has pointed out to me: "The committee Chair cannot adjourn the meeting without the consent of a majority of the members".

Mr. Reid, you still have the floor.

**Mr. Scott Reid:** Thank you.

The purpose of this is to create a situation in which changes can't be made without the consent of the other parties. Effectively, that is all this does, but in so doing it resolves both the timing problem and the problem of this being an omnibus measure. I've explained a little bit about how it reduces the omnibus provision.

As for the timing, here's what I think would happen if this amendment were adopted. We effectively would have to send a report back a report to the House by June 2. We have a manageable amount of subject matter because we would take the lowest hanging fruit and deal with that first, like the things on which we are most likely to achieve consensus.

If someone says, I think we may have less consensus on this, but we can achieve something on this or there are other items that are more important and maybe we can achieve consensus on that, that would be fine. It would effectively be an interim report. It would not be so different from what the committee has been doing vis-à-vis the Chief Electoral Officer's recommendations for the 42nd election. We have been nibbling away at them a bit at a time, so we'd have June 2.

We'd presumably have further discussions later on. If the committee wanted it to happen, these could take place during hours other than the normal ones, which is something permitted under the rules already and is a part of the motion that I've left in. We would still be able to have sittings in the evening or on alternate days.

The nature of the work we've established would allow us, if we chose, to continue during the summer. I'm not necessarily recommending that, but committees do meet in the summer sometimes. I've been on a number of them, including the electoral reform committee last year, and we could look into other issues.

Essentially, Mr. Simms' motion, as amended, becomes the opening of a process of formal study of the Standing Orders and goes from being an abuse of process to being a very reasonable adjustment to our processes. I think that would make plenty of good sense. I think that is a good argument for us.

Let me point out some of the difficulties you've got if you try and do things without some kind of sense of realism as to how much you've got, even if we had agreed on everything. Let's say for the sake of argument the committee passed a resolution that said, "We delegate to Scott Reid the job of rewriting the Standing Orders by June 2 and we'll approve whatever he says".

I couldn't do it and do a decent job. I could make a decision and come back and report to the committee and say, "Look, I've taken some of these things. I've got a bunch of private members' business. I have left aside a bunch of other things, like prorogation hearings that would involve just too much data and information collection and learning the very diffuse source materials that are out there".

I would not be able to do it. I know a little bit about this. I have written two books, Mr. Chair, as you may know, and co-edited a third with Mario Silva, a former Liberal MP. I have a little bit of experience in what it's like producing something of substance.

• (1320)

**The Chair:** I'm sorry, what were they on?

**Mr. Scott Reid:** Sorry. One was on official languages. It's called *Lament for a Nation: the Life & Death Of Canada's Bilingual Dream*. That was my second book. The first book was called *Canada Remapped*. It was about the issue, then current, that in the event that Quebec was to secede from Canada—and parts of Quebec were not in favour of going along with secession and wanted to remain loyal—how would we deal with the so-called partition issue. In my view, that was the most vexing of the questions that Canada then faced in the context of the separation debate. Those books were both published in the nineties.

Mario Silva and I co-edited a book on anti-Semitism called *Tackling Hate: Combatting Antisemitism: The Ottawa Protocol*. You were in Parliament at the time we had hearings with a group called The Canadian Parliamentary Coalition to Combat Anti-Semitism. It was an informal all-party committee that met, produced a report, and then published a collection of the essays that had been submitted to us.

Anyway, the point of these parallels is the time that it takes. One of the smaller of the books, maybe the size of a report, took me a year. The larger one—I had a lot more experience—still took me two years, with a couple of research assistants. Doing something between now and then is hard to do.

In my illustration, where I'm writing the entire thing just to suit myself, I just go through and look at what's out there, and what I think are the best examples in my own exclusive discretion. I am kind of mentally assuming that I don't have a day job, so I'm also not going back and attending events in my riding, which we all have to do. I think everybody on this committee has to travel further than I do. I'm assuming I don't attend question period. Someone subs for me when the committee is doing other things, like the hearings into the minister's agenda on changes to the Elections Act.

All of these things, Mr. Chair, are burdens that we can't free ourselves from, and we've given ourselves, if we adopt this motion, an impossible task, reporting back on everything. I'll get to what the negative implications of that are for democracy, process, and rule of law in a second.

Let me first just take, again, another illustration from page 7 of the government House leader's report. It makes the point very clearly:

The House could examine the application of a "Made-in-Canada" programming scheme for Government bills, motions and for the handling of Senate amendments. It could include a range of time for all stages for the consideration of a bill, which would be negotiated between House Leaders then would be subject to debate, amendment and a vote in the House. It would be useful for any programming model to have the ability to accommodate more debate when desired. Including a mechanism for additional debate would make the programming model more responsive to the needs of opposition and back-bench government Members who wish to participate in debate.

It says, "Made-in-Canada", so it implies we're not looking at international models. I don't know if that's meant literally. Sometimes the term "Made in Canada" gets thrown out because it just sounds good, kind of the way that people's sounds good in front of the word republic. However, if it's literally to be something designed *de novo*, without regard to foreign models, then that requires a significant amount of craftsmanship. It's also just not the way we do things, because you always look for the best models and take what we can from them.

Anyway, with regard to a "programming scheme for Government bills" to handle this, I would note that some of the things we have looked at aren't made in Canada. They're used elsewhere, but we've discussed the idea of a parallel chamber for certain items like private members' business of various sorts and statements where the equivalent of S. O. 31s could take place.

• (1325)

That's the way they do it in Australia. They have a parallel Federation Chamber. It's a very fancy committee room, where quorum requirements are reduced. Essentially it allows for more words to be said by members than the number of hours the House is sitting permits. That's how they deal with it.

It's an innovation in the sense that it's part of the Hansard. Just as we are able to suspend time by seeing the clock at a certain time, we can cause two things that are happening in separate rooms to appear on the record as if they happen in one, for the benefit of those who happen to read Hansard. That's not, I think, the way most of us interact with our members of Parliament and their statements; we interact with them now through electronic media, seeing them on Facebook or Twitter, giving a little talk in the House, or whatever.

Looking at that kind of model and then figuring it out that would take a fair bit of time. That in itself is a subject that could consume a

significant number of meetings until we figured out what we want. Then we would have to do the actual drafting. Then we'd have to review the drafting. That wouldn't happen quickly. That in and of itself would be very time-consuming.

It says we would negotiate among House leaders. That would involve taking the informal House leader meetings, which happen every Tuesday.... They happen right after question period. The House leaders meet in camera, and the meetings are purely informal. They have no formal authority; they have a conventional authority, in the sense that everybody expects that everybody else at the meeting will not reveal what happened at the meeting, and that is firmly honoured. I know of only one case in the decade I spent as a deputy House leader when someone leaked the content of what happened in one of those meetings. That is an indication of how seriously it is taken, because it's a better record than most caucuses have. In all fairness, there are fewer people in the room, but nonetheless it's pretty impressive. They take this seriously, then. There's no formal rule. You're not in contempt of Parliament if you say what happened at a House leader's meeting.

That informal process is going to be formalized, I assume. It involves a substantial rewriting of the rules, if we're to do this, because this is about changing not the conventions but the Standing Orders. It means that you can't draw on conventions. We've drawn conventions into our Constitution, as when we speak in the preamble about the provinces of Canada, Nova Scotia, and New Brunswick desiring a Constitution similar in principle to that of the United Kingdom. That is shorthand for saying we are drawing on the convention of responsible government that exists in the United Kingdom and importing it to Canada. That's what it means.

At these informal meetings, which are purely conventional and where we try to find common ground, sometimes there isn't common ground and the government will just say they're going to move ahead on something. This. But they'll also ask, "Are you opposed to this motion that we're proposing, this bill that we're proposing", whatever it is, "because you oppose it to your roots and you want to fight it tooth and nail, or are you opposing it because you have a few people in your party for whom this particular issue", whatever it is—child care or firearms, or whatever is their...I don't want to say hobby horse, as that makes it seem shallow, but their special interest...?

Then you have to give them a chance to speak and get their views on the record. How much time do you have to allocate for it? That's how allocation of time in the normal course of events works, and it works better or worse depending on the personalities of some of the people who are involved, but on the whole it does work.

We would, then, be talking about changing this and formalizing it. That's not necessarily a bad idea, though it's not necessarily a good idea either—I actually don't know—but which on its own would consume all the available time between now and June, if that were the item we decided to privilege. I'm not sure we would come to a consensus, although we might, because it's conceivable you could go through the process without actually taking power from the opposition and giving it to the government. It's a possibility, but again, my goodness, it would take all the time we have to deal with this, and there are so many others. That particular item is under "Time Allocation", which is one of the subheads under the second of the three themes, "Management of Debate".

•(1330)

It seems appropriate at this point, Mr. Chair, to illustrate another point that my amendment would allow us to sever. Page 8 of the government House leader's discussion paper addresses omnibus bills, so there's a certain irony in what I'll read, although I think it may have some merit.

The Government committed to end the improper use of omnibus legislation. Omnibus bills can be defined as a bill that contains separate and unrelated themes packaged into one bill. Members are then forced to vote for or against a bill that could have elements that Members would support or oppose. The only recourse for Members has been to seek to divide omnibus bills in committee, but these motions rarely come to a vote or are agreed to by way of unanimous consent.

I'll pause before going to the second paragraph of that point and point out that they rarely come to a vote or are agreed to by way of unanimous consent, which means that they sometimes are, which is a not insignificant point.

The reason they are, if you look back, is that something becomes contentious. Thanks to the tools of delay and being able to bring things to public attention, the government becomes aware that the opposition is succeeding at that and says they have a little water in their wine. They don't need to blow their credibility over this. Yes, they have a government. They are in power. Yes, if they are a majority government, they have all the reins of power. Nonetheless, if they face an election, it will be costly for them to have a record of opposing these reasonable changes, and so sometimes bills are divided.

It happens. It happened in the last Parliament. It has happened in Parliaments before that. Not all the time, but surely part of the reason for that is that not every bill is an omnibus bill. Nobody argues that. They argue that some bills are omnibus bills. They argue in particular that budget bills are omnibus bills and contain a whole bunch of stuff that shouldn't be in a budget. This may not happen. We don't know. There will be some irony if the upcoming budget turns out to contain omnibus provisions at the very time we are debating this here, but we don't know if it will.

At any rate, let's continue:

Since the Clerk of the House has the power in Standing Order 39(2) to divide written questions, a similar approach could be used by the Speaker to divide omnibus bills. The Speaker's authority could be prescribed by criteria to define and establish "a unifying theme" of the bill. This approach would allow for the divided bills to be debated together at second reading, report stage and third reading but would be subject to separate votes at each stage. In addition, the divided bills could be sent to separate committees if the subject matter of the bills warranted such action.

That is an interesting suggestion. I don't know if it's a good suggestion, a bad suggestion, or has a precedent—that is to say, this is how they do it for the sake argument in the Parliament of India or some other Commonwealth jurisdiction. If so, has it worked out well for them or not when we look to these examples?

•(1335)

I think it's legitimate to find out more about this on its own. I think it would be hard to get this done by June 20 if it were on its own. It's not inconceivable. This is, if I may say, a more completely thought-through approach than some of the others. Again, it makes the point I'm driving at when I talk about the problems of dealing with all the subject matter at one time. I have to assume that this thought did not just occur to the government House leader out of thin air. It came from somewhere.

**An hon. member:** Absolutely.

**Mr. Scott Reid:** Yes. Everything comes from somewhere. Occasionally, something interesting does occur out of thin air, the very first time, but I suspect it's not the case here. I suspect this is something that is precedented somewhere. I'm just guessing that. If there was a footnote to this, we'd actually have some idea where it came from, some authority would be cited, but we don't have that. So how do we find out?

I suppose if I had thought of it, I could have asked the government House leader on Sunday, because I ran into her at Pearson Airport. We had a brief chat. She was on standby, so she was distracted by the need to rush up to the desk and get her boarding pass. It was a nice chat. There could have been a Liberal caucus meeting on that airplane, by the way. It was amazing. Anyway, there were a lot of people on that plane, and she was one of them. I could have asked her then, "Hey, where did you get this idea from?" But I didn't think of it. Now I literally can't ask her because I am in this committee holding the floor in order to make sure that something doesn't get through, which could be disastrous, I think, for the way the House of Commons runs. I can't go and ask her where she got this from.

Then we could go and look at that example, where you got it from, and whether it works there. How does it work? How good is it? Is it a successful sort of thing or not? It may have positive features. It may have features that look positive at first glance, but aren't so good once you look at it in a little more depth. That happens a lot.

That was the feeling I had when I looked at the Australian Federation Chamber. It's the room where the parallel debating takes place. It sounded better at first than it seemed as you investigated in more detail—at least that was my impression.

This might be brilliant; it might not be brilliant. I do wonder. The Speaker, of course, is meant to be independent. But he's independent in a way that essentially allows him to garner increasing independence from the agendas of the parties as time goes on, so a new Speaker has less gravitas than a Speaker who has served several years. This would be true with every Speaker, regardless of how much intrinsic gravitas they have. It's true of the current Speaker; it's true of his predecessor, Andrew Scheer. It was equally true of Peter Milliken, who came very well-equipped for the speakership, but who nevertheless grew in his job as time went on.

Here we're getting the opposite starting to happen. The Speaker is supposed to define a unifying theme for the bill. Maybe there's academic literature out there he can draw upon to say here's a unifying theme. Maybe there isn't. I actually don't know. But you'll notice when the Speaker actually has to make a ruling on something, a tie vote, for example, he almost magically has in his hand a piece of paper that he reads, which says that—and I'm paraphrasing—whereas the underlying principle of Parliament is the continuation of debate, and it is second reading, and my vote against this would cause debate to be precluded, thereby also precluding the possibility that a majority of the House will find on one side or the other; therefore, I'm voting in favour. Whereas we are at third reading, and voting in favour of this motion would cause it to cease to be within the purview of the House where no more debate could occur; therefore, I'm voting against.

● (1340)

He is breaking a tie vote, but he's breaking it in a way that is entirely based on precedent. His authority is all based on the will of the House. I wasn't sure if you wanted to....

**The Chair:** Carry on.

**Mr. Scott Reid:** It's all based on going to precedents. He never stands up and says we're doing this because it's what I want—never. He always makes a link, regardless of who is in the chair, to either a standing order or—in the absence of a standing order—a practice of the House, which is our version of a convention. The Standing Orders take priority. They sweep away practices if they contradict them, but with practices otherwise governing the way he behaves.

No actual rule requires the Speaker to vote the way he does when he breaks a tie. I would be astonished at a Speaker who breaks a tie in a manner different from that. Indeed, I think it would be the end of that person's career as Speaker. I think they would bring down condemnation on themselves for having failed to represent the practices of the House.

Here we are with a unifying theme. I get the idea behind this. I don't know how a Speaker steps in and effectively separates a bill into two parts on his or her own without engaging effectively in a discussion of what the unifying themes are. I guess the Speaker could rely on an advisory group, but where does he get that advisory group? How is it constituted? The normal way is that it would be some kind of committee. That means the committee is set up, a committee like this one. Actually it would be this committee or something parallel to it, which is a replica in miniature of the House. The government members don't divide the bill. The opposition members say yes, divide the bill. They might very well say, "We see different unifying themes here."

If you get a bill that says "a bill to protect animals from abuse and make certain changes to the Elections Act", that's got two unifying themes that are nice and clear. But in all fairness, that particular unifying theme, that kind of omnibus bill, you don't see. You see something more like this. The omnibus is appropriate. You see a budget bill. Within the budget bill, you see a bunch of stuff that is not really about the allocation of funds and could have been put outside. But you've got a whole bunch of these things, so how would you as a Speaker go along and pare off the bits that are not about taxes, revenues, tax credits, and the allocation of funds, that become stand-alones? I really don't know how you would do that.

Maybe, at a technical level, the clerks who design legislation at the Library of Parliament, the Justice Department, and the PCO, could do that stuff. But for the Speaker, it's not his area of expertise. It could by chance be someone who formerly filled one of those roles, where he could have expertise added to him, but that's....

Do you start to see what I'm saying when I note there's a lot of stuff here? We are being presented with the entire smorgasbord on a cruise ship and told, it's your job to eat this before you're allowed to leave the room, and you've got to leave the room by half an hour from now or something like that.

● (1345)

**Mr. Jamie Schmale:** On a point of order, Mr. Chair, I note that Mr. Reid is laying out his very compelling argument, which I appreciate. He also mentioned "cruise ship", which kind of got me thinking.

I have a question for or through you to the government. As question period approaches and we're all expected back in the House, can we get an idea from the government on its thoughts about adjourning so that we can attend the question period, or are we expected to go right through? Scott, I'm sure, can keep talking for hours.

**Mr. Arnold Chan:** Is this a point of order?

**Mr. Jamie Schmale:** Yes—through the chair to the government.

**Mr. Arnold Chan:** I'll respond to the point of order.

As I say, we would like to get to a vote on both the amendment and the main motion. If committee members would like to proceed to that point, then we can adjourn the committee at that time, once we've dispensed with the amendment and the main motion.

If there isn't the will of the committee to proceed to that particular point, it would be my intention—

**An hon. member:** My way or the highway.

**Mr. Arnold Chan:** —to continue to listen to your compelling arguments about why we should or should not support the amendment, or the main motion.

**An hon. member:** Harper couldn't have said it better.



**Mr. Arnold Chan:** The alternative that we can propose, if you're all compelled to be in the House for question period, is that we can suspend and then return at an agreed-upon time. But I don't believe the government is prepared to adjourn the committee at this time.

**Mr. Jamie Schmale:** So you're ready to suspend.

**Mr. David Christopherson:** Well, we would like to exercise our right to be there for question period.

**Mr. Jamie Schmale:** Absolutely. I think that's fair on our side too.

**Mr. Arnold Chan:** So my offer is to suspend, and we'd like to do that, but we're not prepared to adjourn.

**Mr. David Christopherson:** When do you want to come back?

**Mr. Jamie Schmale:** Through you, Chair, when would you like to come back? Thursday is good for us.

**Mr. Arnold Chan:** Well, my request is to continue until we get to a vote.

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

**Mr. David Christopherson:** Did you see that? The staffer told him what the ruling was going to be. Mr. Independent.

You guys are a joke. What a joke. What a joke. Simms trying to pretend he wrote this, Arnold trying to make independent decisions and getting whipped—what a joke.

**Mr. Jamie Schmale:** Chair, I think—

**Mr. David Christopherson:** You clowns think you can pull this off? Really? This crowd?

**Mr. Jamie Schmale:** Chair, I think we had some compromise going. We agreed to suspend to allow us to get to question period. It's our duty to be there.

**Mr. David Christopherson:** Arnold got overruled.

**Mr. Jamie Schmale:** Arnold, I'm disappointed.

**The Chair:** Order.

**Mr. Jamie Schmale:** We know you're a very reasonable guy.

**Mr. David Christopherson:** Her hand went right up the back of your shirt, and your mouth said just what she said what she told you to say.

**Mr. Jamie Schmale:** I'm very disappointed.

Through you, Chair, can we—

**The Chair:** Order.

We're back to Mr. Reid—

**Mr. Jamie Schmale:** I'm not done, Chair.

**Mr. Arnold Chan:** I would withdraw my comment. I've said my last point, and it is what it is.

**Mr. David Christopherson:** What are you here for? She's telling you what to do.

**Mr. Jamie Schmale:** Can we go back?

**Mr. David Christopherson:** Why do you bother here? You're under false pretences.

● (1350)

**Mr. Jamie Schmale:** I think there's some negotiation. I think his original intent was to suspend.

**The Chair:** The point of order is finished.

Mr. Reid, you have the floor.

**Mr. Scott Reid:** Thank you.

My point is that in one paragraph of the government House leader's paper, you have to deal with conventional arrangements, dealing with the House leaders' meetings, that have been in existence for a long time and that have done a great deal to keep the sand out of the ears around this place. You have the problem of the impartiality of the Speaker, who I think wants to go to great lengths to keep it as impartial as possible. Any sane Speaker does.

Again, maybe there's a way around this that I can't think of. We would want to go and speak to actual Speakers who've dealt with this sort of thing before.

Mr. Chair, you weren't here in the last Parliament.

Who was here in the last Parliament?

**Mr. David Christopherson:** I was.

**Mr. Scott Reid:** Yes, you were.

Blake was here.

Is that it?

Arnold, you were here at the end of the last Parliament. You got elected in a by-election partway through, so you were also here.

I proposed an amendment to the Standing Orders toward the end of the last Parliament that was actually adopted. It was an amendment to change the way in which the Speaker was elected from the former runoff system to a preferential system.

Notwithstanding my reputation for not liking preferential voting, I just want to be on the record as saying that for certain situations it's actually the right system.

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

**Mr. Scott Reid:** Yes, for this sort of thing it is. It also works well for electing party leaders.

**An hon. member:** It's not nearly as much fun.

**Mr. Scott Reid:** Whether it's a matter of fun—

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

**Mr. Scott Reid:** I do not agree with that. I do not enjoy those: all day.

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

**Mr. David Christopherson:** I'm still trying to meet all the people I would have met that day.

**Mr. Scott Reid:** It speeds things up considerably.

We'll see how much fun you think this is and we'll be here until three in the morning.

**Mr. David Christopherson:** I'll stop heckling you.

**Mr. Scott Reid:** That has actually happened with the election of the Speaker. I think it went on for 13 hours.

**Mr. David Christopherson:** A great time was had by all.

**Mr. Scott Reid:** In my research, I looked it up. They had almost as many candidates for Speaker, I think in 1988, as we have for leader of the Conservative Party right now with a version of the same problem. We actually have a problem where we can only get 10 names on the voting machines, but not on the ballot, because they just assume you'd never get more than 10 candidates, and we have 14.

I think they had 11 candidates and it took about an hour or an hour and a half to go through.

**Mr. John Aldag (Cloverdale—Langley City, Lib.):** Hey, Scott. How are you doing?

**Mr. Scott Reid:** I have completely lost my train of thought. Help me out here someone.

**Mr. Jamie Schmale:** Do you want to go back to cruise ships?

**Mr. Scott Reid:** No, I do not. I have avoided cruise ships my entire life.

**Mr. Jamie Schmale:** Well, we've got to get you started on that. I think that's the way to go.

**Mr. Scott Reid:** I have a niece who works on a cruise ship. I promised myself I would actually talk about things that were relevant here, so I'm trying to get back to that because I was on a relevant theme that I lost.

**Mr. John Aldag:** May I take over?

**Mr. Scott Reid:** I was building on all the different things that you have going on here. The Speaker is supposed to divide omnibus bills.

I remember where I was going.

I'm trying to illustrate here, by means of a parallel to the amendment that I proposed, how it takes a long time. I had this idea that we should be electing the Speakers this way. My primary reason was not to save the time, actually, involved in Speaker elections. It was the idea that you're more likely to get a consensus candidate under a preferential system, someone from the middle of the road. For the same reason that it doesn't work in a federal election—you'll always elect the guy in the middle of the road, which means the Liberal—the same thing happens here. You elect a person who's acceptable to all parties. That's the virtue of it.

I had to design the thing, so I came up with a concept. I actually wrote a memo to the Prime Minister, saying there was no point in my pursuing this if he wasn't going to support it, so here was my suggestion and what did he think. I dropped it off with his chief of staff, Ray Novak, and it made its way up to the PM who got around to it and eventually got back to me. Then I took it, went off, and started writing.

It went from being about as long as this paragraph I've been dwelling upon regarding the Speaker and omnibus bills, to then designing a section of Standing Orders. It's now in the Standing Orders, so you can take a look in there and see it. It's about a page

long to deal with all the different things you have to deal with. It deals with multiple ballots. You still have to keep in the parts of the Standing Orders that relate to people who forget to remove their name from the ballot—we're all candidates, so you have to withdraw your name as candidate—so it deals with that.

The whole drafting process took me about a month. Frankly, I came very close to not making the deadline because of all the different unexpected wrinkles that were involved in what had appeared conceptually to be a very simple change and what ultimately looked like a relatively simple change when you saw it on paper. There was nothing straightforward about it. Then it went off to a committee, to this committee. I recused myself from my seat on the committee for the purposes of that discussion. I sat as a witness and presented why I thought it was a good idea.

The committee came back with a report. Interestingly enough, I think it was actually the first time this has happened where.... It came before this committee because it changed the Standing Orders. That's where changes to the Standing Orders go. Even if they're initiated as a matter of private member's business, they come to this committee. If it had been a private member's bill, it would have gone to some other committee. It came here and the committee did something that I don't think it's ever done before, which is that it said it was not endorsing and not rejecting; it simply heard my testimony. I can't remember if the report had some other considerations in it, but it didn't actually endorse or oppose.

Then it went to the House, and we had a vote in I think the last week of the sitting. I'd wanted to get every member from my party to vote in favour of it. That didn't happen. A significant number—I think about 25 or 26—did not, which meant we didn't have a majority large enough to push it through without the support of other parties, but it did get the support of many NDP members. I can't remember how many, but not the full caucus. They'd had a free vote on it. I think it was the only completely free vote they had in that Parliament. I think, but I'm not sure. It got the support of most, but not all, Liberal MPs. Mauril Bélanger voted against it, Mauril whom I respect enormously. The late Mauril Bélanger, as you know, had been someone who'd been a potential candidate for Speaker and he had some thoughts that were, if you will, idiosyncratic to him, but they were thoughtful and intelligent as was everything he did. He voted against it, but the rest of the Liberals voted in favour of it. It had a version of all-party support.

I was actually using this to illustrate one point, and I realize I've actually illustrated another.

● (1355)

The primary point was to illustrate how long it takes to get something as apparently simple as changing the manner in which the Speaker is elected through. It was not a quick process. The committee part of the process wasn't quick. The drafting part of the process, which in my case was entirely done by myself—it was entirely extra-parliamentary, there were no other parliamentarians involved in it—was not quick. It doesn't get faster when you add more chefs to the kitchen, as everybody knows. I would have had trouble doing just that within this deadline.

The second point to be made based on that story comes back to the theme of unanimity. There wasn't unanimous support in the House for this amendment. In the end, there was all-party support.

In theory, the government could have taken the approach this government appears to be taking, which is, we'll produce changes, use our majority and force them through, and have a tight deadline for it. We'll bring them into the House and have a vote on party lines. That could have happened in that case, but it didn't happen.

I think there can be merit in individual members bringing forward items for which there is not a consensus but for which there is majority support across party lines, and introducing them in the House of Commons. As I say, I've done it myself. That is so different from the approach being taken here. The amendment I propose would bring us back to a situation in which that would prevail. That is the reason for the motion.

In regard to the idea that we can rush to conclusions on things, let's talk about electronic voting. Electricity is not new. Electronic voting, conceptually anyway, has a long history. It was discussed, in the case of the Canadian House of Commons, as far back as the mid-1980s. Thirty odd years ago, the McGrath committee recommended electronic voting. This is cited by the government House leader in her discussion paper. It recommended electronic voting. The Special Committee on the Modernization and Improvement of the Procedures of the House of Commons, in 2003, made a similar recommendation. I don't know if the recommendations were similar, but they weren't rushed into place. Creating a situation in which we could have electronic voting may have merit, I think actually a lot of merit, but again, it's not something that you can rush to a conclusion on. In fact, if you read carefully, you realize that what is being proposed here is not necessarily one form of electronic voting, it's a discussion about many different kinds of electronic voting. How we would choose one of these in a limited amount of time is difficult for me to see.

In this case, the minister makes reference to a number of sources, so it's more helpful than the discussion about dividing up omnibus bills. She says, "The United States House of Representatives has implemented an electronic voting system, as has the Scottish Parliament and the Welsh Assembly." I don't know how the Scots and Welsh do it, but in the U.S. House of Representatives, you don't even have to turn up in the house. It's clear that she is at least considering that as a possibility because she says, "Ringing of the bells and the taking of recorded divisions is a time-consuming exercise."

The taking of recorded divisions is overcome by the pressing of a personalized button on your desk and then going to the next vote. But ringing the bells, that's summoning you to the chamber. There seems to be an assumption we'd move to votes without having a ringing of the bells, without that 15 minutes on Mondays.... Sorry, I can't remember if it's 15 minutes on Mondays and 30 minutes the rest of the week or the other way around. At any rate, it's without that time. That seems to be assuming you could vote from wherever.

How wherever is wherever? Is it with an electronic card as they do in the States, with that little ID card you insert and then vote with?

● (1400)

There's more than one electronic way of voting. You need a simple push button on your desk, separately wired like a kind of scoreboard. Frankly, you need technology that is quite literally a century old. They could have done it in 1917 as well as in 2017. I'm not even sure you need electronics; you could probably do it with a system of bells. My steampunk mind is working here. In *Downton Abbey* they pull a cord, a bell rings, and you can see which room it came from. It's not so different from that, but it does assume you're in your seat.

There's actually a debate to be had over what you mean by electronic voting. The minister is at least hinting that she is open to both of our systems. I actually don't know, because I haven't read the reports, whether the McGrath Committee in 1985 favoured that kind of electronic voting, where you aren't even there, or electronic voting from your seat.

As for the special committee in 2003, again, I don't know. Actually, their report is online and my omniscient legislative assistant Dennis Laurie has put together a document with links to it, but I have not had the opportunity to find that particular recommendation—it was one of their six reports—and look through it.

But there you go—there's more than one way of doing it. Electronic voting is not necessarily a bad idea, and the House leader is entirely right that "Given that the House is to move to West Block in 2018, and while Centre Block is being refurbished, this would be an excellent opportunity to implement a system of electronic voting as a pilot." She's right. I agree with that.

Here's a question, to give you an example. Given the time constraints we have between now and June 2—or our real deadline, which is before June 2, sometime in May—how do we determine whether we need to rush to get this through? Maybe they're at the point now where they're going to be installing the desks soon and setting up the apparatus for electronic voting depending on what we say, and it is something that needs to be rushed, or maybe not. Maybe, if we have another year, we could deal with this. I have no idea.

Do we make this an expedited item? My suspicion is that here, of all items, is one that is unlikely to produce a great deal of dissension. Here is one that just stands out as being something on which there's been consensus in the past. We had it with that all-party committee in 2003, which made all its recommendations based on unanimous consent.

Notwithstanding my colleague Mr. Christopherson's enthusiasm for circulating around the House and meeting other members during votes for the Speaker, I think he will agree with me that all-night voting sessions—where we go through one amendment after another to a piece of legislation, as we did with the back-to-work legislation in June 2011—are not a great time for kibitzing with others. You're stuck in your seat. This would reduce the amount of time there.

By the way, it would do so in a way that happens to fit in with the government's agenda of speeding things up and depriving the opposition of tools that can be used to slow things down. It might actually, nonetheless, be in a manner that we would all find reasonable and that could get all-party support. That is meaningful. There you are. There's something sitting right there that we could all agree to, and here we are instead, trying to avoid coming to an agreement.

• (1405)

Looking through her report, I see other areas that are more problematic. I'm looking now to question period. It seems appropriate to address it as we are just moving into question period right now, where I anticipate that the hearings of this committee will be the subject of questions. That seems like a reasonable guess.

There's a little bit of rhetoric here, but then we get on to the substance of what the government is proposing. The discussion paper says:

Question Period is where the Government is held to account for its policies and for the conduct of Ministers. The Government committed to reform Question Period so that all Ministers, including the Prime Minister, are held to greater account.

This is all rhetoric so far:

Reforms to Question Period could include instituting a Prime Minister's Questions time, as is done in Britain, and could also include lengthening the time allotted for questions and answers.

These are two separate topics. The Prime Minister's question time and changing the time allotted for questions and answers are separate items.

It goes on to deal with written questions. I want to stop there for a second and talk about the time allotted for questions and answers.

Late show questions used to take the form of a brief question and a brief answer. If memory serves, it was a four-minute question and a four-minute answer at the end of adjournment proceedings on some issue about which an MP said that he or she had not received an adequate answer. The assumption made was that the reason these adjournment proceedings exist at all is that if there were more time, issues for which they could not get a decent answer in 35 seconds, they could get a decent answer for in four minutes.

But what has happened?

This was the status quo when I arrived in 2000. The member would arrive, make his little speech about what was wrong with the government's policy and probably about how evasive the government was. Then not the minister but the parliamentary secretary would stand up and read a prepared answer.

You're a former parliamentary secretary, Mr. Chair, so you know how this works. You aren't actually designing the policy. You have to read the policy. You can't do it on the fly—and that's not a prudent practice for ministers either—and you really can't say “the government”, because you're not a member of cabinet, so all you can do is say, “Here's the response that was prepared for me.”

I do remember once getting up back in those days and asking a question to Larry McCormick. He was a great guy, a Liberal MP who was from a riding to my west and then they merged our ridings

and I had to run against him. I was asking a question, and in the four-minute ask I moved from the narrow, original subject matter to something else. He said, “I came prepared to answer the question that I thought Mr. Reid was going to ask based on the question he asked in the House, and now I can't answer the stuff that I don't have notes for, because I have to answer with what's given to me.”

I thought it was a very charmingly honest answer. “I'm not the minister. I can't just invent something here. I wish he'd told me.”

Here's how we would try to adjust and improve on this. Back during that period, which I'm beginning to make sound like a golden age and I don't mean to, in the Chrétien government when the special committee was reporting on changes to the Standing Orders, it reported that we should make a change to the late show question. Instead of it being a four-minute question and a four-minute answer, it would be a four-minute question and a four-minute answer and then one minute of rebuttal or further commentary from the MP and a further minute from the parliamentary secretary, which allowed for a little bit of freedom. It's not as much time as you get in a four-minute question, but it allows you to stand up and say, “You didn't deal with this part of my question”.

The parliamentary secretary, while he was no freer than he had previously been to say, “Here's how I will use my own discretion to deal with it”, could say, “All right, let me deal with that”. It allowed for a somewhat freer discussion. I do not mean to suggest that this was utopia. The late show is still a largely scripted event, but it's better than it was previously.

• (1410)

I had the great honour of asking the very first question under the new rule. That rule was adopted as a one-off based on a consensus of all parties on that committee. They have something that they can go on in the time allotted. There is no panacea, and there's no single way of doing this. You could change the time. It's only length. I agree that making them shorter would be very problematic. Making them longer, perhaps....

I remember an experience that is germane. I used to live in Australia, as I think many of you may know. On one occasion in the 1990s, I was driving from Sydney to a place in the New England highlands. There's a part of New South Wales that is called New England. There's a university, the University of New England, there. That detail is very confusing. When many people think New England, they think of the northeastern part of the United States, but there is a New England in Australia.

Anyway, I was going there to go through the university's archives to look for information about the New England separatist movement. In the 1960s, there had been a movement for New England to separate from the rest of the state of New South Wales and become a separate state of Australia. The New South Wales government actually held a referendum to facilitate this, but ultimately the referendum failed, largely because of the inclusion of the city of Newcastle on the coast. This was really an inland, rural rebellion against urban-centred state government.

Anyway, I was on my way to do some research in the archives. The materials of the New England separatist movement had been put into the archives at the university, so up I went to take a look at them. You have to drive up a big escarpment and at the top of the escarpment is a big plain. As I was driving up the escarpment, the number of radio stations I had the opportunity to pick up on my car radio diminished. They diminished to the point where the only station I could pick up was the live broadcast of the debates from the Australian Senate.

It just happened to be question period in the Australian Senate, where they, as I recall, have two minutes for questions and two minutes for answers. You might think this would lead to more substantive questions and more substantive answers. I regret to say that in the particular round of questions I heard—which were about Australian natural resources policy, something completely out of my expertise, and therefore, I'm in no position to say who was right and who was wrong—a minister responding to a question started his response by saying, and there's obviously no rule in Australia about addressing the Speaker, "You are just pathetic."

The two-minute questions and answers had not automatically translated, all other things being equal, into greater decorum, I regret to say, but that doesn't mean there isn't merit to discussing it. It means we want to look at examples like the Australians, the New Zealanders, the Brits, and so on, about the questions. It might be that questions should be different in length from supplementals. That seems like a reasonable possibility. It's one that is actually incorporated into late show questions, where a one-minute snapper round comes after the four-minute question and four-minute set piece answer.

Another possibility.... This is from a different trip, one with this committee. In 2005, we travelled to Australia and also to New Zealand. We were examining electoral reform at the time. We travelled to those two countries and had the opportunity to attend question period in the New Zealand House of Representatives. We sat up in the gallery reserved for visitors, and we were introduced in the same way that visitors are introduced to us in our House. We stood up and received applause. It was very nice.

• (1415)

We got to watch their question period and they have a very interesting system in which a lottery is conducted to determine the topics that will be up for debate in question period. The lottery determines what will come first. In the first round of questions.... Because they have a multi-member proportional system, they have more parties than we do. They have maybe five parties or a party status of six. I can't remember and this is historical information. It's some number greater than the number we had back in 2005. They

have a different number of seats and the number of questions, as with us, is allocated differently for each party.

You have the equivalent of our leader's round where you get a larger number of questions for the main opposition party, and then a smaller number for the next opposition party, and then it goes around, but they all act on the same topic. If, as was the case when we were there, the topic is fisheries, it is not appropriate for me to stand up—In fact, I think I would be ruled out of order if I stood up—as Leader of the Opposition or as an MP, and proceed to ask a question about agriculture, but it can be anything within fisheries.

I think the way it's divided up is by departmental responsibility. I'm not sure of that, but I think that's essentially how it works. There's a first round, second round, third round, and so on.

First to go is the first opposition party. Let's say it's the Labour Party, and then you go to the National Party, and then to whoever comes next, with diminishing amounts of time. You complete the questions on fisheries, then you come back to deal with the next subject, which might be natural resources.

Okay, so it—

• (1420)

**The Chair:** Can you tie this to your amendment?

**Mr. Scott Reid:** It does come up.

I'll give you the overarching theme that I'm getting at here. The change is complicated for me to explain because it is inherently a multi-faceted change to the status quo. It may be good or it may be bad, but it's not something that could be dealt with rapidly. It's not something that can be dealt with by merely looking at one example. I'm giving two examples from my own experience; others who have attended the sittings of other jurisdictions have different reports to give.

I'm a comparative historian by training, and this is how I approach everything. When I looked at the issue of the potential partition of Quebec upon secession, I looked at other jurisdictions and how they dealt with it, for good or ill. The illustration I gave was what seemed to be the least bad and the best solution with no separation, no need for petition, an intact Quebec, and an intact Canada, obviously.

However, there's an example of a Swiss canton from which a part succeeded. It was the Jura canton and its separation from the canton of Bern in the late 1970s. Another example, which partitioned Northern Ireland from the rest of the country of Ireland, was an example of what not to do. I went through that and there were a number of other examples that I looked at.

I think the same thing ought to happen when you're dealing with these things. It's difficult to do a comparative study of all subjects at the same time. If you're just talking question period, it is possible, but it's not possible to do it with the deadline proposed by Mr. Simms. It's possible to devote several months to it, and it might be something that would yield a meaningful improvement.

There are many complaints, some not justified, some very much justified, about the nature of our question period, although I have to say that on the whole it has been getting better. There's a secular trend for it to get better over time in terms of decorum—decorum is the main thing we focus on—compared with where it was when I first arrived here. If the stories are to be believed about what it was like in Sir John A. Macdonald's day, it was a good deal worse, including people coming in drunk and people throwing things at each other. Some Parliaments still do that. I'm told that they bring bags of shoes into the parliament in Iraq, people rushing the chair and so on. It has been better over time. It's actually a long-term secular trend.

The point to be made here, relating back to New Zealand, is that this is a complicated matter. This is a matter that cannot be dealt with in the proposed time frame. While question period is almost certainly one of the items we'd want to discuss, and is potentially, depending on the direction that the government is willing to go, one in which we can find consensus, I would submit that it is inconceivable that we would come to a consensus that does more than a very tiny amount of change if we stick with this deadline.

That's if it were the only item we were discussing on its own, but of course, it is not the only item we are discussing. There are numerous other items. That's the issue of the length of time.

I also went on to show that you could look at things like.... It's not mentioned here, but seeing as the ministers are from all over, you could look at the idea of rotating questions, as they do in New Zealand.

By the way, although I thought that was good in some respects, it did lead to some peculiarities, and it did not stop ill-tempered, ill-advised commentary. One parliamentarian, a man named Winston Peters, stood up and gave what I thought was an outrageous statement. It was quite an offensive gay-baiting statement in the question he asked. It's hard to get that stuff out of parliamentary life.

• (1425)

In all fairness, I don't think the minister is suggesting that what she has put forward here is utopia. She merely suggests that it's an improvement. I happen to think that utopian changes should be avoided at all costs. We are all about incrementalism in the way we deal with our Standing Orders and rules. We are evolutionists, not revolutionists. We do well to methodically work things through. I think, when it comes to this, that is the spirit that she too is imparting.

Let me turn to the Prime Minister's question time as done in Britain. I'm not sure whether Britain is the only jurisdiction that does this in the Commonwealth; I actually don't know.

**Mr. David Christopherson:** Scotland does.

**Mr. Scott Reid:** Does Scotland have it as well? Okay. I don't know whether they are identical or not. We would want, if we were looking at this, to take a look at that question.

There's the Prime Minister's question time, then. There are also set question times for other key government ministers.

That's something you'd want to look at; you wouldn't want to rush into it. You certainly wouldn't want to rush into it without consulting and finding out those who think it's a good idea and those who think it's a bad idea. You'd be trying to schedule in some people who are not necessarily easy to pin down in being scheduled as witnesses. You would definitely have to have hearings outside of the normal hours, as we did when we were dealing with my proposal that we change the Standing Orders to allow for a preferential ballot for the election of a Speaker.

We'd have to do this because you'd be trying to get people who are involved in the system who are busy, who have day jobs. We actually, for example, interviewed by video conference link the clerk of the House of Lords. The proposal I was putting forward was based on the way in which the Speaker of the House of Lords is elected. He was a good, impartial person. He had actually supervised the elections that take place.

Of course, when a new Parliament arrives, you don't have a new Speaker yet for the House of Commons, and under their rules it is now true of the House of Lords as well. The clerk has certain very clearly circumscribed but nonetheless critical responsibilities to undertake. He provided us with testimony, but we had to adjust to his schedule. He was not a person of leisure. He wasn't just sitting at home eating bonbons; he was working. Something similar would happen. You would have—

We got away with that, however, because it was a very limited change with a very limited witness list. I'm not sure that would be possible when dealing with the Prime Minister's question time issue. I think that would take longer.

Now we turn to—

**Mr. Jamie Schmale:** Could I just jump in to ask a quick question?

I don't know whether it's the discussion or Scott's inspiring words, but does anyone else feel as though it's 1,000 degrees in here? I'm just curious.

**A voice:** Yes.

**Mr. Jamie Schmale:** Yes? Okay. It's not just me, then.

**Mr. David de Burgh Graham (Laurentides—Labelle, Lib.):** Is that deliberate?

**Mr. Jamie Schmale:** I was just curious whether it was just me. It might have been Scott's words.

**Mr. Scott Reid:** I think not.

**An hon. member:** Or it could have been hot air.

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

**Mr. Scott Reid:** Thank you.

Concerning written questions—

•(1430)

**Mr. Scott Simms:** I have a point of order.

I just got a copy of the amendments. Does everybody have a copy of the amendments here? Are we doing all right?

**A voice:** Yes.

**Mr. Scott Simms:** Okay. This is the amendment that I'm looking at. It's deleting "2017" at the end of paragraph (d), and adding, immediately after paragraph (d), "(e) notwithstanding paragraph (d)". Is that what I'm looking at here? It's paragraph (b), and then "(c) relettering paragraph (e) as paragraph (f)".

I just want to make sure that we're still on this particular amendment before I get a chance to argue it. I have a few points to make about it, because the—

**The Chair:** Yes. This is just a copy of the translation.

**Mr. Scott Simms:** Right. This is the translated copy, as I'm trying to get across to Mr. Reid.

I have a few points about it, obviously, dealing with the fact that this is a valid discussion—

**The Chair:** You have to get on the list, Mr. Simms. That's debate.

**Mr. Scott Simms:** Right.

**The Chair:** We go back to Mr. Reid.

**Mr. Blake Richards:** I'm sorry, Mr. Chair. I confess that I just stepped out of the room briefly, and I'm trying to determine.... Had Mr. Simms raised a point of order seeking to clarify what the amendment is? What was going on here?

**The Chair:** He wanted to make sure this piece of paper that was just distributed was the same amendment.

**Mr. Blake Richards:** I see.

**The Chair:** Now that it's been translated, every member should have a copy. It's the same amendment that was read out, but now it's been translated.

**Mr. David Christopherson:** He was going to give Scott Reid a break.

**Mr. Blake Richards:** You've determined that it is in fact the same amendment that was made then. We're comfortable with that. Is that what has been decided or...?

**The Chair:** It's the same one. It was just translated. You can ask Mr. Reid if they made any mistakes.

**Mr. Blake Richards:** Maybe we could just give Mr. Reid a minute to look through it so he could determine that it is in fact the same as what he had brought forward. I think it would only be fair to him to do that. He has been talking for some time, so he might need a second to clear his head and just determine that.

**Mr. Scott Reid:** This is the one.

I thank my colleagues for their care in this.

I turn now, with your permission, Mr. Chair, to the question of unanimity. The substance of what is being proposed here, the substance of the words, the majority of the words, is the new paragraph (e), which is all about making sure that you must have unanimity to move forward.

The practice in the House has been not to move forward without substantial consent. There's this debate about what constitutes consensus. First of all, there's majority. If you have majority, near majority is not consensus. It's something more than that, but what is it? In certain circumstances, when you have to actually quantify it in law, it can be two-thirds.

For example, if you want to change the fundamental rules of corporate governance of a corporation, you need to get the consent of two-thirds—a supermajority—of each of the classes of shareholders. If you have classes A through F preferred shares, you have to get two-thirds of the holders of each of those classes of preferred shares. I have some experience with that, and it can be a time-consuming enterprise to put together. There's that kind of thing.

You can have three-quarters. You can have some other number. In our Constitution, we have the 7/50 formula, but the point is that consensus is something more.

So what is it? We've put down unanimity here, and I suppose one could argue that unanimity is too much. But in practice on something like this, I think it's reasonable to expect that we are not acting as individual agents, dividing with our colleagues from the same party. We are acting as agents for our respective parties.

I'm here as a Conservative member of Parliament. Mr. Chan and Mr. Simms are here as agents for the Liberal Party. Mr. Christopherson is here as an agent for the New Democratic Party. Since there's only one of him, the practical result is that if we want to make sure that all parties are involved, we have to say that the consent of all members is required, thus the reference to unanimity.

I have a question about when you go to the House and you need unanimity there. Would, for example, Elizabeth May on her own be able to say no and stop everything? That's not part of this motion. It is a reasonable question to ask. I suspect that if you took an inclusive approach, she'd be on board too. I think the things that she would find objectionable would very likely also be found objectionable by other opposition members if they were proposed. While I think the things that she would ultimately like—I shouldn't be speaking for Elizabeth, but I think I'm accurate in saying this—as proactive changes might be things that wouldn't be acceptable to the rest of the House. They might involve additional privileges for members who are not part of a recognized party. The Bloc Québécois during the hearings on the electoral form emphasized this. They didn't have party status, and they felt that the lack of a research budget had hurt their ability to act. They would have liked to see us change that. They didn't want to change the Standing Orders to something; they just wanted a change.

•(1435)

That's fair enough. We have unanimity down here. I could see an argument being made that we should set a lower consensus bar, but—and here I really am very tightly addressing the proposed amendment—the amendment requires unanimity in this committee. I actually think there is sufficient material and we will have no trouble finding standing order changes for which there is unanimous approval. The logical way is to start and say, as we have always done until now, "What is the low-hanging fruit? Where do we see the likelihood for such unanimity to emerge? Let's focus on those things; let's not focus on the others."

Before I go through and try to point out some of those items and distinguish them from some of the others, which would be less likely to be the object of a consensus, let me first.... I'm just trying to think of what would make the most sense. I'll go through these and point out some of the things I think could be items that are likely to have consensus.

The paper starts with a bit of history, as these papers tend to do. It explains the justification of using three themes. As I mentioned, I am not necessarily supportive of the three themes, but we bounce up as the very first subsidiary item.... There are six subsidiary items under theme 1, which is "Management of the House", and the first of these is what is called "sittings", which means the days on which the House sits. The statement is made that.... I'm actually not sure that this is a factually correct statement, to be honest, but it says:

Among the provinces and most international legislatures, Canada is unique in regularly sitting five days a week. Most legislatures have either the Monday or the Friday as a constituency day. The exception is the United Kingdom, which tends to sit on 13 or 14 Fridays out of 36 sitting weeks (i.e., 38 per cent of Fridays). In terms of provincial legislatures, Nova Scotia sometimes sits five days a week. As a result, the House of Commons sits many more days and hours each year than provincial and territorial legislatures. While the House does sit five days a week, certain procedural and time limitations on Fridays make these sittings less effective than other days.

I might disagree with that. It's a less effective day for getting business through—there are certain things you can't do—but it is actually effective at what it does. At any rate, let's go back to the text.

All recorded divisions on bills are automatically deferred on Fridays, which means in some cases, the business that is taken up on Fridays cannot resume on Mondays. Additionally, Friday sittings provide for no more than 2.5 hours for Government Orders and committees do not meet.

The argument here is that we shouldn't have the House sit at all. This is not an area where we are likely to get consensus. I'm surprised that it's here again, because we had it come up in the past and it met with considerable opposition. Yesterday, it was the lead-off point for a number of the questioners in the House of Commons in question period. Their questions were, "Canadians work five days a week, so why shouldn't we?" Of course, constituency work takes place on Fridays and on weekends, and it is real work, but the work of the House of Commons, our legislative work, ought not to be subsidiary to our work as members of Parliament.

• (1440)

It was as recently as the 1950s and 1960s that members of Parliament started introducing constituency offices. They didn't have constituency offices before that. People elected them to go to Ottawa to deal with legislation on their behalf. The member would typically take the train, if you go back to the days before the airplane. They would go to Ottawa, stay for the sitting life of the Parliament, and come back. If you were far enough away, even a week off was not very helpful to you in the days when it took several days of train travel to get to the west coast, for example. You would just not visit your constituency at that time, so we developed the pattern. I shouldn't say we developed, but we retained the inherited pattern that the British had of long breaks over the summer and long breaks at Christmas, and then a compressed period of sittings.

I think we're moving away from that bit by bit. The schedule that was agreed to at the House leaders' meeting last autumn, which

involves the one-off, one-on period, so the week-on, week-off arrangement that we now have, is a move we all agreed to, maybe against our better wisdom, I don't know. We all agreed to the move, which had the effect of causing us to very significantly....

I will just make the obvious comment that this would not have happened in the 19th century, or indeed in the first three-quarters of the 20th century, when it was too difficult to get back to some areas.

Take one of your predecessors, Mr. Chair. There was a Speaker of the House whose name, if I'm not incorrect, was George Black, from Yukon. When he was a member of the House back in the thirties and forties, getting back from Ottawa to the Yukon could not have been something that happened quickly enough to get a week in—the turnaround time. It's still not convenient for you. I know this from the adjustments you've made to your schedule, notwithstanding the vast improvements in transportation technology.

People came to Ottawa with that expectation. Now, effectively, you can see our adjusting bit by bit the same number of sitting weeks. Let's spread them out differently so that we have a week on, a week off, then a week on, a week off. Then I think it's two weeks on, two weeks off through the period of February, March, and April, after which we get down to the old-fashioned four on, one off, four on. I think that is the remainder of our parliamentary calendar to the summer.

The first thing to observe about this is that it was agreed to through informal negotiation, which led to a one-time-only 2017 suspension of the sittings that would have prevailed. We put them in place. In fact, this particular part of the Standing Orders are designed to be subject to constant revision to accommodate that. Every year there is a very substantial debate at the House leaders' meeting in which party allegiances break down and people are aligned by province, based on when their kids' school break is, as to when our sitting weeks and non-sitting weeks will be. It's the Ontarians against the British Columbians against the Quebeckers against the Albertans, based on everybody wanting to make sure they can have a vacation when their kids are off school.

That shows, number one, the virtue of doing things informally, and number two, the virtue of flexibility and doing things informally at the House leaders' meeting, flexibility as to the ability to adjust from one year to the next and actually build that flexibility into the rules. Number three is the virtue of not trying to do things in an omnibus manner.



All of that is there to be seen . All of that is relevant to the search for unanimity. because although in those meetings we don't all agree, we manage to come to a consensus every time. I've never seen the House sittings and the way they work imposed by a majority, by one party, or by the government imposing itself, and saying that we're going to do it this way. We've never needed to. We've always managed to find a consensus solution on something that is genuinely contentious and on which emotions run high.

Partly what happens is that the House leaders use the parties as their mediating bodies to go back to enforce a certain discipline upon the various caucuses. But whatever the mechanism, that works better than doing it through formal changes.

•(1445)

All right. Working us back now to the Fridays, Friday sittings don't provide much time for government orders, and committees don't meet. Those are absolutely true facts. This situation lets people get back to their ridings. It is a reflection of how we have adjusted our behaviour to permit MPs who are from further away to trade duty days. This is an informal system that has sprung up in every caucus so that they can be away from the House.

I actually am from near the Ottawa area. When there's no traffic, it takes an hour to get from here to my front door out in Perth. It feels like a million miles away, but it's actually a one-hour drive away, when there's no traffic. When there's traffic, it's a different story. I regularly take the Friday duty days of other MPs. I will sit for them on Friday, and they will sit for me at some other time, freeing me up from, among other things, committee work here.

That is a sign that things are working. This is presented as not working, but actually it's working well. You get 2.5 hours of government business on a Friday, which is 2.5 hours more than zero. You can have committees meet on Fridays, if they choose to do so. I was on one just last autumn that did that. It also met in unusual locations and at unusual hours. This committee has met at various times, although admittedly not on a Friday. It's a flex day.

I could go on and on about the history of weekends. Weekends used to.... Saturday was considered a half-day. Students would go for a half-day of school on Saturday. It was a half-holiday, they called it. Nobody got a two-day weekend. Before that you'd get the half-holiday. The week was that on six days you laboured and one day was the Sabbath. That's the Biblical way of doing things. Before that, in the ancient Roman empire, they had an eight-day week, with only one day per weekend. That really sucked.

The paper goes on to suggest options. It says:

One option would be to reapportion the time on Friday sittings to other days, and another option would be to make them more like other sitting days. It should be recognized that the important work of Members takes place both in the House and in their constituencies.

Now, it's true that constituency work is important, but as I say, a century ago people understood that they looked to their MP to go to Ottawa to vote in a certain way, according to the platform of the party to which that individual belonged.

I do want them to represent their constituency, but their representation would normally take the form of making sure, if a lot of cattle producers were in my riding and a lot of people in the

fishing industry were in Mr. Simms' riding, that I did not sacrifice the interests—in, say, trade negotiations—of our cattle producers to our fish producers. His constituents would send him here with the same understanding in reverse.

They didn't, however, say, "I need a passport. I'll go to the MP's office to help me out with that." They didn't say, "I'm having a problem. My Canada pension plan cheque is an incorrect amount. I want the intervention of my member of Parliament" or "The flag on our service club is wearing out. I'm going to get a Canadian flag".

We can do all those things, and while those things are important, they are not actually our primary responsibility. I'm constantly trading time with people who say, "I have to get back to my riding for this event. It's absolutely critical." When push comes to shove and it's an important vote, nobody expects you to be at a high school graduation or a 100th birthday party or a bar mitzvah or a Santa Claus parade. They expect you to be in the House. Which constituent would have been happy seeing their member of Parliament at a Santa Claus parade, important as it might be, instead of voting on, for example, the assisted dying bill?

Maybe that's a bad example because that was in June and Santa Claus parades are in December, but you see my point. In the end, even the people who say, "You have to come to our event" are more upset when you're not doing your duty in the House. That's our primary duty.

•(1450)

I am editorializing on concerns that I have with regard to the way in which this is laid out to show that this might very well be an item on which we would not be getting a consensus.

I'll just finish the last part here. Should Friday sittings be reapportioned, it would be important to reallocate any lost time to the remaining four days including time lost for opposition or for question time and private members' business. This could be accomplished by having the House meet earlier on certain days. Alternatively, if Friday sittings are retained, they should look like any other sitting day with the possible exception of having two hours of private members' business at the end of the day to allow some members to leave earlier to travel to their ridings. Somehow, maybe that's an option that we could actually get consensus on. In all fairness, I speak as someone who doesn't have a long travel day on Friday, and perhaps that could achieve success.

All right. I'm going to pass over with your permission, Mr. Chair, to electronic voting. I think there's a real potential for a consensus but I did deal with that earlier, and I'm anxious to be respectful of the other members who have all been listening intently and will not want me to repeat myself.

**Mr. Jamie Schmale:** I don't mind if you repeat yourself, Scott.

**Mr. Scott Reid:** I don't want to hear my own words again.

**Mr. Jamie Schmale:** No, I do. I thought they were very inspiring, very inspiring.

**Mr. Scott Reid:** Yes, the electronic voting was the high point of this talk.

**Mr. Jamie Schmale:** Yes, it was. Absolutely.

**Mr. Scott Simms:** Could you email your comments?

**Mr. Scott Reid:** No, I don't have....

There's the House calendar. This is an item that is intimately related to the Friday sittings. This goes back to the problem of.... I think I should deal with these two together. If you try to deal with these two together, it is conceivable you can get them done by the late May, early June deadline. I don't think you deal with them separately. My own recommendation would be they be pushed back and we deal with the electronic voting first. On the House calendar, the House leader's paper reads, "Should the House decide to move to a more efficient week, consideration could be given to having the House sit earlier in January, later in June and earlier in September."

I assume that these are presented as a set of three as opposed to three alternatives from which we can choose on the basis that you'd lose about a week once you sever the Fridays and you'd need to get about three weeks back. You need to get back a week in each of these three places, so I could delve into those things.

Actually there's a thing I don't understand here, it says, "There is a correlation between the size of the House (number of Members) and the number of sittings."

Anyway, the House, it says here:

For example, the House has nearly three times the number of Members than the largest provincial legislature. The House currently has more sitting hours than Ontario and Quebec even though the legislatures have approximately the same number of sitting weeks per year.

A greater degree of flexibility could be built into how many sittings the House has in any given year. The number of sittings could be based on the demands to sit. Urgent and important matters before the House should be given their fullest consideration despite certain time pressures. Allowing the House to agree to sit beyond the dates of adjournment and to sit longer on any given day, would provide more opportunity for Members to participate in debate. Another obvious benefit would be to calm the acrimonious proceedings leading up to the summer and winter adjournments. While there are mechanisms to allow the House to sit beyond adjournment dates, they are usually implemented by unanimous consent or by the use of closure.

In terms of "While there are mechanisms to allow the House to sit beyond adjournment dates, they are usually implemented by unanimous consent or by the use of closure", there's actually a factual error in this. It says "usually", but there's a possibility that's not stated here, which is you can go beyond adjournment dates with the support of the majority of the parties in the House, a supermajority. This was done in 2005 as a way of sitting extra time to allow us to enact the same-sex marriage legislation.

The Liberals, NDP and the Bloc, which I think had party status at the time, were in favour. That was sufficient to allow an extension thereby permitting the passage of that legislation in the House and sending it off to the Senate prior to the summer by allowing for some extra days of sitting.

With regard to the idea of greater flexibility, I think you could achieve that. I think you could achieve it in ways that the government might not like. You can, for example, summon a hearing, a meeting of a committee, if a certain number of members, less than a majority of the committee, ask to have it summoned. I think if I'm not mistaken—and here I'm looking to the chair for correction on this—it's four members of the committee. Am I right? Four members of the committee can summon it back or call for it to be called back for a special sitting. I believe that's right.

• (1455)

**The Chair:** Yes. It's Standing Order 106(4).

**Mr. Scott Reid:** Thank you. I knew you had it on the tip of your tongue.

Not only do we follow the practices of the House, but here's one where the House could follow the practices of the committee, the idea being that the.... You notice it's fewer than half the members. That rule is designed to allow the government to call a committee back or the opposition to call a committee back. In practice, in our multi-party system, it almost always means that you would have to get the agreement of more than one opposition party.

We have two parties right now with official party status that are in the opposition. We would have to get the consent of the New Democrats and the Conservatives to make that happen, but that can be done. Also, of course, the Liberals could do it on their own.

You could do something like that where you say, look, either one could call the House back. This would all assume it's not prorogued of course. Prorogation is not within our powers to stop. Prorogation is important for us to discuss, but it's something that is a crown power, and it is just not part of our Standing Orders. When we're prorogued, that's it. That's cemented externally, and you have to live with it. But when we're not prorogued, when we are merely not sitting for the summer, you could call us back. Government can really do that anyway via the Governor General, so that might have some merit.

Again, this is not a simple matter. It's not something we're going to get discussed and sorted out by early June. We could discuss it. I mean discuss them—there are actual multiple topics in here. The number of sittings could be based on demands to sit. We could change the order in which things come before the House, so urgent and important matters before the House are given their fullest consideration despite time pressures. That suggests some kind of new system for reallocating business. We could discuss allowing it to sit longer on a given day. You would have to be careful you don't design it so you get extra time for debate during which the proceedings can collapse when members are trying to get off to the airport to get back for business in their ridings. Those things take time to discuss and sort out.

These are technicalities, but everything in the Standing Orders is technicalities. It's all technicalities.

I should comment on the acrimonious proceedings leading to the summer and winter adjournments. I guess there's some acrimony. It seems to me that they are simply very time-consuming, and they go late into the evening, which is different from being acrimonious, I would assert.

There has been acrimony, for sure. We're trying to get business done. Also that is the point at which you frequently get substantial co-operation of pushing some business through. The acrimony is in seeing how much the government can push through by holding out the threat of sitting late into the night every night. It's just normal government business. It's kind of like the people who, during the electoral reform hearings—I see Erin, our very talented.... We are joined by one of the analysts for the ERRE committee.

There were some utopian people coming and saying we need to get the contention, the acrimony, out of politics, and they had a system that would do that. But you don't have a system that will do that. You might improve it in a variety of ways, but politics is by its nature the battle for political office in which there's one seat and multiple candidates. It's inherently confrontational. It's unavoidable.

That's why a large number of words, including one I used earlier, are considered unparliamentary, and that's why we have a whole bunch of other things meant to tone it down. I don't think the kind of acrimony they are describing can be avoided by giving us an extra week. I think it would have the effect of causing our acrimony to occur a week later, frankly. I disagree with that.

● (1500)

There is a reason for why we have the allowance for the late-night sittings in June but at no other time. You have a choice here. You can sit late into the evening or, if the government has business that's important in the government's eyes and there's a majority, the government can move a motion and extend the sitting into the summer. You won't like that, but you'll dislike it in a different way from the late-night sittings. Maybe we could agree that you'll limit the number of speakers getting up for debate. That's kind of the government's bargaining position.

The opposition parties have similar bargaining positions. They all assure each other behind closed doors that their members are raring to go and would love to stay all summer if that's what it takes. Of course, that is not how the conversations are actually transpiring in

the various caucuses. We all know that it's a bit of a fiction. Like the chest-beating displays of gorillas in mating season, the fact that nobody really wants to get into a fight is not communicated directly but through indirect means. Ultimately, you come up with some kind of solution. I've never seen it not happen. It's not always a solution that makes everybody happy, but the rules are surprisingly sophisticated.

The same-sex marriage bill was a great example. When there is something that is closer to a consensus than a mere majority, as reflected in our party system, you'll have a majority of the parties in the House agreeing to something and then you can extend the sittings. That is a way of saying that we're going to allow the spirit of consensus to trump the ability of those who oppose to put up endless speakers on the list, which is something that every government feels a desire to do.

This now brings me back to the Prime Minister's motivations. He is frustrated, as every holder of executive office since the pharaohs has been, both the dreadful ones and the great ones. It is frustrating to have to go through a process that frustrates my will, but the system is designed to frustrate your will. It is designed to ensure that there must be some degree of buy-in, of what Minister Monsef, when she was the Minister of Democratic Institutions, called "broad buy-in".

That's right, you need to get something.... If you have a majority, sometimes you can get two-thirds or three-quarters, depending on what you're talking about. It can be a majority of parties. It can be the 7/50 formula. You see patterns all over the place, in the House of Commons Standing Orders, our Constitution, our corporate law, and our internal rules of corporate governance. It's in *Robert's Rules of Order*. The ideas that you have for different situations are everywhere.

If we were to hunt down the history of that section.... In the annotated Standing Orders, there's typically an explanation of the history of each section. I don't know the history of that particular one, but my suspicion is that some kind of situation arose where a party was blocking progress in the House of Commons, by everybody speaking to their maximum time, and slow voting, and all that stuff.

After that crisis was over and everybody could see it was a problem, the Standing Orders were adjusted so that kind of use of process by the opposition, which used technical rules in a way that violated the spirit of the House, would be corrected. As in the law of testaments and wills, the technical rule trumps the spirit in our parliamentary Standing Orders. However, when that is used in a way that is clearly contrary to the spirit, the majority ought to be able to decide, and when it's more than a majority, a smaller minority should not be able to hold things up in such a way as to prevent moving forward.

Ultimately, a change was made when everybody was not invested in one side or the other in that particular dispute. A system was found, which, although it was used in a way that was against my party and against me in 2005, I have to concede was not wholly unreasonable. There is a lot of that kind of thing in there.

That is a bit of a discussion about the House calendar. You'll see in that discussion, which I am now wrapping up, that again, there is a lot of meat in there.

● (1505)

I actually said you can't discuss this on its own. It has to be discussed in conjunction with the discussion about the length of our workweek and the hours we sit every day. This, on its own, in conjunction with that, would be too much for us to discuss and complete by June 2, although it might not be too much for us if we were to set it aside to discuss and complete by the end of the Parliament or even by the end of 2017, although that seems wishful to me.

If we had a separate committee dealing with this—this is not what my motion recommends—much as there was a separate committee under the Chrétien government meeting full time with regularly scheduled meetings—it could be twice a week or whatever—I think they could get through a lot of this stuff and make the same kind of progress that committee made. If we agreed to the consensus part of it, either that committee or we—it remains in our hands, as my amendment proposes—could have the effect of dealing in a businesslike fashion with those items on which there is consensus, of which as you can see there are several—several aren't and several might be—we could make real, meaningful progress. We would leave the 42nd Parliament, or if you like, we would create the 43rd Parliament better than we found the 42nd, which is not what's going to happen if we go the way the government is proposing doing this.

Now I turn to routine proceedings. Routine proceedings are the stuff that has to get done. This is the least exciting, and frankly, probably the most important part of the House when it sits. Some people want to drive a car because they want to get from point A to point B. Other people love flipping up the hood and tinkering with the internal workings and adjusting the pistons and all that stuff. People like that are the ones who like routine proceedings. People who just want to get from point A to point B find routine proceedings a drag, but it structures the business of the House.

Now I am going to read what the government House leader has to say:

However, certain rubrics of Routine Proceedings have been used to give rise to debate. The rubric of "Motions" allows Members to move a debatable motion that could, on certain days, deprive the House of the ability to deliberate on the intended item for debate during Government Orders. This not only applies to items emanating from the Government (i.e., debate on a bill), but could also apply to items standing in the name of an Opposition Member (i.e., an Opposition Day motion). More often than not, it is either a motion to concur in a committee report or a motion of instruction to a committee. The House should examine different ways to schedule debate on such motions.

I can tell you this is one area in which the government is simply not going to find consensus. By the way, in the event that the government is successful in wearing us down, passing Mr. Simms' motion in the middle of the night, and then pushing through what is going to be a non-consensus report, then there would be a

concurrence debate, voting on party lines in favour of it and emasculating the opposition. If all that happens, I predict this will be in there. It's probably illegal to bet on government business, or at any rate, we should go to the Ethics Commissioner before we engage in laying wagers. I would be willing to bet of everything here, this is the one that's going through.

The ability to take away the opposition's power to move concurrence debates as a delaying tactic is something that every majority government wants rid of. It's less of a problem in minority governments, though it happens, and for an interesting reason.

● (1510)

Given the debate we all had, in which everybody expressed the virtues of minority governments, I just want to say, as somebody who has lived through both, that I observe that in minority governments.... I'm not sure they are better than majorities, actually. In some ways they are and in some ways they aren't. That is a subject for a discussion over a beer.

In a minority government, the fact that you are going to be defeated on a measure anyway if you're trying to push it through means that you have to compromise with the parties earlier in the process. You have to compromise by getting one other party to sign on with you, depending on the size of the parties. When Stephen Harper had a minority government in two successive Parliaments, he had to rely on the support of the Liberals, the New Democrats, or the Bloc—any one of the three would be enough. When Paul Martin was in power, it was a similar kind of dynamic.

I think that was something else. I don't think it's us.

**The Chair:** Is there a vote?

We are suspending for the vote. We'll be back right after the vote.

● (1515)

\_\_\_\_\_ (Pause) \_\_\_\_\_

● (1600)

**The Chair:** We'll come out of suspension. When we left off, I think Mr. Reid was speaking.

For people who are new here, if you are speaking, you are speaking on the amendment of Mr. Reid, so make sure you address your remarks to that amendment.

We will carry on with—

**Mr. Garnett Genuis (Sherwood Park—Fort Saskatchewan, CPC):** Could I just be added to the speaking list?

**The Chair:** Okay.

**Mr. Scott Reid:** Forgive me, Mr. Chair, I did not put my speaking notes back in the right order here. Yes, I was speaking to the amendment, and I've now found it.

The amendment leaves most of Mr. Simms' motion intact, including the date of June 2, even though I think June 2 is problematic. The reason is that it focuses on the critical issue, which is the need for broad-based buy-in, for consensus, for a super-majority. We actually say unanimity, but as I tried to illustrate earlier, it's a need for something broader, which in practice—given the structure of the committee—really has to be unanimity. I went through and explained a bit of that. We're only changing a tiny bit of paragraph (d) and paragraph (e), and we're creating space between the two to drop in a new paragraph (e), which emphasizes the need for unanimity.

It also emphasizes....

I apologize, Mr. Chair. I have a cold, and as a result my nose keeps on shutting up as I'm talking. I may be more staccato in my delivery than I would choose to be.

**The Chair:** If there's anything we can help with, let us know.

**Mr. Scott Reid:** No, I have Kleenex. Thank you.

The goal here is to require unanimity in the committee, and the amendment states that this is consistent with the committee's past practices as discussed in its December 8, 2016, meeting. At our meeting on December 8, 2016, we reviewed what our practices in the past have been on this committee. We sometimes use majority consent in this committee. In other words, party line votes, and ultimately, when it's a majority government, the government gets its way; that's how it works. However, we try wherever possible to be consensual. We single out certain things for a greater expectation of consent than other things. For some things, we just say, "It's going to be party lines. That's the way it works." For other things, we say, "No, we have to treat this differently." It is the nature of this committee to have more of that kind of business submitted to it, and above everything else, that includes the Standing Orders, our constitution.

The fundamental law that rules us, the rules of the game, the rules of engagement, if you will.... I mention all of this to bring around the important parallel—partly because it's so important in its merits, and partly because it's so important as a parallel, as a high-profile illustration that anyone can understand—of the electoral reform debate that took place earlier in this Parliament. This committee was not directly involved in it, although some members of this committee travelled across the country: Ms. Sahota, Mr. Richards, and myself. If you actually stop and look at what they were saying, the way the parties approached this was different in its details, but the same in this important, this foundational, respect. If you're changing the rules of the game, as you'd be if you were changing the electoral system, then you must have something more than mere majority support, especially in a situation where majority means one faction, the largest faction.

The way my party, the Conservatives, expressed that was by saying that there should be no change to the electoral system without a referendum whereby the new system is approved by the voters of Canada. They are the ones who get to establish what is legitimate and what is not legitimate. If they approve of a system, then, whatever that system happens to be, it is legitimate, assuming you have a clear majority on a clear question. That's a standard set by the Supreme Court.

The Liberal approach was to say.... They didn't say this initially, but they did by May of last year. Minister Monsef stood up in the House of Commons and said that they needed broad buy-in. She didn't define what broad buy-in was, and earlier in my remarks I indicated that I felt that was a bit of a moving target. The term "consensus" came up as a stand-in for the term "broad buy-in", but it was never clear exactly what that meant, and that was a problem. It clearly did not mean a majority of fifty per cent plus one of committee members, fifty per cent plus one of the House. I think everybody understood that.

• (1605)

Looking at her remarks, and even though we confronted each other in the House of Commons, I think I always maintained a respectful approach towards Minister Monsef, who I felt was, if you will and are knowledgeable about poker, "playing a bad hand" as well as she could. I thought she was doing a creditable job, and she's also a very nice person. I enjoyed bantering with her. I compared this once to Archy and Mehitabel.

The broad buy-in she was talking about clearly also included, in that case, some form of broader consent from the Canadian people. We did an e-survey for the committee, which got 22,000 responses. People were asked about the possibility of using what's called a citizens' assembly to see whether that provided, in the minds of Canadians, a legitimate level of extra consensus.

People were generally favourable towards it, although they didn't seem to see it as the definitive indication that Canadians had bought in—when I say "people", I mean the 22,000 respondents—I think perhaps because a citizens' assembly is really a process that occurs earlier in the drafting and development process, not later on. It's not really a ratification process. It is a design process. Having said that, it was an attempt to find consensus.

The New Democrats said that what you needed to have was the support of at least one opposition party as well as of the government. I don't think I'm being unfair to the New Democrats when I say that this was actually meant as a kind of bargaining offer—"Come to us, and if you're willing to find something that we can agree to and you Liberals agree to, we have a deal"—and not a referendum. Ultimately, they agreed, in a great generosity of spirit, to put the question of electoral reform to a referendum.

The point I'm getting at is that everybody agreed, on all sides of the House, that when you're dealing with the rules of the game, the rules of engagement, the Constitution—the de facto constitution, because the electoral system is not a strictly constitutional matter, or at least in most respects it isn't—you have to have a higher level of buy-in.

We have conventions about this. These conventions are then the practices of this committee, or the usages of the committee, if you wish. They are reflected in the way this committee has dealt with its standing orders in the past. As well, they are the way the House of Commons itself has dealt with the Standing Orders in the past. The House of Commons has normally, when dealing with a change in Standing Orders, tried to seek unanimous consent through the channel of getting the House leaders to agree among themselves, through some back-channel negotiation among themselves.

Then eventually, someone stands up—one of the House leaders—and says the words we all know: “Mr. Speaker, if you seek it, I think you will find unanimous consent for the following motion.” This is usually preceded by, “There have been consultations” or “All parties have been consulted”, or some other statement that indicates that the Speaker should take this seriously, and that there actually has been a way of finding agreement.

We're permitted to do that. It doesn't mean that the actual rules of the House are suspended for more than that vote, and there's no precedent-setting value to a unanimous consent motion, because we understand that it is the exception. But the Standing Orders themselves are the exception. They're the exception to the way the House normally works. The Standing Orders are, as I say, the rules under which we operate, under which we conduct ourselves, so they get special consideration.

The last time the House tried to significantly bite into the Standing Orders and take a real chunk to make a significant change, 14 years ago, it set up a special committee to deal with it. The special committee operated by unanimous consent. It approved nothing. There were no dissenting reports, because there was no dissent. Nothing on which there was dissent was put forward by the committee, which recognized that it had a wealth of material to work with and therefore had no need to focus on contentious items. It thus focused on items for which consent was going to be found on a unanimous basis.

• (1610)

In the interim, while the vote was going on in the House, Mr. Chair, I had the opportunity not to read, unfortunately, but to download the reports of the special committee chaired by Bob Kilger, the Deputy Speaker of the House at the time, whose seniority indicates the seriousness with which the House took the business of looking at the Standing Orders. The culture the committee members applied—I actually don't know because I didn't get a chance to read their discussions, nor the discussions that took place in the House as the motion was going forward. It may be that these were very limited discussions. It might be one of those things where they got unanimous consent by having House leaders talk about it. This is before my period serving as deputy House leader, so I would not have been privy to any of those discussions.

Although I was an MP at the time, June 2001, I was very, very junior and was frankly just lost a lot of the time when it came to what was going on at a technical level. A lot passed me by. Like any new MP, I was still discovering which local events were actually important and which were really important in the minds of the people who insisted that I had to be there. All MPs go through that in their first year.

At any rate, that approach, that consensual, unanimous approach, was adopted by the House in that round of hearings. That explains, to a large degree, why the legacy of those Standing Order changes that were made upon the recommendation of the committee have stood the test of time. I think at this point, 14 or 15 years is a good indication of the test of time. We live in a world in our Parliament where we have Standing Orders that in some cases have been on the books via our Parliament and the mother of parliaments in

Westminster since the time of the Glorious Revolution of 1688. Some of them go back that far.

The rule that prohibits the king or the king's men from preventing a member from entering the House of Commons goes back to the time of King Charles I, who was in the habit of sending thugs—and they didn't have hotels in those days, so they slept in a room over a tavern—great big guys, who could just stand at the door and make it impossible for MPs to get out if they were going to vote the wrong way. MPs would have to climb out of second-storey windows to try to get to the House of Commons to vote.

• (1615)

**Ms. Ruby Sahota (Brampton North, Lib.):** Really?

**Mr. Scott Reid:** Yes, that's actually true.

So they put in this rule that you can't prevent members from attending the House. Obviously, those days are past. But that's where the rules come from. You can see that. They have a long history.

I don't know if, through that entire history, standing order changes were always adopted by unanimous consent. I only know the latter part of the history and the odd colourful items from the very early days. But there's been a general trend in our parliamentary system—it is the predominant trend in our parliamentary system—that we constantly improve over time based on the criteria that are the most important to us. These criteria can change from one generation to the next in some particulars, but in general the criteria could be summarized as the importance of freedom of speech. This is why in the House, on the one hand, no member can ever say another member has lied, and you can't say through the back door what you're not allowed to say through the front door. You can't say indirectly what you can't say directly. You can't say or imply that another member has lied or deliberately misled the House.

But on the other hand, if you actually do mislead the House, that is a really serious offence. That's a contempt of Parliament. You do so at your peril. It's interesting the degree to which members, ministers, and others, will avoid actually telling a known untruth. They may dissemble, hint, lead, misdirect, but actually outright lying, it's amazing how rare it is, and not because of the severity of our sanctions, but because of the skill with which we have matched minimal penalties: the loss of prestige, essentially, in the eyes of your colleagues, in a world where prestige in the eyes of your colleagues and constituents is everything for your continued parliamentary career.

I mentioned that we had a discussion when Mr. Simms was here earlier about the appropriate use of the word “guillotine”. Looking at literal guillotines, the kind that were used during the French Revolution, Alexis de Tocqueville, the great French scholar—

• (1620)

**The Chair:** You are tying this to your amendment, right?

**Mr. Scott Reid:** Very much so. He wrote a book called *Democracy in America*. What he said about the United States, writing for a French audience.... He, like Lord Bryce, was writing a book explaining America—what was going on over here—for the benefit of an audience back in Europe. He commented on the American Congress in a way that applies to our Parliament.

He was struck by the mildness of the penalties for misbehaviour on the part of members. In France, at various times, they chopped off the heads of members of the National Assembly who went the wrong way. First, the revolutionaries did it to the Bourbons; then, when the Bourbons got in power, they did it to the revolutionaries. In between, there was Napoleon, who probably was not as bad as either.

Several decades after this, De Tocqueville looked back at the legacy of this and wondered, what's going on in the States? They have very mild penalties." He said that the importance attached to the unofficial prestige or reputation that people need to maintain in order to have a successful congressional career was ultimately what allowed the sanctions to be so mild. He described impeachment, which is actually inherited from Westminster, though we think of it as an American concept. The process of impeachment, which itself seemed remarkably mild to a nation that had gone through the Reign of Terror, is almost never used. Milder sanctions are in place. This is true in the judiciary as well.

What he said about the United States is equally true of Canada. Even in those days, in the 1840s, we were the other great civilized force in North America, the other model, with sanctions just as mild. This has been our tradition, that we use the mildest possible approach, especially when it comes to the key orders, the key rules, the Standing Orders of the House. This is how we behave. Back in those days, I don't know if we always had unanimous consent for standing order changes, but it has been the practice going back through the last two governments, one Conservative, one Liberal. Beyond that, I'm not sure about the specifics.

I look at other aspects of how the House operates, though, and I see, because we rely on consensus for our most important changes, a general trend in a positive direction on almost everything. I use the election of the Speaker as an example, because that was the most recent standing order change. It was initiated by me as a proposed standing order. The change took place not by a consensus, but by a vote in the House of Commons in which party lines were dropped. It had the support of members from all parties, but not the overwhelming or unanimous support of any party, including my own.

I look at the election of the Speaker, which is now done by a preferential ballot. Before that, it was done by a series of runoff ballots, a less good system. I say that objectively, because it was less good in the eyes of the majority of members of the House of Commons, who voted to change the system. That system was an improvement on the previous system, in which the Speaker would be nominated by the Prime Minister and the nomination would be seconded by the Leader of the Opposition, which of course involved a consultation beforehand. But when you look at the history of the consultation process, you see that the further back you go, the more cursory the consultation was. As time went on, it became a more meaningful, real consultation, which had the effect of taking a speaker who initially had been a quite partisan figure and making him less and less partisan.

This takes us back to the interwar period. The Speaker was nominated by the Prime Minister, and if you had a partisan vote in the House, then the Speaker was a very partisan figure. In that area, you can see a clear move toward something that is, I think, objectively superior. The Speaker is doing that which he is supposed

to do objectively, upholding the rules of the House in a way that is manifest and transparent. That's the general direction. You can look at order in the House of Commons.

• (1625)

As every journalist knows, the easiest story to write when you are stuck for material is about how "back in the golden days of Parliament, we did not have the terrible lapses of decorum that we now see"—about how decorum is worse than it has ever been before.

As someone who has served here for 17 years, I can tell you that this is not true. The improvement we have seen, more or less a straight-line improvement—well, it's not a completely straight line, but it has been generally and consistently in one direction, towards greater respect—is that there's been less mere noise going on during the life of a majority Liberal government, a Liberal minority, a Conservative minority, a Conservative majority, a Liberal majority. I would argue that there has been almost a straight line over that period—the trend line has been very clear—through the development of practices that empower the Speaker; that make him more and more powerful, but only because he more and more fully represents the will of the entire Commons.

The example that's happening right now that I think is salutary is the practice—I don't know whether the Speaker developed this himself or whether someone suggested it to him, but it's an excellent practice—at certain points, such as after question period, for example, when there's a lot noise and people are having discussions....

I frequently am an offender in this regard; I'm chatting with someone who has stopped by my desk, or I've stopped by their desk to compare notes on some point. We're chatting. It's hard to get on with business, because you can't hear whoever has the next item of business.

The Speaker encourages others to say "shhh", and that indicates the will of the House in a way that everybody gets. It is much more effective at quieting the House and letting us get on with business than anything else I've seen.

It's not incorporated into the Standing Orders anywhere; it is a practice. But the point of this.... I saw you giving a little hand signal that means "tie this back in", so I'm tying this back in by pointing out that it is in the direction of developing greater consensus and moving away from doing things by vote, which is the default to be used only when consensus or wider consent is not possible. In the amendment, I would be talking about the need for consistency with our past practices.

I want to talk a bit about the general direction this government, very unconventionally, has taken with respect to levels of consent. It differs in this regard from the previous Conservative government and the Liberal government before that.

I know that my colleague Mr Christopherson, who was here in the last Parliament, will stoutly maintain that Stephen Harper was no angel, and while he is objectively—

**Mr. David Christopherson:** What? I don't think I would put it that mildly.

**Mr. Scott Reid:** —mistaken, which I could provide an objective demonstration as to why, in his belief that Stephen Harper was no angel—

**Mr. Garnett Genuis:** Hear, hear!

**Mr. Scott Reid:** —I will temporarily, and for the purposes of this discussion, accept his premise and say that even if Stephen Harper were no angel, he nevertheless respected the practice that we don't change the Standing Orders without widespread consent.

Looking back further, we had another angel in human form, Jean Chrétien, in office, and he, too, respected this practice. But this government has been different. We've seen this twice with the Standing Orders, this time, and with motion number six, a year ago. Both times the government said, "We're going to change these without consent. We don't care. We don't care about what the practice was in the past, or alternatively, we are not aware of what the practice was in the past." I'm not sure which of the two it is.

I say "the government". I do not mean to suggest that there aren't people in the government who are aware. There are some very smart procedural people in the government. But the government acted on the whole as a single corporate individual, and is either unaware or uncaring about the way in which these things have worked, in the same way that its proposals on electoral reform turned out to be a matter of, "Well, if we don't get what want, we won't move forward. If we do get what we want, we can move forward, but not otherwise." These are departures from practice in the past, where the governments had been more reticent, more cautious.

I would argue, looking at the Prime Minister, that the changes he's made to the Liberal Party constitution.... Although in that case he was working with a willing audience, one that was willing to accept his changes, they also moved in the same direction of wanting to get rid of the intermediating institutions and rules that permit others to slow down the government's implementation of what it wishes to do, which, to be clear, always means pushing aside other individuals. Ultimately, it is the individuals who exercise powers under the rules that exist at that point in time. Ultimately, he's trying to concentrate power in his own hands.

I do not believe this is because he wants to be our dictator, but I do think he has a vision of his role that is profoundly at odds with the political culture that has been deeply internalized by most of his recent predecessors, and I suspect most of his more distant predecessors in this office. It's the idea that you are inheriting a mantle of office in a great system, a great machine, that is, from a political point of view, greater than you, the individual; and you serve it and make it better.

• (1630)

**Mr. Garnett Genuis:** On a point of order, Mr. Chair, I just want to raise, for the benefit of all members, that while I'm really enjoying what Mr. Reid is saying, it's a bit difficult to hear when there's conversation going on around the table while this is happening, including while I'm discussing this point of order.

**The Chair:** Mr. Graham.

**Mr. Garnett Genuis:** It certainly is possible for members to maybe step outside the door and have those conversations there, so that we can participate fully in the debate without those kinds of interruptions. Maybe it's just me, but as I'm working through this—

**Mr. Scott Simms:** No, me, too.

**Mr. Garnett Genuis:** Mr. Simms shares my concerns here. It's good to have some unanimity on this point at least.

Thank you, Mr. Chair.

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

Mr. Reid, you're on.

**Mr. David Christopherson:** If he gets two people with unanimity, he'll run with it.

**Voices:** Oh, oh!

**Mr. David Christopherson:** You know what I'm saying. The sharp lawyers—

**Mr. Garnett Genuis:** Mr. Chair, I'd like to strike those comments from the record there—

**Mr. David Christopherson:**—over there are keeping an eye on you.

**Mr. Luc Berthold (Mégantic—L'Érable, CPC):** Mr. Chair, I just want to apologize. I didn't want to disturb my colleague.

**The Chair:** Okay, thank you.

Mr. Reid, you're on.

**Mr. Scott Reid:** Thank you.

But after the election of 2000, the agreement of two people was considered unanimity in the Canadian Alliance Ontario caucus, of which I was 50%.

**Mr. Scott Simms:** And the PC Caucus.

**Mr. Scott Reid:** Yes, and for the PC caucus in 1993, which was giant compared to our current Atlantic caucus.

At any rate, I think there's a pattern here, which I think is unwise. Look, we speak here in committees and in the House for the purpose of conveying messages back to others—to those who are in the room. But given that some of the decision-makers are not in the room, and in this case it's certainly true that the key decision-makers on how the government will act are not present in this room, as I guess is always true with committee business, I am trying to convey a message to Justin Trudeau that I think he is mistaken.

Leaving aside what his end goals are for Canada, leaving aside where he's trying to take us as a country in terms of social justice, environmental stewardship, a renewed relationship with our first nations and aboriginal populations—I'm just going through the substantive things where he has a substantive policy, and those are some of the highlights. There are others, but those are three that come to mind. Leaving those aside, I would submit that I think he's less likely to get to where he wants to go if he tries to remove intermediating institutions than he is if he respects them, if he recognizes that ultimately, as part of a large machine—and the Prime Minister is a part of that machine—I wouldn't just say a gear in the machine, but as part of the machine, as opposed to being the entire machine—or if you wish to use the analogy of a driver or a pilot, he's not on his own in this matter.



I think these rule changes and the way in which they're being done takes us profoundly in the wrong direction, and ultimately will redound against him. They will make everything that the rules try to do look like dictatorship. A media that is anxious to tell the story about how the honeymoon is over—which is what all the cool kids in the media are saying now—will be all over this. Of course, there's the new media, which isn't controlled by anyone in particular, which will also be all over this. This is a mistake in direction, and I think it will push him further away rather than bringing him closer to the ultimate achievement of those goals.

I am not so sure, when I look back at the three Harper governments—two minorities, one majority—that the majority had accomplishments that, from the subjective point of view of Stephen Harper's own policy preferences, were that much further down the road than those achieved during his minority governments when he had to make compromises in order to get the support of other parties in the House. I'm not so sure that absolute administrative power is quite the prize that it appears to be, and therefore I counsel against moving in this direction in this way,

That's as opposed, Mr. Chair, to moving forward on some, and perhaps many, of the items in the discussion paper, piecemeal, one at a time, which my motion would allow us to do. The motion effectively has the practical effect of saying that we'll only have those items we can agree upon unanimously by the June 2 deadline. It does not say that we can't return to other items after June 2. I anticipate that we would do so either at this committee, or perhaps the House would elect to establish a separate committee similar to the special committee on modernization and improvement of the procedures in the House of Commons, from the last decade, to accomplish that. My point is that this will allow us to stream all of these things forward.

• (1635)

I'm just debating now whether I want to return to the other items in the House leader's report to indicate which of them I think would be best to proceed with.

Some of the things that we're unlikely to achieve consensus on may be found in government motion number six. The reason the government is taking the approach it's taking right now—a discussion paper followed by a motion in this committee—is the enormously negative reception that it met when it tried doing it by a different means back on May 17 last year.

The government actually proposed changing, or at least one of the items in Minister Chagger's proposal is that we look at, the sitting different hours. The government proposed sitting different hours and said specifically in motion number six:

(a) on Mondays, Tuesdays, Wednesdays and Thursdays, the House shall continue to sit beyond the ordinary hour of daily adjournment until such time as a Minister of the Crown or a Parliamentary Secretary moves a motion for the adjournment of the House, such motions to be deemed adopted without debate or amendment

Just to be clear, the government can decide when the House sits at its absolute discretion and consult with nobody. It's automatically in place. It goes as late as we need to and we can cut things off as early as we want to, but only the government and specifically only members of cabinet can decide. That, of course, means the government and the ministry speak with one voice. The Prime

Minister gets direct control over this. It's consistent with the theme I've been illustrating. The motion continued:

(b) the House shall continue to sit beyond June 23, 2016;

That's relevant to the matters going on at that time.

And then it stated:

(c) matters to be considered pursuant to Standing Orders 52(9) and 53.1 be taken up at 10:00 p.m. and, upon conclusion of each said debate, the House shall resume consideration of Government Orders;

Just to make the point of what that's about, I think you have the Annotated Standing Orders. May I have those?

• (1640)

**Mr. Garnett Genuis:** Yes.

They're heavily annotated, but I'm sure you can still find it.

**Mr. Jamie Schmale:** Wow, you really get some use out of that, apparently.

**Mr. Garnett Genuis:** Yes, I have to read my kids something before bed, so....

**Mr. Jamie Schmale:** Good for you. That's like bathtub reading, that's incredible.

**Mr. Scott Reid:** Okay. In Standing Order 52(9), we get to that. This deals with the emergency debates. We're dealing with emergency debates in the House of Commons:

If the Speaker is satisfied that the matter is proper to be discussed, the motion shall stand over until the ordinary hour of daily adjournment on that day, provided that the Speaker, at his or her discretion, may direct that the motion shall be set down for consideration on the following sitting day at an hour specified by the Speaker.

The Speaker has discretion. The Speaker is the representative of the consensus of the House. Looking back here, the Speaker loses that discretion.

Under the heading of "Take-note Debates" is Standing Order 53.1:

(1) A Minister of the Crown, following consultation with the House Leaders of the other parties, may propose a motion at any time, to be decided without debate or amendment, setting out the subject-matter and designating a day on which a take-note debate shall take place, provided that the motion may not be proposed less than forty-eight hours before the said debate is to begin.

(2) A take-note debate ordered by the House pursuant to section (1) of this Standing Order shall begin at the ordinary hour of daily adjournment and any proceedings pursuant to Standing Order 38 shall be suspended on that day.

(3) The rules to apply to a debate under the present Standing Order shall be those applied during a Committee of the Whole except that:

It lists the distinctions between that and the standing order. Again, you see this reflected despite the fact that there was consensus against government motion number six....You see this change moving from motion number six to Minister Chagger's discussion paper. After we've all just discussed the importance of consensus and working together, we see something that was rejected a year ago was brought back. In all fairness to Minister Chagger, it hadn't been discussed in-between, so maybe this was the way of bringing it back for potential discussion because maybe this was not the point on which motion number six was rejected. There was no discussion in-between. The government didn't float any balloons, ask questions, or raise things at House leaders meetings. It just came forward now with a tight timeline, which is fitting a pattern of the government dragging its heels and then suddenly declaring this a crisis that must be dealt with instantly through a suspension of the normal practices of the House. That's problematic.

The next thing here in motion number six was, proceedings pursuant to Standing Order 38—

• (1645)

**Mr. Jamie Schmale:** We're going to have to vote soon.

**Mr. Scott Reid:** Sorry.

**Mr. Jamie Schmale:** We have another vote coming up. Keep going.

**Mr. Scott Reid:** Sorry. Is that relevant to what I was saying?

**Mr. Jamie Schmale:** I was just giving you a heads-up.

**Mr. Scott Reid:** Okay. I'm sorry.

**Mr. Jamie Schmale:** I know you're deep in thought. I was just trying to give you an idea of what you were looking at.

**Mr. Scott Reid:** Actually, I'm checking on a health emergency in the family and my wife is texting me. I just check every so often. That's what that is about. Thank you for that.

**The Chair:** Remind us of where we are in relation to your amendment.

**Mr. Scott Reid:** We're at motion number six.... What I've been doing in the amendment is trying to show the importance of consensus as reflected in the practices of the committee and this House in the past and by tying these to Motion 6, the confrontational way in which it was brought up, the way in which it was withdrawn, and the statements that were made by the then House leader, Mr. LeBlanc, at that time, all of which indicate a pattern of expected future behaviour—future from the point of view of a year ago—that is not being followed through on. I'm trying to demonstrate that point.

Forgive me, I left off on proceedings pursuant to Standing Order 38 under paragraph (d):

proceedings pursuant to Standing Order 38 shall take place at 6:30 p.m. on Mondays or at the conclusion of the taking of any recorded division deferred pursuant to paragraph (e)(ii), whichever is later; at the expiry of the time provided for Private Members' Business on Tuesdays, Wednesdays and Thursdays, and when the debate on the matter or matters raised pursuant to Standing Order 38 has ended, the motion to adjourn the House shall be deemed to have been withdrawn and the House shall resume consideration of Government Orders;

And then there is paragraph (e):

subject to paragraph (f), when a recorded division is requested in respect of a debatable motion, including any division arising as a consequence of the

application of Standing Order 61(2) or 78(3), but not including any division in relation to the Business of Supply or arising as a consequence of an Order made pursuant to Standing Order 57

(i) before 2:00 p.m. on a Monday, Tuesday, Wednesday or Thursday, it shall be deemed deferred until the conclusion of Oral Questions on that day's sitting or

(ii) after 2:00 p.m. on Monday, Tuesday, Wednesday or Thursday, or any time on a Friday, it shall be deemed deferred until the conclusion of Oral Questions on the next sitting day that is not a Friday, and any vote deferred to Monday taken up at 6:30 p.m.

Just for those who are wondering, regarding 61(2)...Garnett knows this stuff by heart, but for the rest of us, Garnett's kids aren't here to answer the question and so I'll just tell you that 61(2) is dealing with previous questions, an item that is a procedural tool available to the opposition, so that effectively obviates that.

Next is 78(3). I'm not going to read all of 78(3), which is a page long, but this has to do with the procedure in cases where time is being allotted. It's about time allocation. Section 78 in general is about time allocation. This effectively gives additional tools to the government with relation to time allocation.

I have a little bit more on this to go on with, but I want to stop and draw the attention of members of the committee to something else that I think is very significant.

Early in his mandate, Minister LeBlanc appeared before this committee. He at the time was House leader, and as is traditional with House leaders following an election, he came before this committee and said, my job is to fulfill my mandate letter. My mandate letter dictates what I must do, he said, and my mandate letter dictates that I must work on improving and modernizing the House of Commons' Standing Orders.

His mandate letter, to the best of my knowledge—and I'm actually going to check this out—was inherited unchanged. So at least this aspect was inherited unchanged by Bardish Chagger when she became the new House leader, and so she has the same mandate.

She hasn't had a chance to talk to the committee about that. This will hopefully be resolved soon and we'll invite her, I would hope, to discuss her discussion paper.

• (1650)

Indeed, I would have liked to make our first order of business rather than Mr. Simms' motion. At any rate, his mandate letter effectively is the mandate that guides him and that to which we are responding.

I want to make this point about it. Not everybody in this room was here at the time, but a number of people were here when he came to this committee. He put a strong emphasis on his mandate letter and he made kind of a humorous interaction where he said it was meant to be very inspiring. I said it was so inspiring that I read it to my kids at night before they go to bed. This is where I fess up and admit that I don't actually do that; I just said it.

At any rate, we did have a discussion about it, and I said one of the things of concern to me was that this was a lot to bite off. There's a lot of meat here. Do you think it's necessary for us to deal with this as one mega-study, one mega-set of amendments, one unified whole? I didn't use the word "omnibus" at the time, but should we deal with this as one omnibus measure? I was trying, as I think MPs from a recently defeated government ought to do, to save the self-righteousness for later in the government's mandate. If you've just been dealt a defeat, you ought to be very respectful of their new mandate.

So I asked whether it was okay to deal with this on a piecemeal basis. Would that be acceptable? I mean, you're not our bosses, but we have to work together here. Your desire to change the rules, the Standing Orders, is not in conflict with our desires. We may disagree on specifics, but not on the general policy.

He indicated at that time that a piecemeal approach was okay with him. Now I recognize he's not the House leader anymore, but I took that as being the way the government was going to approach things while he was minister. After Bardish Chagger became government House leader, it continued to be the way the government, or so I thought, was approaching things. There was no indication during the debate required under our Standing Orders about the Standing Orders, the debate that took place on October 6. I wasn't present for it, but I have read through some of what transpired that day, not perhaps with as much attention as it deserves, but in all fairness to me, I did make the assumption that we'd get some kind of warning that this was going to be the next thing on our agenda, and I would have turned my reading to it.

In the interim, I've been reading about electoral reform and then more recently about other aspects of the election law, because we anticipated right up until this committee sat down at 11 o'clock this morning that we would be dealing with the Elections Act, with the report on the 42nd election and our response to it. We received from the same government at our last meeting a request from the relevant minister to make that our focus in order to give her the time to sign legislation. That was where I was going, and now we see this change.

The amendment I'm proposing allows us to return to that piecemeal approach, which is more consensual, more precedented, more likely to produce high-quality changes. It is striking how few Standing Orders have to be altered to revert to more loyal, more basic underlying values of our Parliament, which are about freedom of speech and openness, adequate discussion prior to the implementation of measures. All of that is better encapsulated in the motion I propose than in Mr. Simms' unamended motion. I'd also say it is a better reflection of what the government House leader indicated was the direction the government was willing to take when he first addressed this committee. It actually may be the only time he addressed this committee. I can't remember for sure.

•(1655)

Anyway, that was the right direction to go in then, and I think it's still the right direction to go in now. It does not permit the radical transformation of our system into one where we have an emasculated opposition. The system would be, if not unique in the jurisdictions that share our Westminster heritage, but certainly unique among

first-tier jurisdictions: those that have large parliaments, a long history of self-government, and a profound internalization of the values pioneered or developed or evolved at Westminster and elsewhere. It would be unique as in unlike, and in opposition to the spirit that we see at Westminster itself, and in the parliaments in Canberra, Wellington, Delhi, and the other first-tier jurisdictions. I can't speak to those countries that have lapsed into dictatorship and come back out. That does not probably enhance the ability of a parliament to develop a really sound body of Standing Orders. But in the first tier, we'd be the only ones going in this direction.

There's been a lot of talk of working together. Mr. Simms, in his opening remarks, talked about the importance of working together. When I ran into her at the airport in Toronto, we did not have a long discussion, as I mentioned, and she was a little distracted, but the government House leader did say, "It's just a discussion paper. We're trying to bounce ideas out there", something which is profoundly at odds with what's happening now. But I think she was sincere.

This doesn't correspond with anything that's happened here: the minimum period of notice; the extremely unrealistic timeline. It's hard not to get the feeling that in this government, certainly on this issue, and it's maybe true on several issues, it's as if the left and the right hands are not talking to each other. There appear to be those who want to move forward in the traditional manner, the manner, it seems to me, that was followed by the Chrétien government and others before it; and those who want to, I'm not sure what the right term is, adopt a very aggressive approach of "Let's go for an absolute victory. Let's go for the absolute transformation of our system."

Had electoral reform gone through in the manner proposed by the Prime Minister, we would have had a preferential ballot, we would have had a radical or permanent and very negative change to our democracy, where, in practice, only one party would stand a realistic chance of forming a government in any election, and in which it could get fewer votes than its main opponent, and still form government, and in which it could get fewer than one-third of the votes and still form a majority. That's pretty radical stuff.

It's true there, and it's true here as well. So that's the maximalist approach. Let's use the minimalist and maximalist approach, or the evolutionary versus revolutionary approach. In my less-guarded moments, I say the Gladstonian approach versus the Juan Perón approach. But one is suited to our system, and one is just not reflective of the values of Canada. We are an evolutionary people, not a revolutionary people. That is notwithstanding my respect for those who have engaged in rebellion, like the rebels of 1837. But we are an evolutionary people.

•(1700)

We have felt that a loyalty to the practices that undergird our Constitution is the best protection for our liberties, our freedoms, and all the values that we hold dearest. That includes accepting a series of conventional limitations on actors who, in law, could go further. This is how you achieve evolutionary change as opposed to revolution.

In revolution, you overthrow the king, and depending on what country you're in, you chop off his head or.... Last week, we passed the 100th anniversary of the overthrow of the Tsar in Russia, so if you're in Russia, you shoot him, or you.... Anyway, that's revolution.

In evolution, you take the king—Henry VIII was a dictator—and you gradually reduce his powers, even though on paper, monarchs can still, for example, veto any law, to this day.

The fact is that no monarch has exercised the veto since Queen Anne. In 1708, she vetoed the Scottish Militia Bill, back when Scotland was still a separate kingdom, shortly before the Act of Union. That was the last time a monarch exercised the veto.

In Canada, that veto is exercised by the Governor General. It is never exercised in practice. If the Governor General were now to say that he's not signing a piece of legislation, even though the two Houses of Parliament had passed it, and even though on paper he has the power to withhold his signature, we all understand that what would happen is that the Prime Minister would get on the phone with the Queen and say, "I think the Governor General has lost his marbles. Could you appoint a successor?" The Queen would take the call and that's what would happen.

Some version of that happens any time a convention is breached. The more serious the breach, the more profound is the consequence, up to and including removal from office, or in the case of the government, defeat in an election. That's how we do things.

That brings us back to the point about consistency with our past practices and the need for unanimity. There is no rule that says you have to have unanimity. It is a practice, but the reason for my lengthy comments is to make the greater world aware of the fact that something unconventional in the proper sense, against convention is happening here, and that convention must be respected. It must be enforced.

If the public finds that what's happening here is unacceptable, it will indeed confirm that a convention exists, and the government will back down. The breach of a convention carries a penalty severe enough that it obviates the action that was being attempted by the actor within whose nominal power it was to take that action. That's what defines it as a convention.

Now, maybe I'm mistaken. Maybe the government is right in what I think is a calculation that I and the other members of the committee from the New Democratic Party and the Conservative Party will sputter out and lose energy somewhere in the middle of the night, and they'll be able to move the motion and get it through on a partisan vote without the world paying much attention. Then, tomorrow, there will be a budget, which of course is the real reason we're getting this motion now. I'm pretty sure the budget is going to be a bad news budget, and the negative attention on that will consume all the available negative energy.

As a matter of fact, when I saw this coming out, when I learned about Mr. Simms' motion, my reaction was, "Oh wow, it's going to be a bad news budget," because if it were a good news budget you wouldn't want negative coverage of this to get in the way of the budget. It's the same reason that governments of all stripes release vast swaths of documents with unfavourable information in answer

to order paper questions, all on the same day. Get all the bad news out there at once. It's just the way communications work.

● (1705)

If the government does all of this in this way, achieves the end I think it's aiming for, gets away with it, and is able to proceed to have a report before this committee on June 2, which will certainly not have anything remotely resembling a consensus, it will be a report that the Liberal members will push through over the opposition of Conservatives and New Democrats, who will write dissenting reports.

If they do that, and they go to the House, and they get it through, and they have a concurrence debate in the House and adopt it, again on a divided vote over the lamentations of the opposition, and the public puts up with it and says yes, whatever, summer's coming, then we'll have established that a convention actually doesn't exist, and that in the end it was just a practice that was not that important in public opinion. That is how you test a convention, according to Albert Venn Dicey, a great scholar, who developed the term "constitutional convention".

I'm calculating that's not the case. I am laying out the case that this is a sufficiently deeply internalized belief among Canadians that opposition will build in a way that the government has not anticipated. Therefore, my suggestion would be...because I am not a maximalist here. Whether it's on behalf of the government's agenda or any government agenda that my party has, whether my party's in government or opposition, I'm always in favour of taking the smaller, surer bet of tactical rather than strategic victories—of modest achievements instead of massive achievements—which ultimately lead to a massively positive result. Our history of modest and incremental approaches to democracy issues have made us in Canada one of the most democratic and stable countries in the world. Our history of applying this in the law has led to us being one of the most law-abiding countries in the world. Our history of doing this in other areas has led consistently to improvement, even in the areas where our heritage is one of which we are now either uncomfortable or even ashamed.

I thinking here of our treatment of our aboriginal people, of the way in which the people on the *Komagata Maru* were.... There was no Canadian citizenship in those days. They were British subjects, just like us. As citizens of the British Empire, they had a right to be in Canada. The Laurier government invented a law. I'm an enormous admirer of Laurier, but not of this law, which allowed them to take British subjects and ship them back to another country. We're ashamed of that, justifiably.

We're ashamed of the internment of Ukrainian and Galician Canadians in the First World War. They were loyal British subjects but they came from the Austro-Hungarian Empire, so they were rounded up and sent off to labour camps. We are ashamed, with justice, of our treatment of Japanese Canadians in World War II—loyal Canadian citizens, again British subjects because we didn't get Canadian citizenship until later, but loyal to our laws and institutions—purely on the basis of race. And we are not ashamed, but only because we're not aware, of the fact that the government of the day actually tried to deprive these people of their citizenship and kick them out of the country, even people who were born here after the war was already over. It's a profoundly racist action that is deeply shameful.

I mention all these incidents, but in each of these areas we see improvement. We see it because we act incrementally. It is not a lack of ambition to want to act incrementally, to want evolution rather than revolution.

● (1710)

I think of revolutions as being parallel to volcanic eruptions. The tallest mountains in the world are not volcanos. Mount Everest is not a volcano. It is the size it is because of the slow acting of plate tectonics—evolution rather than revolution. While that is purely a metaphor, it does make the point about which is the better way of doing it. Evolution and consensus go together. The wider the group of people you have to bring in, the smaller the changes you are able to make.

Bringing this back to my amendment, this is, in essence, introducing a notion that in academic terms would be referred to as Pareto optimal. Pareto optimality is a concept named after an early 20th-century Italian scholar. I've forgotten his first name—Vilfredo, I think. He said that there are different ways of achieving optimal outcomes, depending on what your standard of optimality is. You can adopt the Benthamite approach that the good of the greatest number is the optimal approach, but it may not seem optimal from the point of view of every participant in the process. If we are together on a raft that is sinking low in the water and we all agree that the solution is to throw my colleague Garnett here to the sharks, that is perhaps optimal for the rest of us. It's not optimal for Garnett. That would miss the test of Pareto optimality. Pareto optimality is where you make an adjustment so that the outcome is better for all participants and no one is worse off.

You can do this as a mathematical formula where you simply assume that everybody in the room has \$100 and you have to come up with a new system for allocating wealth. You can use that kind of numerical measure, but you can also—and I think this is the more robust way of doing it when you're dealing with systems that can't easily be quantified.... They think systems that can be quantified lend themselves to Benthamite calculations. Let's redistribute income so that—and I'm not sure I believe in the myth of the 1%—the Bill Gateses and Warren Buffetts of the world pay more so that we can adequately fund our food banks or something like a welfare state or a health care system, all the different things that are involved in our system: public transportation, public policing. You can go on and on. You get the idea. It redistributes. At the end of the day, is Warren Buffett...? I'm thinking of him because Gates is the richest guy in the world, and Buffett is the second richest. Is that right? Is it beneficial

from his point of view? Maybe. We can measure that numerically. Money is a proxy for value and it lets us quantify it, so it allows the state to do certain things.

When you are dealing with things that are qualitative, like our Standing Orders and the values they incorporate and reflect, it is hard to rely upon quantitative measures. We try to do these things. We keep track in the House of Commons; every party does. How much time is the Speaker allowing for questions from this party or that party? Is he being unfair to us? How come he keeps skipping over me in the rotation? You get up angrily and say, "I had a question for that speaker. Will you give me a chance?" He says, "Well..." and he provides you with an explanation based upon some attempt to quantify. He says, "I go Liberal, Conservative, NDP, and around in the rotation"—or maybe he doesn't. Maybe he says that there are more Liberals than there are New Democrats, and then he gives them more. Maybe he says, "We always start with someone who is not from the party that just spoke to the question" or "I'm making up for the last Speaker; we have an imbalance in the direction", or something. There is some kind of attempt to quantify it. He will be struggling and he might get it wrong from time to time, with good intentions.

Now we are drifting on to matters that are much more profoundly subjective in their implications for freedom of speech and for the opposition's ability to advocate or present its policy alternatives to build enough of a case that it can change the mind even of a majority government. As we just saw with the electoral reform issue, the government could have ruthlessly pushed forward with a change to the electoral system—the preferential ballot—that reflected its interests but not the will of the House of Commons or the will of those who came before the committee as witnesses.

● (1715)

While I think the government should have acted on its election promise, and followed through, and had a referendum on changing its system, I do respect the choice it made compared to pushing forward in disregard of—there's no Canadian consensus on electoral systems—a population that effectively is divided between those in favour of the current system and those in favour of proportionality, with very few people being in favour of preferential.

It was within its legal powers to push forward. There is legally nothing that would stop it. To this day, actually, I think you could still do it with the time constraints that are involved. It's getting harder all the time. It did that because public opinion was not on its side. Public opinion was not on its side because of the extensive hearings that took place with the committee travelling across the country, the minister holding her own hearings, the town halls, and many MPs holding their own town halls in their own constituencies. That was not something I did, but many others did. The NDP and Conservatives both sent out questionnaires. We got back 80,000 responses. I got back, I think, 35,000.

The point I'm getting at is that it was the ability to engage the Canadian public from the position of being opposition members that caused the government to change its course. That was true on that matter. Equally I think it would be true in regard to this matter, but not if all the tools are taken away.

Now you go from a situation, which we can advocate through tried and true institutions, institutions that have served to allow, in the last Parliament, Liberal and NDP members to very effectively counter the government's agenda.

I can tell you as someone who has sat on the other side of this committee that opposition pressure was most effective in building up a strong case in the media and with the public against the Fair Elections Act to the point where one of our Liberal colleagues, the former parliamentary secretary to the Minister of Democratic Institutions, took to referring to all these as the "unfair elections act", and people knew what he was talking about.

That shows how effective you can be. It became an election issue, and it became something that the minister has indicated in part, although not in full, that she's going to seek to repeal.

Here are things that happened in those hearings that will not happen under this motion, unless it's amended, in these hearings about the Standing Orders. It's impossible, given the timeline and given the other things on our agenda, unless we're going to go and say to the minister, "Look, you're out of luck. We're not giving you anymore feedback on the elections act." Even then the ability of the opposition to raise the kinds of objections likely to swing public opinion is minimal given the short timeline, and while there may be another explanation, that, I would suggest, is the reason this is being promoted in this manner at this time.

• (1720)

**The Chair:** It's time for our votes, so I guess we'll suspend until 10 minutes after the votes. We can carry on with your great historical lessons and anecdotes that probably make our committee filibusters more interesting than any other committee's.

**Some hon. members:** Hear, hear!

• (1720)

\_\_\_\_\_ (Pause) \_\_\_\_\_

• (1850)

**The Chair:** We're reconvening after breaking for votes. At the time we suspended, Mr. Reid had the floor and was doing his introduction to his amendment. I will allow him to continue.

Could we have order, please?

• (1855)

**Mr. Scott Reid:** Thank you, Mr. Chair.

When we were interrupted by the vote, we were discussing an amendment that I had proposed to Mr. Simms' motion. Mr. Simms' motion presumes that we will deal with all items in the government House leader's report at one shot and do so by June 2. Although it doesn't say so, I read it as implying and the Prime Minister's answers to questions in question period reinforce that this is not going to be a consensual process. It will simply be the government's using its majority to impose what it wants.

My amendment is an attempt to deal with that and to take the motion as worded and turn it into something that permits both consensus and a more realistic deadline.

When we left off, I was making the point that the motion contains language referring to the prior practices, I think that's the word used, of this committee. It says that we are repeating, forgive me, the committee's past practices. I pointed out that it's not just the past practices of the committee, but indeed, of the entire House of Commons on this matter. I thought to expand on this to more fully illustrate this point. I would return to the report of the Special Committee on the Modernization and Improvement of the Procedures in the House of Commons, which was tasked with a somewhat parallel process by the House of Commons on the initiative of the House Leader in the parliament that was elected in 2000.

When the House of Commons met early in 2001, a motion was put forward and that was the basis on which this was set up. I thought I would just go through a little bit of what they had to say to make the point about this being a tradition around this place.

In its first report, the Special Committee on the Modernization and Improvement of the Procedures in the House of Commons, first of all, noted that it was reporting pursuant to an order of reference in the House of Commons dated March 21, 2001. This was a very early initiative of the Chrétien government. That election happened on November 27. I remember it from when I was first elected, so it stands out very clearly in my mind. In 2015, the election was October 19, I believe.

Is that right, the 19th? Or 15th?

Anyway, it was about a month earlier. This will be the equivalent of having had an order of reference dated February 2016. They got off to an early start. It's very different from the approach that's being used here. Hence, there's wasn't the same panic over deadlines and the same rush towards the finish line starting in March, right before break week, with a project that is to be completely wrapped up by the beginning of June, which I had indicated really means the middle of May.

• (1900)

**The Chair:** The date you were looking for was October 19.

**Mr. Scott Reid:** It was October 19, 2015. Yes.

In its report, the committee talks about many subjects, but I want to start with the introduction and just read verbatim some of what they said, which makes the point about how strongly they valued the idea of seeking consensus.

Let me read. There's an enumerated list in the introduction. This is paragraph 6:

There is a feeling that individual Members of the House of Commons need to be empowered, and the role of the Speaker, as the servant of the House and its spokesperson, enhanced. A balance needs to be achieved between the Government's interests in implementing its legislative agenda, and the Opposition's interests in questioning and criticizing the Government.

Maybe I should have just read the second of those two sentences:

A balance needs to be achieved between the Government's interests in implementing its legislative agenda, and the Opposition's interests in questioning and criticizing the Government.

That balance is best achieved when both the government and opposition, which ultimately means all parties, are both at the table and capable of denying their consent and therefore preventing the measure from going forward. That goes without saying.

Paragraph 7—I won't read the whole paragraph—says in part:

We have recommended changes in those areas in which we could all agree.

When I say "all" I mean membership taken from a wider range of parties than faces us today. The partisan structure of the House of Commons in those days was different from now. The chair, Bob Kilger, was a deputy speaker so in a sense a non-partisan figure, but a Liberal. The vice-chairs were Don Boudria, Liberal government House leader, and John Reynolds, Canadian Alliance House leader. The members were Bill Blaikie, a New Democrat; Michel Gauthier, who I think was the House leader of the Bloc Québécois, the future leader of the party; Peter MacKay, the House leader for the Progressive Conservatives in those days, and later on the leader.

The committee had five different parties represented. In fact, it bears some resemblance to the structure of the ERRE committee, the Special Committee on Electoral Reform, in that its membership did not include a government majority. It's quite striking that it did not include a government majority. Therefore, its proposals literally could not go forward without the consent of a majority of the parties in the House of Commons.

In all fairness, the governing party still had an advantage in that, if the committee had presented a report that made recommendations that were unsatisfactory to the governing party, it could use its majority in the House of Commons to deny consent to the report of the committee, thereby exercising a veto. It had an absolute veto. But in practice, everybody had a veto. The structure made that very clear.

To be honest, I had not been aware that this was the structure used—even though I was around at the time—until very recently. There you are: it has exactly the same principle behind its structure as was used for the electoral reform committee, and for the same reasons. There was the voluntary ceding of control. There were also some ground rules set down that are quite striking.

Paragraph 7 says *inter alia*:

We have recommended changes in those areas in which we could all agree. While we do not pretend to have solved all of the problems or addressed all of the issues, we feel that we have made a good start.

• (1905)

Here, they agree so much with the philosophy that I hold personally:

We may not be revolutionizing Parliament, but incremental changes can be extremely useful and effective, and, in the long run, much more significant.

Incremental changes, when they accumulate one on top of the other, are ultimately more powerful than revolutionary changes—which produce counter-revolution, counter-reaction—that are not legitimate. To think of the political metaphor I used earlier, the illegitimate overthrow of the Bourbons in the French Revolution, not that the Bourbons were.... I'm no defender of the Bourbons, but the illegitimate manner in which they were overthrown led to a situation in which France, a country previously characterized by its political stability, went through, in the course of the next century and a half, a republic, followed by an empire, followed by a monarchy, followed by a second monarchy, followed by a republic, followed by an empire, and followed by another republic. I think I missed a republic in there at about 1870 around republic number three, after empire number two, and after monarchy number three, followed by two more republics.

It seems to me there's a lesson there, which indicates that we should be evolutionary rather than revolutionary, and that in the long run, changes made through incremental and consensual reformation, as the committee says, are much more significant.

Paragraph 8 of the introduction makes a statement that I guess is anodyne:

All of the members of the Committee—and all of the parties—want to make the House of Commons work as well as possible.

The next part, the next few sentences, I think are much more significant:

We are all committed to the modernization of the House of Commons, and the improvement of its procedures. Where possible, reform of parliamentary institutions and procedures is best carried out by consensus, and with all-party agreement.

I would ask you to listen to this next part:

The motion establishing this Special Committee requires that any report must have the unanimous agreement of all the members of the Committee, and this has guided our deliberations.

They continue on to say:

The requirement for unanimity has meant that on a number of issues, recommendations were not possible; by the same token, on some issues the members of the Committee have compromised and worked toward achievable solutions that reflect our differing interests. There is also a remarkable degree of agreement, and shared concerns. While we may not always agree on the nature or causes of problems—or of the solutions—we have attempted in this report to recommend changes that we believe will improve the House and the work of its Members.

The really important bit here is that they recognize that the unanimity requirement meant there were certain things they weren't going to get movement on, and that realistically for the government, if we move away from the model that Mr. Simms' unamended motion suggests or advocates to the model that I think we should advocate, it does mean that certain things come out of the government's agenda. It means that we don't go to four-day weeks, for example.

Although some of the other suggestions that Ms. Chagger made in her discussion paper about how you could deal with it—making Fridays into full days and moving around the kind of business that occurs on Fridays—are possibilities, if that one is really absolutely key to the government, well, it's not compatible here. It just isn't. Also, I could point to some other things.

On the other hand, there are many things on which I think we could achieve success, and the same kind of success that was achieved by this predecessor committee a decade and a half ago.

• (1910)

Paragraph 10 from the report states:

Procedural reform is an on-going process. The changes recommended in this report will need to be assessed to ensure that they are working as intended and not having unforeseen consequences. We encourage the Standing Committee on Procedure and House Affairs to undertake a review of the operation and effect of these proposals in about a year, and to continue the work of modernizing and improving the procedures and practices of the House.

They recognized that when their special committee would come to its end, its work ought to return to the procedure and House affairs committee. Thus, I think I am justified in saying that this committee is a direct predecessor to our committee. When I referred in the amendment to “our” past practice, that is “our” as in this committee's past practice, even though, in the strictest technical way, they were a different committee.

The report indicates that even though they have worked by consensus and have restricted themselves to topics that they think are unlikely to be so grand or so vast as to produce radical unforeseen consequences, they accept and nevertheless recognize in all humility that there might be unforeseen consequences, and they build in a mechanism for ensuring that these changes can be adjusted back if necessary.

That humble practice of recognizing that it might be appropriate to revert has been done on a number of occasions where Standing Orders have been changed on a temporary basis. I think that is in general a good practice, recognizing that you might make mistakes, but of course one way to avoid mistakes to keep it consensual, to eliminate the things where someone says “I am worried that we may be going outside of where we have appropriate or complete knowledge”, and to therefore have an ability to make a change that will not do things that we did not intend to have happen.

Going through it and just looking now at how they broke it down, it's interesting to look at the subject matter, because it's not grouped under the same kinds of grand thematic headings that are in Minister Chagger's discussion paper. It's grouped in an order that appears to me to primarily be in the order the items arise in the Standing Orders, in that Standing Order 35 is discussed before Standing 39 and so on.

There is a certain thematic consistency to the Standing Orders, to be sure, but it's not the order mapped out by Minister Chagger. My suspicion is that this may be a wise way of doing things, but I don't mean to diminish what she was trying to do. My concerns, as you know, are with Mr. Simms' proposed motion and not with Minister Chagger's discussion paper per se.

Next are speeches by candidates for Speaker. It was the first item that was discussed. Standing Order 3.1 was suggested.

I'm going to go through these pretty quickly. The next thing they came along and actually made changes to was Standing Order 30, which deals with the “daily routine of business”, which appears at 3 p.m. on Mondays and Wednesdays, at 10 a.m. on Tuesdays and Thursdays, and at 12 noon on Fridays. It states that:

the House shall proceed to the ordinary daily routine of business, which shall be as follows:

They then list a few things. The new thing that's introduced is that the “Introduction of Government Bills” comes after “Tabling of Documents”.

• (1915)

**The Chair:** You're going to tie this into your amendment, right?

**Mr. Scott Reid:** Yes, I am. They go onto petitions, and so on. They go through in that order.

Mr. Chair, rather than going through all of these points right now, what I might do is return to this report at a later time. I think you can see how the first part of my comments on this report was clearly connected to the amendment, but in order to select more accurately, I might save that for a later time.

What I think I might do, if it's agreeable, is to put myself back on the speaking order a bit later for this amendment, wrap up at this point, and allow the....

Is that not...?

**Mr. John Brassard (Barrie—Innisfil, CPC):** Keep going.

**Mr. Scott Reid:** Oh, my goodness. All right. I see that the next Speaker is not actually here, so I will keep going for a second.

**The Chair:** The next speaker is here. It's Mr. Graham.

Oh, sorry, it's Mr. Christopherson.

**Mr. Scott Reid:** I'm sorry about that, Mr. Chair.

They moved on to different topics. We may have to go back a little bit.

There were occasions in which....

Part of what I'm trying to drive at here is this.

**Mr. Blake Richards:** You're not watching a video of Scott's earlier filibusters, are you?

**Mr. John Brassard:** No, no, that was a film.

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

**Mr. Blake Richards:** I'll get a cardboard cut-out of you.

**Mr. Scott Reid:** The point that I'm driving at here is that operating in a consensual manner does not mean you are confined to a very narrow range of topics. They were able to cover a wide range of topics from changing the Standing Orders relating to the order in which routine business would take place to whether or not Canada's first Speaker could give speeches and how long they'd be dealing with adjournment proceedings.



You may recall that I had talked earlier about the parliamentary secretary in adjournment proceedings, giving a four-minute response followed by a one-minute response. That's contained in here as well, so there is a really a wide range of topics.

Maybe with that, I will stop, as I see that Mr. Christopherson is here.

Thank you to Mr. Richards for catching that very considerable oversight on my part. If I may, I'll just ask the clerk to put me back on the speaking order.

**The Chair:** Yes, you're on the list.

**Mr. Scott Reid:** Thank you.

**The Chair:** Thank you, Mr. Reid. That was a very comprehensive introduction to your amendment.

We'll go on to Mr. Christopherson.

**Mr. David Christopherson:** That's great. Thank you very much, Chair. I appreciate that.

I want to say how much I've enjoyed the last few hours, and I say that only partly tongue in cheek. I do enjoy hearing from Mr. Reid. It's always interesting. He knows his history, and I like history. I'm no expert, but I enjoy it. I'm pleased to pick up where he left off and to continue to point out why what's going on is so unacceptable.

Maybe to warm to the subject, I would start on a positive note; that is, I want to say to the government that this is not where we want to be. I can't speak for others, but the proof for my own motivation is the leadership role that I played in helping us get back to the Chief Electoral Officer's report, even though I was the one who blew it up the first time. The fact was that once we had dealt with that, the minister came in, and we got as much out of the minister as it appeared to me that we were going to get, and it was sufficient—barely—to allow us....

Then, colleagues on the government side, in camera and in public, you know that I was one of the leading voices for getting us back to work, and we did so. Very quickly, we managed to set everything aside. We were working, but now we're back into it again, for the same kind of problem, which is the government just dropping something out of nowhere in the middle of the floor and causing all this kerfuffle.

I said that I was going to try to start out by being positive, so what I want to do is just to reaffirm this. I like negotiating. I'm an old negotiator—and now I am old—from way back. I love negotiating. I love the give-and-take. It's like a poker game and I love playing poker. I don't win much but I love playing the game.

I want to say to the government that if there is any way at all that they are interested in the House leaders getting together—or whips, or members of this committee, or a combination thereof for any group at all that the government would like to identify—we in the NDP certainly are quite prepared to sit down, and I suspect my colleagues are, but I'll leave it to them to speak for themselves, and to try to find a reasonable compromise that recognizes the government's right to set an agenda but also respects the right of opposition in our role. I think we could find that if we came together in goodwill.

I want to say—and I say this much more in sorrow than in anger—that I wish that approach had been taken in the beginning. I have a sneaking suspicion that we wouldn't be here like this. As bad as we are, this is the worst I've seen it. This is worse than Bill C-33. It's worse because we're going around the clock, and the government knows.... They were with us in opposition and they know what we do. They know that we already have rotations, we already have schedules going, we have people who are going to be coming in through the night, and we're working on schedules for next week. We see where we are.

This is serious. Also, it's not very productive. It's not going to get us anywhere, other than two forces staring at each other. That's where we are right now, unnecessarily so. That's what is upsetting. It's that it didn't need to be this way. If the government wants to review these things....

Again, when the minister came in and said that she'd like us to try to get our work on the chief electoral report done by—what was it?—May, I think it was, our heads exploded, and we asked how we were going to do that. We didn't suddenly say, “No way—nothing.” I offered that we would do what we could. I said that to her privately. I can't say anything more than that as it was a private discussion, but I did offer privately and reaffirmed publicly that if we could find a way where this committee, if the government worked with us to identify areas where they wanted to bring in legislation.... I'm supportive of a lot of things the governments wants to do, not all of it but a lot of it, especially the removal of some of the ugly Bill C-23 stuff.

If we could have sat down and worked on an approach that would let us get through this and deal with it in a fair-minded way.... I was saying that I offered to the minister—and I think the official opposition was onside—that if we could, we would accommodate the minister's schedule, even though we don't have to do that. We're masters of our own destiny, but hey, we offered to do that, and we said that if they wanted to identify to us areas where they wanted to bring in legislation and would like the benefit of the thinking of this committee, then we would take that. If it was out of sequence with how we were going to do it, we were open to that.

● (1920)

I still remain open to the idea of moving our work so that we get at that in a timely fashion, which helps the government in terms of informing them of our thinking, so they can then introduce legislation. We get away from this Bill C-33, dropping a bill in the House before you've even heard from the committee, and then out the other side of your mouth telling us how important the committee work is. That just doesn't wash.

It's not like there's no evidence that we could work together, or there's no evidence that there's desire on the part of the opposition to be co-operative. Part of our mandate is to review the Standing Orders anyway. I would have been open to having that discussion, but I have to tell you, the ham-fisted way that this has been dealt with really feels like the last government. This feels a lot like Bill C-23, which really should inflict horror in the government members to find themselves sitting right where Harper's MPs sat. They're doing much the same as what Harper did on Bill C-23, only this time, instead of the election laws, it's how we run our House. It's the same attitude, that same bully approach.

I never thought I'd see anything like that, especially with the new government. I have to tell you, I'm not understanding any of this. I don't understand how the government thinks they're going to win on this, or how they think that ramming through changes to our Standing Orders is going to make the House work any better. There comes a point, Chair, where no matter how much we might want peace, if the government absolutely refuses to extend the olive branch of peace, then what I worry about—and, Chair, I say this to you as someone who is as non-partisan as our system allows—is that I'm not sure this committee can continue to function if we keep having things like Bill C-33 and this motion happening at this committee. I would be a fool, as one member, to continue to be co-operative with the government when all they seem to do is kick us in the arse. Why would I do that?

That's not my preferred way. I've been doing this for over 30 years. Having fights with the government, or fights with the opposition if I'm the government, is not new or exciting. I'm tired of all that. I have to tell you. I don't get a lot out of it.

What really turns my crank is when we get together with disparate political beliefs, different experiences, but come together in good-will. Then we collectively try to find—like when we're doing reports—language that accommodates your concern and my concern. That I find stimulating because it goes against the grain. That's not easy to do in an adversarial system. Therefore, for me personally, after all these decades, that becomes a far greater challenge than just standing on some soapbox screaming and hollering. I've done that for decades, everybody's heard it, and we're all getting a bit tired of it, I suspect.

**An hon. member:** On division.

**Mr. David Christopherson:** On division? I think it would be unanimous.

I say all of that again, and I want to try to end on a positive note. It's hard, given the subject matter in front of us, but I do put that forward, and I mean it very sincerely. If it changes, I'll let you know. If we cross the Rubicon where, “You know what? I don't want to talk to you guys anymore. Forget about it”, I'll let you know. Up until then, it's a standing offer, because I don't find this particularly fun. I don't find this particularly productive, and I don't think taxpayers are going to be all that impressed either.

I think the government's going to have a heck of a time trying to blame us. Maybe they could accuse us of being obstructionist or something. Good luck! Given your own background on Bill C-33 and on the whole approach, especially when you compare it with the

approach that could have been taken. Why did you miss that opportunity? I don't get it. Why didn't they sit down and try to find some common ground so that even if we're at odds, it's maybe on a few little things that we could try to.... Even if we had to have a bit of a set-to over it, it would be narrowed. Right now, it's the whole thing. We're in the ditch. We're in the middle of a filibuster defending the right to filibuster.

• (1925)

I'll just go so far as to say that I choose to believe that there are quite a number of government members on the other side who are not feeling good about this, because this is not exactly sunny ways. This is not exactly consultation. This is not co-operation. This is not respect. All the things the government promised, and I will go so far as to say that when my colleague from Hamilton, Filomena Tassi spoke about those things, I believe she believed it and came here believing that was the way her government would act. In some ways they have. It's not as if it has always been like this, which is another reason it's so surprising.

I don't expect anybody to comment, but I have to believe this is not sitting well with a lot of Liberal members, especially the new ones who came in, in the last Parliament. Everything before then was the olden days and this is the new era and they've certainly tried to conduct themselves in that fashion. This has got to be one of those things in the pit of your stomach where they think they really don't want to defend this back home. However, that's their decision to make.

I would again reiterate the offer to have any kind of offline confidential discussions so that if they break down nobody is losing face. I've been around a while and I know how these things are done. I know how we got to “yes” back in the seventies, but it doesn't happen this way.

Chair, I would just urge any influence you have as a bona fide, full-fledged member of the government caucus to influence that, because you've been doing an excellent job as chair. You had big shoes to fill. Joe Preston was probably one of the best chairs of PROC to come around in quite some decades, not just Parliament, and it was mostly through the force of his personality.

• (1930)

**Mrs. Karen Vecchio (Elgin—Middlesex—London, CPC):** And his staff.

**Mr. David Christopherson:** His staff, of course.... That goes without saying about all of us, let me tell you.

But Joe's a smart guy through force of personality. He always had his eye on the prize, but he also knew how to use humour. Remember, this was in the Harper days when the way we are right now would be like a regular Tuesday. So far this is unusual, and I would hope it would remain unusual, but Joe would use all the techniques that a chair can bring, from his personality, his caring of the issues, moving things along. I felt for whoever was going to follow in his footsteps, because we all sang his praises, and I'm sure I'll have an email from him by tomorrow that he got mentioned again, because he still keeps an eye on these things. By the way, he's somebody we should bring here. Do you want to talk about fairness and democracy and how to do things? We should bring in Joe Preston as a witness, but that requires getting past where we are.

Mentioning him was deliberate because it also gave me a segue to mention that the last time around when we were reviewing the Standing Orders, Joe, Tom Lukiwski at the time too, and I were very strong that we at least take a run at the Standing Orders. They don't send out federal marshals after you if you don't get to the Standing Orders, but that is your obligation.

He made sure that we found the time, and it was one of those low-lying fruit processes that we've been using already. We didn't get to the tough stuff, but we did go through it all. We agreed on a number of things. We did get a report off to the House, and I think it made a difference. That was under Harper. That was under the bad guy, remember. This is what floors me. We did the right thing, the right way on exactly the same file under a Conservative chair with Harper as the Prime Minister, and it was light years more democratic than what the sunshine crew is doing here.

I leave that again to you, Chair. Often our rights, like the right to filibuster and fairness in the chair, are the only things we have as the minority up against the absolute 100% power of an overwhelming majority government, which is what we have right now.

Anything you can do, Chair, to get us more into a Prestonian era and not let the Bagnellian era be known as the dark one when their leader is promising sunshine.... By comparison there was Joe under the ogre of Harper, and he managed to get to democracy as we dealt with the Standing Orders.

**Mr. John Brassard:** You have to put your hand over your heart.

**Mr. David Christopherson:** I can't put my hand over my heart. I almost want to rip it out when I think about those days.

**Mr. John Brassard:** But it means so much when you do it. That's my point.

**Mr. David Christopherson:** Anyway, we laugh. It's good that we at least have that much spirit, but make no mistake where we are is in the ditch. It's war. It's all the terms you want to use. That is where we are. Well done, government. Way to go. I'm not sure how you see this as a win of anything or for anyone. This is the second time now that I've experienced in this Parliament—and we're not even that long into the Parliament—the second time at the same committee we've had the government do the same thing, which is pretty much whatever the hell they want. They want to bring in a bill, we're bringing in a bill. What about your promise to listen to committees and respect what they have to say? They haven't quite finished their work on that subject. It's who cares?

This is the thing. Look at it in hindsight. What happened? Guess what happened. Is anybody shocked that the opposition members went ballistic and shut down the committee? It all but forced the minister to come in. She didn't give us the answers we were looking for. Before we had a chance to decide how we were going to deal with that, we had a new minister. So we tried again. We hauled her in. We got a little further. It would seem that the government got the message.

The change in ministers wasn't just because it was her turn. There was a real reason why there was a shift there. That file was going in the ditch. The new minister came in and, as I've said before, didn't do everything I thought she should have in terms of apologizing to this committee and assuring us it wouldn't happen again. Now I can see why she couldn't give us the assurance that sort of thing wouldn't happen again, because lo and behold within a few weeks it was about to happen again.

Then last week when we're not even here, we get the discussion paper and according to the math by my friend, Mr. Reid, sometime less than two hours later, Mr. Simms managed to read through it at lightening speed, consult with his colleagues, turn it into a motion, get it translated in both languages, and have it out to us within a couple of hours. Boy, that's pretty impressive, I tell you.

• (1935)

**Mr. Scott Simms:** Thank you.

**Mr. David Christopherson:** It would be even more so if that's the way it really happened, because nobody believes it. It didn't happen that way. It didn't happen that way at all. My sense is, and I can't give you the particulars, but I think we all know that the PMO's fingerprints are all over this thing. There is no way after what we went through with Bill C-33 that any of the government members would be bringing in a notice of motion as draconian as this one without the absolute 100% okay from the Prime Minister, the House leader, and the whip. The first time, it could be a mistake. You know, first time, shame on you, and that kind of thing. But here we are again a few weeks later and it's the same darn thing.

The last government didn't want to appear reasonable. They wanted to appear to be strong and winners. It was a whole different approach, so in a lot of the things they did, they were at least on brand. I'll give them that. They were very disciplined.

I don't understand the government: sunny ways but shutting things down, transparency and ramming through changes with only one... even Harper didn't try to do that. That's how bad this is. He didn't even try to do that. So here we be. The government has identified the areas in which they want change. We know what those motions are. Some of them they tried out in previous vehicles. Motion six, remember that debacle? It was the same kind of thing. Every time you guys try to play Mad Max, it doesn't work for you. It's the same damn thing then.

We find ourselves now with no alternative except to do exactly what we're doing, which is to fight to defend what is arguably the last real tool that an opposition member has in their tool box, which can at least slow down the government. We can't stop it. It has a majority. It's going to get its way at the end of the day and it's going to win votes 10 times out of 10. I used to be part of a majority government provincially, not as massive as the one we have here, but a comfortable enough one that every time I walked in the House, I had that feeling that we were the government and we were going to win this vote. I haven't felt that since.

A couple times they were in minority, which is a whole different other story that we may need to get to later to fill time as we go through this, but not for tonight.

What the government has done is to identify the things it wants, including taking away our right. Here's the thing about it, Chair. Filibusters are a lot like strikes. You will know, Chair, from our time together, that originally I'm a product of the Hamilton labour movement. That's where I came from. That's how I got into politics, and I still self-identify as someone from the labour movement. That never leaves you. I look at these things and I want to find a way to get through them. I want to find a way that we can come to grips.

But for the government to then go through these things and cherry-pick the things it wants.... There was no consultation ahead of time, no discussion of any give or take, no saying it was looking at certain things. If you're serious about co-operation, there are ways for those kinds of discussions to happen, but it's clear that this government had no intention and has no intention. I don't know why, but the knee-jerk reaction seems to be to go from trying to be the nicest people in public life in the world to suddenly being the most vicious. It's happened two or three times. I don't get it. I don't at all get it.

I understand that the calculation here is probably one of a long game. It's taken a look—because that's what you do when you're in government—and it's said, “Okay. Let's go to when the next election is and work backwards and identify the things”—we used to call them our signature pieces—“our keystone pieces and make sure that they are brought in in a timely way and they're implemented and we're watching those”. I think they have deliverology, which is the same sort of thing. You're usually working backwards from a date to identify things you'd need to do at a certain point.

● (1940)

I'm assuming that the calculation is that there are things the government wants through the House by the time of the next election, and that the ability to all but guarantee that they can get them, on any time frame of their little heart's desire, is worth the pain

and the price that we opposition members are trying to make them pay.

I assume that this is the calculation. The budget's tomorrow. The fact that this happened today is not a coincidence. We know that. Obviously, the government's hope is that we'll blink.

The government needs to understand that there is nothing more important in front of the opposition right now than defending our rights. Again, we do this a lot, but there are members of the government benches who've been in opposition and who know that someday they're going to be back.

Trust me, if you ever achieve this, there will come a day, especially for the younger ones, when you'll be in a situation sitting where I am, let's say, or on this side, and the government's over there. You'll be reaching for every tool because of some outrageous thing that is really wrong. You'll reach into your quiver for that arrow, and it ain't going to be there. Then you'll say to yourself, “Hmm, it seemed like a really good idea at the time.” The people on the government side will say, “You know, at the time I thought it was a bad idea, but right about now I think you guys were probably right. It was a good rule change. Well done. Thank you. We appreciate that.”

What could an alternative have been? Just about anything would be better than this. I mean, for anybody who's watching....

The other thing to say to the government is that there probably aren't many people paying much attention right now, but that number will grow. There are a lot of people, especially people who used to vote for us, for the NDP, who went with the Liberals. It was for a bunch of reasons, but for many of them the signature piece was electoral reform, specifically proportional representation. They've paid a real price for backing off this. Those people are very upset, really upset. This will affect those very same people.

Why you want to do that to your brand is beyond me. That's what I'm not getting. Brand is everything. A new government spends most of the first four years building that brand, the brand of their choice. From what I can see, this is not it. Undemocratic, ramming things through, taking away rights from the opposition, forcing committees to go around the clock and filibuster to defend the right to have a filibuster—that's your brand? Really?

Is it the “Liberal Conservatives”, or “Conservative Liberals”...? The Conservatives over here would probably tell you that they wouldn't stoop this low, and not to attach their name to this idea. You have to give them their due, because they didn't do that. They did some horrible things—I was there—but they didn't do this. It was this government—I'm going to keep coming back to this, because this is the most annoying thing—that promised to be different. They were going to be respectful of committees. Where's the respect?

Bill C-33, I was willing to forgive you that one. I mean, the government was in a tough spot. I understand the politics of it. I get it. They were in a tough spot. They were taking a lot of heat. They were getting negative reports on electoral reform. They wanted to get something positive out there to provide a bit of a counter to it. I get that, but that doesn't in any way justify the ham-fisted way it was done.

The minister—the second minister, not the first one—all but said that. She came a little shy of that. Okay, I can understand what the advice was from her ministerial staff, but she came a very long way towards saying, “You know, we screwed up, and we didn't show this committee respect.”

Although I didn't get an absolute promise that it wouldn't happen again—I can see why, given what's happening today—at least what was said gave us enough, because we had the desire to get back to working positively. It gave us enough to take what was said and use that to say, “Okay, it's a pass. It's a C. It'll get us there. Let's get back to the electoral reform report. That's the primary focus. That's what's really important here.”

● (1945)

I wouldn't normally talk about these things, but in this context, because the government has to vilify us for what we're doing—I know it's coming—I need to publicly remind my colleagues that certainly I, as one member of this committee, did everything I could, and successfully, with others, to get us back on track. Up until even yesterday at the beginning of the meeting we were fine.

By the way, that's another thing, too. We haven't talked about all the money that was wasted today by the way the government's doing it, not just on this but all the time that the staff took, the very professional staff who came here from the Office of the Chief Electoral Officer. They did their homework. They prepped. They were all ready to go. We were all ready to go. All of a sudden, out of nowhere, I guess I can't go too far on what was said in camera, but suffice it to say, in a blink, we were public and this thing was being jammed down our throats. That's how quickly it changed.

On the motion in front of us, the amendment, again this is the kind of area where with no discussion and the government refusing to go here or to offer an alternative or to try to find a compromise, they're leaving it clear to all of us that they are prepared to use their majority to ram through changes to our House of Commons. Their majority, their ramming...our House, our Parliament. That doesn't sound like the campaign trail. It was so different on the campaign trail.

I had suggested a compromise that worked before. I suggested earlier today, Chair, that perhaps we could look at the Cullen model that was used for the special committee that reviewed democratic reform. That got us off the dime and got us into a positive venue. Now I must say for the record, too, that it was young Daniel Blaikie who actually conceived of the idea, but it was Nathan who said, “That is a good idea.” He took it, ran with it, polished it, and changed it around. I want to give Dan his due for the initial concept, but Nathan's the one who gave it life and Nathan did an excellent job on that.

Maybe that's something we could still do to get off this dime. Is the Cullen model something that would help us get through this

impasse? The government says that it's sincere about wanting to have give and take, and consult. All the usual words that you use when you do mean it, they're using now. Maybe that's the mechanism that lets us get going.

But that's only if the government actually did want to have consultation, discussion, openness, transparency, and all that other stuff they talked about in the election that they don't seem to want to live up to anymore. Again, if those things had been suggested either at a House leaders' meeting or at a steering committee here, anywhere, at any venue, any opportunity, other than “our way or the highway”.... That's the way the last guy did it. This government was going to be different. They're different when it suits them, but they're not different consistently.

They're not really different. It amounts to another broken promise. We're getting quite a collection of them—biggies.

The Cullen model would also allow something that I don't think has been raised yet, but I did slip out of the room a couple of times. It may have been mentioned, but not a lot, and that is, what about the rights of members of the House who don't belong to recognized parties? We went out of our way in the Cullen model to ensure that they got a say in the election rules that were being reviewed. It's their election, too. Where are their rights in all this? Where is their opportunity to have input and consultation? The government doesn't seem to have even thought about it.

● (1950)

Again, you know, it's talk one game, act another game. The Cullen model would provide us with an opportunity to have a fair discussion where everybody gets their say. The structure enhances or pressures the members to find compromise, and there was a mechanism whereby less than everyone could conclude a decision and have it carried on. You had the ability to work your way through things in a way where everybody was agreed at the beginning what the rules—that new structure—would be. None of that discussion....

What we have in front of us right now.... It will be interesting to see how many amendments we end up with from the two opposition parties by the time this whole process is done. We might be setting a new land speed record with that one. For now, we have a motion that calls for a requirement that there be all-party agreement. The government doesn't agree with that. They don't agree with that. They don't agree with a compromise. They don't agree with.... The only thing they seem to agree with is that whatever they want to do, they can do it. That, they agree with.

It was also interesting, even today, to watch...and this was in public, not in camera, so I can talk about it. Mr. Chan, a government member, raised this right here just a few hours ago. He raised the idea of perhaps.... You recall, Chair, that I tried to get this committee to adjourn the debate on something that we hadn't caucused yet. That would have allowed us a chance to take it to our caucus tomorrow to get a mandate, so that when we spoke at committee, we had the support of our caucus. We would know what their thinking was and that we were speaking on behalf of our caucuses. The government said no to that.

I mean, how unreasonable. We are debating right now a motion and a policy change that affects everything we do in the House, and the government thinks it's okay that we don't get a chance to take it to caucus first. Come along. No one out there—no matter how much you decidedly look at your Blackberrys and iPads, no matter how much you try to glance away from the wreckage of this—the people out there aren't buying it. You can't defend it. How can you defend forcing members to debate one of the most important policies we could possibly debate—the rules of the House—without even having an opportunity to take the discussion paper and the motion to our caucus?

You did call it a discussion paper, didn't you? Except you denied us the chance to discuss it. How is that fair? How do you defend that one? Yet every one of the government members lined up to say, “No, you debate now. We say now”. We had people from the Chief Electoral Officer here, we were all ready to do it. We had our papers all over, ready to go, and the government suddenly said, “No, we're going to deal with this motion right away.” I asked for at least a two-day deferral and it was refined by my friend, Mr. Reid, who had the better idea to adjourn just the debate—rather than the whole meeting—and allow us to get back to do a day's work on the Chief Electoral Officer's report. That was a great idea. I accepted that as sort of a friendly amendment. It was a good improvement on what I was trying to do. What did the government say? No. The government said no.

That was early on. As question period was approaching, Mr. Chan—he's a very reasonable man and I enjoy working with him—suggested, reasonably, I guess actually forgetting that the Liberals aren't in reasonable mode right now.... I'm sorry, Mr. Schmale mentioned it and then you responded. I don't want to get it wrong. I certainly don't want to wrong you on this. I'm going to wrong you, but decidedly where you deserve it, not on something you don't. If it came from Mr. Schmale, that's fine.

But it's fair to say that Mr. Chan did respond positively and say, “Fair enough, maybe we could suspend for question period and then come back”. When we asked what time we should come back, that's when the senior staffer came over, had a huddle on the side, and had a couple of words. The next thing Mr. Chan said was “No, we're going to keep talking through”.

● (1955)

I have had members of the Liberal Party brag to me about how that didn't happen and was never going to happen. They said, “Remember, Dave? Under Harper, the staff was always there telling them what to do, just like a bunch of puppets and seals. We're never going to do that. We're here as independent members. We're going to

think for ourselves. You can count on that, Dave; don't worry. We're far away from that nonsense.”

Not so much, because that's exactly what happened.

Mr. Chan reasonably responded, because in my opinion he's a reasonable man, and said that, yes, it made sense that way, because we were going to do this for days or weeks. For him to say, “Yes, we'll take a few minutes to go and let everyone exercise their right to be part of question period” and have it countermanded by the staff, vetoed by the staff, well, why don't the staff just sit there instead so we can get some work done directly and get rid of the middle people?

Folks, particularly the new members here, this is the kind of stuff we used to hit the government backbenchers in the Harper government with all the time, and they deserved it. Now you're letting it be done to you. It's not me. I'm the one who's doing the words, but none of this would be happening if it wasn't for your actions. You're bringing this all upon yourselves. Not all yet, but slowly and surely you're working your way through all the areas that you said you would do differently. Guess what. Watching a senior staff person come over and dictate to the MP sitting there what the decision is going to be, especially when it reverses the decision of the sitting MP, is about as far away from respecting committees and accepting that they are masters of their own destiny as you can possibly get.

Why? I don't know. All I see is a failed political calculation. Does the government have any idea how resolute we are on this side of the House? This is the closest the Conservatives and the NDP have worked for, well, as long as I can remember. I was starting to think and going further, but this is the closest for a long time. It's not because suddenly we agree on everything, but one thing we do agree on is that this is wrong and doing it this way is wrong. If you're going to try to take away one of the few tools that we have left to be effective opposition members and you think we're going to blink for any reason, the government is misreading this.

I can tell you that it goes all the way to the top in terms of the resoluteness of the two opposition parties. I know that Madam May feels the same way—she has been here once—and I have a sneaking suspicion that the rest of the independents are going to feel pretty similar, especially since they don't even get a say. They don't even get a say, and the government didn't give any thought at all about the opposition members. Who are they? Who cares? We're the majority and what we want is what matters. We have to deal with those official parties, and we will. We'll fix them, don't worry. The other ones, well, they have no power and we'll just make sure they stay that way.

You were going to be different, though; that's the thing. It's not as though I have to hold up some high ideals and make it look like you backed them. The Liberals were the ones who were giving all these lofty speeches during that bloody 11-week campaign, so you had lots of opportunity to repeat to everybody how you were going to be different. Telling people one thing and doing something else is not doing things differently. Canadians have had their fill of that. The government said, “We'll be different; you can trust us, Canadians.” They did, and now, by this kind of nonsense, the government is insulting those very same Canadians who put their trust in them.

I don't know what's going to happen to the changes to the electoral act. When I turn my mind back to a few hours ago when we were actually doing productive things, I had some sense of maybe where we were going. I have no idea now. Let's just take a second to mosey on down that trail.

• (2000)

The new Minister of Democratic Institutions asked us to try to complete our study of the Chief Electoral Officer's report, which is pretty lengthy by the way, by May 19, and we really hadn't already gotten our heads around how we were going to do that except that we were prepared to try. Again, based on the idea that if it looks like timing is going to be a problem. If the government wants to give us some indication of areas that they prefer to move on earlier rather than later, then we can rejig our work so they can have the benefit of our....

That's all gone now, Mr. Chair. As long as we're tied up in this none of that's going to happen, so does that mean that the Conservatives.... I mean the Liberals. You start getting into this stuff and the old ways kick in.

Does that mean the Liberals have decided that their ability to have 100% control in the House and in every committee is more important than removing some of the Bill C-23 ugliness, the unfair elections act? Or does it mean that you're going back to not respecting the committee and their opinion like Bill C-33? Because you can't have both. You can't have us locked into this pitched battle for days and weeks on end and expect us to complete a report that we weren't even sure we could finish under the existing schedule if we're not even talking about it. So what does that mean? Does that mean the government's going to say something's got to give, and it would look like listening to the committee and respecting the committee and waiting for our report is what's going to give, which puts us right back where we were with Bill C-33. That's not that far away from the process that was followed with Bill C-23, the unfair elections act.

We already heard Mr. Reid admit that the opposition approach to Bill C-23 did damage. I didn't even have the Liberals with us fighting Bill C-23 as strongly. They did fight it but not as strongly as the official opposition is now linked with the third party to make sure this doesn't happen. There are two injustices: ram through the changes that you want, opposition be damned, and then put in whatever electoral changes you want, committee consideration be damned. Is that where we are? Is that what this committee is now reduced to? It looks like it.

We've been struggling with our work plan to try to fit everything in. I just mentioned the most acute one. We have a lot of important work and anyone who's been on this committee for any length of time knows that we don't go too long before somebody from somewhere sends us work that we have to deal with. The Speaker refers things to us. The House refers things to us. Bills come in here. Even though we've set our work plan it's always a struggle to stay, and that's when we're all co-operating, respecting one another, and fighting in common cause to get through an agenda because we believe it's in the interest of the people we represent to do so. Where's that? I'd love to hear somebody from the government tell me.

What are you going to say? Is it we're going to start meeting six days a week? Is that the solution because that only works so far? We could do something like that maybe if we were going to the Cullen model where we're, again, working together and we set out how we can do this. It may be possible, but the government doesn't want to talk about that. They have no interest. The ones I feel sorry for are the backbenchers who are sleepwalking through this.

I know some of them get it and they know how dangerous this is to their brand in their own ridings. I know some of them get it. The ones I feel sorry for really are the ones who don't get it and they're just going along and doing what the government told them. They say, "Yeah, okay, I'll support that. Sure, yeah, okay," and they go back to their ridings and it's like whoa what happened? We all know.... I don't want go too far into this. I wouldn't raise it if it wasn't in the media but there it is, low-lying fruit. There's already a little bit of that tension that we all know exists between cabinet and backbenchers, and I've been both.

• (2005)

I've been the backbencher who felt frustrated, and I've been the cabinet minister who is carrying the responsibility. I get it. You have a couple of days coming up when you're going to be struggling with these things. The fact that you don't think there's maybe enough consultation with the cabinet and with the caucus before things are done is not new—trust me—and anybody who is in your caucus who has been in government before will tell you we've been here before.

Things like ministers coming into ridings and you don't know about it, and you get all ticked off because the minister is coming in and you didn't know, are not new. This is not new. You're having these kinds of stresses. I suspect that, especially among the ones who really get politics on the ground and have a good political gut, they're going to go into that caucus meeting tomorrow morning or the quasi-retreat on the weekend and there's going to be a lot of expression of serious concern about what's going on, because this stuff is hard to defend, not because it's complicated but because it's so wrong.

**Mr. Blake Richards:** I have a point of order, Mr. Chair.

**The Chair:** Go ahead, Mr. Richards.

**Mr. Blake Richards:** Mr. Christopherson has been speaking for a little while now and he has raised the point a couple of times, certainly in a very different kind of way so that he's not being repetitive and, therefore, keeping relevant, but he has raised the point that we have government members here who may be feeling a little uncomfortable with the situation, the direction they've received from the PMO and having to go back to their riding and defend this.

He has offered an olive branch, which I think is very kind of him, and I think it would be helpful if someone were to take that olive branch that was extended.

I'm kind of curious, I guess, Mr. Chair, whether any members of the government have in fact been listening to this and starting to think, "Gee, you know, this really is kind of weighing on me and I don't feel right about this situation", and may be sort of prepared to step forward and unshackle themselves from the direction they've been given by the PMO, or wherever it has come from, and say, "Hey, let's try to solve this. Let's try to see if we can find a way to make this work", so that we can look at the Standing Orders but not do so in a way that's really looking to just try to remove any accountability the government would have to Canadians, not do so in any way that would remove all tools the opposition would have to try to hold the government to account, and to try to find a reasonable way to move forward.

I'm curious as to whether that's something that anyone on the government would care to comment on. Have they had any thoughts on maybe receiving that olive branch that's being extended to them?

**The Chair:** That's not really a point of order, but Mr. Christopherson can ask that.

You did bring up the point about repetition.

Mr. Christopherson, you have promised to be different about six times now, so try not to repeat, and bring new—

**Mr. Blake Richards:** May I respond on that, Mr. Chair?

**The Chair:** No, because that's part of debate.

**Mr. Blake Richards:** No, because you've mentioned it was part of the point of order. I have trouble with that.

**Mr. Scott Simms:** It's a point of order.

**Mr. Blake Richards:** I'm trying to respond to that, because I do think it's troublesome.

**Mr. Scott Simms:** That means you have to take the floor.

**Mr. Blake Richards:** Thanks. I have the floor here.

**Mr. Scott Simms:** No, you don't. He has.

**Mr. Blake Richards:** No, actually, the chair has given it to me to respond.

Thank you for trying to be helpful, but anyway I think what I would like to do is just to make the comment that I don't really believe that there has been repetition there. He has a theme that he keeps referring back to, but his points are always different but germane to that theme. I really think it's reasonable to allow him to refer back to the main point of his speech.

**The Chair:** Thank you.

I think he got my point.

Mr. Christopherson, carry on.

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

I wondered when the noose would start tightening, and there is the first step. We'll see where we are in a couple of days.

I want to thank my friend for shoring up the idea that this is not the opposition's wish. It's not the headline we're looking for. If at any point the government wants to get serious about getting off this dime and getting us back into some positive territory, they have willing partners.

I know Blake did this, but I would ask if there is anybody on the government side that at this point would like to put an end to all of this and suggest that we begin some kind of either offline or online discussions, anything at all, that would give us some hope that we don't stay here. I just looked at every member over there and not one of them looked back or nodded or anything, so I gather the answer is no.

Just remember that at some point all wars usually end with a deal. If we don't blink, the only way this stops is for the government to suddenly be willing to start being reasonable. You stay unreasonable, 100% guarantee, nothing but this happens at this committee. That's it. It's not a threat; it's a promise.

I thought it was interesting that at one point in the discussions, Mr. Simms said in reference to something—he made the comment and I wrote it down—in the "time" that we have available, which I thought was a riot because the time we have available is the time that he said we could have in his motion, not a minute longer. In the "time" that we have—as if all of a sudden from on high.... That's the way they see it. If it comes from the PMO, well, it's practically coming from heaven, so it needs to be accepted as being nothing less than that.

With the time we have.... He's been told the time that he's going to have, so it makes sense that it would be phrased that way.

Scotty, I really feel badly having to weave you through these things, but I'm afraid you were willing to stick your name on this thing.

Mr. Reid went through this once before, when he attached his name to a rather odious action at committee, and I never saw him do anything like that again because of the personal hit he took. I don't know this for sure, but I think it bothered him that much. Every one of us who spoke said, "I'm surprised it's you, because I have so much respect for you and you have so much credibility and you were willing to attach your name to this." I feel somewhat the same.

Scott, I know you care about a lot of these issues, and I respect the fact that you're a democratic reform critic. It may have been that you and I were overlapping even at one time, because I was a democratic reform critic during some of our time here together.

I do personally feel badly that I have to do some of these things, especially with what I'm about to do now, which is to remind you of some of your previous motions. Again, I will not make it personal, and if in any way I am, please, I'll be looking over, because I don't want to do that. But, hey man, you attached yourself to this thing. If you jump on that bronco, you're going to ride it, and ride it you are going to.

•(2010)

**Mr. Scott Simms:** I think it's cool to get on the bronco, but it's all right.

**Mr. David Christopherson:** The reason I mentioned "time" was that it also gave me a nice segue to do part of what Mr. Reid did, which was to take us back to how this was done in the past.

This is not an exhaustive list, but these are some of the examples of committees and the time they took to do exactly what the government is proposing—namely, review our rules.



The first example is the Special Committee on Procedure. It was established on September 24, 1968. It's in the formal *Journals* on pages 67 and 68. The fourth and fifth reports were concurred in on December 20, 1968. The *Journals* pages are 574 to 579. They took four months.

There was a Special Committee on the Reform of the House of Commons, and that was the McGrath report that Mr. Simms likes to refer to a lot. I have at least a few hours' worth of comment on that report, and I will continue to go through it with a fine-tooth comb to make sure I can find every bit of relevancy between that report and what's going on here. But that's maybe a couple of weeks down the road, as we settle into this.

With regard to the McGrath report, the committee was established on December 5, 1984. By the by, 1984 was the first year I ran publicly. Sheila Coppins beat me. I just thought I'd throw that out there.

That was also in *Journals*, pages 153 and 154. Amendments to the Standing Orders were adopted on June 27, 1985. That's in *Journals* on page 903 and then pages 910 to 919.

Mr. Simms likes to point to the McGrath report. He's referred to it a number of times, probably not in a repetitive way or the chair would have caught him. I'm sure it was just echoing. That report, which the government and Mr. Simms specifically are so proud of and point to in terms of the wonderful work they did, took seven months. Again, the report that the government is so proud of, the McGrath report...or "McGraw", sorry.

• (2015)

**Mr. Scott Simms:** It's actually McGrath.

**Mr. David Christopherson:** It is McGrath, so it's wrong here.

**Mr. David de Burgh Graham:** It's spelled "McGrath" and it's pronounced "McGraw".

**Mr. David Christopherson:** All right. We could have a discussion on that, except the chair wouldn't let me get away with it, I'm sure.

**Mr. David de Burgh Graham:** Just don't say it too often.

**Mr. David Christopherson:** I already do that with a whole lot of words I can't pronounce.

That committee was established on December 5, 1984, and as I said, they went seven months. The earlier reference I showed was four months.

Then there was the Special Committee on the Modernization and Improvement of the Procedures of the House of Commons. That committee was established on March 21, 2001. You'll find it in *Journals* on pages 208 to 209. The latter committee's first report was concurred in, with certain amendments, on October 4, 2001. In *Journals* it's pages 691 to 693. That took eight months.

The three examples that I've brought up so far are four months, seven months for the report that the government has held up as a shining-light example of what we should be doing, and eight months.

But there's another one. Further proposals were suggested by the Special Committee on the Modernization and Improvement of the

Procedures of the House of Commons, and were debated in the following sessions: November 20, 2002, in *Journals* on page 210; November 21, 2002, page 215; and November 22, 2002, page 217. The total amount of time they took to do that report was 11 months.

By the way, I did want to mention on the McGrath report that I believe they did three—at least two, maybe three—international trips, as well as taking....

I had it jotted down. I will find it. Fifty-seven strikes me as the number, but let me see if I can find it.

**Mr. Scott Simms:** I have a point of order, Mr. Chair.

**Mr. David Christopherson:** Here we are. I have it.

**The Chair:** I believe there's a point of order.

**Mr. Scott Simms:** On a point of order, I'd like to request a 20-minute suspension so I can have a chat.

**Mr. David Christopherson:** I agree.

**Mr. Scott Simms:** Is there someone from...?

**The Chair:** We'll suspend for 20 minutes.

• (2015) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (2130)

**The Chair:** We are no longer suspended. Maybe someone could tell me what transpired during the break, or was it just a break?

Mr. Christopherson, you have the floor.

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

It would seem that's exactly where we are. I appreciate some efforts, but since I have the floor I'll formally report back that we were not able to get ourselves any further than we are right now, unfortunately. As painful as it is for all of us we're going to have to continue in the same vein and down the same road we just left.

I suspect what that means is that it was good news that we tried. The fact that we failed is probably really bad news, meaning that we're likely going to be continuing to lock horns for the foreseeable future, and that is unfortunate.

I do want to thank Mr. Simms personally though. As a fellow parliamentarian I do believe that his attempt was well intentioned and positive and the three of us did the best we could, but we are just too far apart to find common ground at this time, Chair. Perhaps a little more time going by will motivate us to come together a little more easily, but for now we remain quite a bit apart so unfortunately, Chair, it's necessary for us to continue where we were.

That's just a nice way of saying you're going to have to listen to me for a little longer, I'm afraid.

**Mr. John Brassard:** I enjoy listening to you.

**Mr. David Christopherson:** Don't encourage me.

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

**Mr. David Christopherson:** You'll live to regret it.

I am cognizant that we're still on the same motion—

**The Chair:** And amendment....

**Mr. David Christopherson:** That's what I meant, the amendment motion.

I just want to indicate to you that I am cognizant of your cautionary note about repeating myself, so I will continue to persevere into new territory, which is not difficult given that the argument I have to make is that the government is being unfair, undemocratic, insincere, and breaking their promises. That comes pretty easily to me, Chair, so it should just roll off as it needs to.

**An hon. member:** There goes an hour.

**Mr. David Christopherson:** Let me just pick it up, if I can, Chair. One of the nice things about this amendment is that it speaks to how we're making the decision, and therefore, it pretty much opens us up to talk about any aspect of what's in front of us, as we can read into the chair's latitude.

I would just like to take a second, perhaps, to pick one of the issues that the government has placed in their discussion paper as it relates to the amendment, because the amendment would be the deciding formula as to how we make our decisions. Therefore, it's applicable to all aspects of the report. In my humble submission, that would make it germane to the point, and, I hope, keep me in order.

What I would like to do is just to spend a little bit of time talking about prorogation. The government has suggested that they want to do something there. This is another example, Chair, in which there were all kinds of opportunities for the government to find common cause around prorogation had they tried.

The first place to begin on that...and I'm trying to remember if Mr. Reid was there. I'm not sure if anybody else on this committee currently was there, but in one of those Parliaments, in one of those minorities—because they kind of came quickly and were a bit blurry—this committee was seized of the issue of prorogation, the same way that we're seized of the issue of the Chief Electoral Officer's report.

We brought in experts from across the country, constitutional experts. Actually, it was a motion that Jack Layton got the House to approve that sent the mandate here to PROC, and we spent—now, it's been a few years so my memory is a little fuzzy—at least four or five months on it. There were a lot of meetings and we generated a lot of information. There was not just expert testimony, but there were submissions that were made.

It was very complex, as you can appreciate, Chair, because once you start talking about prorogation, you're talking about the suspension of Parliament. There are a lot of rules around it. A lot of it is tradition. We were taking a look at what had been the tradition, what the rules were, and what was done in other jurisdictions. It was the kind of wide, expansive review you would expect.

I raise that because it occurs to me that if the government had indicated that this work had been done and that there was a wealth of information we could all use, again, that would have provided groundwork for discussions ahead of time. Maybe it would have meant a separate process around this, and maybe we would have linked it with other.... There are so many "maybes" about what we could have done.

We probably would have done that at the steering committee, and as you know, we do that in camera. We try not to be partisan. There's no BS. It's just us. There are only a handful of us. Basically, what we're trying to do is work our way through the various pieces that are in front of us to provide some cohesiveness to them, and then, ideally.... You know how a steering committee works. It cannot make decisions. All it can do is make a recommendation to the full committee. If you don't have unanimity, then the recommendation doesn't go to the committee. It just goes to the committee as a cold item with no recommendation.

It's a really good work environment, and whenever we used it in this Parliament and in the previous Parliament, the steering committee did exactly what we hoped it would do, and that was to sort through everything and take the time to get into the weeds, get into the minutiae, try out different ideas, and take into account all of the concerns, all that was there. A wealth of work was done.

I don't know whether the government intends for us to revisit that. Are they going to want to reinvent the wheel and do it all again? Are they planning to ignore all that?

Their opposition to this motion leaves the Conservatives and the NDP to conclude that it's the government's intention, as soon as they get the opportunity and once this filibuster is over, to use their majority to ram through changes to our Parliament.

● (2135)

I use the prorogation because I was there for all those meetings. I know the amount of work that was done, and it seems to me we could have been halfway there by just saying we'll take a look at that as a side piece, see where it gets us, and then how it fits into the overall.... That's the kind of thing you do when it's give and take, when you're all trying to work to a common cause. In this case, it's our understanding that the deadline of June 2 is very important to the government. It doesn't really matter why. I don't know why, but that's the deadline they are married to. Again, if we had enough goodwill, then we could have attempted to work toward a process that would accommodate that. It's only the government moves that have caused all this ill will. We didn't have this before.

To be fair, we hadn't yet got to some of the heavy lifting on the Chief Electoral Officer's report. Every time somebody said they were going to have a problem with that, we would say we'd set that aside, move on to the next low-lying fruit, and find the ones we can agree on. Some of those tough things were still to happen, but I think what's important is that we were working as a team. When we raised concerns, it was often as much personal, our own experience of what we knew from elections, as it was partisan. Besides, what is partisan about deciding where you can put signs? It's hard to make that partisan.

Prorogation is much the same thing. It's really not so much partisan as it's government opposition. You know why. This all came from the great prorogation where all of Canada watched a doorway for hours and hours. That's when Jack Layton said, "This is not right. The government shouldn't be allowed to run and hide from a confidence vote", and so those kinds of practicalities were taken into account.

As I said, what we ran into, of course, was the complex rules, but a lot of it is by tradition, so you need people who understand that history and can explain it to you. We did all that, but the way the government's presented this now and said June 2, at the same time as they just rolled in and said Bill C-33 on May 19, the next thing you know they are going to want to know where the strawberries are, because this is starting to get a little bit strange.

**An hon. member:** Oh, oh!

**Mr. David Christopherson:** Thanks, Scotty. I know you knew the reference because we could get a couple of bearings...where are my strawberries?

But listen, it's almost that bizarre.

• (2140)

**Mr. Garnett Genuis:** I have a point of order.

I wonder if the member could explain the reference for the benefit of the rest of the members.

**Mr. Scott Simms:** Oh, no.

**Mr. David Christopherson:** The movie opens with.... Oh, you want the book version. We could do the book. The preface starts.... Let me see if I can remember. That's Queeg, and that was *The Caine Mutiny*. According to the movie, anyway, the captain went a bit crazy.

You're serious; you wanted to know.

**Mr. Garnett Genuis:** Yes.

**Mr. David Christopherson:** I thought you were kidding.

In the movie, anyway, the breaking point, when they concluded that the captain was actually nuts, was when he went crazy about who ate all his strawberries. He was practically ready to hang the crew to find these damn strawberries, so it was just an indication of somebody who went off his nut. I thought that was somewhat apropos because I don't understand what the government's doing. It makes no damn sense.

Prorogation is another example of what they could have done if they had been sincere about trying to find a way. Let's remember this is not a promise. In fact, this is the opposite of the promise the government made. If this was a government promise, like legalizing marijuana and its coming to the committee, there's a different dynamic taking place there. The government ran on it. They can claim they have a legitimate public mandate to bring it in. It's government legislation and it follows the usual process. This is not that at all. This is about how our House runs. This is about how our committees run. Most importantly, this is about what tiny bit of real influence.... I won't even call it power, because it's not. It's influence, and they want to remove that.

Now, I had mentioned earlier about how filibusters were similar to strikes. I see them as very similar. I haven't yet heard the government argument, by the way. We haven't heard a single argument on what's in their discussion paper, but somehow they think that filibusters are happening all the time and it's wrecking the ability and it's obstructionist. I'm assuming that's what they're going to say, yet the reality is that much like strikes, while they get a lot of attention when they happen, they're actually few and far between. Why? And

I've been there; I know. The threat of a strike provides motivation for both sides to find a compromise. In a strike no one wins. As soon as you strike, you lose. You may win your objective, but make no mistake, the company is losing production and workers are not getting paid. How can that be a win for anybody? Yet sometimes it's necessary.

I forget the numbers. If somebody has them, they can help me. It's provincial mostly, because most of our agreements are provincial. But I think the rate of collective bargaining resulting in an agreement with no strike—and I stand to be corrected—is 92% or 93%, maybe even higher. There's no lost time, sometimes not even a lot of ill will. If you remove the right to strike, you're not going to get those same kinds of agreements. You would end up reducing the union to having to find other means to put pressure on the government. That's opening up a whole lot of other problems. That's not a good answer. But people who are desperate for fairness, and a lot of us came here speaking for those folks, are going to take desperate measures.

The ability to strike doesn't mean that everybody's going on strike every time you have negotiations, and it doesn't mean that every single set of negotiations is going to fail and lead to a strike, and the unions are going to be saying, "Oh, we got all this power and we're going to use it." That's not what happens. That's not the real world, and I would say the same thing about the filibuster. Yes, right how we're having to use it. Thank goodness we have it.

**An hon. member:** Hear, hear!

**Mr. David Christopherson:** If the government members were on this side, trust me, they'd be making the same argument.

• (2145)

We didn't pick this fight, which is part of what my main theme is. We didn't pick this fight; the government did. This is not about their right to do what they want because they have a mandate. They did not have a mandate to take away the rights of the minority. I didn't hear anybody make that speech in the last election. I didn't see it in their election material. They have no mandate to do this, yet they think they can roll in here and force us to accept it based on their vote alone, because that's the amendment in front of us. It's unreasonable. It's undemocratic. It's unfair. It's nuts.

It's nuts that the government thought that. I'm hearing that some of them on the other side were sort of surprised that we reacted the way we did. Really? You want to take away the only real effective means that we have to express displeasure with the government. At the risk, by the way, of being held to account for possibly being obstructionist, you want to take that away, provide no fair process, and expect that we're going to be happy, that somehow this wasn't going to happen.

Again, it perplexes me. I don't understand. I understand what they want, which is everything, all the power and control, total control. They want to neuter the opposition so that all they can do is squawk now and then and do a few quotes in the media, but nothing real that would get in the way of this divinely inspired government to do as it pleases. Somehow they thought that it wasn't going to be problematic. Who is making these decisions? It's nobody who has been around here for a while.

I won't name names. I don't know who made the decision, but I do know how silly it is. However, hope springs eternal. My mother taught me, hope springs eternal.

Mr. de Burgh Graham is going to speak after me, and maybe by the time he is done the light will go on and I'll think, oh, now I feel so bad having said those things. That could happen and I'll be spending the next four hours apologizing and going back over all the horrible things I said, because Mr. de Burgh Graham enlightened me as to why the government is doing this and why it's a good thing for me and a good thing for my constituents.

I await that spellbinding presentation. However, I know you're saying, no, we need more from you, David, much more. Those who have more must give more. You're the only one who has offered any real hope that there might be an answer as to why this is being done.

On prorogation and the filibuster, again, I will be very interested to hear the government, once they get going, on how this is a good thing. In terms of the only way that taking away filibuster can be good, given the fact that the government cannot, in my opinion, statistically prove that filibusters are abused to the point where they are becoming a regularized, obstructionist measure on the part of the opposition. Good luck with that. I was a part of a good number of the filibusters in the last few years and there aren't that many. Maybe that's why. Maybe I'm the best insurance for fewer filibusters because nobody wants to hear from me. That's fine. The goal is not to have filibusters.

Filibusters are only used when you feel that you have no other choice but to just go on and on, as I'm doing now, and hopefully get enough attention from the public and get the public on side such that the government feels the pressure, comes to their senses, backs down from this, and gives us the opportunity, if they really want to make these changes, to do it in a way that has some semblance of respect and how things have been done in the past.

I don't know, Blake, when you're getting ready. I'm going to go down another road now, but at whatever point you want to jump in, if it's five or 10 minutes from now, that will be good. However, I'll get a start down here.

What I want to do is again point out that the government is the one that....

David, I do have to take a moment to get this right. Does it say "McGrath", but everybody says "McGraw"? Help me.

• (2150)

**Mr. David de Burgh Graham:** I had a friend in school who was named McGrath. I thought it was pronounced "McGrath". I called him "McGrath" for years and he told me it was "McGraw".

**Mr. David Christopherson:** So it's written correctly but needs to be pronounced "McGraw".

**Mr. David de Burgh Graham:** I don't know why.

**Mr. David Christopherson:** So that's correct. I don't need you to know why. I just need to know it's correct.

**Mr. David de Burgh Graham:** It's like everything else in English. The pronunciation matches the letters exactly.

**Mr. David Christopherson:** Why can't I get a straight answer from you. You're not even a minister yet and you're not answering a straight question.

He's practising. He's getting good at it.

**Mr. David de Burgh Graham:** I'm sticking in his McGraw.

**Mr. David Christopherson:** Something's sticking in your McGrath.

The government loves this report, and that's good, because we're going to make a lot of reference to it. You know the one I'm referring to. It's the report of the Special Committee on Reform of the House of Commons, tabled June 1985, and the chair was James A. McGrath, member of the Privy Council and member of Parliament.

What I'm doing, Chair, is finding elements that are relevant, of course, to our study now. I know if I fail to do that, you'll be all over me, so I'll do my best to make sure that the relevance is clear. I will just read a couple of short paragraphs and then make reference to what we're doing here.

By the way, I wanted to just highlight something, which I did find earlier, when my friend jumped in to save me and then I managed to set it aside again. It was three international trips that they did. They went to three places. I believe it was London, Paris, and one more that they went to. I can't think of what it was. Anyway, it will come to me later. They had something like 57 meetings. Again, I stand to be corrected. I'll check my notes. That's why we have staff. It's in the second sentence of the preface:

Since its creation on December 5, 1984 the Special Committee on the Reform of the House of Commons has held 57 meetings and presented reports to the House on December 20, 1984 and March 26, 1985.

Between December 1984 and June 1985 we heard 50 witnesses and, in reply to a call for submissions published in newspapers....

That was really the only way then. If we were going to do that now, it would be a little more comprehensive.

• (2155)

**The Chair:** David, I just have to interrupt for a second, so the pizza doesn't get cold. The members, if they want some, should probably get some before everyone else in the room eats it all.

**Mr. David Christopherson:** Really, Chair, we've reduced you to that? Did we do that to you?

**The Chair:** Yes. That's my role.

Do you want to suspend for five?

**Mr. David Christopherson:** Can we get a bite now?

**The Chair:** We will suspend for five minutes.

• (2155) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (2205)

**The Chair:** After the pizza suspension, we're back to Mr. Christopherson, who is speaking on Mr. Reid's amendment.

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

I'll pick up where I think I left off.

I think I was just starting to read the beginning of the second paragraph, which says:

Between December 1984 and June 1985 we heard 50 witnesses and, in reply to a call for submissions published in newspapers, received 185 briefs or letters. It has not been possible to address all the suggestions and proposals made by the various submissions. However, these documents are on file in the Committees Branch and constitute a valuable resource for future committees or individuals interested in parliamentary reform.

What I find particularly interesting, Chair, is that the next paragraph says:

During visits to—

—wait for it—

—Washington (February 12-15), Bonn (May 13-15), Paris (May 16-17), and London (May 20-23), the committee had an opportunity to compare procedures through discussions with legislators and staff in these countries.

Wow.

**The Chair:** That was PROC?

**Mr. David Christopherson:** That was from the McGrath report.

Then what happens is that it flips back and forth in my head: which one am I trying to remember and which one am I trying to forget? We'll see.

My point, though, is that the timeline that we've been given by the generous Mr. Simms is, at two and a half months, really short. Had we started right away, it would be March 21 to June 2, two and a half months to do what the report that the member who is moving the original motion held out as an example of great work and wants us to match, I suspect, by raising it, and wants us to do it in two and a half months. Not only that, but they took it so seriously that they went to those major capitals so they could look for the best, to find out what procedures would work for everyone.

Where are we? We're filibustering to save filibustering, fighting to maintain the modest rights that, as the minority, we have.

One was a great lofty ideal of making our Parliament as uniquely Canadian and democratic as possible, and the other one is about how many of the minority members' rights we can take away with our massive majority.

Again, how does that hold up to sunny ways, and transparency, and accountability? How? It doesn't, and that's why I think the government, at the end of the day—and I'm going to be bold here and say that at the end of the day the government is going to blink on this, because it has to, because the only way we get to this the way the government wants to do it is if the opposition blinks, and let me tell you, we ain't blinking.

• (2210)

**Mr. Alistair MacGregor (Cowichan—Malahat—Langford, NDP):** And we ain't blinking.

**Some hon. members:** Hear, hear!

**Mr. David Christopherson:** I got an echo from my troops. So, there you go, and that's without even trying.

**Mr. Scott Simms:** You should take it back on the road.

**Mr. David Christopherson:** Well I may have to do that, too. You never know, Scotty.

**Mr. Blake Richards:** Bonn, Paris, and London.

**Mr. David Christopherson:** We laugh, and that's good. It's good that we can do that, because it replaces how they settled these things a few centuries ago, which would be blood on the floor. All we have is political blood, and it can be ugly, but it's not nearly as bad.

**Mr. Alistair MacGregor:** At two sword lengths.

**Mr. David Christopherson:** At two sword lengths, and keep the points away from everybody.

On the same page, let me jump.... I'm going to leave that. I have a little more stuff I wanted to do on that, but I'm anxious to get to my next point in this. It is this, Chair. This is in the beginning, the preface. The seventh paragraph and the eighth, which are the two concluding paragraphs of the preface, are the personal words of Mr. McGrath, the chair. He says:

I wish to thank my six colleagues on the committee for their patience and support.

Please pay particular attention to this. Continuing, he said:

That we were able to operate by consensus without once voting on an issue is a testament to their selfless dedication to reform.

Hear, hear!

It is to their credit, and it's a testament to their selfless dedication to reform.

Now, take that marker and look at the marker that we've got going on today, and ask yourself: is this an improvement? In the next paragraph, Chair, to conclude the preface by Mr. McGrath, he says the following:

Parliamentary reform is an ongoing process. Others in the future...

That would be us. This is the past talking to the future, and we are the recipients of that message. He continues:

Others in the future will continue and improve upon the work of this committee. From this evolutionary process, however, there is emerging a Parliament that is uniquely Canadian—attempting to meet the challenges and expectations of Canadians.

Now, consensus is a very Canadian kind of trait. It speaks to who we are and how we do things that they took the time to put this message.... That was when I first ran, so it's 32 or 33 years ago. They were looking to the future in the hope that we would build on the groundwork that they laid, and by that they don't mean how many rights can the majority government of the day take away from the minority. That's not what is meant by the future that this committee in the past looked to.

Ramming something through using power and force and majority is not the way Canadians do it. That's the way of a lot of other countries...and we can point around the world at those who have to live in that kind of circumstance. We don't. We are uniquely Canadian, obviously, but unique in how we approach these things that help us define what it is to be Canadian. This government, the one that wraps itself in the flag like no government since I've been here, has taken that whole thing and just thrown it overboard. None of that matters. The only thing that matters is that "we get what we want, because we're the majority and might makes right".

Yes, with the swagger like that too, Ruby, yes. You've got to throw that in. That's absolutely right. That's the way it feels. I bring this back so that it's not just my words in some flowery rhetorical speech. This is the past talking to us about what they hoped for the future.

Who would have thought that it would be this government, really, under this Prime Minister, that would attempt to be so undemocratic in how they approach this? Again, this is not repetition; it's the point.

• (2215)

We're not talking about any old government bill. These are the rules by which we live here, the rules by which we make laws, the rules by which we collectively come together as 338 Canadians to reach agreement on laws.

The past is telling us, "Hey, we're really proud of what we're doing here. We think what we're doing is so good and so Canadian that we're asking the future to follow in our footsteps. You pick up that mantle, and you do your part in your time, and build an even stronger Canada."

How sadly this government has let our predecessors down. That it has come to this, that a government is prepared to use its majority to ram through...I don't think has probably ever been done before. I do know there are individual motions and changes to Standing Orders that have been done with the support of only the government, but to the best of the research that I can come up with, they were one-offs. When they were looking at an overview of the rules that we have, nobody in the history of Canada took this kind of an approach.

Mr. McGrath was very proud of the fact that they were able to operate by consensus without once voting on an issue. Do you think they were any less divided than we are? Do you think their points of view were less disparate than ours, or somehow that the country wasn't as big and the differences weren't as vast?

They came up with a report that was so influential that 30 years later the government of the day is holding it up and saying that we need to do more things like this. We have to do some reform, except we're not going to include the best Canadian parts, like respecting each other and trying to work together. Again, is it so much to ask that there be some cooperation on our rules—not your rules? It's not your House and it's not your Parliament. You're the government and you're the executive, but we have rights too, just as every one of you do.

Mr. Simms, you're the only one right now who was in the last Parliament in opposition and you were just as valuable a parliamentarian as you are now, sitting at the head of your delegation here at PROC today.

However, we're not being treated with the same respect they showed their colleagues 30 years ago. Why? The vision of our predecessors was that the Canada they saw 30 years hence was stronger, better, more proud, than even they were. That's what they asked of us. It's hard to live up to. This government didn't even try. You're not even in the same ballpark as the McGrath work. You should almost be embarrassed to hold it up and say that somehow what you're doing holds any semblance to what they did.

I doubt we have the time, but I would be curious to know if anyone ever, during that review, even once contemplated the idea that you would remove the one, singular tool that opposition members have at committee to get the serious attention of government, the right to filibuster.

I've been here 13 years now come June.

Scotty, we've been here 13 years, is it?

• (2220)

**Mr. Scott Simms:** It's 14.

**Mr. David Christopherson:** It's 14 years—it's getting late, and math was never my best subject—and I like to talk, people know that, and I can talk. I can talk a lot, as everybody who knows me knows. I think I probably threatened filibusters—oh, I don't know—20 or 30 times. But the threat was enough that the government of the day gave a little, recognized that it really didn't want to get into that whole big deal: "Listen to him again? Good Lord, we've got to find some way to avoid that", and we did.

I stand to be corrected, but other than a couple of times...even all participation. I don't think there were more than four, or maybe two, that I played a significant role in, and a couple of others where I went to committee and helped out as a caucus member. That's it. Four times in 14 years, two that I was leading, and I like doing this stuff when I have to do it.

It's kind of hard to make the case that there's abuse, but I could make a great case that having the ability to say—and I have, and you've all been around, in private and in public—"Settle in, folks, because if you're not going to get reasonable we're going to be here a while". That's when it's like, "Oh no, we don't want to listen, no, especially not to him", and it worked. It's the same as a strike. You threaten that you're going to have a strike and you've got the attention of the employers, particularly if they've got five brand new contracts that they want to make sure they can fulfill. The idea that there could be a work stoppage is the worst thing, so that provides the motivation, and you get an agreement. Over 90% of the time, they get an agreement. I would say, what, 96% of the time, myself engaged, I found a way to agree, or at the very least I could live with the decision because I deemed the process to be at least as fair as it was going to get.

That's the other thing. It's not just that we expect to win and get what we want. Of course, we haven't put anything on the table yet, because it's all the government's doing so far. We haven't asked for anything, but it's coming. The price of poker keeps going up, the longer this goes on.

I can only hope that the government recognizes that all we want is fairness. If ever there were a word that Canadians were proud to use to identify us—and there are many—one of the things we pride ourselves on is that we're fair-minded people and reasonable. There is nothing reasonable about bringing this in here and denying us the chance to take it to our damn caucus tomorrow. Where's "reasonable" in that? It just piles up one after another after another on this alone. Think about it.

What time was it when we were doing that? I don't know, maybe it was around noon or one o'clock when we were suggesting that, hey, one way we could get past this is at the very least would be to get it to our caucus so we could get a mandate and talk intelligently and have the support of our caucus that what we say would be backed up by our caucus and by our leaders.

**Mr. Blake Richards:** It seems like an incredibly long time ago, David. In fact, I think the offer to try to allow that to be facilitated has been repeated numerous times, which seems like an entirely reasonable—

**Mr. David Christopherson:** Really, all we asked was this. You gave us a discussion paper from your House leader. Obviously, that's important. Your House leader is important. What the House leader does is important. When the House leader tables a document and says these are some of the things we're looking at doing, that's important. That's not white noise. That is about as real as it gets: the parliamentary leader of the government in the House tabling something. And then a member of this committee a couple of hours later tables a motion. Okay. Before I even get into the details, let's just say that it was not what it is here, but something else. It was a discussion paper followed by a notice of motion coming to the committee, which tells you that it means it's probably going to be debated fairly soon, otherwise why go to the trouble of doing a notice of motion now. Instead, you'd wait till it's closer to when you're going to do it. All we asked earlier today was could we please just not have this discussion until after we've had a chance to take it to our caucus? Could we do that? No, no, no was the response. I still haven't heard a good explanation why the government thinks it's okay to force members to take positions on motions and policy, and deny us the opportunity to consult with our own caucus first. You can't defend that. You can't defend that on any subject matter, let alone the rules of engagement.

So right from the get-go to the current moment, to the time we took about an hour or so ago, we keep trying to find some way to get some kind of fairness here. The only thing, Chair, that's giving us some hope that we're going to get our say is that we've got the right to filibuster when we have to. Does that mean that we can stop the government? No. At the end of the day, they're going to win. Every vote we have, they win, 10 times out of 10, so the most we can do is to delay things long enough to try to get the attention of the public and say, folks, notwithstanding the usual when we're raising flags you ought to pay attention to, this is really, really serious, and we're prepared to run the risk of being accused of being obstructionists to give you the opportunity to see what's going on. And then when you look at it, make your judgment. If they think we're being obstructionist, then I'm going to get the emails. I'm going to hear from them. I have a hunch that's not what's going to come in the next few days and weeks as this plays itself out. Why? Because the

unfairness is so blatant. The heavy-handedness is so blatant, the ham-fisted nature of it.

So here we are, it's close to 10:30 at night, and we have wasted I can't imagine how much money supporting this. It takes a lot of people and a lot of labour to keep a committee like this going, from our own staff, our personal staff, to the committee staff, to the support staff, to the technicians, to our interpreters, to our security people, to the buses that have to keep running. All these things are happening because the government has decided that the opposition has too much power around here, and that we're going to fix that. That's why we're here. I'm sitting here doing the best I can to represent my caucus without even being given and afforded the opportunity to talk to them, and it's tomorrow morning.

Believe me, anybody looking at this, a reasonable person looking at this, would say, at the very least, why couldn't they take it to their colleagues again and ask what they think about it? What was the reason for that again? And so far the only answer I've heard—and I invite the government to jump in if it has a really good answer, because I'd love to hear it—is that the government is wedded to June 2 as its deadline. Well, la-di-da, what the hell does that mean to us?

**Voices:** Oh, oh!

**Mr. David Christopherson:** You've had no discussion with us. We don't know what June 2 is. Is it somebody's birthday? Is there a special cake coming, a big money cake we're all going to share, whose candles we are going to blow out? I don't know.

● (2225)

What's so special about June 2?

**Mr. Blake Richards:** Is that your birthday, Mr. Chair?

It's in December. Okay. So it's not the chair's birthday.

**Mr. David Christopherson:** On June 3 does the House turn into a pumpkin? I don't know what happens after June 2, but it sounds like it's really bad, and it requires the opposition to be neutralized to avoid the catastrophic—

**Mr. Blake Richards:** Is it your birthday, Scott?

● (2230)

**Mr. David Christopherson:** —eventuality of June 3. Maybe there's something more fearsome in June 3, and I shouldn't look just at June 2. On June 3, is there a comet coming?

Are they moving us out of here before we're ready, and we have to be done, and we have to sit outside on the lawn in case West Block...? What is it about June 2 that is so sacred that it can't be violated as a deadline? I don't know. We don't know because nobody's telling us anything other than "get 'er done". Really. Just like that. Oh, and by the way, while you're meeting that deadline, make sure you leave some of your rights at the door.

I wonder how Mr. McGrath and his colleagues would feel about this process being used that way when his greatest pride was the work they did for Parliament, for Canadians, for democracy, and you insult that by having the audacity to hold it up and suggest that somehow that gives legitimacy to this bullshit.

This doesn't end well. It took less than 12 hours and I'm already swearing. I'm going to hear from my mom. She gives me heck every time I do that.

You also know, those who have been around for a while, we run a real risk staying in this mode for any length of time. We all run the risk that we're going to say something in the heat of the battle, cross a line, make a mistake, and then somebody says, wait a minute, that's personal. The next thing you know you have all these dynamics, and those start to pile up... Because remember, we're going to be here for days and days and weeks and, if necessary, months. That's how strongly we feel about this.

So far as long as we prevent you from getting your hooks into our rights, there's nothing you can do about it except get reasonable and get fair. Oh, and by the way, how about trying a little democracy? Because I don't see any of it here. All I see are Liberal shirts with Harper's mandate and approach.

I know some of my Conservatives wish I would stop doing that, and I understand that, but, nonetheless, for the rest of us, it does represent something, especially when this government was elected—as we were offering to be different too when we ran—saying that it was going to be unlike that government at all, and look where we are. Are you proud? I can't wait until you all go back to your ridings and brag to your constituents about the great job you're doing kicking the hell out of the opposition and denying them the right to even consult with their own colleagues. What a great bragging story, how you're building democracy and building Canada. Good luck.

It doesn't seem like much now, and I will predict, Chair, that—well, we know why this was brought in today. Because the budget's tomorrow, and it's going to swamp everything. Somehow they thought if they could just get through a couple of days, I don't know, somehow we were going to fold like a cheap suit, and go running home, and asking for this to end quickly, and to stop hurting us. I don't know. I can only go so far in that kind of thinking because I don't get it. I don't get the politics.

Sometimes in politics not nice things happen. I've been around a long time. I've served all three orders of government. I've sat in just about every corner of a House you can sit in including the cabinet, and for the life of me I cannot figure what the government is doing.

Why do you want to taint your brand so badly when on a similar file, electoral reform, you not only broke a promise, you outright betrayed it? I know there are government members who agree. I don't expect you to say anything, of course, but we know. We talk.

On the heels of that file with all those upset new Liberals, some who left the Conservatives or the Greens or us to make sure there was strategic voting and to make sure that you got there so that things could be different from what we had before... Now on the same kind of file with the same constituency that cares about this, you're showing them how undemocratic you can be again. This time you don't even have a mandate. Last time you had one and betrayed it. You got things kind of backwards. You're supposed to do the things you promised and not do things you didn't promise.

• (2235)

Things come up, we all understand that and quite frankly had this come up during the review that we would do, there's a different way

of approaching this. But to all of a sudden out of nowhere, Chair, and I know this matters to you because you're responsible for our end result, for them to drop this on us, we then get caught up in the minutiae. Your job is to keep an eye on the horizon to try to deliver us to success. This process isn't going to do that, Chair. All it's doing is damaging everything. We just had the Minister of Democratic Institutions come in here and ask us nicely, respectfully—and I appreciated that's the way it should be—and I think we responded in kind when the minister said that she that would very much like to make sure that however we did our work, she could benefit from our thinking so she could have that advice as she makes her decision about the law that she was going to introduce. She'd like to get it ahead of time. She asked if she possibly could have it by May 19.

And again, and I used the term earlier, that made our heads explode. We wondered how we were going to do that. And again, that's when we maybe we could move, because we were really trying to do it because we were all engaged in that. We've already got hours and hours invested in that report. We care about it because it's our precious election, especially when we see what's going down south of the border. It should give us renewed effort to shore up our democracy, not weaken it further.

There are so many different ways we could have done this. We could have struck a special committee as they've done in the past. We could have struck a subcommittee of this group. We could have looked at trying to identify things that the government legitimately could say they wanted to have by June 2. We could maybe make those a priority. But more than anything, we have to agree on what constitutes making a decision, because that's the motion in front of us, that no decision will be made unless there's all-party agreement. The government is opposed to it.

In the absence of any kind of an alternative amendment or a suggestion, that leaves us with no conclusion except that the government is quite prepared and comfortable with the idea that they and they alone with their massive majority would force changes on the rules of this place, on how we make laws, that also would have the effect of taking away the rights of the minority. How the hell is that in the great tradition of the McGrath report? They said, and I want to read it again, these are our predecessors talking to us about how proud they were of their work on the same file that we have right now. And what did McGrath say?

I wish to thank my six colleagues on the committee for their patience and support.

That tells you it wasn't easy. When they use the word “patience”, I wouldn't have expected that word. That tells me there was a lot of toing and froing and all kinds of consultation and meetings in an attempt to reach consensus because it's not easy.



**Mr. Alistair MacGregor:** That's the way it should be.

**Mr. David Christopherson:** "The way it should be", as my friend says.

And there was "support", which also suggests that there was leadership within the group that was taking some ownership. I'd be very interested to find out the micro-details of exactly how they did it, because those are interesting words to use. They weren't the words that I would normally expect in a preface from a chair saying thanks to the committee for "their patience and support". Now, "support" I guess, in being chair, would mean they respect the chair and look to their chair for leadership. That might explain the support. But "patience" is an interesting word to use—connected to consensus.

They didn't get there easily. If doing this easily were all that easy, every other country would have a Canada. It's not easy, and that's why the chair is going out of his way to say thank you.

Then he said, "That we were able to operate by consensus without once voting on an issue is a testament to their selfless dedication to reform." Why selfless? Why did he use the word "selfless"? Why? Because there were probably people putting water in their wine where it wasn't in their interest to take that position, but in the broader interest of give and take, they were willing to make some compromises.

With "selfless", I don't see anything selfless about what this government is doing. If anything, it's 100% selfish, and certainly undemocratic.

Their "dedication to reform", again, is an interesting choice of words. You know what that says? It says that there were people there who were agreeing with things they maybe didn't necessarily agree with, but were willing to accept that, because probably in a couple of other places other people put a little water in their wine and collectively overall they were able to balance it out. Maybe that's why they used the word "patience", because it took so much to keep going back and finding that consensus.

I can't believe it was that much easier than being an MP than it is now. They had the same divisions and partisanship that we have, yet they were able to operate by consensus without once voting. Again, the fact they said "without once" sounded like maybe they got close a couple of times, where there was no choice. They were going to have to vote, yet somehow they pulled it back, probably with the help of the chair.

Chair, that's why I mentioned Mr. Preston, your predecessor, and the respect that you now have garnered. Different person, different personality, different approach, same result. Good committee. Good team work. We trust you.

I'm a New Democrat, you're a Liberal. I trust you. I trust you when you have your hands on the steering wheel of this committee. Why, Chair? Because I think I could apply that to you: "selfless dedication to reform". I could easily say "selfless dedication to the procedure and House affairs committee". Having this committee function the way it should and be successful for Parliament is more important to you than your personal advancement as the chair.

I believe that about you, Chair. I believe that, and I trust you. If you said to me whatever and you ended it with "trust me", I would. I

don't believe you would work in cahoots with your Liberal colleagues to do us in. Maybe you'll prove me wrong, but I would, every time, at the drop of a hat, say that I have complete faith and trust in your abilities and your motivation as the chair of our committee.

I believe that they probably had that same feeling about their chair, and that chair probably helped them get through the difficulty of consensus. If consensus were easy, everybody would do it all the time.

Unfortunately, Chair, given the process that we're in here, the niceties and the professionalism and the nuances you might bring really aren't going to do anything right now. It's got to be breaking your heart that this committee is going where it's going, given how well we've been doing so far. I don't expect you to say anything, but I do believe that. I believe that this would not make you a happy chair to see this happening, and that you would much prefer that we did what Mr. McGrath said, when he said, "Others in the future will continue and improve upon the work of this committee."

● (2240)

I honestly believe that you could see yourself and would like to see yourself sitting in the driver's seat with your hands on the steering wheel, decades later in your time, doing the same job for Parliament that Mr. McGrath did for his committee and his Parliament. I believe that.

But, Chair, you can't do anything about where we are now. We are so far in the ditch, and for what? That's the thing: for what? It's not going to work. We are not going to let go. The second we let go, Chair, in this filibuster, we sell out. I'm going to use that term; I'm going to put that pressure on me.

The second this filibuster fails, we sell out our future MPs who don't happen to find themselves in government, because it means that filibustering as a legitimate, democratic tool is dead in Canada. You can poll every single member of the opposition benches, and I will all but guarantee you that every one of them would say to you, "I'm willing to go to the wall". To anybody who has doubt, I say stay tuned, stay tuned. This Parliament has a long way to go.

I don't know how many members we have on the opposition benches. What's the quick math?

You guys have 180 and some odd, and we have...?

**Mr. Garnett Genuis:** It's about 130.

**Mr. David Christopherson:** How about 130, give or take?

**Mr. Garnett Genuis:** How many do you have? Is it 40?

**Mr. David Christopherson:** We have 44.

**An hon. member:** So it's 144.

**Mr. David Christopherson:** Do you know what? That's a pretty good-sized little army in a place like this. I know a lot of them, and they can talk as well if not better than I can. Once we ever get a chance to brief our caucus, which will happen anyway—even though the government wouldn't let us do it before we had to speak, it's still going to happen—let me tell you.

Do you know how cranked up those opposition caucus meetings are going to be tomorrow? I know that by the time I'm done, I will be disappointed if I don't have every member of my caucus on the ceiling ready to bleed to defend this filibuster. I will have failed, if that's not how that meeting ends, and I don't intend to fail. I know that Blake is planning to do the same thing with his caucus, and he has every expectation that his colleagues will be there, just as the NDP will be.

There, then, are the two extremes.

Blake, I'm serving you notice that I'm getting ready to hand off to you.

So there we are, Chair, the two great divides: the promise in 1984 of what they did, in the hope that we could do that and better, versus the reality of the government's jamming changes down our throat with no consensus, no input into the motion, no input into how we're going to do it, and wanting to preserve the right that they can make these changes unilaterally and not even adjourn the damn debate long enough to take the proposals to our caucus. I suspect Mr. McGrath is spinning at the disrespect that's being shown to their legacy and to our Parliament.

I said earlier to Blake that I would take just a couple of hours to warm up and get myself into the groove here, and it's working. As much as I have to hand it off, I can't wait to get back here, and I shall be back, but it won't be until after I have properly briefed my caucus; then I shall return. When I return, I will have a mandate and I will be even firmer and stronger and probably louder than I am now—

• (2245)

**Mr. Alistair MacGregor:** And well rested.

**Mr. David Christopherson:** —and well rested to boot. Thank you. I'm going to get some rest.

Again, I leave it with the government, because the government started this. It's their process, it's their fault, it's their everything.

**Mr. Garnett Genuis:** I have a point of order, Mr. Chair.

**The Chair:** Mr. Genuis.

**Mr. Garnett Genuis:** Mr. Chair, I'm enjoying listening to the member who is speaking, and I think there's a fair bit of noise and conversation in other parts of the room. A little bit is fine, but if folks can maybe just step out into the hallway when we're still in session so that we can keep a good flow to the discussion here at the table, that would be good.

**The Chair:** Good.

Mr. Christopherson.

**Mr. David Christopherson:** Thank you, Chair. I appreciate the intervention.

Again, what was the request? It was for a little more respect. Even during the debates here, we have to haul it back to that. To me, it's

symptomatic of where we are. This is really bad. This is ugly. This serves no one's interest. For those Canadians who do pay attention, it's going to be a combination of being disappointed and angry. They are going to be angry that the government is doing this, and they are going to be angry at all of us that so much time and effort is being wasted.

There are no winners here. The winners would be Parliament, all of us, and all of Canada if we approached this the same way we've tried to approach everything else. All that really is doing—and I'll conclude on this, Chair—is asking the government, “How about living up to your promises?” They promised to show respect to committees. There's none here. They promised to listen to committees. We're not being listened to; we're being dictated to. They promised more independence, and yet we watched as the senior staffer—they didn't even hide it; they didn't even send an email—walked right up behind Mr. Chan and made him change his position.

When it comes to committees, this government has broken all of its promises so far, with the exception of a couple of minor ones. Every day we are left to wallow here in this ugly, undemocratic ditch does more damage to the government's brand and to Canadians' belief that they really are and really meant to be different. At the end of the day, so far, this bunch at this committee looks just like the last bunch.

Until tomorrow, Chair, I relinquish the floor. Thank you for the opportunity to speak.

• (2250)

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

Now we move on to Mr. Graham.

**Mr. David de Burgh Graham:** Thank you, Chair.

Thank you, David.

One of the advantages of a discussion of this structure, a filibuster, is that I have had time to write down what I want to say. I'm a much better writer than I am a speaker, so I hope you'll forgive me for reading my comments. I'm getting a little tired and will be brief.

We are, of course, always open to further off-line discussion, as we tried earlier. I'm always open to doing more.

The motion, as presented by Scott Simms, is far from imposing our will. I want to make that clear. We want to have a discussion, and the House leader wants to add her voice to a study already in progress. I don't see a problem with a government that ran on an agenda of modernizing Parliament having the House leader express her views. This is a request to expand an existing study. The motion is not creating changes. It is trying to get a study running to propose thematic rather than specific changes. We have the S. O. 51 debate, and now the letter from the minister, as guidance and suggestions for topics to discuss.

I don't think we should prejudge the study. I am fully aware that we can one day return to your side of the table and that you will have plenty of opportunities to obstruct further along in this process.

This motion is not drafting standing orders—

**Mr. Scott Simms:** I have a point of order, Mr. Chair. I think Garnett made some very valid points earlier, but I think, with all due respect, that he kind of has to follow his own advice at this point.

**Mr. Garnett Genuis:** Mr. Chair, that is absolutely outrageous and beyond the pale as an intervention by Mr. Simms, but I will do my best to moderate my behaviour, all the same.

I'm just kidding.

**Mr. Scott Simms:** Oh, okay.

**The Chair:** Mr. Graham, go ahead.

**Mr. David de Burgh Graham:** As I was saying, the motion is not drafting standing orders. The study is about witnesses, findings, and recommendations. Incidentally, it also specifically seeks to include independent members into the study, something we were accused of not doing—see paragraph (b) of the motion.

Mr. Reid, in particular, has proposed a lot of very interesting ideas. I'd like to get on with the study to discuss them and have the witnesses come in to evaluate them. That's what they are for. I'm very much looking forward to engaging all of you, and the witnesses you propose, on all these issues, and I agree with many of the comments that have come out, especially in Scott Reid's lengthy intervention.

Let's have a study to discuss the substantive topics. I have a good deal to say, but in the study, not in the creation of the study. Moreover, nothing precludes every member here from taking this topic to caucus tomorrow to discuss it and come back on Thursday or at any point during the study. The call for taking this to caucus is unnecessary. This motion does not make any changes; it creates a discussion.

I would suggest that we have the vote on the amendment and the main motion so we can have the substantive discussion that we are proposing. At least I will express that hope.

Thank you, Chair. That's all I have for the moment. I won't drag it on.

**The Chair:** Thank you.

Mr. Richards.

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

You caught me just at a weak moment there. A colleague told a joke that was not in any way funny, but I had to laugh anyway. Of course, Mr. Brassard is always funny. I won't share the joke with the committee, though. It wouldn't be right.

I've listened today to some really good arguments, some really good points from my colleagues on this side. I guess the government side is hoping to just wear us down, and they're hoping they'll get their way. They're just going to ram through these changes and hope that we'll all put up a fight for a little while and eventually get worn down and won't be able to carry on, and they can just do what they want. Justin Trudeau can be the dictator that he wants to be.

I can tell you right now that's not going to happen. If you look around this room, you'll see there are a lot of MPs who don't even need to be here right now, and it's almost 11 o'clock in the evening. What does that tell you? That tells you there's a commitment here on

the part of the opposition in both parties to fight this. We're going to fight this not for ourselves, but on behalf of Canadians, because what Justin Trudeau is trying to do is take away the accountability that he and his government have to Canadians.

**An hon. member:** Hear, hear!

**Mr. Blake Richards:** That's what he's trying to do here. Let's not mince words. Let's not pretend anything else. That's what this is about.

Justin Trudeau talked in the past about admiring the basic dictatorship of China. He's said some wonderful words about his uncle, Fidel. At the end of the day, he wants to be them. He wants to be a dictator in Canada. I know that sounds extreme, but that's what we're seeing here. I may as well just call it what it is, because when you start looking at these changes, that is what he is trying to do. He is trying to take away any ability to be held to account.

Mr. Chair, I shared a Facebook post. It was a news article put out about the committee proceedings earlier today. In a minute, I want to share that. First of all, I went off on a tangent there and I forgot what I was actually getting at when I first talked about having heard from my various colleagues today, on their thoughts and their opinions, which I very much appreciated.

The one who really stuck out for me was my colleague Mr. Reid. When he was here earlier, he spoke for more than a few minutes. I'm not sure, I wasn't keeping track, but it was probably more hours than I can even count to, which isn't saying a lot of hours, but it's a few.

One thing stood out to me. I've sat on committee with Mr. Reid for a number of years now. I've served as a member of Parliament with him for over eight years, and one thing I've known about Mr. Reid is that he's very rational and calm. I would say he takes a very academic approach. It's actually quite atypical for a politician. A lot of politicians are about the show and about putting on a performance to ramp up the rhetoric. That's quite common among politicians, rightly or wrongly. It's something that Mr. Reid is certainly not known for. I saw him legitimately angry over this issue today. He wasn't putting on a show. It's something I've never seen from him before, and I've been through a lot of very stressful situations with him. I've been through a lot of committee hearings on difficult topics, and I've not seen that.

I think that means something. I wouldn't call it an outburst, but we saw that kind of passion and emotion come out of someone who just generally doesn't take that type of approach. He was angry. He used a word that he probably wishes he hadn't used, but it was out of a real, legitimate, and passionate concern for what this government is trying to do as far as the accountability of the government to Canadians goes. It was quite evident in his comments and in how he delivered those comments that this struck him like nothing I've ever seen. I was already well aware of how much of a problem this really was, but I think it really just drove it home for me.

● (2255)

If all Canadians were to see that, they would understand, if they don't already, exactly what the concern is here. I listen to other colleagues, as well, who make very impassioned cases for why it's so important in a democracy—which is what Canada is, or at least it still is at this point—for the opposition to have the ability and some tools to be able to use to hold the government to account.

As Mr. Christopherson rightly pointed out, nearly 100% correctly, the government is going to win the votes 100% of the time. We obviously saw a vote once in this Parliament that was pretty close to not being 100% of the time. At the end of the day, it's a pretty rare circumstance when the government isn't going to win the vote—extremely rare, in fact.

There's merit in that, I suppose. Some people would argue otherwise. That said, it's important the opposition have the ability to draw attention to issues that are of concern and to make the government accountable. One of the biggest reasons it's necessary is that often a government can take that power and use other powers, which they're also trying to change—I'll go through those as I speak tonight, Mr. Chair—and trying to put in place here. They can take something and ram it through, and they can do it in a rushed fashion. They can force things through, force a vote, and the goal would be for the government to try to do this—I think that's what they're trying to do in this case, frankly—before anyone can take notice and anyone can build up opposition to it.

What we're seeing with this motion, the discussion paper, and the timeline that's put in this motion, is an attempt to.... Let's face it, when Canadians hear that Liberal MPs want to take Fridays off, when they hear that the Prime Minister only wants to be accountable one day a week in the House of Commons, their reaction is not very good. I can tell you that the people who are aware out there.... I had a lot of people approach me when I was in my riding last week, saying, whoa, hold on. What is this government? Are they really trying to do this? Are they really trying to work fewer days? Are they really trying to make sure the Prime Minister...? I'll get to some comments directly from people in a minute or two, Mr. Chair.

The point is that when people hear about this stuff, it concerns them. The government is hoping to get this through before people can hear about it, before they can get angry, get amped up, and provide some kind of opposition.

Let's face it. Canadians are busy. They're raising their families, they're trying to run businesses—when the Liberal government isn't trying to tax them out of business, of course—they're trying to hold down their jobs, they're getting their kids around to activities, they're caring for their elderly parents. Whatever it is, they're involved in a lot of things. They have busy lives. I think people are busier now than ever before.

That means they don't have as much time as they might like to follow what goes on in Parliament or in the legislatures in their provinces, and political happenings generally. Sometimes, if the government can do a thing like this quickly enough and slide it under the radar, it can get away with it before anyone can know about it. That, I think, is what the goal is here. That's why the opposition has to tools to try to slow down the process, to allow Canadians to have a

look at what's going on and allow parliamentarians to fully go through it and raise concerns on behalf of their constituents—who are Canadians—and bring those concerns out into the public forum so that Canadians can judge whether what's being done is in their best interests before it gets rammed through and not afterwards, when it's too late.

That's what's at the heart of all this, Mr. Chair. As I said just a couple of hours ago, I put the following story up on my Facebook page. It's a story from the other day on this filibuster, whatever you want to call it today—this committee meeting that has been going on for some time.

● (2300)

I hope you'll indulge me, Mr. Chair, because I wouldn't want to be accused of trying to go on for a long time, but I think I should read it to provide context for some of the comments I'm going to make. I won't necessarily read the whole article, but a part of the article that I put up, just to give members some sense of it.

It was actually an article from the *National Post*, and the headline referred to the comments that Mr. Reid made earlier that I talked about and I think really were atypical for him and showed how disgusting, I'll say, this attempt by the government is.

The heading is:

Tories accuse Liberals of 'ramming through whatever the f— they want' to make changes to House procedure

I'm going to click on this article so that I can pull it up, if you'll bear with me a second. I'm going to read in part from this article.

It says:

Opposition parties slammed the Liberal government on Tuesday—

It still is Tuesday, I think, but not for much longer.

—for trying to “ram through” major changes to how the House of Commons does its business.

So, it talks about ramming through major changes. The next paragraph reads:

With little notice—

—which is a key point as well—

—the Liberals moved Tuesday to have the Procedure and House Affairs committee study major changes to standing orders put forward by Liberal House leader Bardish Chagger, giving a tight June deadline and offering no indication that they wouldn't use a majority to impose changes to House rules without opposition consent.

I'm going to stop quoting there, because I think there are so many important points being made in the first couple of paragraphs of this article. It's talking about the government trying to ram through what the author of the article calls “major changes to how the House of Commons does its business.”

We're not talking about everyday, sort of run-of-the-mill type changes. We're not even talking about changing a significant piece of legislation that the House of Commons would look at. We're talking about changing the actual rules of how the House of Commons does its business and trying to tip the scales far more toward the government.

Then it goes on to talk about little notice being provided. Again that speaks to what I was referring to earlier, the fact that the government would try to sneak something through without it being noticed.

It moved to make major changes to the Standing Orders. The other point in that sentence is that they were put forward by the Liberal House leader. It's not the committee making recommendations to the government, which the government would then consider, as I think it is trying to do—I think that's the efforts the government is trying to make to pretend that might be the case. I'll go into detail later about how in fact what's in this letter doesn't line up at all with what the committee had looked at previously. It doesn't line up with a lot of the things that were heard in the take-note debate even, which is another thing that we're hearing pointed to by the government as the opportunity when everyone got a chance to have a say.

Of course, notwithstanding the fact that another of the failed promises of this government was the electoral reform promise. A number of us who were point men for the opposition on this file travelled with the electoral reform committee. Call me a conspiracy theorist, but I have to wonder a little bit as to whether that was done deliberately, especially given what has happened since then. Was it done deliberately so that the people who would maybe have the most invested in these issues and probably pay the most attention to these issues from the opposition caucuses weren't present. If it weren't done deliberately, then it was really quite reckless, at the very least.

Then the article goes on to talk about a tight June deadline and, most importantly, the government's offering no indication that it wouldn't use its majority to impose changes to House rules without the opposition's consent. Obviously, as has been said many times today, the practice has typically been and should be that, when you're talking about changes to the very rules that govern the House of Commons, all parties should have some say in that. As we're debating this motion now, that would not be the case. This amendment would, of course, enable that to be the case. We see no indication whatsoever from the government that they're even open to it and it's quite clear that their intention is not to allow that.

• (2305)

I certainly hope that, with the reaction they're getting, they'll choose to reconsider that. That would be really wise on their part. I think it would be in the best interests of Canadians, it would be in the best interests of Parliament, and it would even be in their own best interests, Mr. Chair.

The article it goes on to talk about some of other things. It says:

The long list of items for study includes: halting House sittings on Fridays; only requiring the Prime Minister to be in question period one day a week—

It also talks about introducing electronic voting and restricting opposition parties' ability to filibuster bills in committee. Those are a number of things it discusses. There are other things, which I'll go through in detail in a few moments.

I think people would be and are quite troubled by the idea of giving Liberal MPs Fridays off and by the idea of the Prime Minister having to be accountable to Canadians only one day a week. Electronic voting is something that could certainly be debated. It was

debated by this committee previously with no decision made to proceed with it, but I'll get back to that in a minute.

As for restricting the opposition parties' ability to filibuster bills in committee, I guess I can understand, on a day like today, why the government might see that as something they'd like to see. But again, it is a tool that allows the opposition, on behalf of Canadians, to hold the government accountable and to bring to light some of the issues of the day. Those are the tools the opposition has to provide a contrary, opposing, or potentially complementary view of bills put forward before the Parliament so that Canadians can consider what an alternative, or an additional, approach might be. There is a reason those tools are there. You don't just get rid of them without some kind of agreement among all parties.

The article goes on to give some of Mr. Reid's comments. He said Liberals are trying to “ram through whatever the f... they want”, and it mentions what I pointed out earlier, Mr. Chair, that it was indeed a “rare outburst” for MP Scott Reid. I don't know if I'd call it an outburst—

**An hon. member:** I don't know if I'd call it rare.

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

**Mr. Blake Richards:** —but the point is that it is not something that is typical or that Mr. Reid is known for. He usually takes a very methodical and academic approach to issues, and this was a very passionate approach, so it obviously means it is something quite unusual that is happening here. It's very unusual.

He called the manoeuvres “despicable, a tissue of lies and a contemptible abuse of our system”. He also called the Prime Minister an “arrogant, selfish, rude individual” for trying to steamroll all opposition.

I think he put it really well. Trying to steamroll the opposition is what's happening here. We can go back to , as has been alluded to a couple of times earlier today, to the previous attempts by the government to curtail the abilities of the opposition to hold them to account. In response to what happened at that time—the elbow that happened, the Prime Minister's trying to forcibly have his way and ending up elbowing a female MP—there was an uproar, of course.

Frankly, what we're seeing now is even more contemptible. We have a government that just thinks they can do whatever they want, and forget the opposition. They believe they can just drive the bus right over the opposition and therefore drive the bus right over Canadians. They think that since they were elected, they have a dictatorship and can do whatever they want.

That's not how it works. I think this government needs to wake up and look at what's going on here. For the members who sit here in this committee, it's not in your best interests either. As has been said earlier, at least some of you will probably sit in opposition some day, if you have any length of a career in Parliament. I know that many of them are new, but they're going to be realizing at that point why these tools are so important and why it's so important there is some government accountability. And I can tell you that if they don't realize this very quickly, the time they get to spend in opposition might come a lot quicker than they expect, and that's why it's in their best interest, too.

• (2310)

I see we're about to have a change of clerk here. I guess what I would like to say is thank you for your efforts today, because you've had a long day as well and have had to be here the whole time. So after about 13 hours or so, you will have a chance to get a little sleep, I hope. We just want to recognize that.

**Some hon. members:** Hear, hear!

**Mr. Blake Richards:** I'll go back to where I was. I'm not going to quote myself because that would be weird, so I'll skip by the quote of me. In fact, I probably used those words already as I've spoken here, but it refers to my calling this attempt "disgusting and pathetic". I probably already used that language, so I don't need to do that.

And it then the article goes on to say, "In an unusual move Tuesday".... So again, here's that idea of it being very unusual: "In an unusual move Tuesday, Liberals repeatedly blocked opposition attempts to delay the motion, including extending the committee" and blah, blah, blah. Then it goes on to the fact that Mr. Christopherson "made much ado about the fact that opposition MPs were not given the time to bring the Liberals' proposals to a caucus meeting", with the next one being just hours away now. What they gained by not allowing the opposition members to go to their caucuses, I'll never understand. I guess they like listening to long speeches from opposition members so much that they.... I can understand why; there were some pretty good speeches today. Now that you have to listen to me, they might be rethinking that, as mine maybe isn't quite as interesting as some of the others, but nevertheless they're going to continue to listen to it until they smarten up and realize this is not acceptable.

Really, a delay for a half a day to allow people to have a chance to talk to their caucuses, I can't imagine what the harm in that would be. Who knows? It's anyone's guess, I suppose.

And I'll pass by the part where Mr. Christopherson calls them "clowns". There's the part where he says:

"This is not a good day for Liberal promises".... The Liberals had promised to work more collaboratively and openly with other parties, but instead are trying to use their majority to change rules that will have a major effect on all members of parliament.... "How the hell is that fair? How does that come anywhere near what you promised in the campaign?"

It's a good question. We still haven't had an answer because the Liberal MPs aren't really speaking. I guess they're just hoping....

Yes, fair enough, David Graham did give us 30 seconds or so there. So, maybe we'll hear a bit more from one of our colleagues on the other side later and maybe they'll explain a bit more about why they're trying to do this. Maybe they don't know. To give them the benefit of the doubt, maybe they've just been given the orders and they don't really know why that is. I don't know. Who knows?

The bottom line is that the article I posted gives you the context. Now I'm just going to share with you some of the comments that people made. Some of them I can't share because they're referring to the Prime Minister with some language that I don't really feel is appropriate to use in a parliamentary committee; and I don't blame people for that, by the way. I understand that, because what he's doing here is frankly despicable. I can understand why people would

feel that way. They probably don't need to use some of the language they've used, but it is despicable.

One person is calling for a vote of non-confidence.

**An hon. member:** Hear, hear!

• (2315)

Mr. Blake Richards Another says, referring to the Prime Minister in question period currently, that he refuses to answer when he's there now.

That's a good point; he rather does.

Again, another person says, "There needs to be a vote of no confidence" and puts three exclamation points after it.

"He is destroying our country with a smile on his disgusting face." There are four exclamation points after that sentence.

Another fellow says: "Hold him accountable, Blake. I know you're committed to that. Thank you."

I guess what I would add to that is that I'm not the only one committed to it. There are many opposition MPs—in fact, I'm sure every single one of them—committed to it. That's why I hope they have comfortable seats on the other side: they're going to need them.

Another person said, talking about the Prime Minister: "He is never held accountable, never answers a direct question. He makes me sick."

The next one I actually can't use, because it refers to the Prime Minister in a very uncomplimentary and unparliamentary way, so I won't cite it.

The next gives good advice, I think, for her fellow Canadians. She says: "Should start putting the heat on Trudeau MPs on 'How can they support their leader?' and make his caucus start going against him. Everybody should start calling the Liberal members of Parliament." It's good advice, actually. People need to hear it. The Liberal MPs need to hear from people who are concerned about this.

I also had an email, which I got earlier—I have my phone plugged in, so I may read it a little later—in which someone talks about feeling that there should almost be a revolt in Parliament, I guess. That's essentially what they're trying to say. I don't have it in front of me, so I won't read it word for word, but that's essentially the point they were trying to make.

The point is that this isn't just a few opposition MPs lighting their hair on fire over nothing; this is Canadians saying this is not acceptable. They get it. They even understand some of the tools that Parliament might be able to use to hold the government to account.

Maybe I shouldn't have shared those, because maybe the government will try to take them away too.

It obviously concerns me, and it concerns a lot of Canadians. I think that's something the government needs to pay attention to: the reaction of people that I'm seeing on social media, as I've outlined from some of the comments on my page. I know that a number of things have been going around on social media showing concern about this, and there have been many media articles.

This can't be going well. Next week, Liberal MPs will be back in their ridings, and maybe—I'm not sure, but maybe—they will hear from their constituents and their concerns about this. Maybe that will give them some fresh perspective. Let's hope.

I want to address this idea in a little more detail, Mr. Chair, the whole idea about this being rammed through Parliament. It's a word that's been used a lot today. It's been used in the media; Canadians are using it; it's really a good way of describing what's happening here: it's being rammed through. That's the attempt, anyway.

This also has been alluded to many times today: the so-called “discussion paper”, which I'll talk to in more detail, because I've analyzed it and see the key.... I guess what the Liberals have to do is to accomplish their marching here at committee. This was put out, as was mentioned, on a Friday as a constituency or break week, or whatever you want to call it, was starting, essentially meaning that they wouldn't have to be accountable in Parliament for the next week concerning these items.

Then of course came the motion that Mr. Simms put forward within minutes or an hour and a half or whatever it was of that meeting, which is—and I'm not casting aspersions on Mr. Simms, because I know it isn't really something he wrote himself—draconian. It's: “Ram this through. Don't let the opposition have any say. Get it back as quickly as possible.”

● (2320)

Where's the accountability? Where are the “sunny ways”? Where are the efforts to be open? Where's the different kind of politics? Where's any of that in this? I don't see it.

Maybe it's invisible ink or something, because the stuff I see on the paper is certainly not any of that. When I look at that, and I look at the report this committee put out previously....

We started looking at the Standing Orders. At one of our very first meetings as a committee in this Parliament, we had then House leader Dominic LeBlanc come in and break up the Standing Orders into chunks. I could be a little bit off on how he explained this, but think it was his suggestion and not the committee's—although we took it up as a committee—to look at the family friendly initiatives. I believe that came from the House leader—I could be mistaken—but in breaking it up into chunks, we certainly looked at the so-called family friendly initiatives.

Of course, one of the things the Liberals were trying to call family friendly, somehow—I'm still not sure how it really would be so—was this idea of eliminating Friday sittings so that Liberal MPs could have another day off every week. It was opposed pretty vigorously by opposition MPs. I would say it was pretty significantly opposed by Canadians as well.

I'm just trying to find the report. I have a lot of papers here in front of me. I believe this is it, but give me a second, Mr. Chair.

Yes, this is the report itself. It was a unanimous report, I believe. Was it not, Mr. Chair? I believe it was a unanimous report of the committee. We had looked at the Friday sittings, and the conclusion was this:

Given the lack of consensus the Committee has heard regarding whether the potential benefits of eliminating Friday sittings outweigh the potential drawbacks,

the Committee does not intend to propose a recommendation regarding this matter.

Now I'm going to point something out here, because one could try to read into this some intention of “at this time,” or “Maybe we'll revisit this.”

I'll point out that a couple of pages later—and this is in referring to the idea of implementing proxy voting or electronic voting—it says:

The Committee has no recommendations to make at this time regarding the implementation of proxy voting or electronic voting; it may revisit this topic in further study.

There's a clear distinction between that and this other one about the Friday sittings. In the one about the electronic voting or the proxy voting, in two different ways, it indicates that though they're not going to do anything with this now, they may come back to look at it later. It says that it has no recommendations to make at this time, and that it may revisit this topic in further study.

However, when we were looking at the changes about Friday sittings, there was nothing that indicated any of that. In fact, it clearly says there was no consensus and that the Committee did not intend to propose a recommendation regarding this matter, period, full stop, end of story.

The committee has expressed its will unanimously. That means including opposition MPs from two different parties. It means government MPs, who had the majority and who, had they wanted to try to ram a change through at that time, could have done it. But they unanimously agreed with the opposition members at that time that this was not something we should proceed with.

Let's see. It looks like that was on February 2 of last year. Fast-forward about a year, and we get this letter or whatever you want to call it, a directive, whatever it is, from the new government House leader.

● (2325)

I'll go through it in detail in a few minutes, Mr. Chair. It does refer again to the electronic voting, but it also brings in the idea of getting rid of the Friday sittings, giving Liberal MPs that Friday off that they're so seeking, for whatever reason that might be.

Explain to me how that is any kind of effort to work with the committee, which was so promised to us by the new democratic institutions minister. Maybe this is why they keep having to replace these people. They keep making promises that....

Mind you, I guess that's not true, because then we'd have to replace the Prime Minister too, if we were going to get rid of the people who didn't keep their promises. So that can't be it, I guess.

**An hon. member:** Hear, hear!

**Mr. Blake Richards:** At the end of the day, they break their promises in embarrassing kinds of ways. Well, no, hold on. Actually, even breaking their promises in embarrassing kinds of ways isn't enough, because then we'd still have to get rid of the Prime Minister. I don't know. I guess I just don't understand it. At any rate, they have to keep getting rid of these people and replacing them with new people.

It's just that I don't get, Mr. Chair, how in 2016 we can say as a committee, very clearly, that we don't believe there's a consensus, that we should not be eliminating the Friday sittings, and that we're not going to make any recommendation about that. Now we get this direction out of this discussion paper, or whatever you want to call it, from the House leader of the government saying that we should get rid of them.

Then we get this motion from Mr. Simms: let's ram this stuff through, let's do it quickly, let's not give the opposition any chance to have any say on it.

I mean, they're going to claim, of course, that they are. You've already heard some of the arguments. They're claiming, oh, you know, there was this take-note debate one day in October last year; that was it; everyone got a chance to have their say.

It was one day. It was done when the critics for the official opposition and the other opposition parties were not able to be here, because they were with the electoral reform committee. I'm sure it was just a coincidence—not—that this was the date chosen. At the end of the day, is that enough to say that MPs got input?

They also said, oh, by the way, we'll give you some committee meetings, and let's get this done by June 2.

How many weeks is Parliament sitting between now and June 2? We're March 21 today. We'll take this week out of it, I guess, because I think we'll be in this discussion for some time. Even if we weren't, we wouldn't have been able to get really started, I don't think. We were seven days for witnesses.

Next week, Parliament is not sitting. There are two weeks in April and probably three weeks in May. We're talking about five weeks of parliamentary time. During that time we have a lot of work before this committee—a lot of work. We have Elections Canada and the report from the Chief Electoral Officer, which we've gone a long way through, and which, I will point out, not that long ago Liberal MPs on this committee were arguing vociferously was a huge priority and we needed to deal with it really quickly. I think even the minister had indicated to us that she wanted this done by the 19th of May or something like that.

Is that about right, Mr. Chair?

• (2330)

**The Chair:** The 19th of May.

**Mr. Blake Richards:** That's not that far in the future. We've got that strict deadline that's being imposed by the government. I'm not sure why that was necessary. At least I can see a bit of an argument, maybe, for the need to do that one a little more quickly, because we need to make sure Elections Canada has time to put it in place for the next election, and these kinds of things.

With the standing order changes, I don't see that same kind of urgency. It's never a bad thing to look at them, of course. It's never a bad thing to try to update—and I'll point out that there are some things that we could look at, when I go through some of the changes that are being proposed here in a little bit more detail and some of the things that were brought up in the take-note debate in a bit more detail, because I think that's important in this debate. There are probably some obvious things that would be no-brainers to change.

But when you start talking about some of these really, incredibly significant changes that we're seeing here in the presentation that we received from the government House leader, that's a different matter, and I don't think you change those things lightly. I don't think you try to do it in some kind a rushed manner with some artificial deadline that no one has chosen to explain. Maybe there's a real reason. I have my doubts, but maybe there is. If there were, I would think it would have been explained. If there is a reason, why don't they explain it, and then maybe we could listen and say, okay, that makes some sense. Right now, it seems as if it's an artificial deadline and they're trying to ram it through. Usually where there's smoke, there's fire, right, Mr. Chair?

Maybe someone will put his or her name on the list. Are there any Liberal MPs on the list now, Mr. Chair?

**The Chair:** No.

**Mr. Blake Richards:** No. Okay.

One can always hope that maybe someone's going to speak up over there and explain what the heck is the need for this rush and why it is so important that they force this through so quickly. We'd be willing to listen and see if there's some logic to it or merit to it. But I haven't heard that. I suspect there's a reason for that, and we all know what it is, and it is that there really isn't one.

At the end of the day, here we are. We've got these suggestions that are being put forward, and they're trying to force them through as quickly as they can. We don't understand why, other than to try to get the upper hand on the opposition and therefore that means not being held accountable to Canadians. I guess I can understand why they'd want that, but it starts to sound dictatorial pretty quickly. It certainly doesn't sound like the person that Justin Trudeau pretended to be during the election. I mean, he is a good actor—I'll give him that—but it's being revealed more and more that everything he does is simply an act. Canadians are waking up to that, and I'll point that out to my colleagues across the way, because it's something they want to know and should be paying attention to, as it goes to how quickly they want to sit in the opposition in the future. I guess we'll see how that goes for them.

I got off track again, Mr. Chair. I had been talking about how busy this committee was, and I don't know how I got off on the rabbit trail, but I did, so excuse me for that. It happens once in a while, right, Mr. Chair?

We've got this electoral.... That's how it happened: I was talking about the elections report and how I could see that there would be some need to potentially rush that one. We've got that to deal with. May 19 is the deadline and it's been artificially imposed on us, but I think by and large it's something we understand the need do to at least fairly quickly.

We also have received.... Actually, can I cede the floor for just a second to ask a question, so it's not on the public record?

• (2335)

**The Chair:** Yes.



**Mr. Blake Richards:** I want to ensure I'm not doing something that would be breaking in camera.

**The Chair:** Just go and whisper to him.

**Mr. Blake Richards:** I'll vaguely refer to it, then. Just for the benefit of full disclosure in public, I wanted to determine whether something was confidential in nature for the committee before I discussed it in public. We're not able to completely determine that.

At the end of the day, however, there has been some discussion and ongoing conversation in this committee about the Parliamentary Protective Service, and we have had some communication that would tell us that there may be something more to look at there, potentially.

This is something, I know, about which a number of members of the committee, including some government members—Mr. Graham was one of them—have displayed considerable interest and concern. It's one that I think at one point in time at least some Liberal MPs—I won't speak for Mr. Graham, but I think you included, Mr. Graham, though correct me if I'm wrong—felt we should be dealing with in a fairly expeditious manner; that we should get to; that we shouldn't just leave sitting on the backburner.

Is that a fair characterization? Would that be unfair?

There, then, is another piece of business. Of course, we always know, Mr. Chair, that there are other motions on the table, concerning which I don't see that anyone has brought any real concern about moving forward quickly, though they could be done, and so they are on our agenda as well. We always know that there can of course be privilege motions and such things, which can come our way and sidetrack the business.

What I'm trying to get at here is that we have this May 19 deadline and we have this June 2 deadline—for which there is no explanation—and we could have other things.

Frankly, if a privilege motion comes, it has to trump other items. We've always argued that such motions should trump other items, because they are a serious matter. We're talking about the privileges of a member of the House of Commons and where they've been breached. That's something this committee needs to put as a primary concern and deal with as quickly as possible.

It starts to become difficult to imagine how this will all occur. I know there is reference in the motion to the idea of sitting outside the regular meeting hours. Well, I suppose the logistics of simply having meetings.... Maybe that's possible, then; it's hard to say. It depends where the conversation goes and how open the government is to actually reconsidering allowing real input from the opposition and not just pretending that they are allowing it.

You can't just say, oh, we've had five weeks—let's say, if we even did two or three meetings a week, it would be 10 or 15 meetings—and then we just ram through the changes we want anyway, by voting with our majority.

Is that really listening? There's listening, and there's hearing, and there are things going in one ear and out the other, and then there's actually considering them and having them be a part of the end product.

When you look at this motion and at the letter from the House Leader, it sounds more like an “in one ear and out the other” kind of situation to me, a lot more like that. Pretending to have input is one thing; actually having it is another.

Even with that timeframe, even with that five weeks—even if you packed meetings in every day in those five weeks—logistically, yes, you might be able to have enough meetings to at least pretend there was a discussion. Well, there would have been a discussion, but not one that anyone really considered. We're seeing that on display today. You could logistically have those and still have the Elections Canada stuff going on and probably deal with other things, if you scheduled even more meetings.

If we could meet from 8 a.m. to 8 p.m. every day and lock it up, and have three or four hours for each thing, logistically I suppose it's possible. To really have substantive contributions, however; to have been able, as opposition members in particular—because government members have a lot more resources and information available to them....

We saw examples of it earlier today, when they were getting direction from somewhere else—from the centre, from the PMO, from the whip's office, whatever it is—so maybe it's not as important to them to have the opportunity to do their research, to prepare properly, to do their homework, to ensure that they are well-prepared to have substantive discussions and to really question why and look at whether there are other ways in which things could be done, or to consider amendments or other alternatives.

● (2340)

Any of that requires a lot of effort both by the members and their staff. We're lucky; I still have a member of my staff here. What time is it? It's past 11, almost midnight, and she's dedicated enough that she's still sitting here. She cares enough about what's going on, and she's ready to help in any way she can.

When we're sitting here in meetings all day long, and probably in the evenings too, we can't do the work of properly preparing and ensuring that our questions are sharp and that we've done all our research and thought about all the different angles and considered other possibilities.

We're talking about a very weighty issue, the Elections Canada stuff. I know as we've been going through it, even just with our day-to-day parliamentary schedule, that I've found it difficult to keep on top of looking at those things in detail, and getting opinions on them and things like that. That's without adding the need to look at the Standing Orders, the very rules of the House of Commons, and trying to deal with all of those things in the same fashion, on the same track, at the same time, with a very short timeline for both. We're talking just a few weeks. It was five weeks of parliamentary time for this motion. The other one would be even less. It would probably be about three weeks to try to get that done. We've used today's meeting, which was supposed to be on that, on the government trying to ram this through.

It's looking a lot as if that's going to be the way Thursday is going to go too. We're not backing down, and the government shows no sign of making any effort to try to work with the opposition. I don't see us going anywhere besides just down the same path we're on. It could be for a long time to come.

How do you really, legitimately feel that opposition MPs can, on behalf of the millions of Canadians we represent, give this its due in that amount of time? Again, if there were some indication given of June 2 being an important deadline for a real, legitimate reason, then maybe we'd say, okay, we'll do what we have to do and make this happen somehow. We'd find some people to help, and do whatever. I don't know. We haven't heard that, and there's no indication that we're going to hear that.

The point of all of that is to say that I don't see how this committee can undertake all those things and do them properly and seriously and give them what they deserve. I just don't see how that can happen. That would be a real shame, to make those kinds of changes without really, truly considering them and all the input that could be garnered. It would be a real shame. Unfortunately, I think it's deliberate on the part of the government. To me, that's what is really despicable.

I hope they prove me wrong. I hope they do something to prove me wrong. So far, that's not looking too likely. As you said earlier, unless it has changed, there is not even a Liberal on the speaking list. They're not making any effort to try to explain what they're trying to do or why they're trying to do it. They're not trying to—

• (2345)

**Mr. Scott Simms:** If you give me the floor, I'll do it.

**Mr. Blake Richards:** I would love to.

When I say that, does that mean I'm giving the floor away? If he has some points he wants to make, I'm happy to let him use some of my time.

**The Chair:** There are a bunch of people on the list before you, Mr. Simms, so they would all have to agree.

**Mr. Garnett Genuis:** I have a point of order.

We could seek unanimous consent to suspend the normal operating rules of the committee and allow Mr. Simms to offer some comments, and then revert to the existing list. We can do anything if we have unanimous consent.

**Mr. Blake Richards:** If we were to do that, could we have it so I would be the first on the list when we came back?

**Mr. Garnett Genuis:** On that basis, I would seek unanimous consent of the committee, notwithstanding the normal rules and practices, to allow Mr. Simms to insert himself in the speaking list now, make a few comments, and then return to Mr. Richards for him to resume his comments.

**Mr. Blake Richards:** That's a great motion. Thank you for that.

Do we have unanimous consent on that?

**The Chair:** Do people agree to that?

**Some hon. members:** Agreed.

(Motion agreed to)

**Mr. Blake Richards:** We have to keep that spirit going.

**The Chair:** Okay.

Go ahead, Mr. Simms.

**Mr. Scott Simms:** Thank you, sir. I appreciate it.

**An hon. member:** It's almost morning.

**Mr. Scott Simms:** It's almost good morning. Very quickly, I have a couple of points. Some things were brought up earlier, and some of this goes back to when Scott Reid was here, who certainly made points about Mr. McGrath's report from years ago. That is also what Mr. Christopherson said.

One of the important things I would stress is that we want to continue the work that committee was doing and take some of the ideas it put into its report, to incorporate them into what we're doing.

Some of the stuff, some of the ideas that were mentioned in the discussion report were just that: discussion ideas—for example, about Fridays. What spark started the conversation about what we do about Friday? It wasn't about getting Friday off, as the narrative has been spun.

Friday is a four-and-a-half-hour half day. There are so many things you cannot do on Friday. Fridays could be far more effective in two ways. Either you take those hours and apportion them into another direction or you must make Friday a full day.

I have no problem if Mr. Richards wants to have a full day on Friday. So be it. I'm all for it. The point is that Friday right now is not a very effective tool in Parliament.

They said in Parliament that the average Canadian works on Fridays. I agree.

**Ms. Filomena Tassi (Hamilton West—Ancaster—Dundas, Lib.):** Exactly.

**Mr. Scott Simms:** But the average Canadian goes to work at 8:30 in the morning. We go to work at 10. Why can't we go to work at 8:30?

The average Canadian works in January. We, too, could do that. The average Canadian works in September, and we could do that as well.

That time gets apportioned out, so that's one part of the argument. I'm glad I'm given this opportunity to talk about those elements because that's been spun, I think, in the wrong direction. Again, this is a discussion paper that we wanted to start with. We may very well end up with a report in the same spirit of the McGrath report in 1985. We just have to get to that point where we start on this report.

At this point I don't even want to talk about the past. Let's juxtapose it.... I just said I won't, but I guess I will.

On Bill C-23, Mr. Christopherson and others compared it with what we're doing here—not at all. Bill C-23 was tabled legislation, and that's it. This is not a motion that's been tabled. It's not even a study that we're predetermining as to what.... These are not recommendations written in stone.

I'll give you a good example. Scott Reid brought up the point about omnibus legislation, and one of the things we suggested was that maybe the Speaker can split omnibus bills. He may have a valid point. How does that happen? How do we get to that point? We can't get there until we have that discussion.

There are a few other details that are out there that are not entirely correct. We suggested the idea of a Prime Minister's question period; we didn't say it would be once a week. We said it would be a Prime Minister's question period. Why can't we have the Prime Minister accountable to the House for the entire period?

You see, this is the problem. We've been having a debate for the past 12 hours that I think has been a good one. Now I get a chance to rebut some of the stuff because, as I said, the Friday issue to me is about a half day. Canadians work Fridays, but they don't do half days. I don't know many Canadians who can go home at 1:30 or 2 o'clock in the afternoon. I suggest to Mr. Richards, stick around, do a full Friday, because Friday has to change. You either take that time, or you put it somewhere else. It's like one of those workers who opts for a 12-hour shift with more days off as opposed to a worker with an eight-hour shift who works more days. That option is available to many employees across this country—and rightly so. It's not an exercise in getting Friday off, as has been mischaracterized.

In the spirit of goodwill, a lot of times we've said, "I don't know what you do in your riding, but I work", and people insinuate that they don't work when they're home. We all do. For goodness' sake, there isn't an MP out there who goes home and just sits at home and doesn't bother going out into their constituency. We all have offices. Let's not get into that game, but let's call it like it is.

This is the discussion paper that starts or is the genesis of a conversation that may well turn into the report that Mr. Christopherson characterized that was done in 1985, but we have to get there.

I'll leave it at that. I want to thank Mr. Richards, and Mr. Genuis, too, for suggesting this, and my colleagues for giving me this time. Thank you.

I won't stay late.

● (2350)

**The Chair:** We're back to the list, with Mr. Richards.

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

I appreciate Mr. Simms' intervention. It's good to hear from someone on the other side. I don't doubt his sincerity in what he was saying. I wish I could feel the same way about the motion that we have in front of us. I wish I could feel the same way about the actions we've seen from the government. When I say "the government", I am not talking about the members of this committee; I am talking about the powers that be: the PMO, the House leader, and the others.

At the end of the day, I don't doubt anything Mr. Simms just said. I believe he really means that about Friday, that we could look at other options or full days. I think he is sincere about the idea of trying to have discussions about some of these items to see what's possible and what's not. I believe he means that.

I've worked with most of the members of this committee for an entire Parliament. Some of them are a little newer to the committee, but I think that's typical of the members of this committee on the government side. The problem is that none of this means that much when you have a motion in front of you that is pushing an artificial timeline like this. There is an attempt being made to amend the motion to make sure the opposition actually has input. It's great to say that we'll have discussion, and I believe in all sincerity that Mr. Simms means that, but we saw what happened earlier today. Mr. Chan was trying to work collaboratively with the opposition parties until the whip's office came over and whispered in his ear, and things changed. This is not to condemn Mr. Chan or anyone else. It's just what happened. It can happen again, and it seems that it will.

When you have this motion here, it seems that the government is refusing.... If I am wrong about this, I'd love to hear it from Mr. Simms or anyone else on the government side. When there is this deadline being imposed, and when there is what seems to be opposition to allowing the opposition to have a say, you can say, "We can let the opposition have all the discussion it wants, but at the end of the day we are going to do what we want", or you can allow this amendment to pass, and therefore allow the opposition to actually be a part of that conversation and a part of forming what the final discussion, the final decision, and the final recommendations are going to be.

We worked that way with this committee in the past. The result in one of those cases was to say that we are not going to recommend getting rid of the Fridays. To speak to the point about the Fridays, it's sincere on Mr. Simms' part, but it doesn't seem like the result will be there, when that has already been the recommendation of this committee and we are now being given something else in a letter from the House leader. It doesn't seem that the unanimous input of this committee was considered. Although it is written in a way that would make one believe they might be willing to consider other things—there would seem to be an attempt at least—it doesn't really seem that way.

I am not trying to accuse any of these members of not wanting to work on Fridays. They don't want to be here on Fridays, but I'm sure they would do other work in their ridings and things like that. I don't want to be taken as trying to accuse them of that. I think what it actually boils down to is that the PMO has decided they want one fewer question period every week that we are here. That's what it really boils down to. That's what it is. And it's the same thing with the Prime Minister. Let's face it, his attendance record is pretty poor. It's terrible, in fact, in terms of attending question period.

It's funny because we often hear these allegations about Stephen Harper not having wanted to be accountable, and all these things. We even heard some of them today. Say what you want, but Stephen Harper showed up at question period and was accountable. He was very rarely not at question period. If he was in the country, he was here, attending question period.

• (2355)

You cannot say the same about Justin Trudeau. There's no question about that. He's just not here very often. There are people who argue he's probably only there once a week now. I've heard that. I've heard that comment by Canadians. Many Canadians have come up to me and said, "He's only there once a week, anyway. He's just going to put in what he already does." Now, they're not happy about that, don't get me wrong. I'm not saying it should be codified, but that's being recognized.

I can understand that. His office can only write so many scripts for him, and if he goes off script, man, it goes badly for this government. So I get why the Prime Minister would want to try to avoid question period, but it doesn't make it right, and it doesn't mean that it should be possible. It doesn't mean that they should provide cover for him to do it, and that's what they're trying to do. And "they" is not referring to the members of this committee. I don't think that's their intention at all, but it's probably the orders they'll end up getting.

At the end of the day, I appreciate what Scott had to say. I believe he's sincere, but if this amendment isn't carried, it means nothing. It means nothing at all. It's words, and that's all it is if the amendment is not carried. It really reinforces for me why that amendment is so critically important. These are changes that change Parliament and the way it works for all Canadians. If the government thinks it can just change those things to suit the Prime Minister and his willingness, his effort, or his desire to try not to be held accountable, to really be able to dictate the way things are—that's what he's trying to do—then there really is no input from the opposition and from Canadians. It's just the Liberal Party, or probably just the PMO dictating how things are. "Dictating" is a word that describes this Prime Minister quite well.

, Mr. Chair, I'd like to take a bit of time to compare some of what is in this "discussion paper". I use that in quote marks because I'm not so sure it's really about discussion at all, but a dictatorial letter, whatever you want to call it, from the House leader. The summary was put together by our analyst here, who does a great job, by the way, as do our stand-in analysts as well. I recognize all the hard work that he did on our electoral reform efforts, which ultimately didn't go anywhere, thanks, again, to our friend Justin Trudeau.

The analyst put together a great summary, in a chart here, of the discussion that took place during the take-note debate on the Standing Orders on October 6 of last year. He's categorized it and put it together quite nicely. I want to compare that to this "discussion paper", again in quotes, from the government House leader.

I went through it, and from what I can see—and I may be skipping over something—there are about 14 key recommendations, I guess I'm going to call them, that have been made here. We'll compare that to what's in this document from this take-note debate. We'll see how seriously the government really took the debate and the considerations of the members of Parliament. From that we can probably

conclude how seriously they are considering it and what's being brought forward by the opposition during the debates that will happen in this committee.

• (0000)

This is very germane to the amendment, because the government's position is, "Just take our word for it. We'll consider the opposition and what they have to say. Take our word for it. We've already had this one day of take-note debate, so we listen to people."

Let's just see how much of that made its way into this discussion, which is supposed to be a starting point, apparently. Then we can see how seriously we can take the government at their word they they are taking the opposition's views into consideration at committee and therefore see whether there is a need to put in writing that this needs to happen.

This is something the government seems to be refusing to do, which would make one suspicious, to say the least. If they really were intending to make sure there was cooperation and some kind of agreement with the opposition on what should be put forward and what should not be, why would they be hesitant to formalize it? It seems a little odd to me that they would be hesitant to formalize it, in that scenario.

We already are starting from a place of suspicion, of course, and understandably so, but anyway....

There is, of course, the talk—actually, interestingly enough, the very first thing that's listed in the document and that I see is one of the recommendations being made—about the idea of looking at the Friday sittings.

To be fair, this document makes an argument that if those sittings aren't going to be eliminated, maybe we could reappportion them in some other way, or have a fuller day, and these kinds of things. Those are reasonable conversations to have.

I think, though, that to try to get rid of a question period every week...? No, that's not reasonable, obviously. What that is actually about is very transparent, which is to try to make sure that the Prime Minister has one less day and the government one less day on which to have to be accountable to Canadians. There is no other argument you could make for this.

That's the first thing we see in the discussion paper. The second thing is the talk about electronic voting. I see some talk about it in the document.

That could be considered. Again I want to draw the distinction I made in relation to that committee report earlier, in which it was clear that this committee felt we shouldn't move forward with getting rid of the Friday sittings. It also said it wouldn't make a recommendation at this time but might revisit the idea of electronic and proxy voting.

There's a distinction there. This is an attempt by the government to bring back for discussion something that this committee, first of all, said they weren't going to make a recommendation on but might reconsider. I can understand why it might be reasonable for it to be brought back for discussion, but for the committee to say that this is not a good idea and we're not going to recommend going forward with it, and for the government to then bring it forward is a different story.

The discussion paper goes on to talk about the House calendar; it talks about changing the months and stuff that we sit in. I'm not going to get into giving a position on these items per se but will just summarize the effect they might have, for example, without really offering a firm position on them per se.

I don't want anyone to take anything I say as a position on the thing, formed on behalf of the opposition or anything like that. It's more a general comment on them and what the effect would be, or how they compare to what's in the...because obviously there's a lot of debate for us to have yet. I'm hoping the debate will actually mean something. That's what the discussion we're having today is all about today.

There is, then, some talk about changing some of the sitting months and things such as that. There is the idea of a greater degree of flexibility built into how many sittings the House has in a given year. Then it gets into the question of motions. What they're trying to do here is to eliminate the capacity to move certain motions. They're saying that's because there's a possibility that the opposition would deprive the House of the ability to deliberate on the intended item for debate during government orders. I think that's the accusation they're trying to make.

• (0005)

I don't see anything in here that would make any kind of corresponding change to the ability of the government to move closure or time allocation, except where they try to do something in here that would allow for proactive closure and things like that. This is what it essentially is. I'll get to that in a minute.

Again, they are taking some powers away from what are typically used by the opposition parties, but there's no corresponding change to similar types of powers of the government. I'm sure it's just a coincidence that it happens to be the opposition ones that are being contemplated, but the government ones they want to keep. In fact, they want to add to them. That's what they're saying.

There's some talk in here about adding to private members' business each week, allowing more consideration for members to change their places, and those types of changes to private members' business. I won't comment on that at this point.

Then it talks about prorogation and some options that could be looked at there in how that might be dealt with in terms of the government giving its rationale for why it would do that.

Then we get into proactive use. Rather than having to impose closure they're going to use programming; they'll do it right up front. Why have to get messy about it? That's the impression I have of that one.

It talks about reforms to question period, about the Prime Minister's question time. Everyone has interpreted that. The only person I've heard interpret it any other way was Mr. Simms just now.

• (0010)

**Mr. Scott Simms:** A table for one.

**Mr. Blake Richards:** You never know. Maybe you're right and everybody else is wrong, Mr. Simms, but the way everyone is interpreting it—well, you've got one of your colleagues sticking up for you here anyway, Scotty.

**Mr. Scott Simms:** I used to pay him. That's why.

**Mr. Blake Richards:** Fair enough.

That microphone wasn't on, was it?

Everyone whom I've heard thus far, other than Mr. Simms, has interpreted this to be the Prime Minister trying to be here once a week to be accountable to Canadians. I won't go over that. I've been over that enough times. I think I've made my thoughts on that pretty clear as well. I think I've made it pretty clear how I think Canadians are going to feel about that, if that's what the government is trying to do.

Then they're talking about increasing the amount of time that they would have to respond to detailed Order Paper questions, and I think limiting the number of words in that, if I'm not mistaken. The bottom line is that it's limiting the ability for opposition to get timely information to be able to hold them accountable. Again, that is removing accountability.

The next one I have here is on the omnibus bills and giving the speaker the power to divide those. That was mentioned as well earlier. Mr. Simms mentioned that there might be some legitimate concerns that were raised about it. We'll see if his government listens to him and others.

Then it talks about committees. There are three recommendations here. One is talking about trying to weasel a little out of the promise that was made about parliamentary secretaries on committees. One could argue whether that was an advisable promise or not. They're trying to sort of walk on both sides on that one with that promise here. They're sort of saying to let them come and participate and be a part of committees, but maybe not in a voting role. I think this is what this is trying to get at. It's sort of trying to let them back in the door a little bit. They're careful to make a point that they're trying to keep their promise there—not completely, but keep their promise a little bit.

Then there's this talk about putting a maximum time for speeches in committee—10 minutes. I've probably exceeded that by a few minutes already. I think a number of other members did today too. I'll quote Mr. Christopherson. He's fond of saying he can't even clear his throat in 10 minutes. He's probably right, actually. Again, all humour aside on that one, that's really an attempt to take away a tool the opposition has to draw the attention of Canadians to issues, to try to flesh out alternative proposals and suggestions and things like that, as I pointed out at length earlier. Ten minutes is not actually a lot of time to substantively.... For example, I don't know how much time I just spent going through a very basic bit of thought on each of these proposals. If I were to be in this situation, I couldn't have even gotten through that in 10 minutes or given them any kind of due diligence in terms of making a critique. There's no doubt about it; I couldn't have. It's an ability to eliminate the possibility for opposition to really be able to be critical and to offer alternative positions. That doesn't really seem in the spirit of democracy, to say the least.

What I wanted to do now was to go through the summary that was provided by the analyst of this take-note debate on October 6 and look at it. How much of it was really taken up in this? We'll see how seriously the debates and the conversations that were held there were actually taken, and that will give us some glimpse as to what we can expect from this without any kind of assurance in a motion, which we don't have now and which we're seeking, but which sort of seems like we're going to be denied.

• (0015)

It looks like there are 111 items, hopefully if my math is good, but over 100. There are 111 items that have been picked out by our analyst here.

I have the entire answer here, but I will not get into that. Maybe later, but not right now. Hopefully, we don't have to do that, but I am prepared to, if needed.

The point is that some of these things were brought up once by one member. Others were brought up numerous times. For some, it looks like there was disagreement. Some members thought things should go one way, some thought another. Some were for, some were against. The bottom line is that it's a summary of 111 items that were discussed, like suggestions, proposals, recommendations, that were made by MPs during these take-note debates.

As I go through them, I am not going to speak to each of them, at this point at least, but I will point out some of the ones that at least in some way appear in the letter. In fact, sometimes they are contradicted in the letter and other times they're partially taken up, so that we can get a sense as to how much of this actually was taken up.

It's broken up into various tables. In the first table, there are two suggestions, neither of which was taken up in this discussion paper. In the second table, there are 11 suggestions. Again, none were taken up in this paper. We are at 13, well over 10% now, and none have been taken up in this discussion paper, so they weren't considered. We won't get into good, bad, or indifferent, but 13 of 111 are not in there at all.

In table 3, there were a few of these items out of the eight in this next section. A few of these items were covered in the discussion paper, but all of them were contrary suggestions to those proposed by MPs. As an example, there was talk about longer debate periods or a longer time for speaking. All of these were things were suggested to go one way and the government went the other way, so we're still not doing too well here. We are at 21 out of 111 and there has not yet been one thing that's been taken up in the paper in a positive fashion and some have even been contradicted.

In table 4, there were five suggestions. None of them. In table 5, there is only one suggestion there, but it wasn't taken up either. In table 6, there were three suggestions. None of them were taken up.

In table 7, hold on here, we've got nine suggestions. Two of them were at least—I would actually say, now that I look at this again, that one of them was tangentially brought up in this report. It's the idea of increasing the number of hours for private members' business. I think where that comes up is the alternative idea of a Friday being longer. They were going to allow two hours of PMB rather than one, just to make the day longer—but not really make the day longer, if you get what I'm saying, Mr. Chair. I don't know, maybe we could give them one-quarter on that one. It's not really a full suggestion, but there may be a little piece there taken up on that one.

• (0020)

I've been through about 37 of these suggestions, so about a third of them. So far, about one-quarter out of 37% has been taken up in this discussion paper.

As for records—I don't know—it's not much better. It certainly would be nowhere near a passing grade, that's for sure. In fact, you probably could show up for five minutes in one class all semester and get that grade. That would be good for the Prime Minister, because he doesn't really like to show up that often, so maybe it would work okay.

On table 8, there are a couple of these that were taken up. I did make a note, though, that I wanted to check to see who had made the suggestion. Was it the Prime Minister's parliamentary secretary or somebody like that? It might make me wonder a little if it had been, but who knows?

I want to check that in a future intervention, because I think there's going to be more opportunity here in this debate, Mr. Chair, and I can come back to that when I've had the chance to take a look through the Hansard of that day, which I have here. That was the idea of a Prime Minister's questions day that was brought up.

They have one now. It's in here. It's one that a lot of Canadians aren't very happy about, but it's there, so they have one.

There was another one that came up, but, again, they went in the opposite direction of what was being suggested. We're kind of at about one and a quarter now out of about 51, so we're almost half-way. We have one and a quarter that have been taken up here by the government's discussion paper, the so-called listening to all members of Parliament and coming up with a discussion paper to get the discussion started based on proper and true engagement with MPs. Yes, it seems like it. I hope you detect the sarcasm in my voice there.

Table 9...oh, hold on. Here's another one: electronic voting. There were some MPs who wanted electronic voting and some who didn't, so I guess it's okay to have that discussion again.

I'm going to be really charitable and say we'll give him three-quarters on that one. We're at two out of 60 now, I think.

Next is table 10. There are seven recommendations here. One of these is kind of touched on. It talks about giving the Speaker the power to judge the quality and substance of answers to Order Paper questions. We can't give the government any points on this one, because not only is it just somewhat related to what's in the discussion paper, but it's also really contrary to the spirit. What's in here says that the Speaker should be able to judge the quality and substance of the answers to Order Paper questions. Surely, the answer must relate to the question.

I can understand why people might feel that would be a good thing. I'm not sure if that's the right way to do it or not, but I can understand why people would feel like they're not really getting a proper answer now and think someone should be able to force a proper answer. I can understand the desire for that. I've felt that desire on occasion myself, and I'm sure you've been there too, Mr. Chair. I'm sure others members in the room have been there too. But, of course, the problem is that the government's discussion paper refers to the question and it wants to increase the number of days in which the government gets to respond. I don't really think that's going to do anything to deal with the quality of the answer. It's just going to mean you're going to get the same terrible answer, or get no answer but take longer to get it, or rather, not get it. We can't really give them a point on that one.

What are we at now? I think it's at about 67 or so. I'm losing track, but anyway, we're still at two that have been taken up, and probably getting about two-thirds of the way through this thing. We're not doing so well so far.

We get a little more here, when we get to table 11. It's a little better here. This seems to be one of their big focuses. My guess is that these suggestions were probably being made by government MPs, at least the ones that were positive about it, but they were mixed.

The first one is the idea of Friday sittings. There were people who wanted to eliminate those sittings; there were people who wanted to keep them; and stuff in-between. I don't know; we'll probably give the government half a point there. At least it was discussed, and there were positives and negatives.

● (0025)

There was also a tangential mention of the parliamentary calendar in the government's discussion paper. That was also brought up in the October 6 take-note debate. But supposedly it was somewhat different from what was made in the government's discussion paper, so we can probably give them a half a point on this one again. So we're at three now.

Here's one that I think the government almost accidentally stumbled upon. There's a suggestion to increase the amount of time set aside for private members' business on Fridays. It's in there as a sub-alternative proposal. It's almost like a sub to the sub-alternative proposal, where they say that we could maybe add an extra hour at

PMB if we did this, if that didn't happen, if this happened. They gain probably a half a point there.

Then the next one is to study the rules on the use of prorogation. I think we could probably give them a full point there because they're talking about looking at that. Well, it's more about justifying it, not the usage of it, but I'm going to be really charitable and give a full point anyway. So we're at four and a half.

Then there's some talk about a proposal to change the sitting weeks, but it's really vastly different, and it's obviously a unique, one-off proposal. It's not at all what's in the report, so I don't know if we can really do much there in giving the government any credit.

The next section is table 12; there's nothing taken up there. On table 13, there are 10 proposals there; none of them are taken up.

It gets really bad from here, Mr. Chair. On table 14, there are three proposals, with none of them taken up. On table 15, there are just a couple of proposals there, with none taken up. On table 16, there are 20 proposals here. This is almost 20% of the proposals made. Guess how many were taken up here? A big fat zero.

So, of the 111 proposals, I think probably being charitable, four and a half were taken up. That's less than 5% of them. Now, if we even have that much success in this committee—with less than 5% of the opposition's suggestions taken up here—we would consider that an utter failure and disgrace of democracy.

I don't know if there's anyone having trouble sleeping right now. It's 12:30 a.m. If they're having trouble sleeping and they're listening to this, I'm sure I've probably bored them to sleep, so it's fine. But if they did somehow manage to get through it, and they're listening, they would have, I think, no doubt left that there is a need for the opposition to have some kind of assurance that it's not just saying, "Take our word for it. Trust us, we're the government." Who's heard that before? "Trust us, we're the government." That never ends very well for anyone when they decide to trust. This government's made it pretty clear why.

Take a look at this motion. The amendment is really quite reasonable. It says that this government should and could do what's always been the practice and precedent to deal with these kinds of changes. This government should and could ensure that Canadians continue to have the ability to hold the government accountable through their opposition parties by ensuring that the opposition parties have actual input. But instead they're saying, "Just trust us. It's all going to be fine. We had this debate and we listened to MPs. We included less than 5% of what was suggested. We included that in this discussion paper. It's supposed to be this starting point of the discussion."

Keep in mind, if that's the starting point, and we have only 2% or 3% of the stuff that was suggested before, this could change. Maybe some of it gets dropped. Maybe we get none of it. But let's say we get all 2% or 3% of it. The opposition has concerns about a lot of it. There is a lot of this that really concerns me and I think many of my colleagues. We just want to have an opportunity to see that we get real input into this. That's all this amendment is about: give us real input. Let us make sure that millions of Canadians who support us have a say, that they get to be heard too, and that the government does not just change the rules to suit themselves.

● (0030)

I can point back to the electoral reform initiative. I was intimately a part of it on the special committee, and it became clear to just about everybody pretty quickly that this was a government that made a promise.

I'll give it credit. Except for the one slip of the tongue by the Prime Minister that they then had to write into their platform, they were pretty careful on how they worded it. They wanted to fool people who were in favour of proportional representation into believing that this was what they were suggesting. I know there were even Liberal candidates who argued for it; I heard it myself. I knew all along that they were making a promise they never intended to keep—it's a typical thing that Liberals do—but people believed them. There were people who, despite the Liberals' past record, believed them. Boy, they figured out in a real hurry that this was a mistake.

They were careful, anyway, about how they worded it. What they were really trying to do was make this promise and deliver something else. They were making a promise that they would change the electoral system. People believed it was going to be proportional representation.

The Prime Minister has made it quite clear since that time that it was a ranked ballot he was really after. When he realized no one was going to go for that and there was no way he could do it without a referendum, as was clearly being demanded by the vast majority of Canadians; when he realized that people wanted proportional representation.... He had thought they might be happy if they at least got some kind of change. He realized they were not going to be happy, that in fact they would probably be angrier than they were with nothing. He saw he was not going to get away with that one, so he decided to just back away from it. That's what Justin Trudeau decided, obviously.

When we look at this paper, we can see the parallels. "Hey, don't worry. We have a couple of suggestions in here out of all the suggestions made by MPs, so we listened, right? We listened." It's probably just an accident, actually, more than anything, with that few of them, but, "Don't worry; we don't need to give you any kind of assurance that your concerns are going to be taken into account, that anything you have to say is going to make its way in here. Just trust us. We never lie."

Well, I guess I'm not supposed to say that they lie, but they do, so I'm not going to trust them. I have a lot of respect for members on the other side of the table. We've worked well as a committee, for the most part, and I'm sure they are sincere, but I don't believe for one second that the PMO and those who are directing them are sincere. I know there is no such intention here, and if there were, they would

be willing to codify it to give real input to the opposition and therefore to Canadians who have concerns.

I hope that over the next several days or however long this goes on prior to there being a vote on this question about the amendment, they reconsider this; that they realize they are wrong, realize that they need to allow the opposition to have input, that they need to allow for their government to be held accountable to Canadians. If they do that, then we can try to move forward and see what can be done here to improve the Standing Orders.

At the end of the day, when I look at some of the suggestions being made in the take-note debate, there were actually some suggestions that almost seemed like no-brainers.

● (0035)

Where is the one I am thinking of that really jumped out at me? I guess it doesn't really matter that much, but there were some really obvious suggestions in here, just wording changes. There was one—I can't remember what it was.... I think it was where there was clearly just a typo in the Standing Orders that has been there for years. It was like saying, let's change that; it makes sense, doesn't it?

There are a few things like that—obvious no-brainers—and then there are lots of other things in these suggestions made from the take-note debate. Let's have a discussion about those and see whether we can come up with something that parties can agree to and then move forward with it. Even in the letter from the House leader there are probably some things like that about which we could have discussion to see whether all parties can agree.

There are some things here that are non-starters, I think, for opposition members, without question: the idea of the Prime Minister only having to be there once a week, of taking Fridays off, of removing some of the tools, of eliminating the amount of time that a member can speak in committee, for example. Some of these things are non-starters for the opposition, but there are some things there that could be discussed.

Until we have some kind of assurance, however, that there's actually going to be consideration of what the opposition has to say, that it actually will be taken seriously—and that means there has to be something in writing that says that.... This amendment would clearly do that, and I cannot, for the life of me, understand why they would oppose it, unless they don't intend to allow any input by the opposition.... Until that happens, we can't even begin a discussion about those things, because we're not going to get there. We'll have this debate for as long as it takes to preserve those rights for the opposition and Canadians.

Once we get to that, if we can get something from the government that would allow this amendment—if they think better and realize that this is wrong—we can have a discussion about the motion and can try to move forward. Until then it's just a really sad, pathetic commentary on this government and Justin Trudeau's desire to be a dictator. It's as simple as that, and that's pretty sad.



How did we get from the role he played in the election, the thing he pretended to be, to where we are now in this period of time? I have a feeling that if Canadians could go back and take a look, knowing what they know now and knowing the actions they've seen, they wouldn't believe what they were hearing. I certainly can't believe what I'm being told without some kind of assurance from the government, because I see no reason to believe that they can be trusted.

With that, I'll close for now. There's a good chance I'll have more to say, but I'll turn the floor over at this time, Mr. Chair.

• (0040)

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

Mr. Schmale was on this list, but he's not here, so we'll now go to Mr. Genuis for his virgin filibuster speech.

**Mr. Garnett Genuis:** Mr. Chair, I can assure you that I will be limiting my comments to only those things that I think are absolutely necessary for this debate. Consistent with my usual fashion, I will be as brief as I can.

**Mr. Blake Richards:** Get comfortable, folks.

**Mr. Garnett Genuis:** I will say that, given the importance of the discussion, it is a real pleasure to be here with, honestly, some of my favourite people in the Liberal Party. I don't just mean that as a relative compliment. I know that my great colleagues here on the Conservative side but also in other parties—all of you—are up late here with us and working hard, although we certainly disagree on the direction.

You're doing so, I should add, while I'm sure the Prime Minister is fast asleep. Perhaps he's playing video games or something, but more likely he's asleep. Likely the House leader, whose office originated this memo on reforming the Standing Orders, is also asleep, and the kids in short red pants from the PMO who have put together this plan are probably also fast asleep. But you as Liberal members of Parliament on the front lines, following through on the direction you've been given, are nonetheless awake. I salute you for that as we continue, I think, an important discussion about our democracy.

I want to thank as well, Mr. Chair, all the staff who are here with us, both the partisan staff and the non-partisan staff, who work hard all day and are now supporting us in the evening.

It's been interesting being here throughout a good deal of the day listening to my colleagues and members from other parties speak. I've been looking at some of the discussion about this issue on social media, on Twitter and Facebook. There was a time, maybe a few short years ago, when people felt that the intricacies of the proceedings of the House—what was discussed at, for example, a committee like procedure and House affairs—would not be of interest to most Canadians.

I'll just share a number with you, anyway. Michelle Rempel, one of our colleagues, did a live video. That video got more than 20,000 views on Facebook in the first hour. This is at a time when much of the country, I think, is asleep. Perhaps it's just people on the west coast who have watched that video so far and are already giving a big response.

What we know, Mr. Chair, is that Canadians care about the integrity of our parliamentary processes, they care about our parliamentary institutions, and they care about the intricacies of conversations such as this. The substance of the Standing Orders, prorogation, the way political parties interact, decorum—all these kinds of questions, I am increasingly convinced—matter to Canadians. They may not read the Standing Orders, they may not know them in as intimate detail as I try to, but they do care about knowing that our political processes are informed by fairness and integrity. I think they understand that democracy doesn't disappear overnight, but that it can be strengthened or weakened or can be eroded gradually. They are invested in the health of these institutions.

I want to say at the outset as well that this past week we were in our ridings, and I was speaking in a number of schools in my constituency. One of the questions I asked was, do you think it is the job of the opposition to always oppose the government? Most of the students I spoke to were wise enough to realize right away that, no—and I think we realize, as well—it's not our role here as the opposition to always oppose what the government is doing. Rather, it is our role to review what the government is doing, to agree on certain issues when we share a common view of the public interest, but also to strongly disagree when we think the public interest is at stake. The importance of our role is to be pulling out those issues on which we are going to most pointedly and directly challenge the government.

• (0045)

This government needs to hear, in the context of the discussion that we're having on this motion, that the role of opposition is important. Obviously, the role of the government is important. That's more obvious. The role of the government is to set the policies and propose legislation and, in a general sense, to run the country. Our job is to try to shape and define a concept of the public interest that is different from the government's, and to use that as a lens to measure their actions in a more independent way, to support them when it is right to do so and to challenge them when it is right to do so.

We need to recognize the legitimacy of that role. We need to recognize the role of the opposition in our discussions of what the Standing Orders say.

Do the Standing Orders that we have now provide sufficient opportunities for, yes, of course, the government to do their job, but also for the opposition to do their job? It's with that view in mind that we moved an amendment to a motion the government put forward.

I want to review the content of the amendment. This amendment deals with unanimous recommendations.

[*Translation*]

The amendment proposes:

That the motion be amended by

- (a) deleting “2017; and”, at the end of paragraph (d), and substituting “2017;”;
- (b) adding, immediately after paragraph (d), “(e) notwithstanding paragraph (d), but consistent with the Committee's past practices, as discussed at its December 8, 2016, meeting, the Committee shall not report any recommendation for an amended Standing Order, provisional Standing Order, new Standing Order, Sessional Order, Special Order, or to create or to revise a usual practice of the House, which is not unanimously agreed to by the Committee; and”;

(c) relettering paragraph (e) as paragraph (f).

[English]

**Mr. Blake Richards:** Don't worry, Mr. Chair. We'll call it a point of order.

I think that might have been the first time our other official language has been used today in all the time that we've sat. I know our interpreters are working pretty hard back there. It's the first time they've had a chance to switch from French to English rather than English to French. I thought it was a good opportunity to acknowledge them and thank them for all their hard work today. It's well over time.

**Mr. David de Burgh Graham:** Now you say it in French.

**Mr. Blake Richards:** They just did. Let them do their job.

[Translation]

**Mr. Garnett Genuis:** Mr. Chair, I hope that my grammar was perfect when I was reading the amendment.

[English]

**Ms. Jenny Kwan (Vancouver East, NDP):** Even I understood that with no problem.

**The Chair:** Are you reading the motion?

**Mr. Garnett Genuis:** I was just going over the amendment.

**The Chair:** Everyone has a copy of it in front of them.

**Mr. Garnett Genuis:** Okay, excellent.

For those who are following the audio at home, that is the amendment I think we are discussing now.

Just to speak to the value of that amendment again, for those who may not have been following the translation, the unanimous requirement is what we're talking about here. That is to say, in recognizing the important role and different perspective that every party brings to the table, it's important that we have some degree of unanimity and consensus among the political parties before we move forward with changes to the Standing Orders.

The context is that this is an amendment to a motion put forward by Mr. Scott Simms of the Liberal Party. It is a motion, as others have mentioned, for which I think we suspect there's pretty clear direction from the leadership.

The government House leader put out a discussion paper, a paper basically naming the kinds of changes they want to see. I'll talk a bit about that discussion paper.

I eagerly read through it as soon as it came out because I do spend quite a bit of time in the House of Commons. I found some interesting points of discussion, but certainly plenty of things to disagree with.

Frankly, there are many things in this discussion paper that were clearly designed to advantage the government. Somebody was sitting down and thinking, "Hey, how do we strengthen the relative position of the government in the House of Commons and weaken the capacity of the opposition to respond and use the tools they are supposed to have?" This is what I saw in the discussion paper we had in front of us.

Then, immediately, we had a motion from the Liberals calling for an immediate study of this discussion paper, with a very tight timeline. Of course, our concern is that there are no safeguards at all in the proposal in this motion, to ensure that there is a substantial degree of consensus among all the parties on how we move forward on this.

In the absence of the amendment we proposed, there is a real concern that what the government would like to do is to push forward changes already laid out in this discussion paper, which would severely weaken the important role of the opposition that I've talked about.

It was said at the time of the debate on motion number six—which reflected a very similar approach by the government and the previous government House leader—that the government seemed to view all of the opposition parties, not just the official opposition, as a sideshow to the main event, which is the government governing.

The opposition is not a sideshow. The opposition has a central function in the process of governing. Naturally, as we have fairly regular changes of government in this country, who the opposition is changes. Those who are in government now will likely one day be in opposition and vice-versa. Really, it is in all of our interest to protect the role of the opposition and to ensure we have a strong opposition that has the tools and capacity to respond.

It has been interesting hearing the interventions by government members on this. They've been fairly limited. We have had comments by Mr. Graham and Mr. Simms that I think have expressed the view of the government in relatively similar ways. They have talked about some aspects of the substance of the discussion paper. They have said, "Let's get on with the study. We want to have a discussion about the Standing Orders. We want to have a discussion about how that works. Let's just get on with doing the study."

● (0050)

It's similar to the talking point we heard from the government on the issue of electoral reform, when they said, "Come on, guys, stop talking about a referendum, stop talking about process. Let's just get on talking about the substance of the discussion."

Our perspective, and I think it's the right perspective, is that you need to have some—

Mr. Graham is surprised that I think it's the right perspective.

The discussion of process needs to precede the discussion of substance. There have to be some ground rules on how a decision is going to be made before we step into the process of making the decision. I think this is quite sensible, because if we immediately start down the road of having a discussion of the substance before we've set ground rules, then we've already ventured into a space in which the government may well try to make decisions without involving the opposition in those decisions. We need to establish how decisions will be made before we go on to that next step.

What was striking about the electoral reform discussion was that once it became clear to the government that they had lost the process debate, they stopped having any interest in the substance. They were only interested in moving on to a discussion of the substance of electoral reform once they were sure they could fully control the process of decision-making.

I think members across the way have a point when they say there's important substance to be had here. Their option would be to say, "Yes, we're going to endorse the opposition amendment and accept the principle of changes being made to the Standing Orders with the agreement and acceptance of all parties." Once that happened, then yes, absolutely we could proceed to the next steps. It would probably make sense to get a bit of a sense of their rationale on timeline and some of these other issues. This is something that could be done and developed through consensus.

I'm a relatively new member, but I worked here as a political staffer before. Generally, the committees I've been a part of have worked on a consensus model anyway. That's how the committees of this House, I think, function best: when there is a collaborative spirit that informs the type of agenda that is set and the way in which we proceed.

It falls to those members, Mr. Graham and Mr. Simms, who made these points earlier on, who are interested in getting on to the study and who have perspectives on issues such as Friday sittings, to agree to a decision-making process that is fair and that respects the role of the opposition; then at that point we can move on to the next steps.

But we shouldn't put the cart ahead of the horse here. In other words, we shouldn't jump on to the study without agreeing on the ground rules, because if we were to do that, we would be ceding, I think, too much ground to the government. We have to first establish a principle, which is the role of the opposition and the important function that they have.

I'd like to go on to the next point. There is a fundamental principle at stake here in the amendment itself that really goes back through the history of our parliamentary system.

There are two ways to think about the origins of constitutions, of rules of order, of governing documents for any institution. You can think of some as coming up in a revolutionary way and some as coming forward in an evolutionary way. I'm going to argue that our system is broadly speaking evolutionary as distinct from revolutionary and that this is good and we need to preserve this character, and that in the absence of this amendment, the motion and the approach of this government deviates from our parliamentary traditions by being overly revolutionary.

●(0055)

When I speak about a revolutionary approach to the construction of rules of order, of standing orders, of constitutions, of legal frameworks, that revolutionary approach would be one in which you start with a group of people who think they're smart and may actually be smart or may not be taking control and themselves seeking to design from the ground up what an ideal system would look like, perhaps with limited respect for history or tradition; rather trying to say, "What has gone before isn't that important; we are starting today in year one. We are going to do something radically

different and we in our wisdom are going to design a system that works best." Whether you're talking about law, society, social institutions, constitutions, or rules of order, this is a revolutionary approach, an approach that rejects the past and starts from now as a way forward.

This is very much the tone of the discussion paper that has been put forward. It's also the tone of all of the talking points we hear from the government in the House. It is a revolutionary approach to political theory that says, we are going to redesign a system that accords with our perception of the needs of the present, and we're going to do it through the power that we have grabbed hold of.

You see this in the repeated use of the language of "modernization" without clarity as to what constitutes "modernization". This is inherently revolutionary and I would argue quite dangerous. Modernization, of course, can imply and mean certain very legitimate and good things. Modernization can mean updating the way we operate to respond to new challenges, new realities, new opportunities, but there is no explanation of how, for example, moving to having a prime minister working one day a week, reducing the number of sittings—any of these things—has any relationship to unique circumstances of the present time that have not existed in the past.

We're talking about the government wishing to make changes, but we're not actually referring to any recognizable concept of modernization. We're not talking about changes that really reflect an updating towards the modern world. What we're actually seeing is the terminology of "modernization" being used as a justification, as a kind of gloss for the fact that the government wants to change things.

The government wants to change things, so they're going to call their approach a more "modern" approach. Again, it's not obvious that having the Prime Minister there one day a week is any more or less modern. It's different, and we can have the argument about that, but the tone—and I think the intended tone, actually—is a revolutionary one.

That, then, is the revolutionary approach. When it comes to the constitutions of different states, we see a revolutionary basis probably more evident in the American constitution and certain constitutions that have been developed, although our tradition—the Canadian tradition and the tradition it draws from, the British tradition—is more an evolutionary one. In other words, it's one that has emphasized the importance of a regard for the past, of a reverence and a regard for our history.

The Standing Orders we have aren't standing orders about which someone a couple of years ago sat down and said, "I'm going to write standing orders". Our constitution has elements that were written at certain times, but our constitution isn't composed entirely of something that someone sat down and wrote at some point in time. Our constitutional framework is an evolved one; our Standing Orders are evolved; our institutions are evolved. We can see elements of our tradition that harken back to different periods in our history. I think we can go through that history and can see this process of evolution as it has unfolded.

•(0100)

Now, at first blush it appears strange that we would prefer a system that doesn't actually seem to be the result of intelligent design. Revolutionary systems reflect the mind of someone who at least considers themselves an intelligent designer, whereas evolutionary systems really are the result of the accumulation of historic wisdom but don't reflect the immediate design of a particular person or even of specific groups of people.

I think the endurance of our constitutional framework and the British constitutional framework upon which it stands shows the benefits of an evolutionary approach. We have also seen in the history of the evolution of the British democratic system, however, this revolutionary tendency. There have always been those who have been skeptical of history and tradition and have instead wanted to insert their own brilliant ideas, in the form of modernization or whatever it is, and to use the power they have to do so. I think we see that tendency in a particular way with this current government and with this current Prime Minister.

They do not have the appropriate reverence for history and for the way in which history has evolved our institutions to a point that reflects the collective wisdom of our political and our literal forebears. We need to acknowledge that wisdom and not simply throw it out on the basis of claims to modernization.

Someone told me once that if there's a pillar in your house and you don't know what it's holding up, your first instinct shouldn't be to knock it down; you should first find out whether it's holding anything up. In other words, you shouldn't assume it's there for no reason; you should find out what it does, and if you conclude that it's not needed anymore, then by all means proceed.

The evolutionary conservative political tendency that I've described is not one that is opposed to all change. Indeed, we are open to a discussion of changes to the Standing Orders; however, we wish to make changes in a way that reflects and respects our traditions, that in other words is evolutionary and not revolutionary.

The ultimate guarantee of that is in the amendment. Ours is a tradition that involves the ongoing input of members of Parliament from all parties. Not only are we talking about respect for tradition in terms of the Standing Orders as they represent our traditions; we're talking about respect for our traditions in terms of the processes by which changes have traditionally been made to our Standing Orders.

As colleagues of mine have mentioned, this has been the practice of previous prime ministers: to recognize with reverence the traditions in our system that are represented by the Standing Orders that I have in front of me and to understand the responsibility that they have as the inheritors of that tradition—not even fully as the inheritors of that tradition, but as the managers of that tradition for the benefit not of themselves but of future generations. The requirement of unanimity ensures that.

Let me then comment a little bit on the way in which our tradition has been impacted by the revolutionary tendency, because ours is not, to be fair, a tradition of unbroken evolutionary development of parliamentary institutions. It's one throughout which there have been challenges to that evolutionary idea, again because it's not an obvious idea. It is not intuitive that the best institutions, the best

constitutions, or the best laws are not simply developed on the spot but have been evolved over time. It hasn't been an obvious insight, but I think it is one that has been proven true.

•(0105)

Our constitutional tradition really starts with the Magna Carta, when during the Hundred Years' War—a war between England and France, to the extent that those names made sense in that time—the English king was seeking the support of elites within his society. They came back to him with certain demands, certain conditions. This is the beginning of the idea of a constitutional framework that limits the power of the executive. This occurred a little more than 800 years ago. Two years ago we just celebrated the 800-year anniversary of the Magna Carta.

It begins that process in a way unique to our own tradition of recognizing the need to limit the power of the executive. Actually, what's striking is that it does so in a particular way that is even at its inception evolutionary. In other words, even the framers of the Magna Carta were not in their minds creating out of thin air new rights or new obligations or new responsibilities. Perhaps we might say that they were, but they did not think of themselves as doing that; they did not explain what they were doing in a way that was revolutionary. Rather, they spoke about a recognition of pre-existing rights.

Take, from section 1, for example:

In the first place we have granted to God, and by this our present charter confirmed for us and our heirs forever that the English Church shall be free, and shall have her rights entire, and her liberties inviolate; and we will that it be thus observed; which is apparent from this that the freedom of elections, which is reckoned most important and very essential to the English Church, we, of our pure and unconstrained will, did grant, and did by our charter confirm and did obtain the ratification of the same from our lord, Pope Innocent III, before the quarrel arose between us and our barons: and this we will observe, and our will is that it be observed in good faith by our heirs forever. We have also granted to all freemen of our kingdom, for us and our heirs forever, all the underwritten liberties, to be had and held by them and their heirs, of us and our heirs forever.

If any of our earls or barons, or others holding of us in chief by military service shall have died, and at the time of his death his heir shall be full of age and owe "relief", he shall have his inheritance by the old relief, to wit, the heir or heirs of an earl, for the whole barony of an earl by £100; the heir or heirs of a baron, £100 for a whole barony; the heir or heirs of a knight, 100s, at most, and whoever owes less let him give less, according to the ancient custom of fees.

If, however, the heir of any one of the aforesaid has been under age and in wardship, let him have his inheritance without relief and without fine when he comes of age.

The guardian of the land of an heir who is thus under age, shall take from the land of the heir nothing but reasonable produce, reasonable customs, and reasonable services, and that without destruction or waste of men or goods; and if we have committed the wardship of the lands of any such minor to the sheriff, or to any other who is responsible to us for its issues, and he has therein made destruction or waster of what he holds in wardship—

•(0110)

**The Chair:** Excuse me for a second. Are you reading the whole Magna Carta?

**Mr. Garnett Genuis:** No, I'm not. I'm just quoting the relevant sections of it.

**Mr. Blake Richards:** Since you've been interrupted, I want to raise a point of order anyway, Mr. Chair. I was as concerned as you were that he might do that. Garnett is a man of few words, though, so I don't know that he would actually do it.

The point of order I want to raise, however, Mr. Chair, is actually a substantive one. It is that tomorrow morning we obviously all have caucuses. Ours is at 9:30, I believe.

Is the Liberal one at 10:00, or 9:30, or...? I don't know what time it is.

**Mr. Scott Simms:** It was cancelled.

**Mr. Blake Richards:** Your caucus meeting has been cancelled?

**Mr. Scott Simms:** Yes.

**Mr. Blake Richards:** We have obviously had a lot of discussion today. What time is the NDP caucus?

**A voice:** It's nine o'clock....

**Mr. Blake Richards:** It's nine o'clock. Does somebody else want to contribute to the debate over there? Maybe that was Justin Trudeau paging in the orders, or something.

It's nine o'clock for the NDP and 9:30 for the Conservatives. I guess the Liberals can defer theirs to the weekend. I guess the Liberals don't necessarily need to have a discussion about this, because the direction has already been given. Whether that was discussed at caucus or not, who knows?

We've obviously had a lot of discussion today about how the opposition parties feel the need to have some ability to discuss a direction with their caucuses, and to get some feedback. Obviously that will be a bit difficult if we're still here in this room or somewhere, continuing with the debate.

We're certainly not prepared to give way on this—it is too important a principle—but I'm wondering what your intention is, Mr. Chair, in terms of the caucuses. Obviously if we wanted to try to further this and give an opportunity for a discussion at caucuses, so that we might get a sense as to what things are going to look like going forward, it would be helpful for the committee if it were allowed to suspend to go to caucus meetings. I just am curious as to your direction and thoughts on that, Mr. Chair, and what our intention would be.

• (0115)

**The Chair:** I'm sensitive to that, and we'll probably make provision for that, but I think at this moment we should carry on with Mr. Genuis.

**Mr. Blake Richards:** Sorry, if I can just press a little bit more on that one, obviously people will want to make plans accordingly as to whether they can attend the caucus meeting or not. When did you intend to make a decision on that, then?

**The Chair:** You can have people attend their caucus meeting.

**Mr. Blake Richards:** Okay. Would we be able to suspend the meetings for that period of time?

**The Chair:** Yes. I'll determine the exact time later.

**Mr. Blake Richards:** Yes, but probably at nine o'clock, or some time before that, we would suspend until both caucus meetings have ended.

**Mr. David de Burgh Graham:** What time do your caucus meetings end?

**Mr. Blake Richards:** It's never exactly the same, but it's usually about noon.

**Mr. David de Burgh Graham:** It depends on the day.

**Mr. Blake Richards:** It's usually about noon. It might be a bit before or a bit after. We would obviously not take advantage of that, but it would be about noon, or somewhere in the ballpark.

Would that be acceptable? We appreciate that, Mr. Chair. Thank you.

**The Chair:** Mr. Genuis.

**Mr. Garnett Genuis:** Thank you.

As much as I feel that it would do some real good for some of my colleagues to hear the entire Magna Carta....

Yes. Mr. Kmiec, I should start again. Is that...?

**Mr. Tom Kmiec (Calgary Shepard, CPC):** I missed the first part.

**Mr. Garnett Genuis:** Seriously, Mr. Chair, this isn't just a piece of history. This is a document that deeply informs our constitutional traditions.

I'll pause on that, although I may refer to it later, but I think the point coming through that document should be evident to members. It is that the tradition established in the Magna Carta is not principally one of asserting the existence of new rights, or of proposing the idea that the state, or the executive, or some sort of all-wise guardian class is the introducer or protector of rights. Rather, it is to seek to recognize and protect in law the realities of pre-existing notions of rights.

Even at that point, which we can trace back in our constitutional history and which seems to be the beginning, there are references to this idea of pre-existing, evolved notions of rights. Again, this is what paradoxically starts our tradition, but not on a revolutionary footing. It starts our tradition in a way that suggests that it is already up and running.

There are moments in the evolved English tradition that appear revolutionary, yet ultimately were tempered and made evolutionary. This was the success of the continuity of our constitutional framework. Probably one big point in history to meditate on, as we consider this distinction between the revolutionary and the evolutionary, is the reformation. I'll have to be careful as I talk about this, to keep Mr. Kmiec on my side here, but—

**An hon. member:** He's a tough one.

**Mr. Garnett Genuis:** Yes, especially on questions around the reformation.

At first blush, it might appear that the reformation marked this revolutionary moment in the English tradition, and in a certain sense it did. It was followed by some real tension back and forth. You had King Henry VIII, who brought about a certain set of changes. Then you had Edward VI, who pushed those changes further. Then you had Queen Mary, who sought to restore Catholicism, and after that you had Elizabeth I.

Elizabeth I ascended to the throne following a great period of religious upheaval. She sought to frame the existence of a new church, which would be a combination of different aspects of past traditions, in a certain sense a compromise between different objectives and tendencies. Obviously, it didn't satisfy everyone. At a theological level, it's not something that satisfies me because I'm a Catholic, but you can see the evolution at the same time. "Evolution" implies a positive. I wouldn't want to imply, necessarily, a positive here, but you still see the relative gradualness of change between what the tradition was and what it ultimately became on the heels of the kinds of changes that were put in place by Elizabeth I.

You had this period of figures who were asserting revolutionary changes and ultimately a great deal of upheaval, but there was this kind of reverting back to the sense that, whether we move in one direction or another, things under the British tradition should move relatively slowly.

The next century had elements of evolution and elements of revolution. Of course, the subsequent century, after the death of Elizabeth I, saw the English Civil War and what came to be known as the Glorious Revolution. Again, this was a revolution in a certain sense.

• (0120)

The way in which Locke justified the revolution was that in his view this was a restorative revolution. In other words, this wasn't to dramatically change the way in which things had always been done but was rather to bring things back to the way they should have been properly done and to respond, from that perspective, to what perhaps were perceived as the quasi-revolutionary tendencies of James II. I don't want to relive those I'm sure painful debates, for some members, as they think about that history.

We can see in our history uniquely this kind of gradualism of change and also ongoing concern about the risks of an overly powerful executive, which might tread on the natural and proper prerogatives of Parliament. These were many of the dynamics here, and this was the justification provided by Locke for the Glorious Revolution: that it was a restoration and a protection of rights that Locke of course situated much further back. He situated them in a kind of evolution out of a state of nature. From his perspective, these were rights that had not been respected by the deposed monarchy.

This is our tradition, one which this amendment seeks to protect, and one not honoured at all by the so-called modernization approach that is advocated by the government in its discussion paper with respect to the Standing Orders.

The most powerful articulation of this reverence for history that we are protecting with this amendment is by someone who is often thought of as one of the founders or framers of the conservative intellectual tradition in the English-speaking world, and that is of course Edmund Burke.

• (0125)

**Mr. Scott Simms:** As a point of order, just to give you a bit of a break, if you don't mind, maybe for some levity I'll raise a point of clarification—maybe I'll call it that.

At the beginning of Mr. Genuis's speech, he mentioned that the Prime Minister and minister are fast asleep. I have an email that tells me, "Please remind the member I'm awake and I am listening."

**Mr. Garnett Genuis:** Okay. Is that Big Brother, or is that—?

**Mr. Scott Simms:** That was Minister Chagger.

**Mr. Garnett Genuis:** Excellent.

**Mr. Scott Simms:** There you go; she was listening.

**Mr. Garnett Genuis:** If she is listening, I actually should probably go back to the Magna Carta—

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

**Mr. Garnett Genuis:** —because I have a feeling she would particularly appreciate it.

**Mr. Scott Simms:** I suspect I'll get another email soon.

**Mr. Garnett Genuis:** Let me read one more quote from the Magna Carta. If the minister has a specific section she'd like me to read into the record, I'd be happy to do it, so please have her email.

**An hon. member:** Are you taking requests?

**Mr. Garnett Genuis:** Members can name their favourite tract here, and I will read it into the record.

This is a further section of the Magna Carta that I think is important. It states:

If anyone has been dispossessed or removed by us, without the legal judgment of his peers, from his lands, castles, franchises, or from his right, we will immediately restore them to him; and if a dispute arise over this, then let it be decided by the five and twenty barons of whom mention is made below in the clause for securing the peace. Moreover, for all those possessions, from which anyone has, without the lawful judgment of his peers, been disseised or removed, by our father, King Henry, or by our brother, King Richard, and which we retain in our hand (or which as possessed by others, to whom we are bound to warrant them) we shall have respite until the usual term of crusaders; excepting those things about which a plea has been raised, or an inquest made by our order, before our taking of the cross; but as soon as we return from the expedition, we will immediately grant full justice therein.

**The Chair:** I'm sorry, could you just link back to your amendment?

**Mr. Garnett Genuis:** Yes, absolutely. This section speaks very specifically to the importance of legal judgment by peers, by a multitude of people who are involved in decision-making. That's precisely what we are arguing for in the context of the amendment—the inclusion of a broad range of voices in the discussion—and that is not something the government believes in. It wants to create a system in which we don't have the ability for a broad range of voices to pronounce on questions and directions. What it wants is a deviation from the tradition that I've been discussing and one instead that leaves too much power in the hands of the executive—one that is inherently revolutionary.

I would like to make some more comments on the history. Maybe I'll come back to that, but if members are interested, I may take this opportunity now to share a few thoughts on the discussion paper that has come forward, and why in particular it is important that we have the full range of parties and members commenting on this. I know, of course, that it is important to establish the process point before we go on more fully to a study of the substance, but we do need to establish the importance of the substance as the basis for why we need to have that process discussion.

As I mentioned, the introduction here speaks repeatedly about modernization. It has this sentence that jumps out at me, "As society changes, the demands of our institutions change as well", but it's not clear at all how there have been societal changes that necessitate the kinds of changes proposed by the House leader and her staff, or by the Prime Minister or whoever is directing this effort. It's not at all obvious that those things have any relationship to changes that are taking place, and this is a concern we have, that in fact what they are trying to do is make changes on the basis, not of any credible account of modernization, but simply at the whim and will of the government to create the kind of system that works to its advantage, which does not sufficiently engage the opposition as a critical and necessary partner in the process of the decisions that need to be taken.

It says:

The impetus of all major reforms has had a common theme: a recalibration of the rules to balance the desire of the minority's right to be heard with the majority's duty to pass its legislative agenda.

What the government wants, in the absence of this amendment, is to recalibrate that balance by itself. There is an acknowledgement—at least verbally—in the discussion paper that there is a need for a balance, and I would very much assent to the principle that there needs to be a balance.

What is striking though is that the nature of the effort, the way the government has gone about doing what it's doing, is that it thinks it should be able to entirely define the form, nature, and result of that recalibration effort. It is saying there needs to be a recalibration, but on what basis is not clear. The basis is a generic appeal to modernization with no substantive account of what modernization actually means or entails in the context of the discussion we're having about the Standing Orders, but then the responsibility for defining that recalibration would, in the government's view, be entirely its own. It gets to recalibrate what it acknowledges is a balance.

I would say to members of the government: acknowledge the clear contradiction here. Acknowledge that there is a contradiction between the claim on the one hand that there needs to be some kind of recalibration of a balance, and on the other that the balance should be defined entirely by one actor in the process. This is like asking one team in a hockey game...and I don't mean to liken our politics to a game. It's not a game. We deal with serious issues and it's much more important.

● (0130)

In a sporting sense, though, people would intuitively appreciate that one team shouldn't be picking the referee. One team shouldn't be able to make rules that play to their inherent strengths in the context

of the competition. It's just sensible, that in any sense of any rules the calibration of balance between different sides needs to be done, perhaps through some external independent process but more likely, and particularly in this case, through the direct consent of those who are involved in the process of decision-making.

That's what our amendment seems to do, recalibrate the recalibration. It's to say that if there is going to be a process of recalibration between the government in general—this uses language of majority and minority, but more properly, since we're hoping to talk about what these rules would look like over a longer period of time, we can speak about government and opposition—we need to recalibrate the mechanism of that recalibration to ensure that we are not excluding one half of this equation.

If it were just the Conservative Party that had these concerns, you might say that the Conservative Party has its own interests, but everybody else agrees. This is, however, a very clear government-versus-opposition situation, because we have a unity of perspective on this amendment and on the broader questions around the process we have in front of us. We have a unity of perspective between the Conservatives and the NDP. I haven't heard directly from Ms. May, but my understanding is that the third party shares our concerns as well about the government abusing its position to define the way in which these decisions will be made.

I think that should clearly show the Canadian public.... Conservatives and New Democrats don't always agree. I think we'll probably have very different takes on...I was going to say tomorrow's budget, but in fact it's today's budget.

When the government put forward motion number six, which was about the government unilaterally changing the rules of the game, trying to relegate the opposition to a sideshow and making the government the main event instead of letting our system be what it's supposed to be, which is a meaningful exchange between different sides, we had the unification of voices from the opposition coming together and saying that this is not how our system is supposed to work. We have that happening again, because this is a revolutionary change in the way we approach these things. That's the issue of the recalibration.

It's interesting that in the introduction, the discussion paper speaks about the need for politicians to find common ground to ensure robust and effective ways of deliberating on the issues of the day. What is striking repeatedly about this government is the way in which their rhetoric actually gets it right. Yes, we need to find common ground.

As my friend points out, this is the title of a book in whose production the Prime Minister may have had some involvement, yet there are no efforts to find common ground from the government members at all tonight. They want us to gloss over the fact that in the way in which they have set up this study, in the absence of the amendment wisely proposed by my colleague, they are not finding any common ground at all. There is a dissonance between some of this rhetoric and what they are actually doing, which is not at all about finding common ground; rather, it is about trying to take control of the way in which the process proceeds.

Earlier in our discussion we had some specific comments from Mr. Simms about the issue of the number of days that the House sits. This is an important, substantive point on which, wherever we go, there needs to be a consensus. There needs to be agreement from parties about the way in which we proceed. The current system involves a certain balance that has five days a week of opportunities for the opposition to challenge the government.

• (0135)

Now let's be very clear. We all know that members of Parliament don't only work when they're in Ottawa. As members of Parliament, we don't have your traditional nine-to-five job. Sometimes there's work that has to be done at 1:30 in the morning. Sometimes we have events and constituency meetings that go outside of regular hours. Oftentimes we're working regular hours as well. We work when the House of Commons is in session, but we also have preparation involved in the things we do in the House, we have preparation involved in the committee, and we have reading and studying that we should be doing, which informs our understanding and our broader perspective on the issues that are in front of us.

Do I think the only work legislators do is the work we do when we're sitting in the House? No, I don't. That is why, when I spoke about changes to the way the House operates, I proposed a change during the debate we had on the Standing Orders that was a bit different from what many of my colleagues were talking about. It was to say that we can look for a way of increasing flexibility by, say, having another day on which votes don't occur. This would allow members to spend time in their ridings if they need to, but we would still continue to have five days a week on which debate occurs in the House of Commons, on which questions are posed to the government, on which the government is...well, not, I guess, formally forced to answer, but at least expected to respond. That ongoing accountability is important, and we can look for ways of facilitating flexibility for members to spend more time in their ridings, but we have to do that in a way that doesn't derogate from the real important accountability functions of the House.

Of course, I should add, the government talks in this discussion paper about the need to move legislation forward, and of course, absolutely, an elected government should be able to pass legislation. I think, as an opposition, our opposition has been reasonable in engaging the government in discussion about the fact that there are some bills we can move forward on more quickly and there are some that require more time. We've been having those discussions and trying to come to agreements, and of course not always coming to agreements, and then the government brings forward closure.

I'll talk about the use of closure. It's striking how the government seems very concerned about the political implications of criticism of closure, yet this was, of course, a political argument that they used repeatedly. They sought to frame the use of closure as a disaster for democracy, and now that they're in government they repeatedly use closure and are so concerned about it that they want to fundamentally change the mechanism. It's striking that they would sort of bemoan public perception and political debate around a particular aspect of our rules that they defined, that they sought.... Well, they didn't define them, but they themselves sought to shape them when they were in opposition. I guess that should be a good reminder to all of us that governments become oppositions and

oppositions become government, usually, in the fullness of time, and we don't know exactly when that transition is going to take place.

Speaking to this point about the number of days, the discussion paper implies that, essentially, how important are Fridays really because there are no more than two and a half hours for government orders, and committees do not meet. Of course, the day is not two and a half hours long. There are other things that happen on that day. There are also opportunities to debate private members' business, there is question period, and there are statements by members. The private member's bill debate period, question period, and the statements by members period are the same length as on any other day.

• (0140)

Yes, there is an opportunity for further debate on government orders. There is also an opportunity....

I should mention that on Fridays, of course, we have routine proceedings, an opportunity for members to table petitions, to move motions, to present private members' bills. So many parliamentary functions happen on a Friday. The flexibility of a Friday, where you don't have standing votes but you do have an opportunity for debate, actually allows that accountability function while also allowing many members to spend time in their riding, if and to the degree they need to. If members are able to stay on a Friday, perhaps they have a greater opportunity to give a speech or to participate in the discussion in a way that they might be less able to during other times of the week when more members are there. It gives members an enhanced opportunity to participate in the discussion.

Really, the Friday that we have recognizes the need to have some degree of flexibility, but crucially, it preserves and does not derogate from that important and natural and necessary accountability function. However long the government orders are, we have five days a week on which members of Parliament can bring forward legislation that is specifically important to them and their constituencies. I think we've had many Liberal members use the private member avenue to champion legislation that is not necessarily supported by their front bench but they've been able to champion. If I think about the range of private members' bills, many bills have either passed or at least been advanced onwards when they may not have had the support of cabinet, which does speak to the importance of the private member channel and the way in which Fridays facilitate that.

Now, the discussion paper does refer to the reapportioning of time on Fridays to other sitting days, but it doesn't at all indicate how you would do that while preserving the number of slots for private members' business. You couldn't very well add 15 minutes to the private members' bills slot four days a week and yet divide up that fifth private member's bill by 15 minutes each day. Perhaps they envisioned the extension of that period of time for debate on each private member's bill, which would have the effect of fewer private members' bills.



Perhaps there are ways around that. We don't really know what the government has in mind here. What's clear is that the government wants to put forward these ideas, but not really for discussion. In many ways, the title of the paper is misleading in terms of suggesting that this is a discussion paper. This is actually the basis on which the government appears to want to be able to dictate what a new set of revolutionized, modernized Standing Orders will be that reflects what they want to see. They are not willing thus far, although hopefully they will evolve—let's not call it a revolution in their thinking—to recognize the value of our perspective, which is that there does need to be an assurance that we will have the ability of all parties to have their voices heard, and not just heard but also listened to and protected in the process. That is not what we have currently envisioned by the process.

When they speak of Friday sittings, the government seems to envision an alternative, which is to move to full-day Friday sittings that mirror the hours we have on other days. Of course, members know that the hours of sitting are not uniform throughout the week. On Wednesdays, for example, the House only sits for four hours, I think, which I think is less than or the same as the House sits on Friday, because we have caucus meetings.

The House starts at a later hour on Mondays. It starts at a slightly earlier hour on Tuesdays and Thursdays. I'm part of a committee that normally meets at about 8:30 on Thursday mornings.

● (0145)

Members have a range of responsibilities, and a move to make Friday like the other days of the week would limit the flexibility that members have to spend time in their constituencies. That's a discussion that could take place as long as there's a recognition of the important role of all parties, all members, being involved in the discussion, as is outlined in our amendment.

The other point that's important about Fridays is that there is the issue of the reapportioning of private members' business that I spoke about, but also a question of time lost for question period. Already we know—and I'll talk about this because it's later on in the discussion paper—the Prime Minister is not interested in being in question period every day. He's not interested in participating in question period more than one day a week.

Our view would be that it's important for the Prime Minister to be accountable five days a week. There is the possibility, alluded to in the discussion paper, of reapportioning the times perhaps. Right now, question period is 45 minutes, so you would divide that up and add 10.25 minutes to question period on each of the remaining four days.

That would preserve the amount of time for question period, but it would not be nearly as effective from an accountability perspective, because it would not involve the government being accountable to the legislature, to the people of this country, five days a week. The adding of time to question period is not as important, from my perspective, as the fact of regular accountability created by the presence of that regular question period as it presently exists.

I think the government knows this. I think they would make exactly the same points were they in opposition and were a government trying to make those changes. I think, by the way, the things that Stephen Harper was accused of when he didn't come

close to trying to eliminate a key venue for accountability like this.... You know, the names he was called for proroguing parliament. Of course, we can have a discussion about that, but it's something that has been used many times throughout this country's history. Yet what is revolutionary, highly uncommon, is a government that wants to completely rewrite the rules to its own advantage by eliminating that crucial venue for accountability. They want to do that in the absence of the passage of our amendment. They want to do that without allowing a protected role, a protected voice, for the opposition in the context of that discussion.

These are concerns that I have about their proposal to remove Friday sittings. I would not want to proceed down that road unless we had assurance that we could look for what my colleague Scott Reid correctly called these Pareto optimum improvements—improvements every party sees as being fair to us and beneficial for our system. I would not want to go down this road unless we had the protection in terms of a process being followed that would be fair and just, the engagement of all those who have an interest, in a way that would ensure we are not getting ourselves out of balance as we would move forward down that road.

The discussion paper speaks, as well, to the issue of electronic voting, and it suggests that maybe there's an opportunity, because of this massive renovation going on, to implement a system of electronic voting. Even here, the sort of revolution-oriented language is striking: “implement a system of electronic voting as a pilot”.

This is our Parliament. To start doing something completely different and call it a pilot... I think we should be sure we're covering all aspects of potential pros and cons before we go down that road and not just say let's try it out as a pilot project. If we implement it and it has some real unconsidered problems, then I think we're going down a road that we shouldn't unless we are sure it makes sense to proceed in that direction.

● (0150)

I'm certainly not opposed to having the discussion, but I would not want to cede full control to the government and allow it to dictate to us what should be happening on the question of electronic voting. I think there are some legitimate questions about the kind of process that would take place.

If it's envisioned that members would be voting remotely, electronically, there certainly are some major questions that are raised by that, verifying that the vote was actually cast by the member. There is also a sense in which the presence of members at the time of voting is a way in which they signify that they have been present for the debate. Of course, it's not necessarily the case that members are present for the entirety of a debate on every question they vote on, or even any of the debate, but the fact that they are currently expected to be present at the House at the time of the vote to hear the question read out and to respond to the question speaks, I think, to the kind of responsibility we have invested in us.

The idea that members might not even be present for a vote raises some concerns. There are different ways in which voting is done. In the British House of Commons, my understanding is they don't vote the way we do, and in part it's a space issue actually. All the members of Parliament don't fit in their House of Commons, whereas ours is structured differently. We do all fit for the time being, so we vote in a different way.

Of course, we also apply votes. We apply past votes as a way of speeding up the time, but at least for every block of votes there is a point at which members stand up, are seen to stand up and take ownership of the position they are taking as an individual, and are accountable to that.

One of the questions I would like to probe on this is what the ways are in which electronic voting impacts accountability, because it has the potential to be somewhat more impersonal. Also, what are the effects of that on party discipline? Are members who are less concerned about the visual of them standing up to vote a certain way more likely to vote against their party, or are they more likely to vote with the party?

We have seen recently—finally—some Liberals take action in voting differently from the government on some transparently good legislation that they were right to support. Mr. Chair, one of those bills was your bill. Even though people in the front bench of both major parties were opposing it, we had many members in both parties who supported it, and I was proud to be one of them.

What would the effect of moving to electronic voting be on that aspect of party discipline? Would it be easier for members to do the easy thing and toe the party line instead of recognizing the visual associated with a public vote and stand up and be counted? It might seem like a small point, but these are distinctions that can matter. They require detailed study and the input of a full range of voices.

Part of the value of the unanimous provisions that are put forward here is that it's not only a matter of having unanimity, as in including multiple parties. Members across the way should think about this. The unanimity provisions provide a greater degree of leverage for individual members of the government who may actually have different views on the Standing Orders than the government itself.

● (0155)

I shouldn't say members of the "government"; I should say members of the "government caucus". They may realize, through this process, some of the ways in which the proposed changes to the Standing Orders—the elimination of Friday sittings and the changes to question period are among them—would have the potential to weaken the ability not just of the opposition but of others within the government to be holding their government to account, to be exerting their influence on behalf of their constituents. This is something that the government would do well to be mindful of, and it's another argument in terms of illustrating the clear benefits of the amendment that we have put forward.

There are other things that I could draw out in the meantime. With the House calendar, the changes to routine proceedings, and so forth, I think there are certainly some issues there. One of the frustrations I have is that there was a time a couple of weeks ago when the justice minister proposed a unanimous consent motion on a substantive

issue in the middle of debate on another issue. I think there should be a discussion about how we handle unanimous consent motions, that we would only see substantive unanimous consent motions at certain times and have a built-in requirement for engagement and consultation on those before they could be moved.

This is another way in which the protection of the prerogatives of individual members of Parliament is at stake. If a unanimous consent motion is moved when a member is not in the House, and it is then reported that this was a unanimous decision of the House, when in fact the member... For unanimous consent motions there are no bells. There is no advance notice required. There are some real issues and concerns around the protection of the privileges of members, and they need to be discussed.

Part of the protection that's provided, when you have provisions around unanimity, is that you have the engagement of all issues. There are issues that are raised in this discussion paper. There are also issues that are not raised in this discussion paper. When you have the requirement that changes happen unanimously in the committee, you might end up with some horse-trading. You might end up with members saying that they can enhance the role of the opposition here, enhance the role of the government there, and on balance agree to those things. But in the absence of the passage of this amendment, you don't have the opportunity to address many of those important issues that I've highlighted. Instead, you find yourself in a situation where the government just gets to go out and do whatever they want. They can use their authority to impose things on the committee.

Now, there's a crucial theme in this whole discussion. It's one of the biggest concerns we have about what the practical effects would be if we were to move forward in the absence of a clear signal from the government that, yes, unanimity will be protected. One of the concerns we have is found under "Theme 2", which deals with the question of time allocation.

This is one of the many ways in which we see the clear political nature of this document, by the way, that in the midst of supposedly creating a discussion on modernization, this government just can't resist throwing these totally unbalanced, partisan barbs into their comments by talking about, for example, the use of closure in the previous Parliament. Closure was used in the previous Parliament. It's also been used many times already in this Parliament, by many of the same members who themselves decried closure as being a dire moment for democracy. This is a political rebranding exercise, though, for closure.

● (0200)

What we have here in its wisdom is the discussion paper proposing to call closure by a different name. To paraphrase Shakespeare, closure by any other name—I don't know if it smells sweet or not, but I guess that's up to your perspective—is the same whether you call it "closure" or "programming".

To be specific, this document envisions what it calls an alternative to closure, which is actually just the rebranding of exactly the same thing. It just changes the timeline along which it would be done. It says the idea is that:

Following discussion with House Leaders—

There is no requirement indicated here of their buy-in, and certainly we don't get the impression that the government is interested in securing the buy-in of the opposition. They certainly aren't doing it with respect to the motion that we have brought forward, and they're not thus far interested in an amendment which would protect the input of the opposition. The programming following that discussion among House leaders would involve the government giving notice of a motion following...and I'm quoting exactly here:

—the Government gives notice of a motion following second reading of a bill to allocate a specific number of days or weeks for the committee stage, and the time needed for debate at report stage and at third reading.

This is interesting because you see the closure effectively being automatic, saying that from now on—not just on some bills, not just when the government House leader alone decides for whatever reason to proceed in this direction—it would become a matter of course that on every single piece of legislation, the government would say right up front, “We're doing closure after this number of days.” This would not just be in the House, but also it sounds from the language here that there would be a prescription of a certain number of days at the committee stage.

I say to this committee that this is, of course, a significant deviation from the normal practice of committees. The normal and proper practice of committees is for committees to be the masters of their own domain.

There are certain provisions in the Standing Orders for the automatic referral back of private members' legislation after a certain period of time. This is designed to protect the important role of private members, so that government majorities can't simply hold up and sit on private members' bills at committee. With the exception of private members' business and certainly when we're talking about government legislation, the committee is master of its own domain. It is up to the committee how it manages the study of that legislation.

This discussion paper would pull us in a dramatically different direction. It would effectively create an automatic procedure for the invocation of closure. Surely this is something that should only be done if there is a consensus of other parties.

There are many other alternative models that could be considered if the government feels that change is needed. You could envision a system in which days were set and publicly announced with the consent of opposition parties. Such a system would, I think, be more fitting to the word “programming”. It would involve the collective efforts of the House to decide on the number of days that were appropriate for a bill.

Importantly, the number of days that a government thinks are appropriate for discussion or debate on a particular bill might be different from opposition parties. The number of days that a particular opposition party feels are appropriate might be different from another opposition party. There might be a bill on which the NDP feel that they need to make a stand and all of their members care very much about, but that Conservatives have fewer people interested in speaking on. On other cases you might have the inverse—bills where more Conservative members are interested than NDP members.

That's why we currently have a system where House leaders sit down and have a discussion. They talk about the number of days they think are appropriate. Of course, there's give and take and hopefully then the opportunity to come to agreement.

● (0205)

The current rules provide for, yes, a vehicle for the government to move their legislative agenda forward if they are unable to reach an agreement, or really for whatever other reason the government chooses to put forward that motion. I don't think the system is perfect now, but as this discussion paper points out, there is a certain mechanism of political accountability. Under the current system, any time a minister moves a closure or time allocation motion, there is a period of questions and answers—maybe not answers, always, but questions. Members can spend that period of time, not question period but a period for questions, posing questions to the minister that can and often do reflect the substance of the legislation, and speak to the reasons why that particular minister has put forward a closure or time allocation motion. There is a vote, and then there is further discussion.

Yes, when votes that happen in the House are not at a time that has been agreed on by House leaders, of course that process is disruptive. Many provisions—motions that a member be heard, for example—are not used all that commonly. Yes, they involve votes that happen at different times of the day, and they interrupt committees that are in progress. Of course that can happen. That can be disruptive, but that actually is precisely why it is good for House leaders to be able to operate on a consensus basis, and certainly why our House leader works very hard to collaborate with the other House leaders to develop a consensus around the amount of time that makes sense.

This change to the way in which time is set, is managed, and is controlled would be truly revolutionary. The presumption throughout much of our history, indeed perhaps going back almost to the Magna Carta, is that members are given the opportunity to speak on issues that are important to them and that debate proceeds on an issue as long as there are members who are interested in speaking. That's important, because members who speak in the House of Commons don't just speak based on what they think is important or interesting. Members of the House of Commons are here as representatives, as trusted leaders, and in some sense, though it's not a fully exhaustive role, as delegates of the interests and values of their constituents.

We have this accepted tradition that, yes, members should be allowed to speak. Why? Because the people they represent should be allowed to speak. Members need to be heard not because there's anything particularly unique or special about me or anybody in this room, but because we are here on behalf of people back home. We have a right to speak because they have a right to speak. They have a right to have their interests, their values, and their priorities respected. That's what's at stake here when we talk about the engagement of the opposition in the process of changes to the Standing Orders, and specifically when we talk about the implications of that for the discussion of the way in which time is managed.

The rebranding of closure or time allocation, not the fundamental changes but the rebranding so that the government can use it more often as a matter of course automatically, and the application of time management, so-called, by the government to committees, are revolutionary changes that should not be the sort of thing the government imposes unilaterally. It is not in keeping with our traditions. It is not just. It is not just in terms of a proper appreciation of the rights of the people who sent us here, never mind the traditional prerogatives and privileges that we understand for members of Parliament.

• (0210)

I'm struck by the use of buzzwords in this discussion paper to cover what the government is doing, and their refusal to ensure that opposition will have a voice. This discussion paper speaks "of a 'Made-in-Canada' programming scheme"—scheme is the right word, at least—for government bills and motions, and for the handling of Senate amendments.

We have a made-in-Canada process. It's our existing Standing Orders. Sure, we're talking about a made-in-Canada approach proposed by this, but we're actually talking about made-in-the-Prime Minister's office. We're talking about a made-in-Canada—but made by a very small number of Canadians—scheme that involves a very small number of Canadians completely controlling and setting the agenda, completely responsible for deciding the number of weeks, the number of days, and the number of hours spent in a discussion of legislation, not just in the House but also in committee. This is something that particularly the members who care about parliamentary committees should be seized with—the idea that the House leader would say right off the bat, "Hey, this is how much time your committee has to study it."

Committees, by the way, are supposed to be the experts. We're supposed to be the people on committees who understand the topics. Surely you can envision a situation in which members on a committee would say, "We really need more time on this issue, because with our understanding and the witnesses we're hearing, we realize we need to hear more from more witnesses." Yet you've already had this preprogrammed motion from the House leader saying when the discussion has to end. That is limiting the ability we have to speak for our constituents and also to do the kind of study—to hear from experts, to hear from witnesses—that is so important to the process of legislation.

I am very concerned about the way this is set up. Does this mean we can't have a conversation about looking at improvements that could be made to the way the legislative calendar is managed? No, it doesn't mean that we can't or shouldn't have that conversation. It doesn't mean that it would be impossible to have those conversations, but those conversations have to happen in a way that is respectful for the role of all parties, even for the fact that in a majority government legislation is probably going to pass anyway. It is not infrequent that amendments to government legislation are put forward and successfully passed. It happens, and it should and could happen more.

It shouldn't be considered automatic that as soon as a bill is put forward by the government it's going to become a law and that's that. We should respect the parliamentary process, recognizing the

insights through the speeches that members give, as well as through the expert input that is provided at committee. We should acknowledge and expect there to be refinements.

I know there were cases, in fact in the previous government—one in particular, and I won't discuss the example because it might be a little painful for our side—in which legislation was put forward, but because public concerns were raised, the legislation did not proceed. This speaks to the importance of the parliamentary process.

There are reasons that we have multiple stages—we have committee study, the House, and the Senate—and it is out of, I think, respect for traditions and the value of moving slowly through the legislative process, through changes that are made, yet we don't see that respect for tradition, either in what seems to be the desired system by the government or by the process by which they are proceeding. They want this to be able to come forward quickly and for the government to be able to entirely control the discussion, and to not have a protection for the role and involvement of the opposition. That would be a significant shift from what has been our normal operating procedures in the past and what has been characteristic of the traditions that we have and that we work under in this place.

• (0215)

Now, the discussion paper speaks of reforms to question period. This government is talking about changes to question period, of course. We had a private member's bill put forward by Michael Chong in the last government that was about reforms to question period, separate from the Reform Act.

I think many Canadians would like us to be open to having the discussion about what question period will look like as we continue into the future. There can be no disputing the importance of question period as a unique feature of the day. Most of the time we spend here is under the reasonable and important general presumed equality of members of Parliament, that members each have an opportunity to speak to questions and to debate back and forth as members of Parliament.

It's the same in committee, where we have members of different parties but they act together as committees, hearing from witnesses, debating and discussing legislation, etc. But question period is that period in the day when we step into a bit of a different position from our tradition of us debating, as members of Parliament, into a more clearly demarcated position of government and opposition. We pose questions as opposition to the government about the business of the day.

Of course, question period isn't just for members of the opposition. Question period provides an opportunity for members of the government party caucus to pose questions to members of the cabinet and parliamentary secretaries about the operations of government. I think those questions could sometimes be used better to actually challenge the government about things that are important in individual constituencies.

Nonetheless, we recognize the importance of question period and the unique way in which question period does provide a forum for opposition to pose questions to the government. It's probably no secret that it is principally an opposition forum. It's principally an opportunity for the opposition to pose questions to the government. I think, generally, the opposition would want to have more question period, and the government would want to have less question period.

At the same time, I think a responsible government understands the value of that institution for democratic accountability, recognizing that, yes, the government of today may be the opposition of tomorrow, but also recognizing that our institutions, our governance, and our society are strengthened by having more mechanisms for accountability, and that question period, as well as Order Paper questions and other ways in which opposition can pose questions to government are all important vehicles.

Then the government, shockingly, would like to take this vital structure of our democracy and impose unilaterally through the discussion paper and then through the unamended motion, if it were to proceed without the amendment, an ability to unilaterally make changes to this opposition forum.

Specifically around the question of where this goes in the future, if the amendment were not to pass, the government would have established a very dangerous precedent, one that I think members of the government should ruminate on a bit, that if the government can change the way question period works, even in ways it thinks are defensible—

• (0220)

**Mr. Scott Simms:** I have a point of order.

In the spirit of good faith, earlier we made a point of seeking unanimous consent to make a few points. I wanted to make one salient point about the discussion paper, if I could ask the permission of Mr. Genuis or anybody else for unanimous consent.

**Mr. Garnett Genuis:** Sure. I'd be happy to move unanimous consent, as per the previous motion, that Mr. Simms can make a few substantive comments, and then the floor would be returned to me and we continue with the speakers list as it currently is.

**Some hon. members:** Agreed.

**The Chair:** Okay.

**Mr. Scott Simms:** What piqued my interest was when he talked about Michael Chong's bill—or motion, that's what it was—because I found it very interesting. I'm getting ahead of myself, but to be quite honest with you, when I was envisioning for this to be passed, and we were going to have an all-out discussion on what was in not just this discussion paper but other sorts of proposals as well, he had a very interesting proposal.

If I'm wrong on this, forgive me, Michael, if you're out there listening.

**Mr. Garnett Genuis:** He's out there.

**Mr. Scott Simms:** He's out there somewhere, yes.

I hope I don't get this wrong, but the characterization will be legitimate. That is, you have what you would call a “general” question period. It's a relationship between yourself and the Speaker.

You petition to have your question heard in the House by the Speaker, absent of the whips. On the tail end of a question period, you'll have that one time for—we all know how it will turn out—mostly questions about your riding. I found myself in that position when I used to ask questions, especially on the Friday, because....

I won't go back to the Friday debate, but Fridays were days when let's just say the presence of members was rather scarce. I mean that in an actual physical way. I'm not saying they were devoid of any intellect. I'm just saying that they weren't there, and it was only a four and a half hour day.

I used to ask questions specifically about my riding. Of course, I did get permission from the whip, and the list was handed to the Speaker. I used to hand the question to the minister, either the day before or the morning of, before I would ask it. The minister was actually Gail Shea. It was about the fishery, because the fishery is a big thing in my riding. I found it a very productive exercise, because I knew that she knew what the question was. Therefore, if the answer had nothing to do with my question, then obviously that was odd. It wasn't a way for me to entrap her into that. It was just a way for me to try to get an answer. The exercise proved to be a fruitful one.

At any rate, the reason I bring that up—I'd like to think it's germane to the situation—is that these are the ideas we can talk about. We're not saying that what is in this discussion paper is exclusive to this entire exercise of coming up with this report. These are issues that I discuss with the House leader. These are issues that we discuss as a caucus and that the House leader discusses with us. It was to start the conversation by saying, “Here are some of our ideas. Let us now go forward and see how fruitful we can be in this whole exercise.”

I just wanted to add a few words about that. I want to thank Garnett for allowing me that, and for the unanimous consent as well.

Thank you.

• (0225)

**The Chair:** Thank you.

Mr. Genuis.

**Mr. Garnett Genuis:** Thank you, Mr. Chair.

Mr. Simms, I appreciate your comments.

These are, of course, ideas that members have brought up and discussed. I spoke to them when I had the opportunity to make a speech in the House about potential changes to the Standing Orders. They really relate to two separate issues: the question of question period changes and the use of party lists in general.

I'll say, by the way, that I didn't mean to bring up Michael Chong. I think you are correct that it was a motion about question period. I did not bring it up as sort of a wholehearted endorsement of the content, but just to say that there are good ideas about changes to question period, and that our opposition to revolutionary change should not be construed as an opposition to any kind of change. It's simply an opposition to change that is radical and unilateral, and that doesn't reflect the best judgment either of those present or of those in the past.

G.K. Chesterton had a phrase that I quite like. He talked about respect for tradition being an acknowledgement of the democracy of the dead, in other words the inclusion of opinions past and present, of people who are no longer with us. The democracy of the dead, it has a real ring to it. I think it might refer to voter fraud as well, but that's not what G.K. Chesterton had in mind.

Specifically, with respect to the point, I think it is a very good thing to explore the question of reducing the use of party lists. What's interesting is that the Standing Orders do not speak at all of the use of party lists, either for question period or any other time. It would be very easy for members to think that the rules say that the whip gives the name of the member, and the member on the list given by the whip is the one who speaks next. What the rules say, in fact, that if Mr. Schmale is on the list and I stand up first—even if he stands up as well but I stand up first—the Speaker should call on me, and that includes during question period.

The practice that we normally observe, in fact, is that the Speaker calls on the member next, even if that member is not standing. The member who is about to speak next may well be sitting, yet the Speaker calls on that member—anticipating that they will stand—on the basis of their presence on a list. Is that something that should probably be discussed in a review of the Standing Orders? Sure. If nothing else, we might say that the Standing Orders should reflect reality, but I think there is some wisdom in the system that is envisioned by the Standing Orders.

I think question period should include some opportunities for what we informally refer to as a leaders' round, for the leaders of opposition parties and lead critics to pose specific questions that reflect the priorities of the collective of the opposition. However, it would be easy to figure out some allocation of question period between a period of time that was more oriented for those leader-and/or front bench-type questions and time for members to pose questions reflecting their own priorities that don't involve a list. Of course, informally, parties might have some system of coordinating them, but the absence of the list at least creates a certain degree of uncertainty and therefore flexibility.

I've spoken about this before. I think this is a good opportunity for study and discussion of the Standing Orders. What is striking to me, Mr. Simms, looking at the discussion paper that we received from the House leader, is the absence of a discussion about those kinds of changes to either the present Standing Orders or the practices of the House. They are the kinds of changes that would actually strengthen the role of individual members of Parliament relative to the front bench.

This is the kind of discussion paper that we would expect somebody in the cabinet to put forward. It's the kind of discussion paper that speaks to changes that are not only talking about advantaging the government caucus versus the opposition caucus, but that deal with issues that are the priorities of party leaders and those around them, as opposed to the priorities of others in parties. Those who are not part of a leadership team of a party might be much more likely to raise questions of, "What about party lists? What about the fact that they informally, though not formally, put all the power in terms of who speaks in the hands of the whips?"

● (0230)

These are important questions. We have a discussion, though, framed fully through the lens of a discussion paper generated by the government House leader and then through a motion that does not require the engagement of all members of the committee.

I say again, with respect to party lists, that members of the government caucus should appreciate that this is about changing the rules in a way that could not only disenfranchise the opposition but could weaken the important role government caucus members who are not part of the cabinet can have in providing that kind of accountability check. That is to the issue of party lists.

I'll add this, Mr. Simms, to the point you made about sharing the questions in advance. This is the point I made when I spoke to the Standing Orders in the House. We already have a system in place in the Standing Orders that involves ministers having received questions in advance and having longer periods of time to respond to them, as well as longer periods for the opposition to pose those questions. We already have that. It's called, informally, the late show, or more formally, adjournment debate.

Adjournment debate is when questions that have already been asked in the House, that have been given in advance, are re-asked in long form, and the responses can be given in long form, and then there is a chance for follow up. The problem with adjournment debate is that it happens at the end of the day, that it doesn't get a lot of attention or focus, and that the minister is never the one who answers. It's almost always the parliamentary secretary, and sometimes it's the parliamentary secretary not responsible for the file. He or she is just there to check that box.

The culture that has grown up around adjournment debate is that the House is virtually empty. The other thing is that the way the scheduling works is that you end up receiving your allocation for the adjournment debate question months after the original question was asked. It may still be relevant. It may be a point that's worth coming back to, or the underlying dynamics may have dramatically changed on the question you are seeking to pose.

What I propose as a simple reform, as an incremental but sensible reform, is to switch the time a little bit, with question period at two o'clock, followed by the late show, and statements by members moved to the end of the day. The minister responsible for the file would be required to be present in the House to answer the question at what we now call the late show. It would have to have a different name, given that it would happen at a different time. Given that there would be flexibility around the scheduling, it would be quite easy to be accommodating of the minister's schedule. If the foreign affairs minister was out of the country for a particular week, you could very easily schedule those late shows on the following day. Again, you would have to have a different name for them, but let's call them long-form question and response supplementary oral questions.

Would that reform help the opposition or the government? I think it actually would just be good for substantive discussion on issues. The ministers might say it's disadvantageous to the ministers, because the ministers would then have to be in the House for longer than they would otherwise be. On the other hand, it would save time at the end of the day, when a parliamentary secretary would perhaps have to return. It would create additional opportunities for members to be present and hear parts of that discussion. I think it would enhance our democracy by providing that opportunity for more substantive debate.

That's a change to the Standing Orders. In the framework of a study, where there is an acceptance of a principle moving forward unambiguously, we could say, "Yes, this is a change, this is a reform, that might make some sense". It would allow us to enhance the effectiveness of our institutions.

● (0235)

It's not a dramatic change, but it's a change that could enhance the effectiveness of our institutions and not be done in a way that dramatically changes the grounds under which opposition parties are operating. It would be a change that would be respectful of the opposition.

It's striking to me, as we look at the discussion paper, the motion, and the opposition that we see from the government to the amendment we're putting forward, that there isn't a discussion of some of what I think are critical issues for the way that the House operates. There are critical issues, which fundamentally are about members of Parliament, as opposed to, strictly speaking, the government opposition dynamic. All of us who are in this room, first and foremost, are members of Parliament. We can see the value of that and grab that opportunity to stand up for our position in the House as members of Parliament, not simply as members of government or opposition, although, of course, I have spoken about the importance of the roles we have as members of government and opposition.

I appreciate the points made by Mr. Simms. I'll come back, though, to talking about the discussion paper and its relationship to the motion and the amendment, because I didn't yet speak directly about this issue of the Prime Minister's question time. Those who talk about Prime Minister's question time recognize that this is an institution that exists in the U.K. There are ways that our Parliament and our traditions build off of the British tradition, and I've spoken to some extent about that. There are obviously ways that our traditions, through continuous evolution, have evolved to have slightly different characteristics. The daily question period is important. The accountability of the government five days a week is important, and we would like to see the Prime Minister engage with that process on as many days as possible.

There is nothing to stop the Prime Minister from answering every question on one day a week. He is welcome, under the present rules, to do that. Of course, under the present rules, he chooses not to attend question period quite frequently. There are instances where it appears that the Prime Minister is present in the general vicinity yet he does not attend question period. I acknowledge that the Prime Minister has to travel internationally at certain times; there are weeks when he is not here at all.

As we speak about a Prime Minister's question time, if we move forward in the direction that's envisioned by the discussion paper, we effectively give the Prime Minister licence, just as a matter of course, to not be present in question period on four days a week—or maybe three days a week, if other recommendations of the discussion paper were to move forward. However, it is a giving of "social licence", let's call it, for the Prime Minister not to be present in question period. Also, there are periods of time when the Prime Minister travels or may indeed have other legitimate responsibilities.

On both of those fronts, on the front informed by the prospective change to the Standing Orders, but also on the front of the realities of the Prime Minister's schedule, that further reduces the presence of the Prime Minister in question period. I think many Canadians would be struck and surprised by that, especially in light of a system in Canada where the Prime Minister is particularly powerful. A discussion that I guess informs this discussion would be, what are the powers of the Prime Minister, what should they be, and does he have too much power?

● (0240)

Certainly, the present power of that office means that the occupant of that office, out of respect for his office—as well as for Parliament—needs to ensure he is frequently available to respond to questions that are posed.

As to the changes envisioned for question period in terms of the number of question periods, as well as the presence of the Prime Minister in them, I can anticipate the defence, which is that if the Prime Minister answers a lot of question on one day, he might end up answering as many or more questions on that day as he would throughout the week. Okay, but there is something to the government being accountable five days a week and to the Prime Minister being accountable to answer questions on as many of those days as is reasonably possible, and to at least, in a sense, if he chooses to be absent too much, be accountable for that absence, to be challenged in a public way about the fact that he may not be attending question period as much as he should. The opportunities that exist for that regular accountability would be dramatically changed by the introduction of this change.

It doesn't mean, by the way, that this is something that can't be studied or shouldn't be studied. Again, it's the Prime Minister's prerogative, on behalf of the government, to choose to answer more questions that are posed in question period. If he were to do both—to improve his attendance record in question period and to also answer more questions—I don't think he would get any complaints from us about that.

That is provided for in the existing rules, but a fundamental change in the expectations around the presence of the Prime Minister in question period is something that, as we should all be able to agree, would require the buy-in of all members of Parliament in the process of that change, I think, in that we should be involved in and consenting to changes that would take place in that context. That is precisely what we are protecting. Again, it is not just about the ability of the opposition. It is about the ability of members of the government caucus, but it's particularly about the opposition, which obviously has a very important role in being able to hold the government accountable.

I have to say that the direction envisioned in terms of Order Paper questions here is not at all clear to me. I think there is an argument for changes to the whole process of Order Paper questions, but in a direction that would actually require that the government be held accountable for cases where there are some concerns about the information that has been provided and where there is perhaps a dissonance between the information provided and what appears to be the reality. There should be some greater mechanism for accountability for that.

Again, this discussion paper, which is supposed to form the basis of a study on which the opposition would have no guaranteed say, frames this purely in terms of the kinds of concerns that a government House leader would have, not in terms of the kinds of priorities that you would expect to be at the forefront of the minds of members of the opposition.

Next, then, there's this issue of omnibus legislation that is discussed here, and again we see the entry of partisan language into what is supposed to be ostensibly a more dispassionate discussion paper. It shows, I think, a lack of interest in genuine productive discussion and, in fact, in reality shows what we see as the desire of the government to be dictating to the opposition. We see that tone in terms of the language, and then we see the government seeking to come up with a distinction between the kinds of omnibus bills they do and the kinds of omnibus bills, so-called, that the previous government did, in a way that allows them to defend their omnibus bills and criticize other omnibus bills. Transparently, the last budget brought forward by this government was an omnibus bill.

• (0245)

Of course it dealt in general terms with the economy, but it dealt with many different things that are related to the economy. The same could be true of legislation that was brought forward by the previous government and by others previous. You have a budget bill that deals with a range of different subjects that are relevant to the budgetary plans of the government and the government's economic agenda.

The discussion paper makes a bit of a false comparison. It says there's an ability of the clerk to divide written questions, so the Speaker could do the same on omnibus bills. This would amount to a very substantial amount of power to give to one person, the Speaker who would unilaterally split a bill. It's quite a bit of power for one, even certainly an important officer of the House to have.

On the other hand, having the splitting of omnibus bills done by a Speaker who certainly is a neutral person, but is not one who is representative of the opposition.... The Speaker is not supposed to be representative of anyone of course, but this does not allow an opportunity for the opposition to be engaged in discussion or decisions about what actually constitutes an inappropriate omnibus bill.

Usually the objections about what is and is not an omnibus bill, of course, come from the opposition. It's the opposition who would have these concerns about a bill with too many different themes that are just lumped together. That is the kind of concern you would expect to come from the opposition.

To expect that the Speaker could unilaterally divide legislation, to think it particularly likely that the Speaker would use that power in a

context in which the Speaker is an elected member of Parliament, and ultimately, in the context where it's generally difficult for the Speaker to make these kinds of highly subjective calls—the question of whether things relate to an overall unifying theme or not—it would be very difficult to say definitively, yes or no, what that relationship would be.

Yet this puts that power solely in the hands of the Speaker. I think it risks situations where the opposition would perhaps inadvertently be in a position of disagreement with the Speaker, which creates other potential questions and challenges. Again, I'm not at all opposed to the idea of having a discussion about what constitutes an omnibus bill for the purposes of being reasonable and not reasonable. There are certain kinds of omnibus bills that make sense. I think the government should have a budget every year. I think the budget should deal with a variety of different things related to an overall unifying theme, and the degree to which that may or may not apply is something that reasonable people can and will continue to disagree with.

I think there needs to be a discussion about omnibus bills in a way that speaks to the kinds of concerns that opposition parties might have. How would opposition parties be inclined to express those concerns? What kinds of processes or Standing Order reforms would allow the opposition to effectively bring forward the kinds of concerns they have?

We can have that discussion. We can have that discussion here at this committee under the framework established by the Conservative amendment, an amendment that prescribes a framework whereby there's a discussion that can take place, perhaps a bit of horse-trading, perhaps a bit of coming around to each other's perspectives, looking for those improvements that are beneficial to all, and more importantly that are in the public interest, and moving forward on them.

• (0250)

Yes, some of that discussion might involve omnibus bills, but that is a discussion that should engage all parties, and certainly engage the kind of perspective that opposition will bring, as well as the kind that the government will bring.

Moving on, as we look at the kind of framework established by the discussion paper, we see that the discussion paper speaks to the management of committees. It speaks to the way in which committees operate. One of the changes it would make, of course, is that it would seek to impose time limits for members' speeches at committee. I know members of the government are thinking this would limit their opportunity to hear from someone like me in a context like this. I know that's not something that they would want to do through changes to the Standing Orders.



However, what should be clear in the midst of this exercise is that it's important for the opposition to have certain procedural tools to use in extreme circumstances. When the opposition feels, as we feel as a unified opposition, that this motion, in the absence of the amendment, would severely tread on the rights and privileges of members, we should have an ability to raise the level of attention on this issue, to raise, in a sense, the intensity of that discussion. The opportunity to talk the issue through fully is one of those tools that members have. I think my colleague from the NDP, Mr. Christopherson, made the point very well earlier that sometimes having the ability to press that panic button doesn't mean you're going to do it. Having the ability to do it—and he made the analogy to strikes—might mean that you actually push it very rarely, but the fact that it exists as an option is a mechanism for forcing the government to participate meaningfully in this conversation.

Earlier in the evening, we were almost there. As we were discussing the amendment, we had agreement for a period of temporary recess and discussion between parties, between members of parties, and I presume between other staff members in their parties. Those discussions took place. At that time we didn't get to an agreement. I'm hopeful that at some point in the future we will see agreement from the government to pass the amendment. However, the fact that the opposition had options and had a capacity to raise these issues gave us an ability to at least start to force those conversations, an ability that we wouldn't have had under the framework envisioned by this.

If you think in general about the time management aspect, the proposal around so-called programming or what might be better called “automatic time allocation” or “automatic closure”, were the government to move these things through unilaterally without engaging the opposition in the conversation, the effect would be that the opposition wouldn't really have any meaningful tools at our disposal, other than being able to speak in the limited time prescribed for us by the government. We could only speak when and for the time permitted as prescribed by the government. That would be it. We wouldn't have the opportunity to challenge the government in the more extended way that is necessary. We have evolved to appreciate the value of being able to do that within the type of parliamentary system that we have in Canada. Yes, we have a made-in-Canada solution already, one that has evolved to include and reflect the collective wisdom of the history that is embedded in our institutions.

● (0255)

I should say as well that my concern about the time limits imposed at committee isn't just about situations like this one, where it is important for us to press the panic button and say to each other and the public, “Whoa—something important is going on here.” It's not just for situations like that. It is also important because it allows members to actually air out substantive issues in a way they just wouldn't have time for in the House of Commons.

Let's remember what committees are for. Committees are opportunities for members of Parliament to develop specific and deep expertise in topics that reflect their own interests, their own constituencies, or assignments they've been given, whatever the case may be. Recognizing that we cannot all be experts in every public policy issue that is up for discussion, we can drill deep into specific areas and develop a deep knowledge and appreciation for the

challenges and conflicts. Then we can talk out and explore them in the context of the committee with a depth that is not available in the House of Commons.

I sometimes find that 10 minutes or 20 minutes just isn't enough time to get around an idea that I want to convey in the House of Commons. I'm sure at least Mr. Graham feels that way sometimes too. I don't know about other members. There are some topics—and it's not every topic, of course, but for me it's almost every topic—

**Mr. Tom Kmiec:** What about Rouge park?

**Mr. Garnett Genuis:** Twenty minutes was not enough for Rouge National Urban Park. It was enough for some of the members who were sitting behind me for the camera shot. They were done with hearing from me on that topic after 20 minutes.

**Mr. Fin Donnelly (Port Moody—Coquitlam, NDP):** Mr. Chair, I have a point of order.

This doesn't happen too often when you're listening to a member for a lengthy amount of time, listening to the debate and the discussion. I just want to offer a bit of thanks for the intervention. I think all members, regardless of their position on the debate and the discussion today, can agree that it has been an impressive intervention, an impressive speech by Mr. Genuis. I'd like to offer him congratulations.

I think all members would join me in thanking him for that intervention.

**Some hon. members:** Hear, hear!

**Mr. Fin Donnelly:** This is a rare moment of our coming together and—

**Mr. Scott Simms:** We didn't do that for Christopherson.

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

**Mr. Fin Donnelly:** I'm just saying that maybe this is a new tone of collegiality. I would like to—

**Mr. David de Burgh Graham:** Could I speak on the same point?

**The Chair:** Go ahead on the same point.

**Mr. David de Burgh Graham:** I have just one quick question. I keep hearing “Mr. Genius”. I'm pretty sure that's not how you pronounce your name. I was wondering if you could clarify that for us.

**Mr. Garnett Genuis:** First of all, with respect to the point of order, thank you, Mr. Donnelly, for your kind words. I hope you enjoy the latter three-quarters of my intervention as much as you've enjoyed the first quarter of it.

● (0300)

**The Chair:** Could you answer the question about—

**Mr. Fin Donnelly:** I must say though, Mr. Chair, if I could just finish, that I really did enjoy the bringing of the Magna Carta into the discussion. I thought that was, so to speak, ingenious.

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

**The Chair:** Let's end on that high note. We're suspended until noon tomorrow—or today, rather—in deference to caucus meetings.

● (0300) \_\_\_\_\_ (Pause) \_\_\_\_\_

● (1200)

**The Chair:** I call this meeting to order. I hope everyone's refreshed from a good night's sleep.

We're continuing the discussion on the motion of Mr. Scott Simms.

**Mr. David de Burgh Graham:** On a point of order, before we go back into Mr. Genuis's speech, you may have heard that there was a shooting outside Westminster a few minutes ago, and their Parliament has suspended. I'm going to invite you, colleagues, to join me in expressing our solidarity with our colleagues in the United Kingdom.

That's all I want to say at the moment.

**The Chair:** That is unanimous.

There was an outstanding question last night at 3 a.m. on the pronunciation of Garnett's last name. I wonder if he could answer the outstanding question in the same—

**Mr. Garnett Genuis:** The members may want closure on this question, but I am frankly very concerned about the use of closure—

**An hon. member:** Oh, oh!

**Mr. Garnett Genuis:** —and wouldn't want to provide it inappropriately, at least not without unanimous agreement.

I'll just say that my last name is strong, is growing, and that's really all I have to say on the matter.

**The Chair:** He could be a minister.

**Mr. Garnett Genuis:** Yes, well, there are those in cabinet who are working hard to join it, so I think my time will have to wait until 2019.

Moving on, are we done with the point of order?

**The Chair:** Yes.

We'll continue on the speaking list from where we were last night, and Mr. Garnett has the floor.

**Mr. Garnett Genuis:** Mr. Graham really wants me to cross the floor. I suppose I could then join the large number of Liberal members voting against the government. That's not going to happen, just to put all my cards on the table.

Speaking of all my cards being on the table, I would like to continue where we left off last night, or rather earlier this morning, with the important issues that we're dealing with. Our discussion was in the context of a notice of motion that came forward from Mr. Simms, and I should say that the motion came forward in a way that I don't think is respectful of the tone and of the way in which we typically operate within this place.

We had the release of a discussion paper that, as I think others have reflected, isn't so much about discussion as it is about dictating. It's just supposedly to raise some issues and some questions and some matters for consideration, but then, very immediately, it was followed during a constituency work week by a notice of motion. On the day before the budget, the government wanted to move forward

with this motion that would have involved a study of the issues in this so-called discussion paper about the so-called modernization of the Standing Orders. They thought that somehow the boundaries of that study had to be determined the day before the budget.

Of course, we know that Canadians are legitimately weighing out. They are looking at the budget, looking at how much this government will increase their tax bill by and at how much debt will be left to the next generation. In the midst of that, we have something happening that I think was designed to slide in under that discussion and prevent us from really giving it the scrutiny it deserved.

What did we on this side of the House do? Not just our party but all on this side of the House, including our good colleagues in the New Democratic Party, stood up and said “no”. We said it was not right for the elected government of the day to do this. They do enjoy a certain mandate to implement aspects of their policy agenda, but it is not right for them to try to unilaterally change the way in which our parliamentary institutions function.

That has been the pattern with this government. It has met with strong opposition in every case. Initially the government thought they could unilaterally change the way in which elections occur, the process by which they take place, in a way that would work to their advantage. The opposition stood up and said “no”. We were eventually unified in saying that you cannot, as one party, change the rules of the game. You have to engage with others in the process.

This is exactly what our amendment speaks to. This is a continuation, another step in what we've already seen so far from this government. First of all, they wanted to change the way in which elections occur without meaningfully engaging Canadians or meaningfully engaging their representatives, except for those who were part of their party. Even then, we sometimes have good reason to doubt how meaningful the engagement is, even within the government caucus, given the responses we see in terms of things that happen in the House as a result of that.

Now that they've backed away from that, we see them effectively doing something very similar. They're trying to change the rules of our parliamentary processes, again unilaterally, again proceeding in a way that is not set up to be respectful of individual members of Parliament and those other voices who need to be represented in that discussion as well.

● (1205)

It is interesting that there is a clear similarity, a clear parallel, in terms of the kinds of arguments that are being used by members of this government in this context. My colleague Mr. Reid, on the electoral reform file, would ask repeatedly of Minister Monsef in the House of Commons, “Why won't you commit to a referendum? Why won't you commit to the wider public engagement that we would expect to take place?” Those were the questions that he asked, and the response—to the extent that the questions were answered at all—was always something in the form of “Let's put aside these questions of process and let's talk about the substance.”

We ought not jump to a discussion of substance without really prefacing that with a meaningful discussion of how the discussion will proceed, the process by which it will unfold. Yes, I am as eager as members on the other side are to have a discussion about how we move forward with respect to our Standing Orders, but that has to be done in the context established by the amendment. You can see a parallel to that in the call for a referendum that came from the opposition before. It was us—not just us as the Conservative caucus, but the united perspective of the opposition—saying, “You cannot change the rules of the game on your own.” That is not what Canadians elect governments to do.

Canadians elect governments, or members of Parliament, to be precise, and members of Parliament then coalesce to define who the government is. Through that process of selection, Canadians identify a government that they expect to make policy decisions and to propose laws for debate and discussion. At the same time, though, I think Canadians expect governments of the day to leave intact the basic framework that allows for ongoing, fair, democratic competition. To the extent that changes are necessary in that interaction—either changes to the way in which people are elected or changes to the processes of the parliamentary activities that we're a part of—any time there are proposals for change, it is not good enough that one player in the game decides that they want to make those changes.

I don't want to reduce what we do here to a sports analogy, because what we do here is much more important and consequential, but I think members would clearly understand that if one combatant in a sporting event were to set the rules of the game, the other side might have some real, significant, and legitimate concerns about that. The way in which democracy is supposed to work is that there is a set of ground rules that are identified, independent of the particular interests—and certainly independent of the narrow, immediate interests—of one particular party. Those ground rules are established with a wide degree of social consensus.

In the context of electoral reform, we said it was important that it occur through a referendum. In the context of changes that are proposed to the Standing Orders, it is important that the discussion occur through the meaningful engagement of members of Parliament. That means members of Parliament of all parties, including all members of the government and all members of the opposition.

What we have sought is an amendment that reflects the expectation that Canadians have of fairness in our democratic processes, where the framework, the ground rules, and the context in which we operate are not simply established or pronounced upon in a definitive way by one player in the game.

● (1210)

There have to be meaningful mechanisms for the opposition to advance their concerns, to bring them forward and discuss them. It's not surprising to me that we see, unfortunately, this repeated pattern from the government of seeking to make changes not just to policy, not just to decisions of the government, but also to that underlying substructure of democracy. Moreover, they want to do so in a way that does not reflect our normal processes and traditions, that doesn't reflect our normal expectations of fairness. We see this in the approach they took on electoral reform, which they immediately pulled back from once they realized they had lost the public debate.

I'll say something to members of the government on this discussion of the Standing Orders. You did not win the issue of electoral reform in the way that many in the government wanted to, because Canadians rose up and objected. They spoke out clearly about the problems and the concerns they had with the things that were going on.

The public response on that issue was overwhelming. This is a new issue. This is something that the government started trying to push forward at committee yesterday. Looking at the comments people are making and at the level of engagement we are seeing on social media, I perceive this issue, and specifically the issue of the amendments we are bringing forward, to be one that is garnering very substantial public concern and consideration.

There is a reasonable expectation from the public as people discuss these issues. There is an increasing level of engagement from the public on this issue, and members probably are noticing it as they check their emails. I know we were here late last night, into the wee hours of this morning, and many of us had caucuses to attend, but I would encourage members while they are here to ask their staffers if we are hearing from people on this issue from within our own ridings. Already there has been a very strong response to this issue. People who didn't even know I was here last night have been writing to me about things they've heard from other people and are saying they hope I am engaged in this process.

This is the kind of issue Canadians want to get engaged in, because Canadians take our parliamentary institutions very seriously. They also have an intuitive sense of procedural fairness and the importance of people being engaged, of all parties being engaged, not just because there are different individual perspectives that are important, but also because we are speaking in a way that is reflective of the people who represent us, and the people who represent us—not just those from Liberal ridings who may not be heard in this process, but all Canadians—deserve to have some say over the way our democracy works.

In the government's opposition to the amendment, we see their desire to limit the ability of the opposition to have a meaningful say on the kinds of changes to the Standing Orders that would come forward. We also see in the specific proposals for change that are coming from the government a desire to remove all of those meaningful tools that the opposition has for challenging the government. There is nothing in this proposed so-called modernization that takes away the ability of a member to speak maybe once, if they can get a slot, for a limited amount of time, but in every case they remove those provisions that allow members of the opposition the strong and meaningful opportunity, on issues of vital concern to their constituents and to the nation, to stand up in a more pronounced and fundamental way and say no.

•(1215)

It removes the ability, for example, of members of Parliament to talk for more than a very limited period of time in the context of committees. That's obviously a problem, because the committee can be the one place where members of Parliament, generally those who sit on particular committees, will have a particular interest or degree of expertise in specific areas. This discussion paper proposes to limit the ability of not just members of the opposition but also members of the government to stand up—I guess we normally speak sitting down at committees, but to metaphorically stand up—and object in a way that is clear, effective, and pronounced.

As I look at the text of this discussion paper, and I've read through it a number of times, I see some real dissonance between the tone of the discussion, the stated objectives, and the way in which this government is proceeding vis-à-vis the amendment and the changes they are proposing to bring about. For example, as I said earlier, this discussion paper refers to modernization without clarity or definition, but it also refers to some words that are, in and of themselves, good words: “greater accountability, transparency and relevance”. How in the world, though, does removing the ability of the opposition to have a say, either with respect to the ground rules or with respect to the actual ongoing deliberations of the House, promote greater accountability? How does removing one question period every week, even if the time is reappportioned—because you are still removing the opportunity for accountability five days a week—provide what is stated as an objective, greater accountability?

It states:

Parliament must adapt to a changing and evolving...landscape and should respond to demands of greater accountability, transparency and relevance.

Greater accountability, transparency, and relevance: these are all important things, yet the way in which the government is proceeding—today, this morning, yesterday—is fundamentally at odds with the objectives we discussed here.

It was in fact our party that pushed to have these discussions in public. It was our advocacy that said Canadians have to see, in a clear way, what's going on and what the government is trying to do, which is to remove the ability of the opposition to be an effective force, and to do it in a way that doesn't give the opportunity for the opposition to be meaningfully and effectively engaged in this discussion.

Incidentally, to further support my point about public engagement on this issue, I'll just say that members saw me doing a Facebook Live about 20 minutes ago, before this committee. I had some technical difficulties because I had my camera facing the wrong way initially. That often happens with me. You might be able to tell my ability with technology by my comments about the concept of modernization, but I have figured out Facebook Live, and in 20 minutes we've already had 19 shares. That's a little less than a share per minute. I don't normally get that much traffic on the videos I post, not even on something as contentious as motion number 103, so we are seeing a high level of engagement from the public on this issue.

I think members of the government would do well to note that, and to realize that when they talk about things like greater

accountability, transparency, and relevance, Canadians are already scrutinizing what we are doing here. When it comes to the government's desire to limit the conversation by not supporting the amendment, by not allowing the opposition to be meaningfully engaged in that discussion, we see that the public, who are much more able to be engaged because of social media, whether members of the government like it or not, are already reacting to that and being very clear about the kinds of concerns they have as that happens.

•(1220)

There is something in the introduction to the discussion paper that I neglected to draw attention to last night. The introduction talks about the recalibration of the minority and majority, and yet the process envisioned by the government is one in which that recalibration is undertaken unilaterally, where you have one member of the process doing that recalibration.

The discussion paper also says, “This balance is in need of constant attention and periodic adjustment to reflect the will of the House and of the people it serves.” Isn't that exactly what we in the opposition are talking about and are seeking to do through this amendment? This is to ensure that any recalibration or balance that takes place reflects “the will of the House and the people it serves”.

Let's be very clear about what that needs to mean. As the government was keen to talk about, at least until recently, we have a majority government that was not elected with a majority of the popular vote. That's fair. That's how our system works. That doesn't in any way take away from their legitimacy to govern, but it does speak to the fact that we need to have a little bit more of a multipartisan approach if we are to meaningfully talk about the will of the people that the House is supposed to serve, especially when we make changes that shift the underlying substructure of our democratic discussions.

It is striking to me how in this discussion paper you have the nominal recognition of the need for periodic adjustment to reflect the will of the House and the people that it serves, and yet you have a motion that seeks to allow the government House leader's vision to be unilaterally imposed on the House and on the opposition.

When we speak about the will of the House, some members might suggest that could be just a majority of the House. After all, the House can vote, and the government has a majority, so they can carry the vote on the basis of their majority. Doesn't that reflect the will of the House?

Well, I would say that the will of the House should be expressed in different ways that are appropriate to the kind of situation that is being adjudicated.

If we were to have a public whipped standing vote on the selection of the Speaker, I would consider that inappropriate. I would consider that an inappropriate expression of the will of the House in the context of that institution. It is important for the Speaker both to be neutral and to be seen to be neutral. Although formally the process of a whipped standing vote right at the beginning of Parliament would mean that the Speaker would be chosen by a majority, I think it would undermine the principle of the will of the House.

This is recognized in the Standing Orders, which for different kinds of things prescribe different kinds of numbers for the will of the House. Obviously, for the passage of legislation, there is a requirement that there be a majority of those voting who support it. On certain other matters there are different metrics or requirements. There are certain things that the House can only do through unanimous consent. There are certain things the House can do through a majority, but which need to have a proper notice given in advance.

There are certain things that can occur in the House that require a certain threshold to be passed. I am thinking of Standing Order 53 and Standing Order 56.1, standing orders that allow motions to be put forward that are deemed adopted if a certain number of members do not stand to object. In the case of Standing Order 56.1, the government can put forward a motion, and if the opposition fails to stand 25—well, it wouldn't have to be the opposition, of course—if 25 members of Parliament fail to stand, then the motion is deemed adopted. That is to deal with changes to the normal procedural mechanisms of the House.

• (1225)

Standing Order 53, which we had use of on Bill C-14 last spring, allows the government to seek to suspend the normal notice process that takes place for the discussion of a bill. Certainly we would not want the normal notice process to be suspended with a simple majority of the House, but I think it is sensible and right that we're willing to accept that even if there are a couple of members who object—and for the purposes of Standing Order 53, it's not 25 members but 10 members—the government can proceed with something for which there hasn't been the normal notice given, if the will of the House is for that to be done in the way that I have described.

This is the central point. The will of the House is a concept that I think requires a certain degree of proper collaboration in response to the specific events that we are dealing with. Yes, there has to be periodic adjustment, but there has to be an acceptance of the way in which that periodic adjustment takes place that meaningfully reflects the will of the House.

I think the amendment that we in the opposition have put forward reflects an appropriate concept of the will of the House in the context of this type of decision. We accept, as is well established in Standing Orders 56.1 and 53, and elsewhere in the Standing Orders, the use of unanimous consent motions in general, which would be another example of certain situations, especially procedural things, wherein a simple majority is not enough, because if we are shifting the procedural ground of the House, and the government can do that simply with a majority vote, then that puts at risk all of the subsequent discussion that should be occurring on substantive legislation.

It's not just out of sort of parliamentary nerdiness and navel-gazing that we are concerned about questions around the Standing Orders and process. It is, rather, because those things provide the substructure for discussion of substantive issues that matter to Canadians and that inform their lives in a real and practical way.

It's a reality that government legislation may have unintended consequences. It may contain mistakes, and that's why the process of

parliamentary scrutiny is so important. That's why the role of all members of the government caucus, not just the cabinet, and the role of the opposition are so important: it's because our ability to engage in a meaningful way in the discussion is a bulwark against the kinds of mistakes or unintended consequences that can occur in legislation.

We need to protect that substructure and we actually, I believe, for the most part, need to have a higher standard of support for making changes to that substructure—yes, to protect it, but also to protect the meaningful policy decisions and outcomes that stand upon that framework. That's something that is particularly important.

Further, there are certain things, certain further acknowledgements in the discussion paper that while ultimately recommending changes that would be injurious to our institutions and, indeed, to a proper understanding of the role of the opposition and of all members of Parliament in that institution, that I think should point in the direction of support for the amendment that we are defending today.

• (1230)

I draw the attention of members to a sentence on page two, partway down the first paragraph, when it's discussing some of the issues of the deliberative function of the House. It acknowledges, "Every issue is unique and requires an amount of debate that is commensurate to the significance of the matter before the House." This is very true. There are some issues that require less discussion; there are some issues that require more discussion. What has been striking to me in witnessing the way in which this Parliament has operated is that we've often seen efforts to curtail debate on some of those most substantive and sensitive areas where surely we can recognize the need, or we should recognize the need, for very extensive discussion.

The first time that this government proposed time allocation or closure was with respect to Bill C-14, the government's euthanasia legislation. Although, as I'm told, previous governments have used time allocation from time to time, this was a unique case on an issue of fundamental values and conscience. There were significant differences of opinion within every party, and certainly within the two largest parties, and the government moved forward with time allocation on that issue.

This speaks to some of the problems around that whole area of discussion. It also should remind us, when we're properly calibrating the discussion in the House, to recognize the differences between different kinds of legislation and recognize that different kinds of legislation require different amounts of debate, especially on legislation on which there may be broad agreement among the parties that it's something that's okay to move faster on. However, the significance of the matter, the relative time that is required for discussion in the House, is also something that we can't speak of as having a certain ontological objectivity. It is not, strictly speaking, an objective point with regard to how much discussion is required on certain items of legislation. Members of different parties will disagree based on what they're hearing from their constituents.

A recent example of this, to compare what the Conservatives and the NDP were saying, was the discussion around the government's pre-clearance legislation. I can't recall exactly the number of that bill. Our view was that this was legislation that was good, which we could support. It was a government bill. Our caucus was supportive of the government's approach with respect to pre-clearance. The NDP was not. The NDP had some grave concerns. The NDP wanted in particular to ensure that they were able to be fully engaged in the discussion. Notably, when time allocation came up on that bill, our Conservative caucus joined with the NDP in opposing the imposition of time allocation on that point. We recognized that from the perspective of the NDP, the time commensurate to the significance of the discussion of the issue had not been given. What you see today, and what you've seen on matters like this around the management of the time of the House, is some real agreement among parties with obviously very different broader philosophies.

As we think about this issue of the way in which time is allocated, this speaks to very important rules about how the House operates. Yes, individual parties, but also individual members, have an opportunity to meaningfully put forward and discuss the concerns they have. The absence of an ability to do that, the absence of the ability for the opposition to have a role, as envisioned by the study in the absence of the amendment, can obviously create some real problems with respect to the way that balance is set up.

The normal process for making changes to the Standing Orders, as well as for figuring out the time that is allocated to different things, is for discussions to occur among House leaders. There is provision in the Standing Orders—and I think there should be provision in the Standing Orders—for the government to move motions around the allocation of time when they feel there is urgency in moving a measure forward, but the important point is that those motions create an avenue, an opportunity, for public debate and discussion around the use of that procedure and create some accountability and scrutiny of that process.

● (1235)

The way in which the government is proceeding here really seeks to limit or minimize the debate that would normally occur around that.

Later on in the introduction to the discussion paper, the government House leader lays out some proposed reasons for these changes. As we discuss how to do the study and the level of engagement we would expect from members with respect to unanimity or not, we need to take on board and consider the reasons that have been put forward.

The discussion paper speaks about the need to ensure members have a better balance, and to encourage under-represented segments of society to seek elected office.

We should be quite aware and critical of the fact that very often this government uses references to minority and other under-represented segments of society to impose its own interests. We saw this with electoral reform, where they objected to the idea of a referendum. It seemed to be on the basis that we have to ensure that the full range of diverse voices be heard, but we never got an answer as to why a referendum would exclude a full diversity of voices.

Referendums, in fact, would generally make it easier for people to engage who may otherwise be unable to participate in the kinds of consultations that don't involve the simplicity of being able to cast a direct ballot. A red flag should go off in our minds when the government uses this reference to under-represented segments of society, if it is in the context of a broader plan to simply impose its own agenda and, perversely, weaken the ability of the full range of voices to be heard in the process.

The first point of justification that the government House leader puts forward for wanting to proceed in this direction is the comment, "to ensure Members have a better balance". I'm not entirely sure what "a better balance" means—especially when we have a normative word like "better"—when what is envisioned by the approach the government has taken is that we're going to have a balance that is entirely conceived of and determined by the government on the ways in which Standing Orders operate and debate proceeds. The system that is envisioned is one in which the government decides before the fact how much debate is going to be allowed or not allowed on any given provision, so it's not at all clear to me what is meant there by "balance".

On the other hand, perhaps better balance isn't speaking so much in this context of the calibration between the role of government and opposition. Rather, it's speaking about the kind of balance that members might want to have between their duties, their families, and other things in their private life. As we think about the Standing Orders in that context, there are a lot of options that we could identify that could enhance the effectiveness of representation while facilitating an optimal balance, but the engagement of those changes shouldn't be something that the government House leader does unilaterally. Of course, the government House leader is in practice a bit removed from the practical life of other members of Parliament, because the government House leader has far more staff. They have certain resources at their disposal, a driver, and so forth, that other members of Parliament don't have.

● (1240)

I'm not objecting to that. I'm simply saying that if you want to have a discussion about the kind of balance that can be achieved in practice for members of Parliament, you'd better make sure that you're actually engaging the full range of voices of members of Parliament.

Now, the kind of balance that is necessary in the life of a member of Parliament will be different for the government and for the opposition members, because government and opposition members have different kinds of responsibilities. In the government, of course, members have access to a greater spectrum of staff support. There are larger budgets on the government side for those kinds of things. Opposition has to spend that much more time on the kind of research and analysis that's happening within our own offices. That impacts the kind of balance we can have.

On the other hand, there are different responsibilities that may be particular to the life of a government member of Parliament, who is probably more involved in making announcements. Committee chairs, not always but generally, are members of the government. Parliamentary secretaries have another set of associated responsibilities that are different from those of other members of Parliament. This issue of balance for members of Parliament is different depending not just on whether you sit in government or opposition but also on which party you are in and what kinds of responsibilities you have within your party. Perhaps there's an issue between recognized parties and unrecognized groups. Then, of course, there's the issue of independents.

In a discussion of what constitutes a better balance, I think it should be obvious that we would want to engage the full and broad range of voices in that discussion. That's exactly the opportunity that is established in the context of this amendment. If the amendment were to pass, it would ensure that we would hear from the different kinds of perspectives that are raised by all members of Parliament as we discuss this important question of balance.

These issues of what constitutes balance will vary within parties, but they will also vary across regions. I mean "region" in the sense of the part of the country you're from or the kind of riding you have, whether you represent an urban or a rural riding. I think the kinds of expectations and the kinds of work we do for our constituents vary widely, depending on the kind of constituency we have. Some of us have to spend much more time travelling. Some of us may have a relatively greater volume of immigration casework to do. Any discussion of balance shouldn't reflect just one political party, not just because it shouldn't reflect only one party's political interests but also because it shouldn't reflect just one regional type of perspective. It should be a conversation that is inclusive.

Sometimes when we see the policy decisions of this government, it strikes us that there isn't really an appreciation of the dynamics happening in more rural parts of Canada, and that's across the board. That's something that needs to be taken into consideration when we think about the kinds of balance and the kinds of activities involved in representation for all members of Parliament. That's why it's important for us to ensure that as we undertake discussions of what balance looks like, we have a greater level of that full engagement.

Mr. Chair, I don't want to put members on the spot here, but I notice that there's a declining number of members at the table. I'm open to a brief suspension, if that is what members want.

I'm happy to continue with my remarks, but we have a pretty small number of members at the table right now.

•(1245)

**The Chair:** Ruby.

**Ms. Ruby Sahota:** On a point of order, as long as members are in the room they can hear the debate. I don't see what the issue is. Last night we went through this with opposition members who were not sitting at the table and were not listening to the speakers speak. This is something that will occur after two days.

I don't think there's any reason to suspend.

**Mr. Garnett Genuis:** And we certainly don't need to. I was just making the point that if there are discussions that are happening that

respect how we can move forward in a more collaborative way, then we can suspend to allow those discussions to happen. But if that's not something the government is interested in, I have no problem continuing.

**The Chair:** I appreciate your raising that, but it doesn't seem at this time necessary. But any time you want to raise that, do, because sometimes we do need to break for discussions.

**Mr. Garnett Genuis:** Sure. Okay.

**Ms. Ruby Sahota:** I'm sure someone on your side might bring in McDonald's again, and we may as well all get up, so we'll have that consideration for each other.

**Mr. Garnett Genuis:** I understand Mr. Bittle was tweeting his concern that the health minister might object to the consumption of McDonald's, but I would just say it's a harm-reduction measure.

**Ms. Ruby Sahota:** Where do you find the time to be on Twitter as much as you do?

**Mr. Garnett Genuis:** That's what I do after 3 a.m., when the committee suspends.

Certainly, Mr. Chair, members are welcome to be where they want in the room; I don't mean to dictate to members on that point at all. I just want to make sure that we're taking advantage of the opportunities to have discussions about some next steps here, because it would be worthwhile for the government to see the logic of what we're doing, and to work with us to facilitate study and discussion of these issues in a way that is properly collegial and properly inclusive of the broad range of perspectives that we have in front of us. In the absence of that amendment, that is not happening, so I think that's something that we need to see at some point. Whether we see the government go through that process of introspection and change after a day or after a month, it's going to have to happen at some point, because the way in which they are proposing to bring about change is just so fundamentally unacceptable to those of us in the opposition.

We recognize the importance of the role that we have as elected members of Parliament who speak on behalf of their constituents, but also as an opposition that has a responsibility for framing the public conversation and that has different tools for calibrating the intensity of our response. Sometimes we support legislation and proposals the government brings forward and sometimes we object, but we object in a way that allows the process to proceed, and very rarely do we stand up, or in the present case sit down, and say, "The government is trying to do something that is fundamentally unacceptable to the way that our democratic processes work." That is something that we in the Conservative caucus are deeply committed to—and I know that Mr. Christopherson spoke very forcefully about this last night as well, that the NDP caucus is also deeply committed to this. I don't know if he gave the barnburner at caucus that he promised, where everyone was on the roof—

**Mr. David Christopherson:** Well, they're still on the ceiling, as I promised

**Mr. Garnett Genuis:** They're still on the ceiling. Okay.

I want to continue, in the context of this discussion paper from the government House leader, by speaking to the second point that was given in terms of rationale for the changes that the House leader wants to bring forward, and that is, she spoke about this issue of encouraging unrepresented segments of society to seek elected office.

It is not at all clear to me how the efforts of the government to effectively neuter the opposition, to turn the opposition into more of an audience than a part of the process, would somehow encourage under-represented segments of society to seek elected office. I think what people look for when they consider whether or not to seek a career in public office is the opposite. What they look for is a sense that they will be able to meaningfully contribute to the process, regardless of what part of the House of Commons they're in. I think it would probably be harder to recruit someone to run for public office if you had to tell them, "Well, if you're in the opposition, the government is basically going to do whatever they want, and you don't have any tools at your disposal." I think that might be the sort of thing that would discourage people from running for public office if they had to grapple with the fact that our rules had been changed unilaterally in a way that did not actually allow for the meaningful engagement of the opposition in the ongoing process. That's my general view about how the proposed changes by the government would impact this question of under-represented segments of society seeking elected office.

• (1250)

However, it's striking that despite making that assertion—as is typical of the government's rhetorical style of throwing out these concepts without actually ever explaining their relationship to the fundamental objectives, which is to weaken the role of members of Parliament and strengthen the power of the Prime Minister's Office and the House leader and the cabinet—they make absolutely no attempt to explain the relationship between that reference to under-represented segments of society seeking elected office and what they're actually in a substantive way trying to do through the way they proceed.

Moving on from that, there's further discussion of what constitutes modernization. The discussion report says:

Modernization of the rules of the House also includes ways to improve the functioning of committees. It has been frequently noted that it is in committees that the substantive work of Parliament is done, and where a significant share of a Member's parliamentary work takes place. While committees continue to function effectively, there are merits to examining ways to improve not only their effectiveness, but also their inclusivity.

That again speaks to the dissonance in some of the government's rhetorical tone in the context of this discussion paper and the reality of what they are trying to do. They are not creating more inclusive committees. What they are seeking to do through this process, in the absence of the amendment, is to create the context in which the government can unilaterally impose things on the opposition with respect to the kinds of decisions that are made, and to do so without, then, opposition members having the normal processes that are available to them such as being able to talk about their concerns.

How is it more inclusive for the kinds of interventions and the length of interventions members could make, especially when the

government House leader explicitly acknowledges in her comments on these remarks that committee members generally develop a significant degree of expertise in the topics before them? The proposed time limits for committee are actually 10 minutes, which is less than.... Well, of course, the time limits in the House vary, depending on the type of measure before the House, but every bill has a period of time for 20-minute speeches.

There's actually a provision in the House for unlimited time on certain kinds of measures. I can't quite remember exactly, but I believe that the Prime Minister and the Leader of the Opposition, in certain situations if not in every situation, but certainly the mover of a government motion and certainly the person who immediately responds to the government motion has unlimited time. Unilaterally, this government wants to make changes to the Standing Orders that would place greater restrictions on the ability of members of Parliament to make long interventions in committee than in the chamber of the House of Commons. One of the things this suggests to me is that, in the process of moving unilaterally, the government is doing it rather sloppily. They haven't even reflected upon the fact there is this dissonance with the existing Standing Orders, which do permit 20-minute speeches in certain cases and unlimited time in certain cases, while they would propose to severely limit the time available for discussion at committee.

How in the world would that make committees function more effectively? In what world does that increase effectiveness or inclusivity? Certainly if the government's goal, as it seems to be with respect to the amendment and the motion, is to just get through committee work as quickly as possible, to transform committees from meaningful, deliberative bodies into rubber stamps, if that's their metric of effectiveness, then we can see where they're going. Of course, effectiveness is a concept that can be very much in the eye of the beholder. It seems that every time the government talks about effectiveness, they don't mean effectiveness from the perspective of the health and vitality of the institution; they mean effectiveness from the perspective of the interests of one particular set of actors, not even being the entire government caucus but being those on the front bench, the Prime Minister, the government House leader, and their fellow travellers.

• (1255)

A less slippery term than "effectiveness", though, is "inclusivity". Transparently, what the government is talking about doing is not enhancing inclusivity with respect to committees. Although they have contemplated a provision with respect to independence, they've applied the same point to parliamentary secretaries with respect to committees. This raises some real and obvious problems, where on the one hand the government takes this holier-than-thou stand of saying they're not going to place parliamentary secretaries on committees, but then afterwards says they're going to create a defined role for parliamentary secretaries, in addition to that of the members they already have there.



There's a legitimate debate about what role parliamentary secretaries should have on committees. I know that it was the practice of the previous government to have parliamentary secretaries as members of committees, but I think what those who objected to that practice were objecting to was not the fact that the parliamentary secretary had a vote, but the fact that the parliamentary secretary was, from their perspective, in some way impeding, as a spokesman of the government, the independent functioning of the committee. Yet when you reinsert the parliamentary secretary into the committee as an additional member doing everything short of voting, all you've done is add an additional non-voting member to the committee. The principal power of the parliamentary secretary at a committee isn't the fact that they can cast a vote; it is the ability that they might have to influence other members on behalf of the government.

**Mr. David Christopherson:** Exactly.

**Mr. Garnett Genuis:** We see this a lot. It's ironic that this government ran on the slogan of "real change", because there never was change that was more unreal—and not unreal in the good sense—than the way in which they talk about changes and their supposed desires to reform our institutions. You can say they're "real changes", but they're not real changes in the direction that most Canadians envision them happening, and they're not real changes in line with what the discussion paper refers to.

There are some points I would like to address with respect to the management of the time of the House. The discussion paper draws a comparison between different legislatures as I think a basis for implying that they would like to get rid of Friday sittings. They note that many provincial legislatures do things differently. They don't have five sitting days a week.

There is an exception, that being the United Kingdom.

Of course, it needs to be mentioned and actually is noted later in the discussion paper that we have far more members than any provincial legislature. This reflects the fact that we are a large, geographically dispersed country.

The discussion paper notes an exception, that being the United Kingdom, which does sit on some Fridays, and I don't think it's a coincidence that the United Kingdom's is also a very large legislature. When you have more members of Parliament—as Mr. Chan mentions, yes, the United Kingdom is twice our size—when you have larger legislatures, in the case of Canada or in the case of the U.K., I think it is sensible that we acknowledge that, yes, there is a different set of operating procedures that would make sense in that context to ensure that all members of Parliament can be heard.

● (1300)

In my home province of Alberta, there are 87 MLAs, and so the kinds of rules that would require that all 87 MLAs have an opportunity to speak on behalf of their constituents might naturally be different from the kind of rules we require here to ensure that all 338 sitting members of Parliament have an opportunity to speak on behalf of their constituents. That is fairly intuitive, and so when the government tries to create this justification, this basis for unilaterally moving in this direction by making comparisons with other legislatures, they do so without meaningfully acknowledging that

different legislatures operate under different realities, and one clear difference in the realities under which they operate is the number of members of Parliament who are there.

There are some other differences with the British parliament that I want to speak about later on in the context of the way in which the House manages its schedule.

I did my master's degree in the United Kingdom, so I have a bit of a sense of our having similar institutions in a general sense while also having very different political cultures. When the government tries to justify unilaterally moving in a certain direction simply to reflect procedures that have been undertaken in the U.K., we should stop and acknowledge the different bases for the different standing orders that exist because of the important and very real differences in our political cultures, differences that are evident to members who have spent substantial amounts of time in the U.K.

The discussion of the management of time in this paper goes on to speak about how the House of Commons sits many more days and hours each year than provincial and territorial legislatures. That is true, of course, but it reflects the reality that we have more members of Parliament.

The other issue about the way this deals with Friday sittings is the tone and attitude that this discussion paper takes—and this is striking to me—with respect to the way we govern private members' business. The alternative being proposed with respect to Fridays is that, while it could be turned into a sitting day like any other, having two hours of private members' business at the end of the day could allow some members to leave early to travel to their ridings. I don't know if this was intentionally said in that way, but it's a clear expression of the government House leader, it seems to me, that somehow private members' business is less important than government orders, and that of course members might be much more willing to leave early to go home to their ridings if it were just private members' business at the end of the day.

Private members' business is critically important. A private member's bill could certainly become law, and we have private members' bills that make very dramatic changes to our national life, with much more limited debate. The Standing Orders we have prescribe only two hours of debate at second reading before the first vote occurs. It would be very rare that government legislation would move forward with the same limited debate, and there is no provision for questions and comments during private members' business except for the mover of the motion.

The government wants, to judge by the way they are proceeding and their rejection of our amendment, to unilaterally make changes that already clearly reflect a certain attitude toward private members' business. They want to do it in a way that would allow them to change the rules of private members' business. That is something we should find very concerning, especially because of the precedent it sets. When we speak about private members' business, we can refer to all kinds of rules in the Standing Orders that clearly prescribe the structure of private members' business. The intent is to protect private members from the games that a government might want to play, which negatively impact their privileges as members of Parliament to bring forward legislation that is important to them and reflects the priorities of their communities.

● (1305)

I think members will be familiar with these rules. The ability to bring forward a private member's bill is based on a random draw, not by party. The order that unfolds for the proposing of private members' bills is based on a random draw. There's a provision for members to trade these spots among themselves, but members can put forward those bills. They are allocated on the basis of a draw. These come to a vote. If these bills pass second reading and are referred to committee but are not considered by that committee in a certain period of time—I can't remember off the top of my head exactly what that period of time is—there is provision for their automatic referral back to the House.

Now, these Standing Orders were developed I think in the collective wisdom of the House to protect that important role that private members have, to ensure they are meaningfully able to bring forward legislation in a way that doesn't involve game playing. You could imagine that in the absence of the automatic referral provision, if the government didn't like a private member's bill, they would stack the committee with those who were like-minded with respect to that private member's bill, and then the committee would simply fail to consider that bill. Again, in their wisdom, the Standing Orders, reflecting the collective wisdom of our history in the development of them and of our institutions, insulate against that fact.

I would not want to set a precedent that the government can unilaterally, without achieving the kind of unanimous support that our amendment speaks of, change the process of private members' bills, because this would be the thin edge of the wedge. First they're saying, okay, well, we are changing it so that we have private members' bills at the end of the day on Friday so people can go home. That's the tone of the discussion here. But if we establish a precedent, if we undo what to this point has been a convention, which is for the broader engagement of members of Parliament in considerations about these kinds of things, then it becomes much easier for the government to go the next step.

This is the important thing to consider about private member's business, about every aspect of our institutions. Even with good intentions perhaps, when we undo conventions of the way in which decisions are made, we have to think not only about whether this is something we want to do right now for our immediate purposes; we have to think about the implications more broadly, more long term, for the health of those institutions. What will the likely impact of that be over time if a future government—or if later on this same government—tries to do what they perceive as further moderniza-

tion, as further steps, that have the effect of further undermining and showing further disrespect for the important role that members are supposed to have in the context of private members' business? That's something that concerns me when I see the kind of language being used with respect to this whole issue.

● (1310)

Now, further in the discussion paper, I do want to reflect on a separate point about this issue of the way in which votes take place. I shared some thoughts last night about the broader questions of electronic voting. I am not saying I'm opposed to electronic voting, but that we need to have a discussion on its implications and to ensure that those discussions unfold in a framework in which we cannot have the government moving unilaterally. That is because if, in the context of that discussion, we discover that electronic voting reduces the willingness of members of Parliament to vote differently from the government because they feel they can simply follow the government in a relatively more anonymous way—I'm not saying that would be our conclusion, but if that were our conclusion—then the government might say, "Hey, that's a great idea; let's proceed with it then", even if other members were saying, "No, that's not what we want to have happen at all". If we go down the road of doing further study on an issue, I think we need to have a bit of a sense of what the implications of that would be, and we're not seeing that clarity here at all.

In terms of the time of votes, it says:

Ringling of the bells and the taking of recorded divisions is a time-consuming exercise. Electronic voting would permit each Member to record their vote and then resume other political and constituency work.

What's striking to me about this is that there are many aspects of our responsibilities that consume time, but it's not a sufficient basis to critique a practice by saying that it is consuming time. More importantly, a practice should only be critiqued if it is consuming time unnecessarily or improperly.

I see a great deal of value in the way in which we do recorded divisions. Of course, I'm open to a discussion about how these might be done differently, but the way in which we vote is an important way that members of Parliament stand up publicly and are counted clearly and visibly. With Canadians increasingly watching what we do on social media and participating in those conversations online, I think that is something that is much more immediate and practical to them. Certainly, I have shared video of members of Parliament voting, and I know other members have too. Just from tracking the response that those things get on social media, there does seem to be a real level of engagement and interest.

Indeed, there is a transparency to the kind of public approach we take with respect to recorded divisions. There is a transparency to that, which certainly still exists in a certain sense around electronic voting, but not in the same clearly identifiable and visible way. This is something that requires discussion and is a legitimate thing for us to study as a committee, but we need to make sure, if we go down that road of studying it, that ultimately the conclusion about how we proceed will be made on the basis of the public interest, not on the basis of the interests of one particular player within the process. That is the difference here. That is what should be happening, and that is not what will happen unless the amendment that has been put forward is supported and endorsed.

Again, I see the value of this discussion of the Standing Orders, but it has to be done in a context that respects the integrity of those institutions and the integrity of the processes by which those institutions have traditionally developed and evolved and changed over time.

The question of the House calendar is another issue that will be a part of this study and is, therefore, informed by the amendment and the process of study envisioned here. This is a matter that I did not have a chance to discuss yesterday. This House calendar section seems to envision expanding the number of weeks in which the House sits.

● (1315)

It speaks of having the House sit earlier in January, later in June, and earlier in September. There is no mention here of sitting in July and August, but there is mention of expanding the sittings in three months of the year: January, June, and September. In the case of January, we have almost no sittings—I guess sometimes we sit on the 31st—and in the case of the other months, they are less than the full month.

What we have is the government proposing, on the one hand, that we reduce the number of days we sit, and on the other hand that we expand the number of weeks we sit. It would probably be appropriate to reflect a bit on the implication that the change they are advocating would have for the carbon footprint of members of Parliament. What presently happens, with the House sitting five days a week, is that members can come here and stay for a longer period of time at once, and then those who live outside of driving distance would fly home. What the government is envisioning doing here is creating a dynamic in which members of Parliament sit for shorter weeks at a time but a larger number of shorter weeks, so there is a lot more flying back and forth involved. I do enjoy those red-eye flights, Mr. Chair, but we need to acknowledge the impacts they would have on our environment, something that seemed to be important, at least verbally, in terms of the comments of government members.

Also, there is the impact on the effectiveness of our work, when we have more starting and stopping as opposed to the continuation of the work of the House for a certain time.

I think we could continue with our current system for Friday and other sittings. When members of Parliament are coming all the way from British Columbia, Alberta, and the Maritimes, as well as from places that are relatively close but still not that close, they are staying here for a longer period of time to do their work, rather than coming

for shorter periods of time but more often. That's potentially a sensible way to proceed.

The way in which we traditionally approach the House calendar—as far as I recall the Standing Orders, and I could be wrong on this—I don't think there is anything to preclude sittings at some of the times that have been mentioned: earlier in September, later in June, and a different time in January. The sense is that the way it happens now is through conversation among the House leaders. Perhaps the whips are involved as well, but there are conversations among representatives of parties, sometimes also involving those who are not members of recognized parties, and then the presentation of a House calendar that reflects the agreement, the considered judgment of the people who represent all of the caucuses. That's the kind of unfolding of the development of the House calendar that normally occurs.

Again, this is a unilaterally introduced document, which, in the context of the motion and in the absence of—

● (1320)

**Ms. Filomena Tassi:** I have a point of order, Mr. Chair.

**The Chair:** Go ahead, Filomena.

**Ms. Filomena Tassi:** I have great respect for the content of what the member is suggesting here, but the word “unilaterally” keeps being used, and I want to draw the attention of the committee to what the motion actually says. The motion we have before us is talking about expanding the discussion of what—

**Mr. Garnett Genuis:** Can I make a point of order on a point of order?

**Ms. Filomena Tassi:** —the committee is already seized with. This is about broadening the discussion and getting it going, and the comments that are being made by the member and that we've heard over the last few days are the exact things we would be studying if we passed this motion. I just want to be clear that this motion is about broadening the discussion. It's not about unilateral changes.

**Mr. David Christopherson:** On a point of order, I'd also like to jump in on this.

**The Chair:** Mr. Genuis, do you want to speak on the point of order, or do you want to wait until Mr. Christopherson goes?

**Mr. Garnett Genuis:** I was just going to say that I don't know if that's a point of order, but if Ms. Tassi wants to make a substantive comment, I'm happy to do what we did previously with regard to Mr. Simms and have unanimous consent given to allow her to do that. I just don't know if points of order are the proper structure for that to happen.

**Mr. David Christopherson:** First off, I don't think it's a point of order, because a point of order means that something is out of order. What we have is a member who disagrees with what someone else is arguing, and that's debate.

I'd like you to rule on that first. If you rule that it is a legitimate point of order, then I'd like to comment on that.

**The Chair:** Well, we've been pretty flexible on comments in the meetings.

**Mr. David Christopherson:** Yes.

**The Chair:** I'm not going to change that. Go ahead.

**Mr. David Christopherson:** That's fine. I've benefited from your willingness to use some discretion, so I won't say anything about that.

I would disagree with my honourable colleague: there is no existing study. We have not started studying the rules. There is only a standing order for us to review during the Parliament. As for the actual beginning of that process, it hasn't begun.

I would argue that the member is exactly right in saying that the government is unilaterally trying to decide how that process will take place, the time frame, and even what the parameters of the discussion will be—none of which this committee has talked about in terms of our obligation to review the Standing Orders once every Parliament.

**The Chair:** Okay.

Mr. Genuis, you're back on your....

Yes, Mr. Kmiec, very quickly.

**Mr. Tom Kmiec:** On that point of order, Mr. Chair, I've been participating here for five hours. Things started at 10 a.m. yesterday, and you've added however many hours today. I think this committee has been very collegial in the way it's behaved so far, which I've really appreciated. This discussion is not one that I really get to participate in all that often at the other committees I serve on.

Typically we've been very deferential to Mr. Simms when he's wanted to intervene. He usually raises a point of order. I think we can continue that process. If members have very specific disagreements, I think raising a point of order makes the chair understand that you want to take the floor, maybe disagree for a few minutes, and then let colleagues continue making the point that needs to be made.

I think that's a great system, and it works very well.

• (1325)

**The Chair:** Okay.

Mr. Genuis, you can carry on.

**Mr. Garnett Genuis:** That's not how you pronounce my name, Mr. Chair, but "Genius" is....

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

**The Chair:** Okay, but on a point of order, we've asked for your pronunciation and you won't provide it.

**Mr. Garnett Genuis:** I think the government has been more than clear on this point. I'll just say that I'll be happy to answer any questions that the Ethics Commissioner has on that point.

**An hon. member:** In the fullness of time.

**Mr. Garnett Genuis:** In the fullness of time, yes.

I'm going to give my staffer a raise for all this food he's given me. This is great.

**Mr. Scott Simms:** That's in Hansard now.

**Mr. Garnett Genuis:** That's in Hansard? Okay, well, motion to strike from Hansard....

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

**An hon. member:** The jury will disregard.

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

**Mr. Garnett Genuis:** Yes, please.

Before I get back to the point I was discussing, I'll just respond to the intervention by Ms. Tassi. I certainly appreciate both her work here and her comments now. The substance of her intervention, though, is fairly similar to ones we've heard from the government before, which is to verbally acknowledge the importance of this conversation and then to say, well, let's just proceed with the study and do that.

Of course, though, as the member knows, the present matter for debate before us is not the question of whether or not to proceed with the study. It's the question of whether or not to proceed with the amendment. The amendment speaks to a process by which this discussion would be undertaken and a process by which ultimately a decision would be made on the best way to proceed.

We hear often, from members of the government, let's just bracket the discussion of process and let's skip on to that discussion of the substance.

**The Chair:** Yes, Ms. Block.

**Mrs. Kelly Block (Carlton Trail—Eagle Creek, CPC):** Mr. Chair, I'm just joining the discussion, but on a point of order, is this committee being televised?

**The Chair:** No.

**Mrs. Kelly Block:** I do have a number of constituents who are following this, and even I wanted to be able to follow it from my office, as did a number of colleagues. Is there a plan to televise any of these meetings?

**The Chair:** We haven't had any discussion on that.

**Mrs. Kelly Block:** Can we?

Can I have unanimous consent to place the motion?

**Some hon. members:** No.

**Mr. David Christopherson:** Really? And now you're not even going to let the television cameras in. Holy smokes, even Harper didn't do that.

**The Chair:** Mr. Genuis, you're on.

**Mr. Garnett Genuis:** Thank you, Mr. Chair.

One of the positive sequelae of this committee is the emerging appreciation Mr. Christopherson seems to have for Mr. Harper. I think that's certainly a welcome development.

**Mr. David Christopherson:** [Inaudible—Editor] by a lot of Canadians.

**Mr. Garnett Genuis:** I know.

**Mr. David Christopherson:** You would know.

**Mr. Garnett Genuis:** For sure. I think maybe we'll get on to recognizing that after the government finally agrees to support our amendment. I will just say with regard to the discussion that just occurred, it is disappointing that members of the government are not willing to allow unanimous consent to televise these proceedings. I think it probably reflects the fact that they know that Canadians are very engaged with this conversation at a time when there are a lot of issues of importance out there. Canadians are specifically engaged on the issue of the amendment. I'll just provide some support for that.

I've been speaking so far for an hour and a half today. I mentioned earlier that before I started I posted a Facebook live video, which admittedly was of fairly suspect technical quality. It already has 124 shares from my Facebook page. There are 124 shares on a video speaking about a procedural matter on an amendment that the procedure and House affairs committee is discussing, but one that I think speaks fundamentally to Canadians' sense of the fairness of our institution and the way in which these conversations have to proceed. Canadians are clearly engaged in this conversation and are looking for those opportunities to rebroadcast those conversations. There are some very good comments coming in with respect to these amendments from people who are posting comments.

Bryan Buck says, "They were never given a mandate to change parliamentary procedure." That is a good point. There is no mandate for the way in which the government wants to proceed with respect to this. There's not a section in the Liberal platform that says the government is going to run roughshod over our parliamentary institutions and try to make changes to the way Parliament works without allowing opposition to be effectively engaged in the discussion. There wasn't a section that said that anywhere in the Liberal platform.

Bryan Buck goes on to say, "We know the Liberals do not want input from Canadians, but to take away the voice that we have is underhanded." I think the way they have proceeded here certainly is underhanded. I don't think it reflects the way we expect the House to operate, which is that we make changes to the underlying rules of the House only in a way that reflects a consensus of the political parties, so that they do not make that narrowly respond to their specific interests.

We have a comment from Ed Gaschnitz that "The gov't needs to remember that they work FOR us. We essentially hired them. I call what they are doing insubordination. Insubordination in the real world results in termination in many instances."

These are a couple of the many comments that I'm getting on my Facebook page with respect to the efforts of the government, and I'll use the word even if some members of the government may not like it unilaterally. So we're seeing high levels of engagement with this issue on social media and in correspondence we're receiving in our offices. I'm sure the government members are receiving the same degree of engagement and response in their offices. We are hearing and receiving those messages; and yet in response to a very good suggestion from Ms. Block about televising these proceedings so that the Canadians who are already very engaged with the process can follow it more closely, government members were not willing to allow that to proceed.

The reality of course is that Canadians are following this. They can follow this other ways. They can listen to the audio, and I know that members of our esteemed press corps are following this issue closely as well and will be sharing the details of the conversation with Canadians in the various ways that they can.

● (1330)

Not allowing the televising of these proceedings is not even a very effective way of shutting out the sunlight. It does speak to the government's response, which I think is concerned about the level of engagement from Canadians but not responding to it in the correct way.

I think the correct way to respond to that level of engagement from Canadians would be to listen and to seek a way forward that supports the amendment, that allows the discussion to take place. I think that would be the right way forward and the right way to respond to the public engagement and pressure we are seeing from people on this issue.

I wanted to come back to the point Ms. Tassi made before we got into this discussion of how we broadcast these proceedings. Her points were to object to the use of the word "unilateral" on the basis that the government is really seeking to provoke a discussion at the committee. We can be certain they are trying to be unilateral in the way in which this study is constructed.

That doesn't bode particularly well for the way they will proceed down the line. Yes, it might be that despite rejecting an amendment requiring unanimity that they come around after the fact and say they would not proceed with the recommendations if they didn't have the support of the opposition. Being more realistic, if it were their intention to listen to the opposition, to not proceed in a unilateral way, and to have a more fulsome level of parliamentary engagement in the process, then why would they not simply support our amendment?

If Ms. Tassi and other members representing the government on this committee do not like us to refer to them as acting unilaterally, then the simple solution is for them to cease to act unilaterally. Then we will cease to use the word, at least in that context.

**Mr. David de Burgh Graham:** Unilaterally.

**Mr. Garnett Genuis:** Yes, we will unilaterally cease our use of the word "unilaterally" if the government steps back from its unilateralism and embraces the value of consensus when it comes to moving forward with the way we operate with respect to prospective changes to the Standing Orders.

In her intervention, Ms. Tassi also said that we can broaden the discussion and get going on the study. There's a really simple way for us to get going on that study in a way that reflects a broadening of the discussion, and that's for us to move forward with this amendment.

If we have agreement from the government on this amendment then, yes, let's have the conversation about how things work in the Standing Orders. Let's recognize through that conversation what the ground rules are going to be for making a decision.

You cannot simply skip to a discussion of an issue, in some cases, without having that prior discussion of what the ground rules will be with respect to the ultimate making of the decision. That's especially so in this context because if we were to skip that step, if we were not to pass this amendment, then we would be putting in place the conditions that would allow the government to move forward—dare I say it—unilaterally with respect to changes to the Standing Orders.

I think what we see through this whole process is a potential cascading of unilateralism. First of all, they want to pass a motion without an amendment that would allow them to do a study in a way that would not ensure a meaningful role for the opposition. If that allowed to occur, then they could unilaterally propose changes to the Standing Orders.

● (1335)

Those changes would have the effect, over the long term, of allowing the government to move legislation forward without meaningful opportunities for the opposition to respond, without sufficient time for debate, without opposition engagement in how the House functions with respect to the allocation of days, and without the opposition having the opportunity to raise those concerns at committee. This is what you might call the three-step potential cascade of unilateral decision-making and centralization of power in the hands of the government.

The first step is this amendment. This amendment is the opportunity for us as members of the opposition to, in a clear way, express our concern and our disagreement with what the government is doing, and to stand our ground on that in defence of our parliamentary institution.

I appreciate comments from the government on that, but in reality, I think the words we have used are fitting to the situation. If the government members would rather I use different words to describe their actions, then I invite them to act in a different way.

Before we moved into this area of discussion, we were talking about the House calendar and the way the House calendar is set. As I noted, of course, the government House leader proposed that we increase the number of weeks the House sits and at the same time reduce the length of each sitting week, reducing the opportunities that exist therein for the government to be challenged and held accountable.

It seems to me, from reading the section of this discussion paper on the House calendar in its totality, that the direction the government is really trying to go here is somewhat different. It talks about the possibility of sitting at other times, but then makes this plea for flexibility in terms of how many sittings the House has in a year, the length of those sittings, and so forth.

The government House leader should know, as I'm sure she does, that flexibility already exists. It's just that the flexibility is presently expressed through consensus, not through unilateral action of the government.

The discussion paper says that the number of sittings should be based on the demand to sit. Well, we're not talking about markets, where demand can be described as an impersonal force that, in a certain sense, has its own ontological status. We're talking about specific actors with specific interests here.

When the discussion paper refers to “demands to sit”, let's ask whose demand it is that the House sits. It seems very clear to me that, in light of the tone taken by the government in this committee and its approach to this amendment, and the other things that are said in this discussion paper, it would understand “demands to sit” purely in terms of the government's desire for the House to sit or not.

This government has a history, for example with respect to its proposal around motion 6 last spring, that the timeline of sittings would be entirely at the discretion of the government. Is that what the House leader means by “demands to sit”? I hope not, but probably, yes it is.

The House does not meet simply to pass government legislation. It meets in order to achieve a whole variety of objectives at once—yes, to deliberate upon legislation and to pass some legislation; but also to provide a forum for the airing of constituent concerns; to provide opportunities for the government to be held to account; to create opportunities for the House to pronounce on motions, which themselves may not have legislative force but may have wider implications for the way in which we proceed; and certainly, if I didn't mention it already, for deliberation and votes on private members' legislation.

● (1340)

These are all reasons that the House sits, which is why I think it's important to ask, if one says the House calendar should be changed so that the number of sittings is based on the demands to sit, how that is different from the way we work already. Right now the House is scheduled on the basis of a consensual understanding among the parties of what is appropriate, recognizing the different functions of the House and the different responsibilities it has. If we were to move to a system where demand was somehow adjudicated in a different way, I suspect, if we note the actions of the government across the board, that this would not be demand aggregated in the same sense.

Elsewhere the document refers to the government after it has spoken to people in other parties, which still, obviously, provides the framework in which unilateral action could take place. This is another example where we see, in the draconian way we've seen relatively consistently throughout the life of this government, a proposal for weakening the strength of our institutions. In fact, the final sentence of the section on the House calendar makes the concerns I have reflected on quite explicit. It says:

While there are mechanisms to allow the House to sit beyond adjournment dates, they are usually implemented by unanimous consent or by the use of closure.

If changes to adjournment dates are made by unanimous consent, that's obviously a very good way to proceed. We should seek to, as much as possible, proceed within our operations in the House in a way that is unanimous, in a way that is reflective of the consent of the House as a whole. At least in cases where closure or time allocation are used, and certainly there can be inappropriate uses of those things, the current procedure for closure or time allocation has the effect of, in each instance, convening a certain kind of public conversation. It can become an issue for discussion and debate when those things are put forward, but if we were to see a change imposed through this process in this committee, in the absence of the amendment, if we were to see this change pushed forward by the government House Leader, which would allow, without either the accountability mechanisms associated with closure or the really positive types of decision-making processes we see through unanimous consent, that would create some real concerns.

The next section of the discussion paper, which I also neglected to mention in our discussion last night, is the issue of proposed changes to routine proceedings. It's interesting, because the misuse, so-called, of routine proceedings is something we've seen frequently in the activities of this government. We have seen many cases in which, at the beginning of routine proceedings, a member of the government front bench puts forward a motion to proceed to orders of the day. Then we have a vote on it, which, so far, the government has always won, because it has a majority in the House, and it forces the House to move on to orders of the day. We lose the opportunity for routine proceedings, but we also have a vote that takes place that introduces something else into the flow of the day, which maybe creates an issue for committees that are going on, and so forth.

I'll say this to the government. If they have concerns about routine proceedings, this is one form of unilateral action I would find acceptable: cleaning up their own behaviour and not moving motions that restrict the ability of members to do the important parts of their jobs that are part of routine proceedings.

● (1345)

It's interesting that they they present certain uses of routine proceedings in the context of the discussion paper as if they are problems, yet these are things the government has done. Again, this is one area where the government can and should act to change its own behaviour to show more respect for members of Parliament. Reforms to the rules governing routine proceedings that go beyond that should obviously be ones that engage the entire cadre of members of Parliament.

Again, the tone here is striking, because in this and other sections we get the sense that the government really does believe that the principal job of Parliament is to provide a stamp for their intended legislation, their intended area of discussion, as opposed to having it exercising its functions in a more fulsome way as a genuine representative body.

The section on routine proceedings speaks of this:

The rubric of "Motions" allows Members to move a debatable motion that could, on certain days, deprive the House of the ability to deliberate on the intended item for debate during Government Orders.

First of all, if there are motions that members need to bring forward, the ability to convene debate on that is not unlimited. The

government House leader should know—and I'm sure members here would know—that it's not simply the case that any member of the House can propose a motion during routine proceedings that eats up the whole day. There are, of course, opportunities for the government to move to adjourn particular debates. As well, there are provisions they have that allow them to respond to these conversations and to come forward. If members, in the context of routine proceedings, were to move concurrence motions, for example, those have a prescribed time limit in the Standing Orders; I believe it's three hours.

Yes, it means that if the government wants to be discussing a particular legislative initiative for the full day and there is an important committee report, members can't immediately.... First of all, members cannot immediately move concurrence motions. There is a period of time that has to elapse between the tabling by the committee and the presentation of that concurrence motion, and it's not a short period of time. I can't remember exactly what it is, but there is a period of time that has to elapse.

Also, given that the government has a majority on committees, it is unlikely that the government would suddenly start to see a spate of frivolous committee reports as the basis for subsequent concurrence motions. In reality, under the current rules, we see concurrence motions moved relatively rarely in terms of leading to concurrence debates, and oftentimes that does occur with some degree of discussion or advance notice. The House of Commons can and often does work through discussion and collaboration, through consensus among the different actors within it, but this section would seem to imply that there is some grand, grave problem associated with members of Parliament exercising their legitimate prerogative.

If a member wishes to move for a concurrence motion during routine proceedings—interestingly, the last one we had was related to electoral reform issues, which is another case of talking about how our democratic system functions—that debate can occur if the debate is not adjourned, and it can be adjourned. If it's not adjourned, it will proceed for up to three hours. Then, for the remainder of the day, the government has an opportunity to proceed with government orders. Most of the days that we sit are allocated for government orders.

● (1350)

I don't see the logic in the suggestion that somehow there is a fundamental problem that a concurrence motion could be moved. Some of the language in this discussion paper doesn't seem to reflect a fulsome awareness of the current practice. The last sentence of this section says:

The House should examine different ways to schedule debate on such motions.

Members of the House already have the ability to work collaboratively to identify the times when a concurrence motion could be put forward and to proceed on that basis. The House is not limited in its ability to do almost anything, provided there is a consensus among parties and members of Parliament to proceed in that way. There are virtually no restrictions on the actions we can take via unanimous consent. Certainly, it would often be quite sensible for the appropriate notice to be given and discussion to be had about when a concurrence debate should occur, just as it can happen with respect to take-note debates, emergency debates, and other things of that nature.

We already have a system in place that allows the members of the House to collaborate on issues of scheduling, although perhaps not always on the floor of the House. When the government, in the context of this discussion paper, talks about somehow changing it or doing something different, I think that suggests they want to shift the balance in a way that works to their advantage.

That might not be their intention. They might be looking for ways to strengthen the effectiveness of routine proceedings in good faith, and perhaps there are ideas that can be proposed in that regard, but I'm not convinced there's a need for that. There are other reforms that I think would be helpful with respect to the Standing Orders. There's an opportunity to establish the conditions on which we can have a good, meaningful, and in-depth discussion on the function of routine proceedings and how its supposed to work. However, we should do that in the kind of environment that we have emphasized, one in which there is a consensus among the parties and members on the way to proceed.

The discussion paper speaks about the rubric for private members' business and it makes a proposal that is interesting in adding another rubric, which I suppose means adding another hour or another period of time when we can have debate on private members' business. If we could develop a system that would allow a larger number of private members' bills to be put forward and to be flagged for debate, I think that would certainly be a good thing. Of course, it would be important for all members of Parliament to be engaged in that discussion. I think one question that we should consider is whether to treat private members' motions and private members' bills somewhat differently because we see a large number of private members' motions without legislative force coming to the House, and they may be important and reflect priorities of constituencies. However, when there are private members' bills that come forward....

Mr. Chair, the lights are flashing. Does it mean something?

• (1355)

**The Chair:** We'll just check. The House is opening.

**Mr. David de Burgh Graham:** We're missing *O Canada*.

**The Chair:** There is a point of order.

**Mr. Tom Kmiec:** Mr. Chair, on a point of order, just for the sake of clarity, are we going to suspend for question period and then return here afterwards?

**The Chair:** No.

**Mr. Tom Kmiec:** That's the best part of private members' bill business.

**Mr. David de Burgh Graham:** It's broken.

**The Chair:** Ms. Block.

**Mrs. Kelly Block:** On that point of order is there an expectation that this committee will suspend for the budget?

**The Chair:** Yes.

**Mr. Garnett Genuis:** Pardon me?

**The Chair:** Yes.

**Mr. David Christopherson:** But not for QP.

**The Chair:** No.

**Mr. Scott Simms:** I'm just looking at the clock and seeing the time.

Garnett, I'm going to be safe and call you Garnett, sorry.

Garnett has spent quite a bit of time today and last night and given the amount of refreshment involved, for a refreshing break or whatever it is he desires, could he cede the floor to me with unanimous consent and I can talk for a bit while he has a break?

• (1400)

**Mr. Garnett Genuis:** I would be open to a unanimous motion along the lines we discussed before, in which Mr. Simms would be able to make some substantive comments and then it would go back to me and it wouldn't impede the existing speakers list. I would be open to moving that.

**Mr. Scott Simms:** That's what I'm asking.

**The Chair:** Is the committee in agreement?

**Some hon. members:** Agreed.

**Mr. Scott Simms:** Do you want to finish your thought?

**Mr. Garnett Genuis:** No, that's okay.

**Mr. Tom Kmiec:** Take another hour.

**Mr. Scott Simms:** Okay, I'm going to respond in general to some of the stuff and add some of my own comments. It won't go particularly to Garnett's comments from the last little while.

I want to clear the air about a couple of things that have been said and some of the stuff in the media. It started early this morning with comments about the fact that a discussion paper had been released and that I had moved a motion a short period of time later that had a remarkable resemblance to just that. I could see that if I were in their shoes, I would do the same thing.

To clear the air, I've had several discussions with the House leader's office—her in particular, and her staff—over the past few months, especially since the take-note debate of October 6. Three days prior to her releasing the discussion paper, I had seen it, I had made my input to it, and it was released. At the same time, prior to its coming out, I also decided to do the motion, and we decided to put this in. I liked what she had said. I liked the general themes. As I said, I added my input and then drafted my own motion. I just want to put that to rest.

With some of the other stuff we've been talking about, let me go back to the beginning. The whole idea was to have this discussion paper so we could find ourselves in a position where we would have this debate. I understand that people don't like the timeline. I think we've had quite a bit of debate over the past while, from October 6, from all that we've said in the past little while—and it's been quite a bit. I thought that was a fantastic debate then, and I don't think it's unreasonable to ask that we have this report done by June. We can extend the hours, which is in my motion, as we see fit.



On some of the ideas I've put in the motion that the opposition has issues with, the biggest one, of course, is the lack of Friday sittings. In no way, shape, or form was the genesis of my problem with Friday the fact that we were working on Fridays. Look, I have a riding that's far away. I spend 10 to 15 hours a week in airports and airplanes to come to and fro. I work in my riding on Friday.

Again, as I said last night, I am not going to insinuate that anybody doesn't work in their riding. That's a non-starter, for all MPs—all 338 of us. My concern is when Scott Reid and others make the point that people show up to work on Friday and we should too. People don't show up to work for a half day; they show up for a full day. My problem is not about working on Friday; my problem is that Friday does not seem to me to be a productive day at all. There's a bit of productivity on Fridays, like some of the question period stuff, but not all of the ministers are there and the Prime Minister is not there—not just the current one, but other prime ministers too. That's always been the convention and practice.

I must say that I have enjoyed some of the debates on private members' bills that have taken place on Friday. That's really the only stuff I can recall. There's no committee work on Friday, and it's a shortened day. That's why I'm saying we have a choice. We have a choice here to have a full debate about what we do with Fridays. Do we take it and we...? If the opposition does not want to get rid of Fridays, then let's do the full day and make it a decent amount of work. If we're here, let's get it done. We spend long hours here. Let's get the work done and not pretend that Friday is out there as a half day that's not very productive.

I'll leave it at that. That's my point on that particular situation.

I'm very interested in the opposition's views. I notice now, as time goes on, that it's starting to come out, and I... Listen, I enjoyed Scott Reid's submission. I enjoyed Garnett's submission. Even when he got into the Magna Carta, I thought to myself, that's not bad: "He's new and he's waxing on about the Magna Carta." I must say, it was nothing short of impressive.

And, of course, there's Mr. Christopherson, whom I have known for quite some time. How do I say this? I understand his angst about all of this, but I just want him and others to know that despite the insinuation that we don't want this consensus, in fact, we do. We want to have it. I want to have this debate about all of these things, and I wanted to start with this discussion paper to get things going as ideas. I've said it before, and I say it again.

• (1405)

Scott Reid brought up some points about the omnibus legislation, in asking how the Speaker can do what is discussed here in the paper. I think he has a valid point, and I think we can do this again. We can have this debate, but in no way, shape, or form would I say with a straight face to the opposition, "You shouldn't be doing this filibuster." That would be disingenuous—no offence to you—to the greatest extent. I filibustered. I was there. I get that.

I hope that at some point soon we can come to a resolution by which we can embark on this, even though, in a way, we already have. I am enjoying it, and I'm listening. I'm not just sitting here waiting for you to expire at the end of the day and run out of speakers. I hope this can come to a vote. I know we're on the

amendment right now, not on the main motion. I hope we can work something out.

I see that Garnett seems to be...

Are you ready, sir?

**Mr. Garnett Genuis:** To continue?

**Mr. Scott Simms:** Yes.

**Mr. Garnett Genuis:** Oh, yes.

**Mr. David Christopherson:** Could I respond with a much shorter version of an intervention? It's just a couple of lines.

**Mr. Scott Simms:** Yes, absolutely. Go ahead.

**Mr. David Christopherson:** I was just going to say that I understand that Mr. Simms is trying to present this as reasonable. It can be made reasonable. I think we could get there, but not while you are refusing to relinquish this idea that the government itself has the unilateral right to change the rules. That is a non-starter.

First of all, that doesn't exist right now. There were a few times, one-off changes in history, when there was a majority vote by the government of the day. Fair enough, but in terms of any of the reviews, unless somebody shows me something to the contrary, I have not seen a single report suggesting that the government maintains or has that unilateral right. They never passed any of those reports that way.

Scotty, you and I have a great history and a lot of respect for each other, so we can talk this way. Everything you say has an element of common sense to it. I accept that, but it doesn't work when you're superimposing on it your desire to grab this power, which you do not have right now.

I have to tell you that there's no way any of us on the opposition benches are going to agree that 39% of the vote means that you get 100% of the power to unilaterally change the rules of the Standing Orders of the House. That's how we make laws. That part of it makes it impossible.

If you and your colleagues can find a way to get off that dime, then there may be some room for us to talk about some of the other things, but as long as you remain resolute in opposition to this motion or any compromise that might be found if we had those discussions... You know what I'm talking about. In the absence of that, everything you're saying is negated by your wanting the unilateral—and it is the right word—right to impose your majority, which you got with less than 40% of the vote, to directly change the rules on how we make laws, in the face of opposition from other members. My friend, that is now and will remain a non-starter and a deal breaker.

If we can find our way past that, we at least have a fighting chance to get toward the kind of environment you're talking about that reflects how we normally do things.

Thank you very much for the opportunity.

**The Chair:** We'll go back to Garnett.

**Mr. Garnett Genuis:** Thank you for those interventions. It certainly provides some food for thought.

Let's go over the key points from the exchanges.

Mr. Simms spoke a little about the question of what level of coordination might have occurred between him and the House leader with respect to the writing of this motion and how this discussion proceeded. I have no way of knowing who said what to whom and I have no reason to principally doubt the broad direction of Mr. Simms' account; however, I got the impression that what happened yesterday was that, rightly or wrongly, members of the government who were here in this committee were starting to see the value of the arguments that we were making, not just with respect to some of the discussion around what is actually contained in the Standing Orders but also with respect to the way in which we operate and the way in which this study would operate and the importance of the amending conditions.

Therefore, we did suspend, and I think initially it was envisioned to be for 20 minutes, but it stretched out to being more than an hour. There were conversations that took place, and in the end, the feedback that members received—from where, who knows, but I might speculate—was that actually we have to do this because the government is not prepared to take on board the amendment that we had proposed. It may well have been something where members of this committee on the government side actually thought that yes, this is a good conversation or study to have, but listening to the arguments made by opposition members, I think many of them have become convinced of something that others within their party have not yet been convinced of, which is that it is necessary and right that we proceed with the discussion of this issue in the context of the amendment that has been put forward.

It's all well and good for members of the government to say that this is a study which they are interested in and would like to have, but we have yet to get clarity on the reasons that members of the government are opposed to our amendment. Perhaps at some point they will take the opportunity to actually lay that out, because although those haven't been long interventions, I think there have been opportunities for most of the members of the government seated here to make interventions at some point to express their views on the subject.

I have tried to delineate between questions of process and questions of substance with respect to the Standing Orders and make the argument that, given the importance of the substance and given the fact that all of the substance of what we do as members of Parliament on behalf of our constituents depends on the rules that shape how we operate, we need to have a discussion of those rules in a way that is fair, that is inclusive, to use the language of the discussion paper, and that represents all the voices that members of Parliament bring to the table from different parties.

Therefore, that process discussion needs to precede the substance discussion, and I think Mr. Simms should take that on board in the context of his motion. I think our amendment would strengthen his

motion and strengthen the study that would take place in the context of it.

• (1410)

This is more the question with respect to whose idea this was, not just about the motion itself, but also about the strategy that the government has pursued up to this point, which is to refuse to support the very legitimate and important amendment that we've put forward.

Mr. Simms spoke about this question of Fridays, responding to some of the comments that I and others on this side of the table, both opposition parties, have made with respect to Friday sittings. It is striking that he describes Friday as not being that productive a day. We've had these comments made by government members, by the government House leader, that for moments show the mentality that exists there, which is that the principal way productivity is measured is by the extent to which we are moving forward with the process of government legislation.

It is a fact that Fridays, not compared to Wednesdays, but compared to Mondays, Tuesdays, and Thursdays, have a reduced number of hours set aside for government orders, but we have a full question period and we have a full period for discussion of private members' business.

Mr. Simms has served in opposition and so he would, I think, particularly understand the importance of that Friday question period. Generally speaking, it's a day on which some members of Parliament need to be in their ridings and elsewhere, and it provides a particular opportunity for members of Parliament who may be less active during question period in other times of the week to participate in the discussion and pose questions that may particularly reflect personal and local concerns. That is often what we see taking place in Friday's question period, and it is a little different from what happens at other times.

We're also more likely to see parliamentary secretaries as opposed to ministers answering the questions. This has certain advantages as well in the engagement of—of course, parliamentary secretaries are not there to speak on their own behalf; they are there to speak on behalf of the government, but it still creates.... In some sense perhaps it's an audition, to paraphrase the Prime Minister, for those in cabinet and those working hard to join it, but it is an important opportunity for people like Mr. Graham who are eager to get into cabinet to show off their talents.

**Mr. Scott Simms:** On division.

**Mr. Garnett Genuis:** On division. Okay.

**Mr. David de Burgh Graham:** Garnett, I'm right where I want to be.

**Mr. Garnett Genuis:** I think this speaks to the government's view of Fridays when they talk about the limited productivity on a day when there is less time for government orders, but still important time available for other aspects of discussion.

To more generally respond to the points that Mr. Simms raised in his intervention, we're not disagreeing with the value of having a discussion of the Standing Orders. In the context of this amendment, we are raising something quite specific, which is that there needs to be an understanding as we go forward about how this study will unfold and the way in which recommendations will be developed and whether or not they will respect the position of all members of Parliament in that discussion. That is the question we're evaluating in this amendment.

Certainly the points with respect to the Standing Orders, with respect to the discussion paper, that we have discussed have a resonance in how they illustrate the importance of the engagement of all parties, of all members, in that discussion, the way in which they inform that substructure of our democracy, which is necessary for a strong superstructure of policy development.

• (1415)

This is where I disagree with Mr. Simms and likely other members of the government caucus. It is not on every point, but it is with respect to their approach to the amendment and with respect to their intended way of proceeding with this issue.

Before we went down the road of that discussion....

Maybe I'll just ask members again, is there unanimous consent to discuss at this point? Has anyone had a change of heart?

• (1420)

**Mr. David Christopherson:** Agreed.

**Mr. David de Burgh Graham:** I'm very happy to have that motion after we get through this motion.

**Mr. Garnett Genuis:** There is still no willingness to televise the important discussion that we're having right now. As we've seen on social media and through the good work of those covering this discussion, this is still something that's going to be very much in the public attention, but it is interesting that the government is not interested in making that as accessible as possible.

**Mr. David Christopherson:** Let's see if we return to Centre Block after today, too.

**Mr. Garnett Genuis:** These meetings may end up getting scheduled in Kanata at the rate we're going.

The issue of private members' business is addressed within the discussion paper that the government has put forward. There are plenty of possible changes that could be made to the way we do private members' business. One might be to distinguish between private members' bills and private members' motions and to create avenues for greater debate and a faster movement of the discussion specifically on bills on substantive legislative initiatives that members of Parliament might want to put forward. That would be one option for change.

The important point is that there needs to be an engagement of all parties and all members in this process. We've seen with respect to private members' business a really interesting dynamic on the government side where—and I'm not sure whether this is a function of forms of communication or just the way they intend it to be—very often members of the government propose private members' bills that have more support from the opposition than from the

government. I have had a chance to vote in favour of many, I think, good private members' bills that have come from members of the government. I'd have to do an exact count, but I probably have voted for more Liberal private members' bills than the Prime Minister has.

This is why there's a need for engagement of all members in the discussion about private members' business and why we should proceed on the basis of unanimity, which would not only protect the interests of the opposition in a discussion about the form and structure of private members' business, but would also protect the legitimate role and expectation for engagement by members of the government who may, on questions of structure of private members' business, have views that are slightly different from the government caucus, which they are a part of. So that's the issue of private members' business.

I'd like to talk a bit about the issue of prorogation. This is particularly serious because, although it happens on the advice of the prime minister, it is not the prime minister who does it. Prorogation is a crown prerogative. It is not, strictly speaking, the Standing Orders that prescribe crown prerogatives. As much as we wouldn't want to have a system in which our monarch or her representative exercise too much discretion, I think that the weakening of some acknowledgement of the role of the crown in this can have the effect of strengthening the office of the prime minister in a way that we wouldn't want to see.

I was politically active, actually a staffer, at the time of the infamous coalition crisis of 2008, when opposition parties proposed to form a coalition and assume the government. At the time, of course, the prime minister prorogued Parliament. Members will remember the history of this. I think that privately, many Liberals were relieved that Parliament was prorogued because they saw that the public was not reacting well at all to their proposed coalition strategy, and they were not at all sure how their planned collaboration with the New Democrats and the Bloc would work in practice.

**Mr. David Christopherson:** Do you think they still feel that way?

• (1425)

**Mr. Garnett Genuis:** Perhaps. Who knows what Michael Ignatieff thinks these days about that?

**Mr. David Christopherson:** We can guess. Never say no to power.

**Mr. Garnett Genuis:** Yes, but the point was that this was a very dynamic time in which Canadians were grappling with and debating questions of how our elections actually work and whether it is appropriate or not for a party that just went through a significant loss of seats to then position itself to be the government, and for a party that only runs candidates in one province to then have a veto effectively over the decision-making of government. These were all questions that Canadians were grappling with. It was not a slam dunk. The Governor General would necessarily at that appointed time prorogue Parliament.

I think she made the right decision. I think it was a decision reflecting what the public was looking for, as well as a decision that reflected the traditions of this place that have evolved. It was a decision that I don't know we could properly describe as being within the full ambit of personal discretion for the Governor General. It was one on which I'm sure she engaged constitutional experts. It was a decision which I think reflected the evolution of our system, but it was ultimately a decision that was not made by the prime minister. It was a decision that was made by the Governor General.

When we contemplate changes to prorogation, and when we think about the way in which those decisions are allowed to take place, I think we have to acknowledge the role of the crown as in some sense a guarantor of our constitutional order in the process of those decisions. Certainly, it seems to me that some of the proposals with respect to prorogation don't seem to properly acknowledge that reality.

I'll draw the attention of members, for example, to the first sentence of the third paragraph in the prorogation section of this discussion paper which says, "One option would be to require that the Government table a document early in the following session that sets out the reasons for proroguing Parliament."

Now, this idea of having a sort of prorogation ceremony would seem to suggest that this was fully within the discretion of the government, and that's not to say that it could not be undertaken with the proper development of the process. Another concern I have is that this is just the government creating another venue outside the normal orders and processes of the House where they can stand up and try to use the time to justify their own political agenda. The government could pursue prorogation, and having pursued prorogation, could then opt to take the opportunity in Parliament to provide a justification that really they could provide in other formats, and that doesn't need to be provided.

Of course, the discussion paper envisions that happening early in the following session. Very likely this is relatively after the fact anyway. If the government were to choose to prorogue Parliament—let's say they were to do that some time this spring—then, as envisioned by this process of a prorogation ceremony, the follow-up to that, their justification for that, would not happen for months until Parliament resumed. If there were a question about prorogation, certainly having that opportunity to make a statement at some point in the distant future...very likely clear statements would have been made as well.

• (1430)

There is a provision for a study to be done at committee, for a report being automatically referred to committee for study, and it could be the subject of debates on supply days. Well, that's very generous, but of course anything can be the subject of debates on supply days. On supply days, the opposition can put forward motions on any topic they wish.

When it comes to the tone of the discussion paper from the government, it is trying to create the impression that the government is offering concessions on things that might be beneficial to the opposition. For those who dig into these rules, it's quite obvious that the government is looking for ways to sort of nod to things that the Liberals thought when they were in opposition, while really moving

forward with the draconian approach they envision, which is something that hasn't been done by previous governments, which is seeking to unilaterally make changes without the full engagement of those who should be engaged with this discussion.

I'd like to speak to the issue of the management of debate as it's envisioned in this study and, first of all, about some of the issues around so-called closure or time allocation. Again, we see references here to protocols in the British House of Commons. I think there is an important point that's missed in that comparison, recognizing one of those differences in political culture between the way our democratic system operates and the way their system operates. I'll talk about that in a few minutes, but I think that should be highlighted in terms of the way we proceed with respect to the Standing Orders.

Again, this is a case where the government seems to use, as implied justification for moving in the direction they want to move, that this is something that is done in the British House of Commons and they seem to like it. However, there are important differences. Notwithstanding that our institutions are relatively similar, there are important differences. I'll get to that.

In the first paragraph of this discussion paper, where the government talks about the use of time allocation, it notes the history of it and its controversial nature, and it says that its use has been seen rather disdainfully by the opposition and by the media. Certainly, many members of the current government who now defend the use of time allocation were part of the commentariat that viewed time allocation particularly disdainfully.

It's interesting to think about the way our system operates, because there are formal checks and then there are public opinion checks. There are ways in which the government has the ability to do certain things, but there is an implied sense that if the government goes to certain extremes, these would be the subject of greater public debate, and they would risk a greater backlash. Perhaps an analogous case might be the use of the notwithstanding clause. Although the notwithstanding clause gives the federal government the ability to override certain kinds of decisions of the courts, in practice, governments thus far have been fully reluctant to use it at the federal level, perhaps for a host of reasons. One of them likely is the way in which that would be viewed by the opposition, the media, and the wider public. That's not to say it might not be something that's usable and in some cases legitimately, but it's the sort of thing that would raise more questions than would be raised if it were not used.

The same is true for time allocation, although time allocation has obviously been used much more frequently than the notwithstanding clause. It's one of those things for which the current rules provide fully that the government can do them, but they open a situation in which there is a heightened level of conversation around them, and that's built into the procedure by which the discussion unfolds.

•(1435)

As members know, there is a period around the proposal of time allocation where ministers can be asked questions about why they're doing it, and yes, there's an opportunity for public debate and conversation around it. Does that mean the current system is perfect? No, I'm sure there is value in having a discussion here about ways in which that system could be changed, and perhaps we could seek a different kind of calibration between the legitimate competing interests. That calibration first of all should recognize that the system we have already has the push and pull of the institution there, but it also should recognize that improvements cannot be considered real improvements if they are just undertaken to advance the interests of one particular actor within the system.

The time allocation proposal in this discussion paper is essentially one in which the imposition of time allocation would be automatic. The government would decide that a certain number of days would be used. This is completely different from the normal process, in that the government would prescribe a specific number of days or weeks at the committee stage. I only really noticed this reference to the committee stage on my second or third time through this. The Standing Orders at present, as I understand them, provide for time allocation in the chamber, but they don't provide for the allocation of time for study of legislation in committee. Certainly they don't provide for the government House leader, the cabinet, to impose time allocation on a committee. This isn't even a committee itself, through its own deliberations, deciding to impose certain limits on itself in terms of amount of time that would be spent discussing particular items.

We're talking about a significant derogation from the principle that committees are supposed to be masters of their own domain, by introducing a provision that allows the government House leader to automatically, as a matter of course on every item of legislation, say that a committee will only have a day, a week, or a certain period of time to consider a piece of legislation. That is a revolutionary change. That is a significant deviation not only from the way we normally operate but also from the sort of foundational assumptions we have about what committees are supposed to be about.

Committees are supposed to be about providing opportunities for members of Parliament to become expert in particular issues, to study those issues, to drill down more deeply into those issues, and then to engage in a meaningful consideration of them, and yes, a consideration of them that may involve more time than we allow during House debates. Naturally, in controlling the flow of House debates, we have 338 members, and in committee we have nine members, excluding the chair, so obviously there's more allowance for discussion of substantive matters at committee and among people who have a real level of expertise. Even with respect to the time management issue, there is a point here that the committees would be more restricted in terms of the length of an intervention than many House speeches.

The discussion of the management of debate then proceeds to review the experience of programming, or this form of automatic time allocation, in the context of the British House of Commons. While I have a great deal of respect for the British House of Commons and for its operating procedures, of course it doesn't change the fact that there is a legitimate expectation here that the

changes we make reflect the consent of the Canadian people and reflect the wide expression of voices of Canadian members of Parliament and of Canadian political perspective in the context of that discussion.

•(1440)

There are a few important differences between our system and the British system that would suggest how this automatic time allocation would operate differently. One is the number of members of Parliament. There are twice as many members in the British system, and this probably creates different time pressures than exist in our system, where there are half as many members. That's one aspect of the dynamic we can think about.

Also, it's interesting to reflect on the different processes of candidate selection undertaken in the British system versus our system and the implications of that for expectations of local representation. Obviously, Canada is geographically much larger than the United Kingdom, and expectations for regional representation to some extent vary, even across our country, but we generally select candidates through a process of local nomination elections. We can think of it in some ways as a hybrid between the American system of large-membership open primaries and the British system. Although certain political parties are experimenting with nomination or primary-style contests, the traditional approach to candidate selection in the U.K. has been somewhat different, and I'll mention that in a minute.

Our nominations, because they involve the process of local nomination elections, generally emphasize the ability of a candidate to fully engage with a particular community, to represent that community, to draw support from that community, and then to be elected from that community to speak on behalf of it in Parliament.

The denial of the opportunity for certain members to speak fundamentally limits the voice of that constituency, which has, through the process, generally speaking, although sometimes there are cases where leaders intervene in nomination processes, chosen a person who, because of the process they went through, is clearly there as someone from that constituency speaking on behalf of it.

The British tradition of candidate selection is slightly different. The typical form that candidates would follow in the British system is that a candidate would go through a process of application to get themselves into a larger candidate pool. They would apply through the party and would present an accounting of their skills. Then they would be added to—I can't remember exactly the names used by the different parties—a candidate selection pool. The process that is then followed is one of individual constituency associations seeking applications from people who are on this prospective candidate list based on what they think will be important for their constituency. The U.K. geographically is a much smaller country. It is common that a person may get on a general candidate list. Then they may make multiple applications to different constituencies, conduct interviews with different constituencies, and then be invited by a particular constituency to be the candidate for that party in that area. It is possible that the candidate would have grown up there or would have lived in that constituency. To me, in the context of our democracy, it seems that the U.K. does not attach the same importance that we do to having somebody come out of a particular geographic location.

If you compare, in general, our system with the British system, you see that our political culture is much more defined by our geography. We are a vast country in which it is harder for people to fully understand what is going on in a different part of the country, because it's so much farther away than it might be if Canada were a smaller country. Obviously there's also the issue of the two official languages that we have here in Canada, which further accentuates that geographic or regional dimension that informs our politics.

● (1445)

When we talk about how debates are managed in terms of the time for discussion in the context of the British system, we need to recognize those differences. In their system it may be much easier to say certain members who are there principally for their interests and particular topics can speak to those topics in a certain period of time, whereas for other members who may have less of a specific interest in that topic, there is less of a need. This report claims, and I haven't verified that claim one way or the other, that British MPs don't mind the systems that have been put in place. However, the structure of our system is one with that heightened geographic dimension in which the use of this programming, the use of closure in general, might prevent members of Parliament who have a particular need to bring forward a specific regional or geographic voice in Parliament from doing so. We, as 338 members of Parliament, representatives of 338 regions, should be able to have the opportunity to bring those voices forward.

Very often when the government brings in closure motions—and under the current rules we at least have an opportunity to debate and challenge the government on it, an opportunity that we may well not have in the context of the proposal for programming—the government will say, “Well, we've already had 30 members speak to this.” Of course, that's nowhere near the full number of members, and we wouldn't expect that every single member of Parliament would speak to a particular issue or bill, but when there is an effort to bring about an advanced closure of the conversation, that of course limits the opportunity to give voice on the basis of some of those regional perspectives. This is the kind of dynamic that we need to be aware of.

I would caution members and I would caution the government House leader on the suggestion that we should, in the absence of an amendment, move unilaterally in the direction of this motion as it engages the discussion paper. We cannot assume that the structures that exist in other places are applicable here, or at least fully applicable, given the range of ways in which our country is unique. We have institutions similar to those in some other countries, but certainly profound differences in political culture, and specifically for the purposes of the argument that I've made here, very substantial differences in the way our geography informs our politics.

Further to the discussion of time allocation or so-called programming, the discussion paper notes that other legislatures have different kinds of measures to plan the business of the House that are “similar in principle to programming”. I haven't had time, given the short notice with which this motion has been pushed forward, to study in detail the kinds of processes that exist in New Zealand or in the United States, but I'm skeptical of a claim such as “similar in principle to programming” because, let's be clear, that could mean almost anything.

● (1450)

I will just raise the issue here that the motion put forward by Mr. Simms doesn't at all give due time to do, for instance, a detailed study of the kinds of systems that exist in other places. I'm not usually the biggest apologist for committees going on extensive international travel, but this might be a case where actually getting a deeper appreciation of the way these mechanisms operate in practice would be worthwhile.

What there is instead is a timeline where it seems the expectation is that the committee would simply take the government House leader's word for it that the systems in these other countries are working in the way she has described. As much as there are differences, as I've outlined, between our system and the U.K. system, it would be worth having those conversations with British members of Parliament. That wouldn't have to involve travel. There would be, of course, other ways of engaging their perspective, such as inviting experts to appear via Skype and so forth, to actually get a sense of what people are saying there about the way their system works. This would be the benefit of an opportunity for a longer and more detailed study. It would give the opposition the opportunity, in the context of an expectation of ultimate unanimous decision-making, to ask questions that would probe in a deeper way the assumptions that are present in the discussion paper that we have from the government House leader.

This is, I think, one of the key reasons that the amendment is important, because at certain points, when the discussion paper isn't just arguing the government's perspective but is making statements of fact or implied statements of fact, such as “similar in principle to programming”, a good, fulsome study would give opposition members the opportunity to more deeply study and probe those claims, and the expectation that at the end of that probing they would be meaningfully engaged in decision-making. That's one of the other key arguments we can see coming out of this discussion paper, pointing us to recognizing the importance of passing the amendment that has been proposed.

Recognizing the discussion of the international context here, the discussion paper speaks of a made-in-Canada programming scheme. I mentioned before that this sounds a lot like a made in the Prime Minister's Office programming scheme. We have no problem talking about made-in-Canada changes to the Standing Orders in general terms that engage all voices here, and that's exactly what our amendment does.

In the final paragraph in the section on so-called programming, the second sentence states:

It could include a range of time for all stages for the consideration of a bill, which would be negotiated between House Leaders then would be subject to debate, amendment and a vote in the House.

Let's be clear about what already exists. We already have a process by which House leaders can and do negotiate the amount of time that will be spent on the discussion of particular legislation. We already have a process by which that can and does take place. It doesn't always work. At times the government House leader is intransigent, and certainly that's never the case with the opposition House leader. The government then proceeds with a motion for time allocation. There already is provision for there to be discussion and negotiation about the process that takes place.

If you read more deeply into it, I think the sentence is saying that there would be a process of negotiation—it doesn't say “agreement”—among House leaders. It just says that there is going to be a process of negotiation taking place.

● (1455)

Then it would be subject to debate, amendment, and a vote in the House, which effectively means that again if the government proceeds with this unilateral motion to make unilateral changes, in the absence of the amendment they will establish a reality in which they could effectively—a majority government at least, not a minority government—unilaterally put forward what I suppose would likely be a motion setting out the amount of time that certain bills would be discussed, and that would still be imposed via a vote in the House.

I guess on the one hand you might say, depending on what the intention is here, that if the government is proposing legislation and in each case there is going to be an individual programming motion that will have to be debated and voted on, then all we actually have is a commitment from the government to use closure on every bill. That's all that would amount to: having the debate and the vote, perhaps minus the existing provision for a period of questioning of the minister that I think is an important part of the current time allocation procedure.

It should be noted that we say “negotiate,” but it's still subject to a vote, and there's a question as well of what would constitute the threshold in the context of that debate. If you were going to have a debate and a vote, would it be a simple majority? You could imagine a system in which programming could be voted on, but you would have a higher threshold. You would have something like the threshold established in Standing Order 53 or in Standing Order 56.1, but that isn't specified here, and noting the government's general attitude toward this amendment, noting the broader tone of this debate, I suspect that we would not have them taking great

interest in the increase of that threshold to allow that discussion to take place.

I will go on to this whole area of question period and how this amendment, this motion, would inform this vital institution, which I guess unfortunately we've just missed.

The section on question period begins: “Question Period is where the Government is held to account for its policies and for the conduct of Ministers.” I might have appreciated if they had added “and of the Prime Minister,” but the important point here is that this discussion paper does seem to acknowledge the purpose of question period is for holding the government accountable for the things they have done, the decisions they have made, and also more broadly, for their conduct. However, we still see a desire to weaken the accountability associated with that mechanism. Surely the government should acknowledge that if that kind of objective is going to be achieved, you need to have meaningful opposition engagement in the discussion around what constitutes the rules for that question period.

● (1500)

**The Chair:** Garnett, could you hold that thought?

As promised, we're suspended until 7:30 tonight in room N-112.

● (1500)

\_\_\_\_\_ (Pause) \_\_\_\_\_

● (1930)

**The Chair:** I'll call this meeting to order. We were debating the motion by Mr. Scott Simms at the time we were previously debating. The time before that, Mr. Genuis was speaking, so we'll let him carry on.

**Mr. Garnett Genuis:** Thank you very much, Mr. Chair. It seems we have achieved a consensus as to the pronunciation of my name. Hopefully that will be a harbinger of consensus to come.

I apologize for going back a minute. Mr. Graham started off this morning by referencing the attacks on our mother Parliament. At the time, I didn't make a comment on it, because I hadn't had a chance to get familiar with what was happening in the news.

It is quite striking, I think, that we're having this discussion about our parliamentary traditions with reverence and respect for our mother Parliament, recognizing the traditions that come to us from that Parliament, at the same as this terrible event has happened today. I want to express my solidarity, our solidarity, with those who are affected by those events, and certainly extend our best wishes to all those affected and their families.

I haven't had a chance to look at all the coverage, but there have been some remarkable stories of heroism coming out in terms of people, law enforcement, and even elected officials, who were stepping up to help in some way. In the midst of great tragedy, those stories are certainly an inspiration to us.

I wanted to briefly read into the record a Facebook post made by the former member of Parliament for the area I represent. At the time it was Edmonton—Sherwood Park. Before that it was the riding of Elk Island. Some of you, perhaps Mr. Reid and Mr. Simms and Mr. Bagnell, had a chance to serve with Ken Epp, who was, I think, an outstanding member of Parliament. He was someone who was always a great defender of our parliamentary traditions and someone who spoke in the House a lot. This was also the time before social media, so he didn't have the same opportunities I do to share his frequent interventions back home. He's an avid user of social media now, so he posted this, and I think it raises some important points about our discussion today. This is from Ken Epp:

Heads-up! The Liberals are pushing through procedural changes to (in their words) make Parliament more efficient. This is so transparent. You need to understand that the Prime Minister and the Ministers of the Crown (the Cabinet) form "Government." Parliament is a separate thing—it's the place where the representatives of the people meet to discuss, debate, and vote on matters pertaining to their constituents—the people. In Canada, Government is made up mostly from Members of Parliament. (There is usually at least 1 unelected Senator in Government too.) Parliament is supposed to give direction to the Government, and the Government is there to implement the decisions of Parliament. But when you have a dictatorial government, then Parliament is an annoyance. So the Liberals are using their new plan to limit Parliament further. They want Parliament to meet only Monday to Thursday, 4 days per week instead of the present 5 days. Less debate, less questioning of the government, less accountability. Their words "greater efficiency" are simply a euphemism for "we want more freedom to do what we want and we don't want to go through the hoops of parliament."

Consider how this impinges on the work of the Parliamentarian. It means more travel time and cost for each hour of debate. MP's from B.C., the North, and remote locations could spend up to 12 or even more hours on their travel to Ottawa, and then another 12 going back to their ridings. When I was an MP, I often thought of this. I was only 1/2 hour away from the airport, so home to hotel in Ottawa on Sunday was usually about 9 hours (via Calgary) and office to home on Friday was usually about 6 hours. There are others who would have to take connector flights or long drives. It is important for MP's to spend time in their ridings, to meet the people, to listen to their concerns, and to reflect those concerns in their speeches and votes. This new plan will mean that many MP's will not even get an opportunity to express their views on many Bills and Motions. There won't be time. Some MP's stay in Ottawa every other weekend, because their travel time is so long.... There already are "weeks out" when MP's can be back home for the full week. This is much more efficient because it reduces travel time and cost. These Liberals manage to get everything wrong.

● (1935)

Those are some words from an individual who isn't just someone speculating about the process. It is from someone who was a member of Parliament. Maybe Mr. Reid can help me with the exact length of time, but for about 18 to 20 years, Mr. Epp served in this place and was indeed a great parliamentarian.

I think he makes the point very well, and he provokes an area of conversation that we need to explore in the context of this whole debate, the question of efficiency.

As we go through the discussion paper that the government House leader has given us, there is a big emphasis on efficiency. It's interesting that in debates about the forms of governance, there has always been this allure of the concept of efficiency from those who see efficiency as the primary goal and that it is reasonable from that perspective to limit scrutiny, debate, discussion, accountability, the representative functions of Parliament, or whatever the case may be, in the name of efficiency.

There are those who look at dictatorial systems and think they are very efficient and perhaps envy that efficiency. I think this is a

dangerous tendency. It's a dangerous tendency to look at dictatorial regimes or perhaps possible changes to our democratic system and say, "Yes, but they're so efficient." When the Prime Minister made his now-infamous comment about China's basic dictatorship, I don't think it was just a joke. On the other hand, I don't think he was really saying he wanted to make Canada into a dictatorship, but he was expressing what seemed to be a genuine sentiment, which has been a genuine sentiment of various people who desire to claim or to draw from the supposed efficiency of more authoritarian systems. When you come to the conclusion that these kinds of systems are more efficient, you are vulnerable to move in a direction that involves the adoption of attributes of those systems.

The motion that we have in front of us without the amendment emphasizes an approach that I think conforms to that particular view of efficiency, in that it invites the committee to undertake, in response to a very stressed timeline, a study in which at the end of the day it would be up to one party to decide the way forward and it would then be up to the government in the House, which holds the majority, to further ram through those rules without requiring the consent of other parties.

To proceed in that way, without the amendment, conforms to a certain view of efficiency that says we have to put all these considerations aside with respect to accountability and with respect to the patterns and the way things have been done in the past. It speaks to that revolutionary tendency that I spoke of last night, when you have leadership that says, "Let's tear up what we've done in the past and come up with something new that we think fits." In particular, it is a revolutionary tendency that's rooted in an attraction to the idea of efficiency as being an ultimate goal.

● (1940)

I was reading different things and watching some videos in between times, when I probably should have been napping, to stimulate my thoughts about this whole question of reform, specifically on efficiency. There was a good quote from a talk that our colleague from Wellington—Halton Hills, Michael Chong, gave at the Manning Centre a number of years ago about the issue of centralization and particularly the question of efficiency in government. He said centralized systems are efficient, but they lead to bad outcomes.

I think an enlightened notion of efficiency shouldn't just be about moving as quickly as possible, but it should take on board this sense of advancing as quickly as possible toward a desirable goal, because if we are moving quickly, advancing quickly, but we are not actually moving in the direction of a desirable goal, then we're not any further ahead. To put it that way, I think, should make the point rather obvious: we should not speak of efficiency as if it were a good, independent of a clear identification of the goals we are trying to achieve. Centralized systems allow governments to move faster, but by limiting the number of voices that are included in the conversation, they actually lead to bad outcomes, and the process of identifying the failure of those outcomes and undoing those mistakes makes the overall system much, much less efficient, so in the end we should not at all be critical of the fundamental ground on which our institutions stand.



Democratic systems, systems that enhance the power of the people and the decision-making process, may not facially have the same degree of efficiency as alternative kinds of systems, but they do achieve better outcomes, and certainly they reflect the values and the priorities of the people who sent us here. This question of efficiency is another strand that informs the broader debate between, on the one hand, the unamended motion and, on the other hand, the amendment we're proposing. Getting unanimity, getting the buy-in of all parties, is going to take perhaps a little more time. Perhaps the June 2 deadline, which seems to be fairly arbitrary, is not really going to gel very well with the need for unanimity, but I don't see the logic of imposing that timeline anyway. I think we need to first make sure we're moving in the right direction, and then move efficiently there and do so with the co-operation of all parties.

Since we're talking about British politicians and traditions, here is a quote from Winston Churchill. He has a number of insightful quotes about democracy. One of them was to say that democracy is the worst form of government except for all the other ones that have been tried. He also said it is not enough to say you have done your best; you must first know what to do, and then do your best. This is why we say it is important to have a large number of voices to have a meaningful process of accountability.

Members may be familiar with a Canadian history publication called *The Dorchester Review*. I'm going to read a fairly short article from it called "A 'Basic Dictatorship' Problem", which discusses this very question in a way that very directly informs on a discussion of the amendment. How efficient are more authoritarian systems versus more genuinely democratic systems?

The Prime Minister of Canada has a "Basic Dictatorship" Problem. To borrow his infamous phrasing from 2013, Mr. Trudeau has expressed a disturbing and obsequious admiration for both China's "basic dictatorship" and now for Cuba and its "longest-serving president," Fidel Castro, who died on November 26.

● (1945)

In November 2013, Trudeau attended a fundraiser that the Liberal Party described as a "ladies' night" involving "cocktails, candid conversation, and curiosity-inducing ideas."

**Ms. Ruby Sahota:** I was there.

**Mr. Garnett Genuis:** The article goes on:

Before these fawning supporters the moderator asked Trudeau: "Which nation, besides Canada, which nation's administration do you most admire?" And he replied:

There's a level of admiration I actually have for China. Their basic dictatorship is actually allowing them to turn their economy around on a dime, and say, 'we need to go greenest fastest,' y'know, 'we need to start investing in solar.' There is a flexibility that I know Stephen Harper must dream about, of having a dictatorship that he can do everything he wanted, uh, that I find quite interesting.

Parenthetically, we see this canard of Stephen Harper the dictator, which is a total canard in light of the fact that it's not Stephen Harper, but the now Prime Minister who is expressing this admiration.

The article continues:

Trudeau thus unequivocally expressed his "admiration" for a "basic dictatorship" that has since 1949 committed various atrocities, including — like all Communist regimes — mass murder of political opponents and forced famines that starved to death millions of peasants in Mao's Great Leap Forward. Perhaps Trudeau means that he admires China's "basic dictatorship" only since the Great Leap Forward and the Cultural Revolution. In that case, Human Rights Watch describes what China truly is today:

Ruled by the Chinese Communist Party (CCP) for more than six decades, China remains an authoritarian state, one that systematically curtails a wide range of fundamental human rights, including freedom of expression, association, assembly, and religion.

Trudeau talks of China's command-and-control economy's turn toward sustainable energy sources. But then, oddly, he ends his comment with a rhetorical flourish on how Stephen Harper, when he was prime minister, must have fantasized about wielding the immense power of the Chinese president, thereby deflecting some attention and responsibility away from his own self-described "admiration" for dictatorship. Indeed, Harper was such a dictator that the Liberals defeated the Conservatives in a free and fair election which saw Harper's resignation and an orderly transition of power on Nov. 4, 2015.

Trudeau later offered this mendacious reinterpretation of his earlier remarks at a subsequent press conference:

The point I made was that despite all of our freedoms and our extraordinary system of government and democracy, we are up against countries that play by different rules that we would never accept, but that find themselves, uh, able to address big issues quickly and completely.

My comment would be that we see again here the re-emphasis of the efficiency narrative, this idea that less consultation, less engagement, less requirement for involving other perspectives, even if there's a recognition that there are some problems with this approach, has the alleged virtue of efficiency.

The author continues:

But of course that was not the point that Trudeau was making. Instead, he clearly expressed personal "admiration" for a "basic dictatorship" and implied that authoritarian regimes are superior to liberal democracies, at least on the issue of sustainable energy.

The Prime Minister's Nov. 26 press release on the death of Castro is worth quoting in full for the record:

The Prime Minister, Justin Trudeau, today issued the following statement on the death of former Cuban President Fidel Castro:

It is with deep sorrow that I learned today of the death of Cuba's longest serving President.

Fidel Castro was a larger than life leader who served his people for almost half a century. A legendary revolutionary and orator, Mr. Castro made significant improvements to the education and healthcare of his island nation.

While a controversial figure, both Mr. Castro's supporters and detractors recognized his tremendous dedication and love for the Cuban people who had a deep and lasting affection for 'el Comandante.'

I know my father was very proud to call him a friend and I had the opportunity to meet Fidel when my father passed away. It was also a real honour to meet his three sons and his brother President Raúl Castro during my recent visit to Cuba.

On behalf of all Canadians, Sophie and I offer our deepest condolences to the family, friends and many, many supporters of Mr. Castro. We join the people of Cuba today in mourning the loss of this remarkable leader.

Trudeau has eulogized the dictator in euphemism as a "legendary revolutionary and orator" instead of confronting Castro's brutal legacy: like all Communist dictators, he imposed his utopia by wading through a sea of blood, jailing and murdering political opponents, and then maintained his dictatorship through authoritarian repression.

● (1950)

The Prime Minister glosses over Communist dictatorship and, in a statement that sounds like a joke, Trudeau deigns to acknowledge Castro as a "controversial figure" — as if his record were merely a matter of polite disagreement.

Trudeau even throws in a welfare nationalist line about healthcare and education. Perhaps, we should add, the Castros provided a certain standard of education and healthcare to all those Cubans whom they hadn't already murdered, detained, or exiled. If Cubans expressed a "deep and lasting affection for 'el Comandante'" they had no choice in the matter. Overall, Trudeau clearly fell for the Potemkin Village routine that all dictators put on for visiting foreign dignitaries.

In 1999, Human Rights Watch noted:

The Cuban Criminal Code lies at the core of Cuba's repressive machinery, unabashedly prohibiting nonviolent dissent. With the Criminal Code in hand, Cuban officials have broad authority to repress peaceful government opponents at home. Cuban law tightly restricts the freedoms of speech, association, assembly, press, and movement. In an extraordinary June 1998 statement, Cuban Justice Minister Roberto Díaz Sotolongo justified Cuba's restrictions on dissent by explaining that, as Spain had instituted laws to protect the monarch from criticism, Cuba was justified in protecting Fidel Castro from criticism, since he served a similar function as Cuba's 'king'.

There is no due process, *habeus corpus*, freedom of expression, freedom of movement, free markets, political parties, and certainly no free and fair elections. In short, Cuba's basic dictatorship outlaws and criminalizes all that which the Canadian Charter of Rights and Freedoms upholds and guarantees for Canadians.

Next comes the really important point on political romanticism:

Trudeau demonstrates a disturbing naïveté about the nature of dictatorships, falling for the Potemkin Village and the mythology of dictatorship as an efficient form of government.

In reality, dictatorships are inefficient. Indian economist Amartya Sen has shown that dictators cause famines, which shows that they cannot or do not distribute resources efficiently and justly — which should be obvious to any 20th century observer. We need look no further than Stalin's Holodomor in Ukraine or Mao's Great Leap Forward.

Good government fundamentally depends upon a strong link between taxation, representation, and expenditure, which bind together the accountability and responsibility of the government and the consent of the governed. We know what happens when that relationship breaks down: many petro-States are authoritarian precisely because the government can rely on royalties from natural resources for revenue rather than having to rely on taxation of the people. Consent and accountability break down when people have no stake in the government.

Classical liberals in the 19th century well understood this principle, especially Lord Durham. In his famous report on the Canadas, which provided the blueprint for liberty and self-government in the British Empire in the 19th century, he maintained that the Royal Recommendation (the requirement that Ministers of the Crown sanction and take responsibility for all money bills) coupled with the principle that all money bills must be introduced by the people's elected representatives in the assembly was a necessary condition for Responsible Government. Durham even referred to this principle as a "the real protection of the people."

We're talking specifically about the period when we saw the origin of responsible government in our country, something that I will argue is specifically threatened by the unamended motion.

The article goes on:

Regrettably, Mr. Trudeau has consistently shown that he either does not understand or is confused about the difference between the executive and the legislature. He presumes to speak "on behalf of all Canadians," as he did in that press release about Fidel Castro's death, and he has taken to asserting that "Canada is back" — the implication being that only the Liberals can legitimately represent Canada. This implies that other parties are unpatriotic and do not represent the millions of Canadians who voted for them. This is ironic and contradictory given that Trudeau has also described Canada as a "post-national" state, which may make patriotism itself a thing of the past.

• (1955)

Let's do a quick civics review. In our parliamentary system, the Prime Minister and Cabinet represent Canada as a State and as an international legal person (as in *le pays*), and they govern in a way that should promote Canada's national interest. But the Prime Minister and Cabinet cannot "represent all Canadians" in the sense of "reflecting their values in government." It is the Sovereign and Governor General who represent Canada in the sense of *la patrie*.

Only the House of Commons "represents all Canadians" as a political nation because we elect Members of Parliament. Within the House of Commons, the loyal opposition represents "the political minority" and makes the representation of political dissent integral to Westminster parliamentarism, and the government's legitimacy depends on commanding the confidence of a majority of MPs within the chamber. Therefore, no Prime Minister could ever claim to "represent all Canadians" unless his party won all 338 seats in the House of Commons in what would then be a one-party State — rather like the Communist countries that Justin Trudeau claims to admire so much. As Ajzenstat states, "the supreme benefit of

parliamentary government is that it protects political opposition, the right to dissent."

At the party event in 2013 where Trudeau expressed admiration for Chinese dictatorship, he also praised the "consensus government" that pertains in the Northwest Territories and Nunavut.

But if I were to reach out and say which kind of administration I most admire, I think there's something to be said right here in Canada for the way our territories are run. Nunavut, Northwest Territories, and the Yukon are done without political parties around consensus."

I would just say parenthetically that I don't actually think that's correct with respect to Yukon. My understanding is that there's a consensus system in Nunavut and Northwest Territories, but not one in Yukon. I guess our chair might know better than me on that point, but this is the direct quote that I'm reading from the Prime Minister, so I'll continue to read it:

And are much more like a municipal government. And I think there's a lot to be said for people pulling together to try and solve issues rather than to score points off of each other. And I think we need a little more of that."

We're in the middle of the municipal election season in my province, and that might be a little bit of an idealistic view of how things operate at the municipal level.

However, to carry on:

Trudeau is essentially right in his description—

• (2000)

**Mr. Scott Reid:** Mr. Chair, I've lost track. Was the comment about the partisan arrangements in the three territories and in municipal politics a quote from the author of the article or from the Prime Minister?

**Mr. Garnett Genuis:** Yes, so this much—

**Mr. Scott Simms:** If I can add to that, how does that pertain to the amendment?

**Mr. Garnett Genuis:** I'm establishing one of my fundamental concerns about the motion in the absence of the amendment, which is that it reflects this unhealthy prioritization of efficiency over accountability. This, I think, emanates from an admiration of supposed efficiencies that exist in other systems, which I think this article well establishes do not exist. I think this article highlights the problems of that romanticism. I think that does inform our political conversations that happen here and I think we need to be aware of that as a committee.

For Mr. Reid's benefit, the quote was:

But if I were to reach out and say which kind of administration I most admire, I think there's something to be said right here in Canada for the way our territories are run. Nunavut, Northwest Territories, and the Yukon are done without political parties around consensus. And are much more like a municipal government. And I think there's a lot to be said for people pulling together to try and solve issues rather than to score points off of each other. And I think we need a little more of that.

That's the end of the quote, but I'm going to continue reading from the article itself. We're approaching the end, not of my remarks, but of this article.

Trudeau is essentially right in his description of how consensus government works.

Oh, here we go:

But he is wrong about the Yukon, which in fact has had standard responsible government with competing political parties since 1978. Only the Northwest Territories and Nunavut have consensus government.

While this comment received less attention, this remark and his praise for China are not as tangential as they might first appear. The only difference between consensus government and an authoritarian regime is whether the threat of force and coercion are necessary to mandating, manufacturing, and maintaining that consensus. In small communities, a genuine consensus can emerge legitimately and peacefully. But this is impossible in a large State.

What appears to animate Justin Trudeau's political thought therefore, is, above all, something akin to Counter-Enlightenment Romanticism. It seems to be a "philosophy of community" where "all strive to be virtuous according to the same definition of virtue." In its mild and benign form, political Romanticism manifests itself as a kind of "civic republicanism,"

—and I know David will be interested in this because of his interest in virtue ethics—

which derives more from the Ancients like Aristotle and his views on a "virtuous and participatory citizenry" than the Moderns. In its worse forms, Romanticism derives from Counter-Enlightenment philosophy from Rousseau onward, with infusions from Hegel and Marx.

Romantics see the absence of consensus as an existential threat to the general will and the public interest. Therefore, anyone who disrupts that consensus prevents the political nation from realizing the general will and becomes an impediment that must be removed. Romantics also view history as teleological and thus as a force inexorably moving in one direction toward a clear endpoint.

Trudeau expresses his teleological "sunny ways" romanticism in his blithe phrase, which has since become a meme, "Because it's [insert current year]." In other words, anyone who attempts to disrupt, slow down, or alter the course of history must simply step out of the way of progress. Trudeau's "post-nationalism" best corresponds to what political scientists would call "post-materialist politics," which concerns itself with "opening opportunities for political demands" — particularly of historically marginalized groups — and participation rather than the distribution of scarce resources. In short, as Ajzenstat puts it, "romantics shrink from the adversarial politics of the parliamentary system." Trudeau laments the "politics of division," enveloping himself in what Weber would call "monarchical authority" in his official biography, as the living embodiment of Canadian unity:

His passion for public service and vision for Canada are shaped by his experiences and influences — his father, Pierre, and mother, Margaret; the Trudeau and Sinclair families; his roots in the East and West, French and English.

Note that "The Trudeau and Sinclair families; his roots in the East and West, French and English" evokes the Tudors, with their rose both red and white, with roots in the Houses of Lancaster and York, both North and South.

● (2005)

However as Christopher Hitchens observed, "politics is division by definition," because in a liberal-democratic society, we are free to express disagreement and because our parliamentary system itself legitimates opposition and adversarialism in order to maintain the accountability of the government. Politics is by nature divisive. Without the disagreement and dissent that comes from persons who sincerely hold opposing views and beliefs, politics would cease to exist.

It might seem strange to members who know my political philosophy well that I would read from an article that praises Hitchens and criticizes Aristotle.

I don't agree with everything in this article, especially some of the implied latter critique of virtue ethics. I think that, broadly speaking, an Aristotelian virtue ethics lens is compatible with a belief in the importance of political diversity and dissent. I think the compatibility of an Aristotelian account of virtue ethics and modernity is well established in John Stuart Mill's work. I could talk more about that, but that might go beyond the scope of the amendment.

**Mr. Blake Richards:** Don't encourage him.

**Mr. Garnett Genuis:** Maybe with unanimous consent, we can go further afield than I normally would.

I think the fundamental point of this article is a really fascinating one: the reality that dictatorship should not be in any way romanticized, first because of the basic violations of human rights and dignity that it entails, and second because it really is not efficient.

Even if we could have benign dictatorship in the absence of human rights violations, I think all the evidence suggests that it would still make bigger mistakes and be less efficient in the long run than democratic societies would. Even if they move slower, democratic societies, by including more voices, are more likely to be moving in the first instance in the right direction. They are more likely to be heading where they intend to head.

What we are debating today is not something that will end the formal process of democracy or democratic elections, but we are very seriously contending with questions of the strength of our system of responsible government and the kind of relationship that exists between the executive and the legislature, with how they understand their roles relative to each other.

This article lays out that it is Parliament, not the government or the Prime Minister, that speaks on behalf of Canadians at the end of the day.

Our approach to proceeding with prospective review and changes of the Standing Orders might appear to members to be less efficient if you take up this romanticized idea of centralized power as the road to efficiency. You might be critical of this amendment on the basis that it seems to be inefficient because it requires engagement with more people. It requires consultation. It requires more voices to be heard in the process of determining how to move forward, but what we have put forward is right. It respects our values and our traditions, but it conforms to a more realistic and, in a sense, a deeper understanding of what constitutes efficiency, because again, as Churchill said, it is first knowing what we ought to do and then proceeding in that direction.

As I was growing up, in my own personal history of political development I recall that one of the most important political movements that I initially focused on was the Reform Party tradition. The tradition of reform coming out of western Canada highlighted all these issues about the need to counterbalance the increasing power and control of the executive and strengthening the role of the legislature.

● (2010)

At the same time, it reflected the genuine will of the people, which was for greater efficiency of the public service, which was for the improved effectiveness of government, which was balanced budgets. It was a tradition that was both realistic and interested in efficiency and effectiveness of government, but it was also bold in its call for this evolutionary move to enhance accountability and to enhance the role of members of Parliament.

I think we really need to revisit that tradition. It was not just about the role of the opposition. It was about the way our government works with respect to all parliamentarians and with respect to the relationship between parliamentarians and the executive. It was a tradition that said there is a role, yes, for the executive, but it is the members of Parliament who speak on behalf of the people who elected them; and there is a need for, on key changes, a more substantial level of consensus when those kinds of changes are made.

That was the tradition put forward. I do think that there are changes that we need to talk about as a committee, and we need to do it in a way that is informed by the amendment that says we will move forward together and that the process won't be controlled by one party. There are changes we do need to talk about that live out this tradition.

It's interesting to me that this was a tradition that came out of what was, in many senses, although perhaps not in every sense, the Conservative Party, the Reform Party, but this rhetoric has been adopted by the Liberal Party since the time of Paul Martin. Paul Martin spoke about the need to address a democratic deficit, and the Liberals, in their last election commitment, talked about reforms, but certainly they did not talk about dramatically changing the rules of Parliament and the process by which consent would normally achieve that.

We are seeing this increase in public expectation for engagement, but at the same time there have been actions of this government that go fundamentally against public expectations, and indeed, I think, deviate quite significantly from the commitment that this government has made in the past.

Members only need to reflect on what happened today. Many of us missed question period because the work of this committee was going through at that time. We had the Leader of the Opposition and the leader of the NDP each building off the legitimate points that the other was making.

With respect to what happened in question period and the impact this had and the discussion around the amendment, first the Leader of the Opposition asked the Prime Minister what he would have said if Stephen Harper had done this. I think this is a very good question, because Stephen Harper advanced policies that reflected a Conservative perspective, but he did so with respect for and within the rules of the system that were established and well accepted. He did what we would expect a Prime Minister to do, which was, within the context of the rules, seek to advance policies that are reflective of his priorities and the priorities of his government. That is what happened under Stephen Harper.

However, now we have Justin Trudeau, who was supposed to represent real change, and yes, it's real change, but it's not in the direction that I think folks expected.

• (2015)

That is, it is going in the other direction with respect to what's happening in committee. He was asked, what would you do, if Stephen Harper had done these same things? He made some comments about heckling in the House of Commons, but he never answered the question at all.

Thomas Mulcair posed the same question. Again, we had some references to children who were in the gallery, and those are the children for whom we are trying to preserve the integrity of our democratic institutions. He made some references to this, but did not answer what I think was a very legitimate and important question.

Then we had something else happen today. I think all members here were witness to it, because it was right after a vote. It was in the context of a suspension that had then taken place in the work of this committee, concerning which repeated issues of privilege had come up in the House of Commons about breaking of the rules—in one case by a government member.

There was also what appears to be a case of government members receiving the budget when they shouldn't have, in advance of its being read in the House. There were issues of members being prevented from voting, for reasons I didn't fully understand, but for something involving the Prime Minister's vehicles. I don't know who was responsible for that, and there's a need for a thorough review, of course, of all of these questions. I know the Speaker will be coming back to the House on those questions.

What happened today should, in the context of what's happening here, give us all some real pause, because members have important responsibilities and members were limited in their ability to undertake their responsibilities, just as this discussion paper proposes to do and just as the mechanism by which it is proposed that we would discuss this discussion paper, absent the amendment, would have us do.

We have, then, the very important issue of the integrity of our parliamentary institutions at stake here, but there are also other issues that are part of the discussion. We have issues of—

**An hon. member:** I have a point of order.

**Mr. Garnett Genuis:** Mr. Chair, maybe you could ask for a little quiet.

**Mr. Scott Simms:** Yes. Thank you.

**The Chair:** Let us have a little bit more respect for the speaker, please. It's getting a little loud in here.

Thank you.

**Mr. Garnett Genuis:** Thank you. A hush fell over the crowd.

I know that Mr. Chan is paying attention deeply and I appreciate that, as I'm sure are other members. I didn't mean to suggest he was the only one. Nonetheless, now I seem to have touched off further conversation.

In any event, I know this is an active place for deliberation and I do welcome that. However, as members deliberate in different ways at and behind the table, I think they should be reflecting on the importance of the deliberative and decision-making role of our Parliament and the way in which we need to ensure that we protect that substructure of our democracy, that we don't allow the kinds of things that have happened today to become a pattern in terms of the way we deal with each other.

I think the form of events that unfolded today really illustrate a point that is central to our discussion of this amendment, which is the way in which well-functioning parliamentary institutions inevitably require the consent of more than just one side of the discussion in order for them to work properly.

If we in the opposition are so frustrated—as I think we are, and legitimately so—by the lack of respect we are receiving from the executive, we will seek every opportunity we have to strongly present our objections and concerns. Of course, that takes a variety of forms. We had the raising of different kinds of motions and the lack of use of the normal notification processes. There are many things that we accept as being important for Parliament to function well that involve the collaboration of parties.

Reflective of the mood established by the government's position on this amendment, I think we saw some of the outworking of that frustration, including, on the one hand, a further disrespect on a number of fronts shown by the government to the opposition; and on the other hand, the opposition rightly needing to raise a number of points of order and questions of privilege to respond to those concerns.

I think ultimately we want to be spending as much of our time as possible, if not all of our time, debating the business of the nation, not discussing procedural issues. Of course, this is a committee whose function it is to discuss procedure, but outside the context of the committee, especially in the chamber itself, we would want to be at a point where we're spending as much of our time as possible discussing those substantive aspects of the situation that inform the realities that are part of the lives of Canadians who don't spend a lot of time in this place. However, we need to take a stand when those aspects of procedure undermine the natural co-operation and expectation of consensus that exists between parties. When that is undermined, that has a negative effect on the way in which our traditions can operate.

I think the other issue is that if we are going to explore this study, it has to be within the framework of the amendment, because that requires us then to do the sorts of things that will engage a broader number of members and therefore provoke discussion of the kinds of questions that might not be in the interests of the front bench of any party, but might actually reflect the better functioning of the House.

One of the reforms to the way our democracy works that merits serious consideration and study is the question of whether party names are on the ballot. Removing party names from the ballot would be one very simple reform that would increase the chances that voters are paying particular attention to the name of the individual. Of course, it wouldn't prevent people from affiliating with parties and from voting on the basis of the party, but it would give somebody who does not have a party affiliation a greater ability to run. It would create an opportunity for someone who may identify with a philosophy of a party but was prevented from getting the blessing of the party. It would make it easier for that person to present themselves successfully in an election if you didn't have the name of a party on the ballot.

● (2020)

That, of course, is the kind of change that I think may have some potential problems, but I think it's certainly worthy of further study.

It's the kind of change that you're unlikely to see proposed by the leadership of any party, or a whip or a House leader get behind. The reason is fairly simple. If members of Parliament have a greater sense of independence, if there isn't the issue of the party name beside their name on the ballot anyway, then perhaps that's a reason or an opportunity for members of Parliament to exercise a little more independence or leverage in the context of the discussions that are taking place in the House.

Recognizing that, it's unlikely that that kind of reform would come through in a very partisan approach to discussions of changes to the Standing Orders.

If we don't have this amendment in place, then inevitably the discussion becomes partisan, because you have different parties trying to seek majorities. But if you introduce the requirement for unanimity, you remove the option of the government's acting in this respect unilaterally. You increase the chances that members will think about changes to the Standing Orders that may go in a different direction from the proposals of the government House leader, but may reflect, in particular, their priorities as members and may seek to address that balance in a positive way, between the executive and the legislative functions of our government.

I note parenthetically that the article that I read from *The Dorchester Review* spoke specifically of the Prime Minister's admiration for consensus governance.

I don't think it would be practical or desirable to move to a non-partisan, consensus-style government for the whole of Parliament. I think that would be impractical and unrealistic. I think it would also forestall the exposure of legitimate debates that people need to see clear sides of. I think we need to have a government and an opposition in our discussion of the issues that come before us.

But I think committees, as smaller communities of people who work together in a more direct, more personal way, can benefit from at least a consideration of that model of more consensus. We can operate as committees in a way that, as much as possible, takes a step back from our partisan identity and emphasizes our identity as members and asks, as 10 people around a table, what we want to do with the issue that's in front of us to make the country better.

When you require unanimity to move forward, I think you end up with a system in which you have strengthened that possibility, that role for consensus, when you have something like the amendment we have to put in place. But its absence creates a condition in which we all fall in line. If there is that consensus system, I think, in the context of that study, good ideas will bubble to the top that wouldn't otherwise. You'll have members within the same party who may disagree with each other, and there will be discussions that will be particularly productive. Maybe that will be, in some senses, less efficient and will take time, but it will be quite worthwhile.

• (2025)

In the discussions of the Standing Orders that have taken place so far, I think we started off on a reasonably good foot when we had debate on this issue take place in the House of Commons. We had different points of view expressed by people from different parties, and we had members of the same party presenting alternative points of view. I'm probably not going to be able to find the exact quote, but I think there was a reference made by some members of the government—not just the government caucus, but the government—that maybe the procedure and House affairs committee could together come up with a set of proposals. I think that would be a really productive and interesting way to proceed.

Putting aside this discussion paper, we could establish an agreement about moving forward with agreement, with unanimity, and have the committee as a whole then work through it, discuss it, hear experts and ask how we could change the Standing Orders, with the expectation at the end of it that you could build a unanimous report coming out of the committee that would say, “These are some changes to the Standing Orders that we agree are needed.” At that point, we'd have an opportunity to make some really good changes.

Going through the discussion that happened earlier on Standing Orders, I note that even if there's been an effort to control it by this discussion paper and the way in which the government has proceeded, we already have some really interesting and innovative suggestions from members of the government caucus that don't seem to accord exactly with what the government is proposing in the discussion paper and that are still certainly very much worth considering.

I note that a *Hill Times* article covered the discussion in mentioning the interventions of Ms. Anita Vandenberg, who not only is a member of Parliament but has also worked as a political staffer in the past. I didn't know that. She suggested changes—I'm quoting from the article—including “having government bills go to committee after first reading instead of second reading to let them be reviewed before the government becomes too invested in seeing it pass”.

I don't really agree with that, but I think it's an interesting idea. I think it probably makes sense for the House to pronounce on the principle of the bill before it is studied in committee. Although there are provisions now for the committee to do some prestudy of legislation, and there are certain cases where that may make sense, it is not normally automatic. I don't think I agree with Ms. Vandenberg that it should be, but it's still an interesting idea.

As well, says the article, “She also suggested handing over powers currently held by the government House leadership team to the Speaker on things like the use of time allocation.” That's an interesting idea, isn't it, to have the Speaker—

• (2030)

**Mr. Blake Richards:** On a point of order, Mr. Chair, I'm sorry to interrupt my friend while he gives a very eloquent and informative speech. I'm learning quite a bit from him this evening. There have been some really informative articles that he's read from, for example, and there are some great theories he's providing to this committee that I think are all very helpful and hopefully will be very helpful to the members who are listening, in order for them to

determine how they would vote appropriately on this amendment to the motion.

The unfortunate part is that many members are not really listening as he is speaking. There's a lot of chatter and noise going on, and even I am finding it hard to concentrate and listen, so I wonder if you might remind people, Mr. Chair, that it would be best to take advantage of the opportunity that's being provided to them to learn and to gather from other members opinions and insight that might be helpful to them in forming their opinions about this amendment and this motion.

The best way to do so, of course, Mr. Chair, would be to ensure they are engaged and attentive to the person who's speaking and to not be engaged in activities that would interrupt or interfere with that member's opportunity to do the same.

**Mr. Scott Simms:** I concur with the vice-chair.

**The Chair:** That's the second request I've had for some respect for the speakers, so could we keep the noise down and have those conversations outside the door?

**An hon. member:** My apologies, Mr. Chair.

**The Chair:** Mr. Genuis.

**Mr. Blake Richards:** To be fair to Mr. Reid, there were many people in the room who are not, in fact, members, but who are here as support. It's not Mr. Reid I was specifically referring to. He may have been one of many.

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

**Mr. Blake Richards:** I can see it gives him a sigh of relief, and that's a good thing. I say that for everyone in the room. Mr. Chair, I hope you would caution all people to be more attentive to the speaker because Mr. Genuis is providing us with some very good information.

**Mr. Scott Simms:** Mr. Chair, I would like to specifically point out Mr. Reid.

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

**Mr. Scott Simms:** I would just like to say after his intervention yesterday that 99% of his talk has been good. The last 1% has been rather disruptive—just a bit. His contributions are fantastic, nevertheless.

**The Chair:** Mr. Genuis, you're on to a quiet, spellbound audience.

**Mr. Garnett Genuis:** Excellent. It would be consistent with Mr. Simms to emphasize the 99%, I suppose.

I'm sure that whether they are on or off the record, Mr. Reid's comments are always well informed and insightful. We look forward to having those continue in a couple of days when I finish.

I was reflecting some interesting comments from Ms. Vandenberg who suggested—and I'm quoting the article—“powers currently allocated by the government House leadership team to the Speaker on things like the use of time allocation”.

What's envisioned by this is that perhaps after the process of negotiation between House leaders and discussion, if there were an impasse, the Speaker might decide, given the nature of a particular topic, that it were time enough for the discussion. She said during the debate, "I think we should weigh the advantages and disadvantages of giving the Speaker more of a say over the parliamentary agenda. Canada has a Parliament where the government side has more to say over the agenda than almost any other legislative body."

Incidentally, this has been part of the debate around question period as well. It's the possibility of empowering the Speaker to not only do what he does now—he or she; in the present case it's a he—to maintain decorum, to rule on specific narrow sets of matters but also to take a more substantive role in forcing ministers and parliamentary secretaries to answer questions.

There is one proposal in the discussion paper about enhancing the power of the Speaker that involves the splitting of omnibus bills. I'm going to talk a bit more about omnibus bills later, because I haven't really gone into those yet. There's also the question of the Speaker saying, sorry, Prime Minister, you didn't answer the question, and I expect you to answer the question. There are different proposals around enhancing the power of the Speaker.

I see both sides of this. On the one hand, we already ask the Speaker to make certain kinds of substantive judgment calls. One case where we do that is on requests for emergency debates. Members come forward with things that they say are matters of urgency. Although the Speaker, of course, when making his ruling will always refer to the Standing Orders, it doesn't seem to me that the Standing Orders, with respect to the criteria for emergency debates, are overly prescriptive.

The Speaker makes a judgment call with respect to the holding of emergency debates. It's interesting that he does that already, so is it that much of a bridge for him to then start deciding how long a debate should go?

Furthermore, another possibility is that rather than having the Speaker limit the amount of time for debate, he could enforce rules of repetition across parties and not just across an individual speech. My understanding of the present Standing Orders is that I can make a series of arguments and then another member speaking later could make the same series of arguments. That wouldn't be considered repetition because it would be a different member making the argument. The standing order, as I understand it, does not refer to the repetition of matter already discussed, but refers to the repetition of the same point by the same member.

Perhaps one way of addressing some of the prospective efficiency concerns would be simply to have the Speaker identify or intervene in cases where there was a repetition of arguments that had already been made. If someone were advancing a line of argument, for example an objection to a particular bill, the idea would be that the Speaker would say, "We've already heard that particular argument, so you need to be making new arguments."

That would still require the Speaker to make substantive judgment calls about substantive issues. It wouldn't be quite as arbitrary as what Ms. Vandenberg seems to have envisaged, which is a system in which the Speaker would decide that this is the kind of bill that

needs three days of debate, or this is the kind of bill that needs five days of debate. That would be a difficult role for the Speaker to have, and I'm not entirely sure that would be a role the Speaker wants.

• (2035)

If we recognize that's a role that the Speaker shouldn't have, then certainly it's a role that the government House leader shouldn't have on every piece of legislation either. If I had to choose, I probably would say that the kind of programming envisioned by the discussion paper, in which the government House leader effectively decides exactly how long every debate is going to be, would be much inferior to the alternative in which some of those decisions are made by the Speaker. Of course, this is an important other distinction between Ms. Vandenberg's proposal and the proposal in the discussion paper. It doesn't seem that Ms. Vandenberg is envisioning that the Speaker be controlling the amount of time that committees spend discussing issues. Notwithstanding the Speaker's broad jurisdiction over what happens in that place, that would infringe on this important idea of the sovereignty of committees over matters that are within their own domain.

I wanted to highlight that as one part of the history we heard in terms of the discussion of the Standing Orders. We know there is a diversity of opinion among government members with respect to the best way to proceed on changes to the Standing Orders. Maybe if we pass this amendment and we proceed to do a study in which we are thoroughly engaged in hearing the perspectives of all members, then we'll actually have an opportunity to present some of these alternatives. What about having the Speaker make recommendations about the amount of time spent debating a bill? The Speaker could even make non-binding recommendations, perhaps. I think each of these things have potential problems to them. There is no change that is totally without a potential downside, but that doesn't mean a consensus cannot be achieved.

The history of discussions of parliamentary evolution and reform is one in which there have been changes made during the tenure of multiple prime ministers that have reflected consensus, yet they haven't been uncontroversial. They've been changes to the amount of time that members can speak, changes to the makeup of committees, to the number of committees, and so forth. There are changes and improvements that we could, through discussion, agree on, and in a way that draws on the diversity that's represented by different parties, as well as the diversity that's represented by different individuals within different parties.

I want to clarify a point that I made yesterday. In the context of our discussion last night, I was making some comparisons with the more republican approach to government, which is in a certain sense revolutionary. You draw up in a moment in time a constitution. I compared that with our tradition, which is an evolved tradition. Of course, we have written documents, but we draw on a tradition of an unwritten constitution as well. I made the argument that our evolutionary tradition is better.

• (2040)

Our tradition reflects the wisdom of history; it doesn't just narrowly reflect the wisdom of one group of people in a specific time. I therefore made the argument that we need to make sure that the discussions we're having are evolutionary in nature, not revolutionary; in other words, that we are proceeding in a consensus way that preserves and builds on the best of our traditions rather than seek to tear up our existing approach and adopt a different one.

But I did not want or intend to give the impression in those remarks that our system does not also entail some unique potential problems with respect to the relationship between the executive and the legislature. Some of those problems arise specifically from the fact that there is an absence of clear codification.

In, say, the American system you have clearly written rules that describe the relationship of the executive to the legislature and the way in which power is distributed, and the powers that the executive does and doesn't have. In our system these things are much more subject to convention. Our system has the benefits of that evolutionary tradition insofar as we're drawing from things that have been done in the past and are benefiting from those things as much as we choose to. There is always a risk, however, when you don't have the clear codification of limits on the power of the executive, that over-reach occurs, and it is harder to put your finger on the rule that says you can't do that.

There is no law that prescribes that you need to have, for example, unanimity in a committee on procedure and House affairs in order to move forward with proposed changes with respect to the Standing Orders. It is a convention, and it's a convention that is fundamentally the necessary product of our well-established traditions of responsible government. We aren't just arriving at this arbitrarily; we're drawing from a tradition. We can talk about some unique risks that emanate from that lack of codification.

I think the importance of passing this amendment is that it speaks to the need for members of Parliament to understand what our tradition of responsible government obliges us to do even in the absence of clear codification of specific rules that tell us, we have to do this and don't have any choice. Our tradition entails challenges, but in that sense you might also say that it expects more of us, because it expects us to interpret our tradition in a definitive way.

What is at stake in this discussion is this tradition; it is this idea of responsible government that we have. I don't think the failure of this amendment would mark the end of democracy, but it would mark a limiting of responsible government, because it would establish a precedent by which the executive—even beyond what we know, because I've read one of the alternative points of view of a member of the government caucus—can completely rewrite the rules under which Parliament operates.

If we can do that; if we can say it's up to the executive to decide how Parliament works, I submit to members that this really is the thin edge of the wedge.

• (2045)

I have raised a variety of concerns about the provisions of the discussion paper that have set off this discussion. Members might completely disagree with the concerns I have raised with respect to

the discussion paper, but hopefully I think they would appreciate the fact that the way in which this government breaks through these established conventions has the potential to open the door for further use of that broken convention, for further abuses of what happens. Members of the government might be comfortable with the unilateral decisions of Prime Minister Trudeau with respect to the Standing Orders, but they might not be as happy with the unilateral changes that a hypothetical Prime Minister Ohrai might make to the Standing Orders. Even if they might like the power they have, it is important to leave intact institutions that preserve the integrity of our democratic system.

There is a great line on this from *A Man for All Seasons*. I can't quote it verbatim, but it's a discussion between Thomas More and his son-in-law.

Can you look up the anecdote I'm talking about from Thomas More? I'll read it into the record. It's short.

Okay, that's good staff member. I offered him a raise earlier, and this is where we go.

Mr. Chair, while I just sign my summer jobs allocation, I want to share with members some of the....

• (2050)

**Mr. Scott Simms:** You got the jobs.

**Mr. Garnett Genuis:** Some of the....

**The Chair:** Read them all out.

**Mr. David Christopherson:** The chair says it's okay.

**Mr. Blake Richards:** If he can find a way to make that relevant, I would be impressed. I will admit that. In fact, I would probably even vote the same way he does.

**Mr. Garnett Genuis:** I will just say that the young people who are going to benefit from the great allocations that I have been involved within the riding of Sherwood Park—Fort Saskatchewan certainly have an interest in the conversation we are having tonight, because the success of this amendment will preserve for them—after they are finished with these great jobs they are going to have at local not-for-profit organizations in my constituency—the integrity of our parliamentary tradition, so that one day, hopefully after I have voluntarily retired, if one of them were to seek a position, they would find, I hope, our parliamentary institutions in even better shape than they were before.

As I think about the impact of what we are doing today, we need to understand that this will have an impact over a longer period of time. It's not just about what happens in this Parliament; it's about where these evolving changes to convention will take us.



I am not going to remember the full exchange from *A Man for All Seasons*, but the critical line that ends the exchange is Thomas More saying to his son-in-law, “I’d give the Devil benefit of law, for my own safety’s sake!” What he means by that is that he believes, even when he is contending with that which he regards as a great evil.... Sometimes the government may see the opposition that way—hopefully not most days—but it still ought to respect the traditions and conventions that we have in place. It is precisely those traditions and conventions that protect the government from what the opposition might do. The conventions we have in place, which in certain situations oblige consensus, are not there just for the benefit of one side or the other. They are necessary for the benefit of all sides in this discussion.

I promised earlier to those following me on Facebook....

Oh yes, you deserve a raise.

• (2055)

**Mr. Scott Simms:** That’s the second raise already.

**Some hon. members:** That’s on the record.

**Mr. Garnett Genuis:** This is so important, I’m going to scroll back.

So you just have the quote here.

**Mr. Jamie Schmale:** You’re not going to read the whole thing.

**Mr. Garnett Genuis:** I would like to read all of *A Man for All Seasons*, but I trust that all members have read that already.

So, William Roper, who is Thomas More’s son-in-law, says, “So, now you give the Devil the benefit of law!” Thomas More replies, “Yes! What would you do? Cut a great road through the law to get after the Devil?” Roper replies, “Yes, I’d cut down every law in England to do that!” and then More replies, “Oh? And when the last law was down, and the Devil turned ‘round on you, where would you hide, Roper, the laws all being flat? This country is planted thick with laws, from coast to coast, Man’s laws, not God’s! And if you cut them down, and you’re just the man to do it, do you really think you could stand upright in the winds that would blow then? Yes, I’d give the Devil benefit of law, for my own safety’s sake!”

That’s a little more context to what I provided. This is a bit of a different vein—

**Mr. Blake Richards:** We are always paying attention. You never know when he is going to say something really good.

**Mr. Garnett Genuis:** We’ve had Aristotle, we’ve had Mill, we’ve had Thomas More, and we’ve even had Christopher Hitchens.

But now in a slightly different vein, I do want to give the Canadians who are watching this exchange the opportunity to provide some of their feedback to what’s happening. I posted this video and got a very large number of people posting comments in response to what the government is doing.

And there’s this myth that I’ve sometimes heard, even privately from people, not recently, but in the past, in our own party who wonder whether Canadians really follow discussions on procedural matters. Well, I think we’ve actually seen over and over again that the way in which we govern ourselves here, especially on questions of our respect for the rules, are things that resonate with Canadians

back home. Now, they may not have the same interest in the minutia, they may not read the Standing Orders every night before they go to bed like Mr. Reid does, but they appreciate the importance of having a clear and fair system, and they respond very negatively when things are done unfairly. I proposed earlier in the day that we would televise our discussions, and that was repeatedly rejected by members of the government. That’s too bad. I think on the one hand they recognize that Canadians aren’t happy with what they see happening, and yet the government talk about “sunny ways” but they don’t much like sunlight when they’re trying to ram through changes like this without the proper consent of members.

I’ve been struck just looking at the kinds of responses we’re getting on social media to the posts that we make about this event. I referred last night to a video that MP Michelle Rempel had posted, that in the first hour had in the order of 20,000 views—and this was late at night. Well, that same video, when I checked earlier in the day, had over 400,000 views. This was video of a member of Parliament talking about this very issue, the amendment that’s in front of us. I’ve been receiving many different comments from people who are raising concerns about how they feel about the changes being put forward, and drawing different kinds of connections.

Some of these comments are extreme and I, of course, won’t relate any of those. I know there was one person who said, “West separates?”, and I certainly don’t want that, and I am proud of our united country. It certainly is unfortunate when people are responding in that way, but you can understand the frustration people feel when they see a government that is trying to prevent members of Parliament from having a legitimate opportunity to be effectively engaged in the conversation.

You have different kinds of comments that have been made by different people, and I’ll just read a few of them here.

Rick Smith writes: “What else do you expect from a Dictator... who gave Castro a fawning eulogy!”

Heather Fulton writes: “Correct me if I’m wrong but does this government work for us or for themselves?? This is wrong on so many levels. Totally unacceptable.”

Angela Fink writes: “This is not right!!!! No changing laws.”

Someone else writes: “Of course it’s unacceptable!!! Really can’t believe this is even being discussed...”. And then the comment is finished with, “Get real now!!!”

• (2100)

Jeannine Kent says, “I do not agree with what the Liberals are trying to do. Keep fighting.” That’s certainly something that we’re committed to do, not only as a Conservative caucus but we have a united resolve as opposition to continue forward with that conversation.

We have Brenda Clark saying, “Trudeau is trampling on the Canadian institution.” This is precisely the concern that people are relaying, which is the threat that is embodied by this motion, in the absence of the amendment, to the integrity of our institution.

Belinda Cardoso says, “It is totally unacceptable to try to try and change longstanding rules this way. The people should have a say in this. We need to hold any government accountable, and they need to have more open discussion in the House of Commons, definitely NOT LESS.”

**Mr. Scott Simms:** On a point of order, Mr. Chairman, I wonder if I could take the floor for a bit. I need unanimous consent to do it.

**Mr. Garnett Genuis:** Pursuant to an emerging convention of this committee who want to achieve through consensus, I am happy to allow Mr. Simms to make a number of comments and then we'll return to me having the floor and the ordinary list of speakers.

**Mr. Scott Simms:** I appreciate where he's coming from.

I know through the use of social media we have gone through this, and in a lot of cases, a lot of people put it out there.

I commend Ms. Rempel for her use of social media, because I remember a while ago she suffered from abuse on social media, and I was impressed when she read it online. She was quite vehement in what she said and I appreciate where she's coming from.

I would just like to read what was put on my Facebook page, because I, too, receive messages. This particular person, Jamie, last name unsaid, said:

Canada knows who you are! We know what you're doing. Canada knows how to find you. Don't do this. We won't stand for this, you have to know that. You can't be that stupid. Stop now! You smug, greedy bastard, or thousands of angry Canadians are going to start picketing your home 24 hours a day, daily, from now on. We'll make sure you and your family don't sleep a wink ever again, because Canada is fun that way, you dick!

That's it. End of sentence.

**Mr. Blake Richards:** On a point of order, Mr. Chair, we obviously all receive those kinds of terrible comments. I certainly hope the Prime Minister's Office is listening to these as well, because the Prime Minister is eliciting these kinds of comments to his members of Parliament. It's not right or fair to them that it's happening.

However, on a point of order again, Mr. Chair, while I can, and while we have this spirit of co-operation, I would ask that we receive unanimous consent to begin as soon as possible to televise the hearings of this meeting.

• (2105)

**The Chair:** I think we've already had that request and there was no consent.

**Mr. Blake Richards:** I appreciate that, but I'm certainly hoping that Liberal members will have thought better of having refused it. Obviously this is all about trying to ensure that they are held accountable to Canadians, and for them to want to hide from the view of television cameras while they're trying to prevent accountability for themselves is really shameful.

I hope they've thought better of it and maybe we could get unanimous consent to begin to televise this meeting.

**The Chair:** Mr. Genuis, you're on again.

**Mr. Blake Richards:** Mr. Chair, were you going to seek the unanimous consent?

**The Chair:** We don't have it, so we are already—

**Mr. Blake Richards:** Who is refusing unanimous consent?

Liberal members are holding their hands high. I just want to be sure that is the case. It's really unfortunate, obviously, that Liberal members would refuse that.

**The Chair:** Mr. Genuis, you're on.

**Mr. Garnett Genuis:** It seems we do have diversity of opinion among Liberal members on the issue of televising the meeting, which is perhaps some progress here. Maybe over time we'll be able to work toward passing the amendment and move forward.

I will at some point share a few more comments. I did want to come back to what I was talking about when we were interrupted by the budget in the early afternoon, namely the specific changes proposed in the discussion paper put forward by the government House leader.

I think I was on some of the issues around programming. Right now we have a procedure of time allocation, which allows the government to move a motion with notice to allocate a set, limited number of days for debate to continue. The government is able to move that motion. What follows the moving of that motion is a period of half an hour of questions directed to the mover of that motion. Similar to question period, some of those questions may be posed by members of the government, but generally speaking those questions are posed by members of the opposition.

The government puts this forward, there's a half-hour period for questions and answers, then there are the bells, then we have a vote on the allocation of time, and then the discussion proceeds. The use of time allocation is never ideal. The ideal way for us to proceed is through discussion, agreement, and consensus among the different actors within our system. That's how normally it's supposed to go.

More and more we're seeing the use of time allocation by this government. At least in the current structure, if I'm not mistaken, there is a sense in which the use of time allocation, per the Standing Orders, occurs only when agreement cannot be reached. The Standing Orders obviously cannot prescribe goodwill in the context of negotiations among House leaders; they cannot necessarily prescribe the degree to which a good faith effort is made to get on the same page, but they do require that there be at least some sort of effort to get on the same page before the time allocation process is undertaken.

Members have every reason to encourage their government to use time allocation as little as possible, because it may well be disruptive to the other normal operations of the House—not to say that it may not be appropriate in certain circumstances, and maybe, depending on the inclination of a particular opposition, it's more necessary in certain environments than others.

Each time it's used, time allocation does provoke some degree of a public conversation around its use, which calibrates the discussion a little. That's one of the things about the current procedure: it does entail this balance, this tension within it.

We now have an alternative system proposed by the government. I think, more honestly, they would say they're going to use time allocation all the time for everything. That's certainly what it looks like to me, but I think they would like to go through this rebranding exercise. This is the sort of rebranding exercise whereby the government automatically time allocates everything, and everybody accepts it.

• (2110)

Sorry, but that isn't going to happen; the opposition is going to say they need some say on how much time is spent discussing particular issues. There's no surprise there. The opposition is going to expect to be able to determine which bills are a priority. If the government says we're going to have six days of debate on Rouge Park, and one day on euthanasia, at that point the opposition is going to say, no, they have a slightly different sense about which bill requires more discussion and which bill, at a particular stage, is in need of less immediate discussion. It's not the sort of thing we would expect the government to do unilaterally.

In the framework established by the motion in the absence of the amendment, however, the government would simply be able to institute their new set of proposals about how the House would work. That would totally undermine the ability of the opposition to be effective as part of the conversation; it would totally undermine the opposition's ability to counter the government over the period of time they want to do so.

I can imagine a situation in which the government might propose legislation that would be particularly relevant to my home province, Alberta, something on which many of the MPs from Alberta would want to speak to and represent the concerns of their communities. If the government felt this were not a priority and was not going to allocate a certain number of days for it, that would create a real problem for members who seek to reflect the specific priorities of the constituents that we are all sent here to represent.

We have a responsibility to represent the concerns and priorities of our constituents whom we've been sent here to represent, and yes, that includes being able to speak on matters of particular concern to us, when we want to, on specific bills. Of course, it can be limited by the decision of government to move time allocation, but it is something that the government must, at least, be held accountable for in each individual instance.

My ability to give speeches in the House of Commons has been limited by the use of time allocation by this government.

**Mr. Scott Simms:** I have a point of order.

Just for the sake of giving you a break here—I'm not going to read from Facebook again, I swear—I want to comment on this one. This is the one I was waiting for, about programming, because I want to add to the debate about...

Well, anyway, can I—?

**Mr. Garnett Genuis:** You can as per our normal procedure, yes.

**Mr. Scott Simms:** Okay, thank you very much.

I looked into the element of programming. As Scott Reid pointed out a while ago, they called it “guillotining”, which is their succinct word for time allocation that calls it exactly what it is. For actual

guillotining, you knew what was coming, but in the case of Parliament, you did not know what was coming. It was guillotining in that particular manner.

They started doing what was called “programming”. It was only to provide a good prediction. When I was in Great Britain last week, at Westminster, I spoke to the former House leader for the Labour Party. The reason she explored the concept of programming is that when she was in opposition, Margaret Thatcher put out a bill—

**Mr. Garnett Genuis:** Hear, hear!

**Mr. Scott Simms:** God love 'er.

She had a whole concept with a bill to be brought to the House that was essentially going to cut social welfare payments. She wanted to argue this, this, and that. She had three elements set up for argument. She had planned it in such a manner. Halfway through what she felt was the most important part, it was guillotined, and she lost her chance. Basically, she said, she spent too much time on one part, which was not as important as the other part. When she assumed office, she still thought it was a good idea to do, so she thrust this upon the Conservatives. They were initially pretty angry, but a former Conservative MP at the time, from 1997 to 2015, named Andrew Lansley, was quoted as saying:

I may be wrong about this, but I think it would have been slightly utopian to have imagined that business could proceed without any form of programming. Programming in itself in the House is not regarded as an evil thing, as long as it delivers what Members are looking for.

It is also for the House leaders, of course, which you mentioned earlier, and I respect that.

He was the leader of the House Commons, and in a government memorandum presented to the Procedure Committee, in 2013, after leaving opposition, he stated:

On the basis of the debates and votes on programming over the last 15 years, there now appears to be a clear majority view in the House that, in principle, programming is beneficial to the scrutiny of legislation.

That's why we included this in the discussion paper. We thought that because this came from both sides, it's now being used effectively.

Sir Roger Sands, a former clerk of the United Kingdom House of Commons, also endorses it. There's another quote, if I may.

Margaret Beckett, by the way, whom I mentioned, was the former leader.

Going back to the clerk, his last known public appearance was in 2014, to give evidence to the governance committee. You have the Labour side, you have the Conservative side, and now you have a former clerk himself, Sir Roger Sands, who said:

I am against an approach to procedure which results in debate being conducted as a process of arm-wrestling rather than real engagement; and I think when we had open-ended debate on legislation that was what tended to happen far too often and guillotining

—that is, time allotting—

was the way you broke through. You stopped the arm-wrestling and it was almost the only way to do it.

One of those politicians, with the Liberal Democrats, said to me when I talked to him—and I apologize if I get it wrong, but I paraphrase—that when programming came in, it introduced an element of debate for grown-ups. They were able to distribute the debate process over a period of time following second reading such that they were able to predict when it would end. In other words, they said to the government that if you're going to cut this short, you're going to do it on a timetable we know so that we can plan for it. In some cases, the House leaders did agree, but when the House leaders agreed, which we can do now, which is true, they decided to institute this programming measure by which they were going to do it, and it became much more predictable.

I'm providing that to the debate only because I thought it was something to think about. That's really the reason we put it in this discussion paper. In the study, if we get there, if I get evidence to the contrary, I think we'd all agree that we would get rid of it if we felt that it weren't useful, but I think there's strong enough evidence to look at it—not to institute it, but to look at it and study it.

• (2115)

We can have those witnesses, those people I just mentioned.... One of them, the former Labour person, told me that she is willing talk to the committee by video conference and tell us about their experience in 1997, when they brought it into effect.

I want to thank you for your time.

**Mr. David Christopherson:** That sounds like consensus.

**Mr. Blake Richards:** If only we could find a way to formalize that.

• (2120)

**The Chair:** You're on, Mr. Genuis.

**Mr. Garnett Genuis:** Okay.

Thank you, Mr. Simms, for your comments with respect to programming. Perhaps I can address the underlying question in the context of the amendment and then speak more specifically about the issues you raised.

At the end of your intervention, you alluded to putting this forward in good faith. You said that you want to provoke a discussion about this, and that this is based on evidence you've heard from some people in the context of British politics. Perhaps there are other points of view. Perhaps there are other experiences of programming. Perhaps there are members of Parliament in the U. K. or members of other legislatures who have found that this doesn't work. We could hear that evidence and take that on board.

I certainly have no problem with having that discussion take place in a framework in which we know that the ability of the opposition to be engaged in the evaluation of that evidence will be important as well, because a different evaluation of the evidence may come forward. We may hear from different MPs who represent different perspectives on that question. The opposition may conclude one thing, or we might even end up agreeing on the broader principle but have sub-disagreements about the exact operationalizing of different components of it.

This is precisely the reason we have put forward this amendment—to guarantee a framework in which we can have a conversation

about these issues and know that the government will not use that as an opportunity to advance their interests at the expense of ours. The framework established by the amendment is one in which we know that we will be able to have a good, meaningful, deep, and substantive conversation about this and all of the other issues that are raised.

We cannot simply assume the good faith of the government, especially—and here I say so not to impugn the reputation of any individual members—when we have reason to believe that what the government is trying to do here is move forward with changes that reflect their interests at the expense of the opposition. Reading the discussion paper, it doesn't just put out lots of things for discussion. It makes specific arguments for things in a facially neutral way, but clearly for things that advance the interests of the government. That's throughout the discussion paper.

Of course, in any proper consensus process, it would be reasonable for the government to put forward arguments or things that they see are in their interests and for the opposition to put forward arguments for things that they see are in their interests. Everybody recognizes the reality that probably at some point the opposition will be the government and the government will be the opposition. Over time we would adjudicate that, and come to certain conclusions where we could say, well, let's try to implement a change in this way that reflects all of our interests.

Mr. Simms and others in their interventions have asked that there just be a presumption of good faith, but there hasn't thus far been a good reason for us to presume that the government isn't doing what it appears to be doing—namely, trying to create circumstances that would allow them to unilaterally move forward with this motion and with changes. All they would have to do to provide the reassurance that would allow us to proceed with the study is to accept the amendment that we are advancing in the opposition. All that would be required would be for them to say “yes” to the amendment. At that point, yes, absolutely we can have the discussion about all of the issues around programming.

Mr. Simms talks about the range of witnesses we could have. Frankly, I do think there are some issues with hearing the full range of witnesses that he has talked about in the context of the timeline. The timeline proposes that there would be a report back to the House no later than June 2. We are today at the end of March.

• (2125)

We have a break week coming. The House will sit for two weeks in April and three weeks in May. So effectively there would be five sitting weeks. Even if we were to immediately get consensus on the amendment and move forward, we would have those five sitting weeks, and there would have to be time for consideration and discussion of a report. There would have to be time for translation and publication as well. There would have to be time on the front end for the contacting, recruiting, and scheduling witnesses.

We're actually left with a very narrow period of time. I'm not all sure that, even with the passage of the amendment, we would have time to hear from the witnesses being envisioned. That's another issue, but I think we do need to pass this amendment to establish the principle of consensus, and then discuss how we would build a study out of this at committee, one that draws on the expertise of members of Parliament here, which would really achieve the best results that people are looking for.

On the specific issues around programming itself, I take the point—and it's a good point that Mr. Simms raises—that it is worthwhile for the opposition to know if and when the government intends to introduce time allocation. All other things being equal, I don't think Mr. Simms would have met opposition members who are enthusiastic about debate being cut off, but I think they would have said yes, of course, if we accept that the government is going to cut off debate after three days. It is better to know at the beginning of day one that they're going to do that than to find out at the end of day two that they're going to do that, as is what happens under our current procedure, that being the time when the government would then put forward the appropriate notice of motion about its intention to move forward with a time allocation motion.

Right now, we don't have the use of guillotining, time allocation, closure, or whatever you call it with all legislation. Every time the government does use that, there is a price that is paid, and there is an ongoing opportunity for negotiation.

I think a better way to approach this would be.... Actually, I think Mr. Simms indirectly points the way there, when he talks on the one hand about the principle of programming but then, on the other hand, about the practice of programming. The principle of programming—that people would know in advance how a debate were going to unfold—is a good principle if it is combined with the principle of consensus. If you have a process to establish the number of days to comprise a debate, but you have that process on the basis of a real established consensus, then yes, predictability is an asset.

In the absence of consensus, that's just closure with an extra day's notice, which doesn't address the fundamental concerns. It is a little bit more notice, but still, effectively, it's the idea that there would be the automatic introduction of closure.

Even the way in which it was set up.... If I remember his intervention correctly, Mr. Simms was talking about this from the perspective of an opposition House leader. The emphasis in that model is still on one of the parties acting as collective monoliths instead of individuals acting on behalf of their constituents. He spoke of a particular case or example in which there was a change to the social benefit package introduced by the government, and the opposition had certain points it wanted to make.

Let's not forget there might be points that the opposition wants to make, but that there are also points that individual members may want to make that reflect the particular priorities or concerns of their own constituencies.

● (2130)

The question here is not just about a party being able to organize itself to present the debates in the way and in the time they want, but

also about the individual members having the opportunity to participate in the discussion as it unfolds.

The point was made about open-ended debate looking like arm wrestling. I don't really understand or agree with that characterization. I think open-ended debate is debate in which as many members who want to speak on an issue on behalf of their constituents can do so. With the exception of certain circumstances, the first response to a government motion and so forth, generally there are the time limits.

Of course, the way that our debate works on bills, you go from a 20-minute time limit to a 10-minute time limit after a period of time, and members in the House can't speak more than once. There's obviously sort of a natural process to which that conversation would approach an ending, and it's not practical for every member to speak on every bill. Members have to focus their attention and their expertise on certain things.

There is one feature of advanced planning that would be interesting, and that is the possibility, in the context of certain debates, of determining speech length based on the number of members who were interested in speaking to it to fit in a certain number of days. Again, that would have to be done on the basis of consensus, or you would end up disenfranchising individual members of Parliament who want to bring forward individual concerns that respect the priorities of their ridings.

I think that addresses the points Mr. Simms has raised, both with respect to the process we're operating under, and these issues around the expectation of good faith—he didn't use these words—and why we can proceed with a presumption of good faith if the government supports our amendment. We can proceed to do a great study and make some recommendations and move these institutions forward on that basis. However, we cannot accept the government having the ability to unilaterally change the rules of the game. We're concerned about what the Prime Minister would do with that power, but we're also concerned about what a future prime minister might do, the norms of the engagement, and about transgressing the consensus among members. It is important that we very much preserve that in place.

Before I go on, I do want to assent to one point that Mr. Simms made, and that is the benefit of this study's being fulsome and its engaging international perspectives. The discussion paper from the government House leader comments about the way things operate in New Zealand and the U.S. House of Representatives. There are plenty of other parliaments. We could look at how time is managed among the competing interests, especially in very large, very populous democracies. I think it would be interesting to understand how time management is organized.

I suspect that for many of the democracies around the world, we would find that whatever they call it, there has to be a level of consensus. A level of consensus built into the system is fundamental to what all of us would expect there to be in the context of a robust well-functioning parliamentary democracy in which there is proper calibration of the relationship between the executive and the legislative function. This is what is at stake with this amendment. What is at stake is preserving that proper form of responsible government in this country that we have come to expect.

●(2135)

I would like to go on to make a few comments about the issue of question period and some of the proposals for it in the government House leader's discussion paper, in the context of some of the discussion about Fridays. One the proposed options is to end Friday sittings, and of course it is acknowledged that time from question period and for private members' business could be allocated to discussion on other days.

Think about that proposal in the context of some of the discussion in the section on question period. One of the proposals is lengthening the time allotted for questions and answers. I'm not sure about the part for answers. I didn't know that happened in our question period, but maybe they mean lengthening the amount of time for responses.

The issue, of course, is that if you are lengthening the amount of time for question period and also the amount of time allotted for questions and answers, or responses, the net effect is that you are reducing the number of questions that will be asked and answered. Depending on the changes made to the amount of time available, there is a real risk that changes would take place that would significantly reduce the ability of members of the opposition to ask questions if we were to be in a situation in which governments were giving much more extended responses to questions that should, in reality, be answered in a clearer, simpler, and more straightforward way.

I think there is some logic to the idea that if you have advance notice of questions that are to be asked and an ability to take a certain amount of time to answer those questions—actually, I think Mr. Simms spoke a bit about this yesterday—theoretically, you might expect that you would see a question and answer period that indeed looked a little bit more like a question and answer period.

Incidentally, I remember that when I took my then girlfriend, now wife, to question period for the first time, she very innocently asked me, “Why aren't they answering the questions?” This may or may not have been when the Conservatives were in government.

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

**Mr. Garnett Genuis:** We've been married for six years, so I think anybody can do the math. I realized after I started to share the anecdote that it was going to get me into trouble.

That was a particularly abhorrent question period for us, I think. Most of the time—

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

**A voice:** You were doing so well.

**Mr. Garnett Genuis:** —we were quite good about answering the questions.

Nonetheless, when we speak about what would happen if questions and answers were longer, and if advance notice were given, we need to look at what already happens for “late shows”, because this is precisely the formula for what we informally call “late shows”, which are now adjournment proceedings.

In speeches I've given on this subject, I've advocated that we should look at ways of strengthening “late shows”, changing the

time of them—I spoke about that yesterday—by exchanging time slots for them with statements by members. This is an idea that I think needs further exploration. It's the kind of thing that would enhance the value of that process.

We don't always get answers to questions in the context of late shows, but I think we do a little bit better.

●(2140)

Sometimes in question period we'll ask a question about a particular minority group, for example, and the government response doesn't mention the group, and then the government respondent does some research on the question and the next time we ask it, they are ready to answer the question. So having longer questions and answers and advance notice of the questions, and changed procedures for late shows, would get around the problem of a parliamentary secretary or a minister not having any idea of the issue, and therefore fudging and talking about nothing or something completely different.

That's a problem worth getting around, although it should be said that ministers and parliamentary secretaries should know their files without advance notice. They should be prepared to answer questions about important issues that opposition members are going to ask. If an opposition member is trying to surprise a government member with something very obscure, what's going on will be obvious to the public. But if you ask a legitimate question in good faith that reflects an issue that should be on the radar of the government minister or the parliamentary secretary, there is a reasonable expectation that there would be a response, even in the absence of advance notice.

Nonetheless, advance notice and lengthening of the time for question period, as some have proposed, would get around that problem of somebody just having no idea about an issue when a question is asked. At least it would give the opposition member a little more satisfaction at that point.

On the other hand, if we were dealing with an issue, and there are some when the government is fully aware of what's going on but still doesn't want to provide an explanation, then advance notice would not help. Many times, when reading the headlines, it's very obvious what the opposition is going to ask the next day, and although formally the government has advance notice, informally it knows exactly what subjects it is going to be questioned on, and it still doesn't make a meaningful response.

We can look at prospective changes that would strengthen question period, but the biggest issue in question period is a level of political will from the government and, to some extent, from the opposition, because sometimes the opposition asks questions that aren't designed to be answered. They are of a different nature, and we can't expect responses from the government on questions that are not responsible, but very often the opposition does ask questions about specific issues. These might not just be about policy issues. They might be about ethics or the conduct of the government, but in any event they are specific and clear and pointed answerable questions on which the opposition do not receive a response.

Neither advance notice nor expanding the time windows for questions and answers would change the underlying issue in questions and answers, which is whether there is a political will to respond, an expectation that the government will respond. Part of the issue around the absence of political will is some degree of political cynicism, that the public doesn't really expect politicians to give meaningful answers in question period, so it becomes a self-fulfilling prophecy.

By the way, part of this whole debate we're having around the amendment, around the motion, concerns public expectations of our democracy. When we don't work together and don't embrace the principles of consensus and fairness that we, in the opposition, have talked about, we contribute to public cynicism that makes everything we do more challenging. It makes all of our efforts to move things forward in an effective way more challenging. That's part of the context in which we're having these conversations.

● (2145)

With respect to question period, I don't want to come across as not believing there are reforms that can or should be made. I'm not saying that. I think some of the changes would have the effect of accentuating public pressure on members of the cabinet and parliamentary secretaries to respond. Let's be clear, though, that this is not the solution to every problem.

I think a first step towards improving question period would be something that would happen outside of question period, something that could happen tonight and that could and should happen in the context of this committee. That would be the government's agreeing that it is to work on the basis of respect for the opposition and embrace the principle of consensus embodied by this amendment. We recognize that a strong system of democratic government requires a role for both the government and opposition caucuses, because it is not the government that speaks for all Canadians; it is only Parliament that speaks for all Canadians.

I think the government could recognize that, and if they were to recognize it, this could be a first step to their recognizing it in a number of different areas across the board: treating the opposition with a greater level of respect in the context of question period by providing substantial answers to substantial questions. I think it would be a positive way forward, but it would start with their saying here, in the context of this committee, that we recognize that Her Majesty's loyal opposition is an indispensable part of our system.

I'd like to now speak to the question of omnibus legislation. This question is really interesting, of course, because we just had tabled in the House the budget. I had a chance to read the budget in the half hour before coming down here.

No, I didn't actually—

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

**Mr. Garnett Genuis:** —but am just making the point that it's a very long piece of legislation and deals with a wide variety of very disparate themes.

It is natural that the budget would touch on a broad range of themes, and I'm not yet ready to pronounce on whether it covers more themes than are appropriate for the budget or not. That's

something I would have to make a more thorough study of than I've had a chance to do in the intervening time. Every budget that comes forward touches on many themes.

I notice that there is a subheading on Canada-U.S. relations; there's discussion of Canada's role in the world. If in the context of a budget you're talking about foreign affairs issues and Canada's role in the world, of course there's expenditure involved in foreign affairs, but I can only assume that when you're speaking of Canada's role in the world, the discussion is going to cover some basic philosophy as well as a discussion of expenditure items.

Very likely, this budget is an omnibus bill, at least insofar as omnibus bills are defined in the discussion paper.

I have to say that the definition of omnibus bill given in this discussion paper actually illustrates the problem with some of the discussion that is so critical of omnibus bills, in the absence of having a clear definition of what an omnibus bill is: it's actually very difficult to define what kind of bill you don't like.

I guess you could identify as such a bill that dealt with completely unrelated themes, with absolutely no plausible connection between the two or need for them to be connected. Omnibus bills are described in the discussion paper in this way:

The Government committed to end the improper use of omnibus legislation.

Even there, they're committed to end the "improper use" of omnibus legislation. Presumably they will replace it with the proper use of omnibus legislation, and it's not at all clear what in their mind the difference is.

They say:

Omnibus bills can be defined as a bill that contains separate and unrelated themes packaged into one bill. Members are then forced to vote for or against a bill that could have elements that Members would support or oppose.

Let's be clear. Members are required all the time to vote for or against bills that have elements they support and oppose. Even very short bills contain elements you might agree with and disagree with as well. That's very common.

● (2150)

For example, there was a bill before the House recently. I can't remember the number of it, but it was a bill that dealt in some clauses with the opioid crisis that we face. It also made some specific changes to the community consultation provisions, and we took real issue with those changes. This was an issue for us as a caucus. We said there were many provisions in this bill around the importation of pill presses, around the opening of certain kinds of packages that are being imported, and around the enhancing of the inspection process that we agreed with, but then there was one provision that we didn't agree with. We proposed to split that bill, and the government refused to allow us to split it, even though it was emphatic about the urgency of moving this bill forward. We agreed to actually expedite both halves of the bill if they were split, and yet the government was still unwilling to accept that.

Was that an omnibus bill? In some sense it was, in that it dealt with separate and unrelated themes. It dealt with the importation of drug paraphernalia, and then it also dealt with issues of community consultation around supervised consumption sites. In a certain sense we're talking about different themes, but in a certain sense of course we're not talking about different themes, because both of those deal with prospective responses to the opioid crisis that we face.

Was that bill an omnibus bill? Actually, it was in the public interest for that bill to be split. It did create a situation in which members were forced, to quote from the discussion paper, to "vote for or against a bill that could have elements that Members would support or oppose". That's all well and good, but then how do you make the determination about what is and is not an omnibus bill? I know that the previous government attracted a great deal of criticism for what some regarded as the inappropriate use of omnibus legislation. The proposals that the previous government made and passed in our budgets were not at all dissimilar to the proposals advanced by this government in each of its budgets.

Any budget includes a broad range of different changes to taxation, to regulatory environments, and to expenditure in the name of advancing the government's economic objectives. Of course, every budget has a common theme. The common theme of the budget is the fiscal and economic plan of the government. That is a common theme. That's a theme that has a relationship to all sorts of other themes. It's not a theme that can exist in isolation from the other things that governments do, but it certainly is a theme. Yes, when a government proposes a budget or a budget implementation act, there are a lot of different things in there that would generally be around a common theme.

I think it's fair to say that in some people's minds, there is a lot of difference between the improper combination of things of a similar theme and the proper combination of things of a similar theme, but it's not easy to actually put your finger on the distinguishing feature of improper versus proper omnibus legislation. Perhaps if the amendment is supported and we proceed to a study, we'll get some further clarity around what the proper and improper are meant to be in that context. You've got to have a bit of a sense of what you're talking about, especially if the discussion paper envisions that this is a judgment call that would have to be made by the Speaker.

• (2155)

We can expect the Speaker to make decisions that reflect what is dictated in the context of a standing order on the basis of precedent. However, in the absence of any clear precedent for making some kind of a formal distinction between the proper and the improper use of omnibus legislation, I think you would be putting the Speaker in a particularly difficult position unless this committee could arrive at a clear definition of what was and was not acceptable omnibus legislation.

Perhaps some people might say it's all in the length, and that was some of the criticism of some of the previous government's legislation. It was just too long. However, if you're trying to roll out a comprehensive economic plan, it could well be that it would all be thematically related to the same thing and would indeed, in that context, still be quite long.

It's not at all clear to me where this intends to go, but I'll tell you what I suspect it's planning to do. The government made a lot of commitments in opposition about institutional changes they would wish to make. Sometimes opposition parties make commitments about changes to institutions that they don't actually want to implement. We've seen that, certainly on the electoral reform issue and on others as well.

When it comes to omnibus legislation, they have used omnibus legislation. They want to continue to use omnibus legislation. In this day and age, given the complexity of governments, it's hard to imagine not having a budget that dealt with a certain diversity of themes, but in the context of an overarching theme. However, they want to be able to cling to this distinction between proper and improper use of omnibus legislation, just as they want to distinguish between proper and improper deficits and proper and improper uses of time allocation. Really, what they're applying is not an objective filter at all about what constitutes the proper or the improper. Actually, what they are applying is a wholly partisan filter. We get the sense that when it says the government is committed to ending "the improper use of omnibus legislation", they're just speaking about trying to establish a distinction between what they do and what the previous government did, which is a difference of party but not a clear difference at all in terms of the substance of what is involved there.

This then puts the Speaker, the neutral officer of the House, in a particularly difficult situation, in that he or she has to adjudicate on the balance of properness or not, when it's something that can't even be clearly defined by the government. How is it fair for them to expect a neutral person who is acting on behalf of the institution to be able to make a fine, defined distinction, when it's not clear at all that they even have a real sense or grasp on what that distinction is?

The next section, theme 3 in the discussion paper, is management of committees. I have to just shake my head a bit at the title of this section. As I go through this discussion paper from the government House leader, there is what the discussion paper says directly in terms of the arguments it makes and the issues one can and should raise about those, but there is also the tone, the language through which things are expressed, that really sets off the kind of perspective that's being brought to it and why we need to have consensus at this committee. I would prefer, frankly, that we have this committee generate the ideas and the path forward, rather than having the framing of the debate coming immediately from the government House leader.

• (2200)

We get phrases like "management of committees". That's something that someone in a leader's office would say: "Okay, we have to manage the committees." Those of us here on a committee would say that we have to consider the "governance" of the committee, the committee as a self-governing entity, not as a group of potentially stray children who have to be managed, but as a vital organ of our democracy that has to consider the way in which it's governed.



Some of these turns of phrase are disappointing. However, in a way, they're useful because of how revealing they are and how they hopefully will draw the attention of all members, government members as well as opposition members, to the need to pass an amendment that allows us to proceed with a discussion that is framed in a fundamentally different way, and that we need to start that discussion on a bit of a different foot.

Nonetheless, on "Theme 3: Management of Committees", as it's called, there are a few other turns of phrase here that I think should jump out at members in terms of illustrating the problems with the tone taken by the government House leader, and therefore why protecting the input of the opposition through this amendment is so vital. It reads, "Members who are focused on substantive issues are less [likely] to resort to tactics."

Let's be clear. What we had is the introduction of a discussion paper, so-called, with all these problems with it, during a break week, and then a refusal to support an amendment that would establish the conditions in which the government would seek to unilaterally impose dramatic changes to the way in which our parliamentary institutions operate. If you want to talk about resorting to tactics, that's certainly resorting to tactics, although it's still a rather strange and awkward turn of phrase.

The discussion paper continues, "As a result, the House could examine ways to make committees more inclusive as well as ways to ensure that obstructionist tactics do not crowd out the substantive work of committees." This is, I think, setting up a justification for limiting such things as members talking at length about particular issues. Really, what is envisioned here are changes that would still leave in place the ability of the government to resort to tactics. In fact, that's what they're doing, through their motion, discussion paper, and refusal to support our amendment. It would simply eliminate the ability of the opposition to have tools to use in response.

What we have right now is a certain kind of equilibrium that is shaped by the Standing Orders. This means that the government has certain tools available to them. The opposition has certain tools available to them. We calibrate our use of these tools in response to certain circumstances, to certain situations. We use them in response to what's in front of us. We use them more or less. If we're wise, we use them sparingly, only to draw attention to very particular concerns we have that are indeed things we think have resonance with the wider public.

We have every incentive, as elected officials, to use the tactics available to us in a way that is wise, that is judicious, and that is measured. Instead, through the process they have set up, in the context of what's happening in this committee, the government is establishing the circumstances in which the opposition would not be able to use tactics, even while the government would be able to use tactics.

• (2205)

The language specifically refers to "obstructionist tactics do not crowd out the substantive work of committees." It doesn't refer to the alternative set of tactics, which is dropping a motion on a Friday. Having a timeline, at this point, so that if the amendment passes and we were to go forward, even if it still limits the amount of time that

could be used for debate, is not an obstructionist tactic. That's the inverse of the government tactic to try to inappropriately push something through that would merit a greater length and depth of conversation.

I think I've already objected to the title "Management of Committees". I think a better title would be "Governance of Committees", but a more accurate title, a more descriptive title of the content here, would be "Management of the Opposition in Committees", or "Management of the Opposition's Desire to Represent Their Constituents". It is important that we be able to use tactics to challenge the government and to challenge the ways in which they do things that are injurious to the interests of our constituency.

Now there is a proposal that I think one can probably see the value of in principle but some problems with in practice, and then immediately after see that it is actually about setting up the justification for something else the government wants to do that I have a real problem with. This theme 3 that we're dealing with talks about creating the space for "one independent Member [to be] an ex officio member of committees with all privileges except for the ability to vote, or to constitute quorum."

I'm quoting, of course, and the quote continues, "This would allow independent Members to participate in in camera proceedings, question witnesses, and travel with committees."

Now, on a few issues here, yes, there might be a need for provisions that would allow for greater opportunities for questioning and for travel, although I believe it should be the practice that we allow elected members to attend in camera meetings of committees. That hasn't always happened, and in the case of one particular bill early on in this Parliament that didn't happen, and I was very concerned about that. Generally speaking, it should already be the case that any member of Parliament who wants to sit in on the proceedings of the committee, whether they are public or in camera, should be able to do that, provided, of course, they respect the provisions that we know are associated with being in camera and the use of documents that are produced in camera. I think all members know about that and have an understanding of what's expected of them in that context, and if they're not a member of a particular committee, they may be a member of another committee.

The issue of in camera proceedings, I think, wouldn't necessarily be a dramatic change. I do want to ask a couple of questions, though, about this question of the involvement of independent members on committees with some of these privileges. I guess the question would be this: who gets to determine which independent members are on the committee? Who gets to determine which independents get to sit or be part of which committees?

The other question is that if the process would allow independent members of Parliament to choose which committee they wanted to affiliate themselves with, then it would actually have an effect of giving independent members of Parliament powers that members of Parliament who are members of political parties don't have because, as I'm sure government members know, typically the process is that they don't choose which committees they are on. It is the whip and their office who assigns them to committees. It's possible that some of the members who are here today didn't choose to be on the procedure and House affairs committee. I'm sure that's unlikely, but it's possible, yet, what is envisioned by the process that is imagined by the House Leader here is that the decision about who goes to which committee would be something that the independent member could choose.

● (2210)

It's not stated, but I think it's implied. They could say they wanted to be on the finance committee or they wanted to be on the foreign affairs committee. Then I guess we would end up with one of two problems. One, it would be at the government's discretion which independents ended up on which committees. I don't think you would want that, but the alternative would be to give independent members of Parliament in a sense a greater level of influence than members who are members of parties, because of the issue of committee selection.

There would be ways to address this. I think it would be interesting to imagine a committee system in which, independent of parties, members could signal their interest in being on particular committees. Then that allocation could be done in a more independent way. You could imagine that as being a possible alternative that would both engage independent members of Parliament in the process and at the same time ensure a certain equality of those who were members of parties and those who were not members of parties.

This is a concern I had around the government's legislation, Bill C-22, but it applies in this case as well. Bill C-22 says that for the security intelligence committee—I'm not getting the name exactly right, but it's the intelligence review committee—the Prime Minister appoints a certain number of members, only a certain number of whom can be members of the government caucus. That, though, creates an issue in which you could have independents who, for whatever reason, left the government caucus, but then they are, in a sense, quasi-members of the government caucus. They are being used by the government, because the rules provide for only a certain number of government members to be on a committee, yet the government could appoint someone as a non-member of the government who is effectively acting as a member of the government in that context.

We have the case of at least one former member of the government caucus who votes very frequently with the government. The government could recognize, in the context of having an independent who's outside of their caucus, that they can actually use that person to do things that government members can't do, such as be an additional person on a committee. If we were to see a government use those kinds of tactics, I think that would be a concern. I think that would be a misuse of process and of what it is to be an independent.

Right now, of course, there aren't many advantages to being an independent. Primarily, in the way our system is constructed, it's principally a matter of disadvantages associated with being an independent. There are potential concerns that are created, both by the framework established by Bill C-22 and by some of the language that's used here, that illustrate the need for that broader discussion. The opposition needs an opportunity to raise, to pronounce on, and in the context of the unanimity provisions to be involved in a discussion about some potential concerns that the government may not have thought of around some of these questions that may be more technical in nature. They may just be matters of not necessarily foreseeing something.

Why not build into the process a more ground-up, consensus-based approach to decision-making than the one that has been set up by the motion in the absence of the amendment?

**Mr. Jamie Schmale:** Perhaps I could ask for a point of order, Mr. Chair, while we have a minute, and let my friend Garnett take a drink.

Maybe we could give a quick shout-out to our translation crew for doing a great job tonight.

Thank you for everything you're doing and for putting up with us. Keep up the good work.

**The Chair:** I will add our clerks and our researchers.

**Mr. Jamie Schmale:** Our clerks, yes, and multimedia—all the staff here. Well done, everyone. Thanks for hanging in there.

**Some hon. members:** Hear, hear!

● (2215)

**Mr. David de Burgh Graham:** Thank you to all our sponsors.

**Mr. Blake Richards:** While we're thanking people, our chair has a really difficult job. He's the one who's had a gun strapped to his chair the whole time and is in a really difficult position here.

**Some hon. members:** Hear, hear!

**Mr. Blake Richards:** I'd be okay if you want to suspend for a little while, as long as you need, Mr. Chair.

**The Chair:** It's okay.

Go ahead, Mr. Genuis.

**Mr. Blake Richards:** Since we're in the spirit of co-operation, I'd like to try one more time.

I think it's critically important that Canadians have an opportunity to know what's going on, what's being debated here, and get a chance to see it for themselves. It's really good stuff, obviously.

Liberal members might reconsider. This is about accountability. It's a perfect opportunity for them to show they're listening to others, and they may even be convinced and offer the accountability we're asking for. This would be a great opportunity for all members if you could ask again for unanimous consent to see this meeting televised.

**Mr. David Christopherson:** Agreed.

**An hon. member:** It sounds like unanimous consent.

**An hon. member:** I didn't see anyone disagreeing.

**The Chair:** There was Mr. Graham.

**Mr. Blake Richards:** It's Mr. Graham, so Liberals are again refusing this. It's unfortunate, but we'll keep trying. We've tried three or four times now, Mr. Chair.

**The Chair:** Mr. Genuis, you're on.

**Mr. Jamie Schmale:** Can we have unanimous consent to suspend for 15 minutes while the chair and staff take a quick breather?

**The Chair:** Okay, we'll have a health break. It's for 10 minutes only, though.

● (2215) \_\_\_\_\_ (Pause) \_\_\_\_\_

● (2230)

**The Chair:** I call the meeting back to order.

Mr. Genuis can continue on his short speech.

**Mr. Garnett Genuis:** Thank you, Mr. Chair.

I don't want to put anyone on the spot, but if there's someone in the room—I won't say who—with a particular knowledge of this area, and they want to take the opportunity to make a few comments to the committee, I would be willing to propose a unanimous consent motion to allow that person to make a few remarks to the committee.

I won't put them on the spot if they would rather not, either, so I will just put that out there as an option. It might be interesting to hear some comments on some of the thinking behind this discussion paper.

**The Chair:** Does the committee give unanimous consent to have an interested person...?

**Mr. Garnett Genuis:** We can do anything we want with unanimous consent.

● (2235)

**Hon. Bardish Chagger (Leader of the Government in the House of Commons):** Wouldn't it be better for me to come as a witness?

**Mr. Garnett Genuis:** Should we suspend to talk about this?

**The Chair:** Okay. Let's suspend a minute to talk about this.

● (2235) \_\_\_\_\_ (Pause) \_\_\_\_\_

● (2335)

**The Chair:** We will resume debate on the motion of Mr. Simms.

Mr. Genuis has the floor.

**Mr. Jamie Schmale:** I have a point of order before we get going.

**The Chair:** Yes.

**Mr. Jamie Schmale:** Mr. Chair, does the committee have unanimous consent to accept the amendment as proposed?

**Some hon. members:** No.

**The Chair:** Go ahead, Mr. Genuis.

**Mr. Garnett Genuis:** Thank you, Mr. Chair.

I appreciate, I'm sure, the good faith efforts that were undertaken in the context of the suspension. Nonetheless, I think members have

quite wisely elected to create an opportunity for me to continue to advance the important arguments that I have been advancing and to bring them to a conclusion in the fullness of time.

I will reflect, though, on the core issue here, because there are a lot of things that are being discussed, and I think it is important that we develop the principal issues that inform our perspectives and our concerns about the way the government has proceeded.

Fundamentally, here is where we are. The opposition is united in its conviction that the amendment that is standing before us is important, because the amendment would ensure that we will proceed on a consensus basis. It would ensure that what has been the general practice of the committee will continue to be the practice of the committee and the House with respect to changes to the Standing Orders. That's the position of the opposition: that this is what needs to happen and that we need to have unanimity in the way we proceed with respect to changes in the Standing Orders.

I also think that attached to that we have made the reasonable ask that we have a built-in assurance that the consensus approach will be what is undertaken through the study.

It is not unreasonable for us to simply ask that in the motion convening the study, those terms are clearly defined and set out. That's what we want. That's what we're asking for.

I think we should pass this amendment and then proceed with discussion and, fairly efficiently, the adoption of the motion, and then have a detailed study of the Standing Orders. That's our position, and we have reasons. I am talking about them and I'm going to continue to talk about them.

The government's position is quite interesting, as I understand it, because I haven't heard the members formally argue in defence of what seems to be the actual effect of defeating the amendment. I haven't heard anyone from the government say "We want to do this unilaterally." In fact, Ms. Tassi, during our discussion earlier on in the day, said that they want to be able to proceed with the discussion, and she was not keen on the use of the word "unilateral", yet the government is reluctant to adopt the amendment.

It's a mystery to me that there actually seems to be broad assent to the principle—well, I don't know if there's actually broad assent to the amendment, and this is why we in the opposition are looking for an assurance. The arguments that the government members make suggest that they might well be open to the principle of the amendment but don't want to support the amendment itself because they see it as premature to talk about the process of the study before the study is begun.

I'll just say that of course it's not premature to talk about how the study would proceed before the study is undertaken. That is how you study anything. You initially define what the study is going to be about and how the study is going to unfold.

● (2340)

If I look at the main motion that the amendment proposes to amend, it does what you would expect a motion to do, which is to define the contours of the study that the government intends to undertake. It prescribes a time period. It's actually more prescriptive already than many of the motions I've seen, in terms of prescribing the amount of time before which witnesses must be submitted and describing the specific sub-themes of the study. As opposed to just talking about the general study, it's actually describing the sub-themes of the study. There is a process for inviting members of caucus who are not members of the committee.

There is a fairly prescriptive nature to this motion that we can see, as is appropriate, I think, when a study is being undertaken, yet members of the governing party on this committee, broadly speaking, seem to be allergic to the amendment for reasons that are difficult for me, at least, to understand. If they agree that we should all work together, if they agree that we should not proceed without some measure of agreement, then simply pass an amendment that says that.

If you are opposing the amendment, people are liable to come to the conclusion that you are doing so because you disagree with it, right? For people who are watching these proceedings and who see that the government members here do not want to support the amendment, it is reasonable for them to conclude that the members probably don't want to support the amendment because they don't agree with the amendment.

In various conversations, people from the government side have pleaded good faith in just wanting to undertake a discussion and wanting to ensure that everybody is listened to and heard in the context of that discussion. If that's what you want, then pass the amendment. If that's what the government wants, then they can pass the amendment. If that's not what they want, then we have to have this out, right? If their intent—as it seems to be, as I think we have concluded—is to actually create circumstances under which the government can impose changes unilaterally, then we have....

Sorry; I lost my train of thought there.

We have a problem here that we have to debate if the government actually disagrees with this amendment. What has been striking—

● (2345)

**Mr. Blake Richards:** On a point of order, Chair, I know how much Garnett loves his wife and I know he pointed out to her earlier that there was Red Bull. He wanted to make sure she knew he wasn't going to be drinking any of that Red Bull.

I want to assure his wife that he is not consuming any Red Bull. The only thing he has is a bit of water. He has a clear mind and he's giving a great speech, and we're really proud of him.

● (4745)

**The Chair:** That was a very important point of order.

Now we'll carry on.

**Mr. Garnett Genus:** Further to the same point of order, this will forever live in Hansard. I'm sure it will be the subject of a Ph.D. thesis in 20 or 30 years.

That's all I wanted to say about the overall discussion of the amendment. I don't know why members of the government would oppose the amendment if at the same time they are suggesting that they agree with it in spirit.

We are going to continue to have this debate, I think, on the basis of the presumption that if the government is opposing the amendment, it's because they don't want to do what the amendment says. If there comes a point when government members conclude that this is an amendment that reflects what they want to do, then actually, numerically, it would only take one government member to come to that conclusion, and then we would have the ability to proceed. I draw the attention of members to that.

Nonetheless, in the absence of support for the amendment from any member of the government, we will proceed with arguments in favour of the amendment, which I hope will further elucidate why the amendment is important.

I was speaking earlier about the discussion paper, the whereabouts of which have escaped me. Oh, here it is. I was speaking earlier about the issues that are raised by the discussion paper.

To build very quickly to the point where I was, because I want to really make this point in a clear way, we were speaking about theme 3 of the discussion paper, which is on page 7. It speaks of management of committees. It speaks about concerns about members "resorting to tactics", whatever that means, but then it goes on to the possibility of an option for committees. I'll just read the section:

An option would be to make one independent Member an ex-officio member of committees with all privileges except for the ability to vote, or to constitute quorum. This would allow independent Members to participate in in camera proceedings, question witnesses, and travel with committees.

There are some issues there, which I've talked about, such as how the independent members would be selected and how to reconcile the fact that members who are independent would have a potential opportunity to self-select for committees, whereas that opportunity would not exist for members of the government or of other parties, who typically end up on committees as a result of assignment by the whip and not as the result of voluntarily electing to be on those committees.

This is used as a jumping-off point for immediately trying to make arguments for indirectly adding a government member—a non-voting member, but a government member—to every committee.

With regard to this discussion of good faith with respect to the process and the amendment, it is this kind of flow that makes us look and say, "Okay, well, the opposition is probably just moving forward with this on the basis of an evaluation of their own interest." That's the concern that we have here.

The section I am talking about specifically deals with parliamentary secretaries. It says:

The Government committed to ensuring that Parliamentary Secretaries would not be voting members on committees that fall within their Minister's mandate. That commitment does not, however, mean that Parliamentary Secretaries should not have a role on committees. Parliamentary Secretaries could be given the same rights on committees as is proposed for independent members.

That is what is being proposed by this discussion paper, and I think this suggestion is quite insidious. The present rules involve the whips allocating positions on committees to specific members and doing so in whatever way they see fit. That's all well and good, and it is up to the individual parties, when they are in government, to decide whether or not parliamentary secretaries sit on committees.

The practice at times has been for them to sit on committees. During the tenure of the previous government, parliamentary secretaries did sit as members of committees, and there is a whole discussion to be had about advantages and disadvantages of that. A possible advantage is that it provides some linkage between the committee and the government. A possible disadvantage, though, is that it could have the impact of compromising the ability of members to act independently, although what can often happen is committee members act at the behest of government anyway, so the removal of parliamentary secretaries from committees isn't a solution, unless it is accompanied by a genuine response that gives the committee the ability to be master of its own domain. That can never be fully a matter of the rules; it has to be a matter of the culture and the will of the people involved.

Of course, in this Parliament we see some degree of variability where some committees exercise some greater degree of independence than others, depending on the disposition of the people involved.

That's the context we had. Different things can be done with parliamentary secretaries. Some may have a substantive impact, but some possible changes may well just be window dressing. In other words, you can have the removal of parliamentary secretaries and have some degree of inappropriate influence, however defined, exerted by the government.

I'm told there was a time, by the way, when parliamentary secretaries would not be members of the committee but potentially would take on a role similar to that of officials. The parliamentary secretary would appear with officials at a certain time or during clause-by-clause study, but instead of sitting with the other MPs, the parliamentary secretary would sit with the officials.

**Mr. Blake Richards:** I have a point of order, Mr. Chair.

**The Chair:** Go ahead.

**Mr. Blake Richards:** I hate to be Mr. Point of Order, but it has become fairly noisy in here in the last few minutes—

**Mr. David de Burgh Graham:** I spoke to that point this morning.

**Mr. Blake Richards:** I can imagine Mr. Genuis has a lot of things he's trying to get across here. It must be difficult to try to speak in that environment. I'd ask for a little respect for him and his intervention.

**The Chair:** Okay, we'll carry on with respect for the speaker, Mr. Genuis.

**Mr. Garnett Genuis:** Thank you, Mr. Bagnell. I appreciate the job you're doing. Hopefully, if we can assert the role of private members' bills, we'll get good PMBs like yours passed in the future.

On the issue of parliamentary secretaries, there was a time, from what I understand, when the parliamentary secretary would be a part of the witness panel or would sit as an ordinary member of the committee. The model this government has followed was, with some

fanfare, to remove parliamentary secretaries from committees, so that they are not part of committees anymore. We discover, however, that parliamentary secretaries do have something to offer parliamentary committees. We want to preserve the independence, but we somehow want to have them engaged.

It would be great to have Kevin here.

**Mr. David Christopherson:** Think of the House. He could get the word count up here.

**Mr. Garnett Genuis:** Yes, he would be the parliamentary secretary in this case, but he would have to leave the House of Commons in order to come here.

Anyway, this is perhaps not germane to the amendment. The issue....

**The Chair:** Okay, folks, I think we're getting a little punch-drunk here, and I know Blake wanted me to get a good sleep, so we will now suspend until 10 a.m. in this same room.

•(2355)

(Pause)

•(1000)

**The Chair:** I call the meeting to order.

We're continuing a debate on the motion by Mr. Scott Simms.

Tom Kmiec is next on our list of speakers.

**Mr. Tom Kmiec:** Thank you, Mr. Chair.

I'm very pleased to be able to join the debate, finally, after my colleague Mr. Genuis was able to complete his introduction and reserve future comments at a later point.

I have written an outline of the comments I want to make. Unlike Mr. Genuis, I don't have the gift for being succinct and even-tempered in this commentary.

Maybe what I'll start with is my first day here in Parliament, those first few weeks when we started. I remember being a brand new member, a rookie, and about 200 of us were at the Sir John A. Macdonald Building for the first rookie orientation session. When we went there, we were told what our roles were going to be and what a privilege it was to serve as a member of Parliament. We were told that very few people have come here before us, and that it was an opportunity very few people have had to take the seats of our predecessors and be able to serve our country in that way, whether serving at a provincial legislature, which is equally a privilege, or serving in the Parliament of Canada.

I remember, then, that the Prime Minister had come in at one point, and the proceedings were interrupted. He was given the opportunity to speak and to address all the rookie parliamentarians who were there. He mentioned how important the role of a member of Parliament would be and how he would raise our capacity to contribute to Canada, to contribute through legislation and debate. It was a fine sentiment to have at the time. I just don't see it being followed through in the day-to-day activities when I see motions such as this, and then a very reasonable amendment being proposed to make it even better, to make it exactly what this place should be about, which is about the members of Parliament, the parliamentarians, and not about the executive.

I have big problems with the discussion paper and how the process went down to get to the point where we have this motion now before this committee for what I would consider to be a rushed study.

This isn't camp. I've been a camp counsellor before. I've been responsible for others. I've been a supervisor at the Chamber of Commerce for policy staff and for the operation of volunteer committees that did a lot of the same work that Parliament does, but for the business community in Calgary.

I say this isn't camp because we shouldn't be treated as though we're a bunch of children who need the government to look over the activities we undertake on behalf of our constituents. I just don't think that's the right level of responsibility. That's not the right relationship we should have towards the government.

What I see in the motion being proposed for a study here is basically just that, the type of treatment that says we parliamentarians cannot govern ourselves, that we are incapable of doing what's best for both Parliament and in addressing individual public policy issues affecting Canadians from coast to coast or affecting individual provinces or cities. I think that's a very important thing to remember.

I really only have a couple of points, but I do have about three dozen sub-points to each of those couple of points. I think the motion is unreasonable as written, without the amendment to fix it. I think it's also reckless.

I've gone through the effort of looking at past times when there was unanimous agreement to change the Standing Orders of the House, and then other times when there wasn't unanimous agreement and Parliament started to break down. There was disagreement. The trust and the co-operative environment that we live in broke down and didn't exist anymore, and then things started to slow down. The government wasn't able to pass the legislation it wanted, and it would blame the opposition.

In truth, the government holds all the power. You all are not members of the government; you are members of the government caucus. You support the government because you believe in the policies they are putting forward. You are also free to disagree with them, just as we are on this side. We are free to disagree with our party and to vote according to our conscience and the dictates of our supporters and volunteers.

Sometimes there are members who will say that when they belong to a political party, the political agenda, the platform they ran on, is what they want to implement in this place and in this House. They do their best to get through as much of the policy books and as many of the policy platforms as they can, to try to get them implemented.

I would say, though, that we have circles of responsibilities that we have to adhere to. However we choose to vote and whichever policies we choose to advance, we are still responsible to somebody at the end of the day. I would like to think that as members of Parliament, as parliamentarians who have taken up seats that others have had in the past before us, we have a dual responsibility.

One is responsibility to today's Canadians, to the electorate that we have—our supporters, our donors, our volunteers, our families,

our political affiliation, and our faith, if we're members of a faith community.

Our second responsibility is to those who came before us. Parliament didn't simply come to exist because it began as a start-up last year in 2016. It came about long before that, as Mr. Genus has mentioned before when he started reading parts of the Magna Carta, which gave birth to a lot of.... Thankfully, he didn't go through reading the whole thing, because that would have been long. I was joking with him that he should maybe read it in French. A good translation would help him get through it.

Many members who have come before us, whom I could quote, have said how much more they appreciated Parliament after many years here than they did when they started as a rookie. I think it's natural when you start at a new work place. You wish you did things differently or you could show up at different times. You wish your supervisor was different or that your days were arranged in a different manner. I've heard this a lot before. I used to work in human resources. I was a registrar for a professional association in Alberta. This was very common. I had 6,000 members. I would talk to my membership quite often, and they would mention the types of issues they saw in their workplaces and the types of environments people work in.

Then you have that intergenerational mix. People like to work in different ways, depending on the generation they're in, so then there's an adjustment period for that.

I think Parliament goes through that as well. It changes the way we organize our business in order to match with the expectations of groups of Canadians and the generations as they come through the demographic cohorts that we live within.

I do not think, though, that Parliament is like a corporation. It is not like a not-for-profit organization. It's not like any other business. I wrote myself a note that if tomorrow a private business were to fail and people were to lose their jobs, people would go find other jobs. The corporation would wind down. Its assets would be redistributed. That can't happen in Parliament. It simply cannot. We must not let that happen. It's our job as parliamentarians to ensure that doesn't happen.

The changing of the rules and the way we do our business could easily lead to a situation of even less engagement by parliamentarians in the debates of the House. Our primary role is unlike a business. If you're in a for-profit corporation, you generate a profit either for shareholders or for the owners of the company, in whatever format that may be. If you work for a not-for-profit, as I did in a professional association, the chamber of commerce, it was to generate value for the membership in whatever form that was.

Here our role is truly to debate. We're a deliberative body. We're not rated based on how much legislation we pass on behalf of the government, which is why the amendment is so important. Changing the rules to make it more efficient has been the term that's been used in reforming the Standing Orders of the House of Commons, or the modernization of the Standing Orders of the House of Commons. I have a problem with the word "modernization". It somehow implies that this place is not modern and that we can't do things in a contemporary environment through a past practice or through unanimous consent, as we've done many times before. These things actually help us do our work, so it's not "modernizing", since we are modern, but maybe "contemporary" would be the term to use.

I also think another issue that we have is a conception that Parliament can't fail. It should not fail. It's the job of parliamentarians, not the Government of Canada, to figure out the best model and the best work environment we can have, and to determine how our daily business should be conducted in order to achieve that goal.

As a parliamentarian on the opposition side, my goal is to ensure that the government is held accountable for both its spending decisions and its policy decisions. By tradition, I really believe my role is to review the main estimates and to review the spending of the government on a regular basis, in the committee I'm on, which in this case happens to be the Standing Committee on Foreign Affairs and International Development.

After that, it is to contribute to the policy debates. We deliberate. We don't have a certain quota of legislation that we're supposed to pass at the end of the day, both for the government and for private members' business and motions.

Before I continue too much more, I just want to give you a brief outline of what I'd like to cover.

One of the first things I want to make comparisons to is a governance board. I want to compare Parliament to how corporations, chambers of commerce, and the places I've worked in did their business. Second, I want to talk about consensual leadership and consensus-based decision-making. I really think that Parliament works best when there is consensus, co-operation, and trust. You gain trust and you lose trust by different activities. I think it goes both ways, on the opposition side and the government side, but because we on the opposition side are really at the mercy of the government—both the government caucus and the government—we look for those opportunities for co-operation to build trust and understanding.

I've been going through different quotes from former prime minister John Diefenbaker, who had a great love for Parliament. In fact, one of the speaking crutches he had, instead of ums and ahs, was "I love this Parliament". That gave him just enough time to think of what he wanted to say next, and then he continued for another 20 minutes. I'm sure that if he were here today, he would be repeating "I love this Parliament" every hour, but it wouldn't be a crutch. He would be truthfully saying how much he appreciated and loved this place. He loved this place so much that he refused to move his office at one point, and that has been to the benefit of the opposition since then.

He did say that Parliament was the guarantor of our freedoms. It wasn't just legislation that was passed in this place and it wasn't some belief in something outside of Parliament; Parliament is the guarantor of the rights and freedoms of Canadians, but also of parliamentarians and the privileges we enjoy in order to do the work that we have been elected to do in this place.

After that I want to briefly talk about the Great Reform Act of 1832 in the United Kingdom. For us on the Conservative side, the year 1832 and the decades that led into 1867 are quite important for the conservative movement in the United Kingdom and Canada because they led to the breakup of the original Conservative Party. Those 1832 reforms were really about how Parliament worked. They were about the rotten boroughs and how prime ministers were responsible to parliamentarians, as well as about the responsibility of political parties, political units, the whole coalition, the trust they had amongst themselves, and the lack of trust between the Peelite factions and others. I think it bears speaking about, at least a little.

Lastly, I'll probably finish by going through this document, "Reforming the Standing Orders of the House of Commons", because I have deep problems both with the content of it and also with the process by which it is being implemented. I will go through the notice of motion and the very reasonable amendment we have proposed that would improve it. My issue is that much of this would have to be done as individual studies. I just want to speak more about that and give you examples from other jurisdictions that have done it exactly in that way. There is so much material in here that you cannot do it justice by rushing it from now to June 2. There simply isn't enough time and opportunity to do that.

I do have the McGrath report here, which I know many members have referred to as well. Mr. Christopherson referred to it repeatedly, showing that at the time there was unanimity, agreement, consensus, and co-operation at the committee level to put forward recommendations that all parliamentarians could consider to reform the way they do their business, but it was done with the trust and the confidence that they had done their work, which they had.

It's a pretty voluminous report. The joke goes that a standing committee of the House writes a report and puts it on the shelf, and nobody reads it. This is the one time, I think, that many of us have read it and actually gone through it in fine detail. It is an important work that should be referenced here, and it bears repeating.

I also wanted to mention, with the McGrath report, my experience on other committees. I have substituted on other committees of the House of Commons here during my time, and I have also worked on reports and studies with other committees where we did find unanimity. I happen to serve on the Standing Committee on Foreign Affairs and International Development, and to my knowledge, since I joined the committee on a permanent basis, we have not had a moment when we've tabled a dissenting report. I stand to be corrected on that, but I cannot remember having to write a dissenting report. That is because we have worked extremely hard at co-operation and seeking consensus. We've given in, as opposition members on the committee, and the government caucus members have given in as well. We found an opportunity to find common ground and recommendations that we could propose to other parliamentarians that actually reflect the views of the committee. You will find that the reports we write actually say, "the committee finds that...", "the committee believes that..."

In every single instance where you find that in those reports, it's truthful. I know it's truthful because every time we have one of those lines, we stop and ask each member if they are okay with this, if they actually believe every single sentence that follows, and every time, we have found that consensus. I don't think it will be found here, first because of the process by which this motion was brought before the committee and then because the unreasonableness of resisting a very reasoned amendment proposal by my colleague to improve on this hurts the trust.

I understand that this committee so far has been able to work with a great deal of co-operation and consensus-building, which I think is an important feature of committee business and the way we do the work of the House of Commons.

Those are five main points I was going to raise. At different times I might move between them, and you'll forgive me for that if I do. I'll try to reduce repetition to as little as possible to make my points.

The motion does say on the back end, "...to create or to revise a usual practice of the House, which is not unanimously agreed to by the Committee...." I think that's critical. You don't get to this point without building trust at the committee level, and right now there just simply is an empty tank of trust between the two sides. I've been at this committee since Tuesday to debate this issue, and I had the great pleasure to listen to my colleague, Mr. Genuis, make his points. I think it was a Herculean effort on his part.

I also want to congratulate all of us. It was a Herculean effort to listen to him for the past nine hours. He's a great friend of mine. He made a lot of good points, and he robbed me of an opportunity to make those same points. I don't want to repeat what he said.

I'd better mention too the experience that I bring to this debate at this committee. I am a rookie parliamentarian and this is my first term in office, but I also used to work for a member of Parliament, about 12 years ago, when he was first elected to the House of Commons as a rookie. That was Mr. Steven Blaney, who became a minister. He's still a serving member of the House of Commons. I remember being just as confused by the standing rules of the House and the regulations as he was, and I took the time to learn them as well as I could to assist him in the work that he did.

I come to this debate, then, from several viewpoints. I'm both a sitting member and I used to work for a member of Parliament. I also have had the distinction of serving for the Minister of National Defence on his exempt staff on parliamentary business affecting the portfolios I was responsible for. Through that process I gained a deeper appreciation for the ability of the opposition to confound and complicate and make my life much more difficult as a staff member. At the time I didn't appreciate it, but I appreciate it now in retrospect. I think it's only with time that you begin to appreciate the ability of the opposition to slow things down, which might not be very efficient, but it gives time for reflection and it's well worth having.

Unlike many members here, as well I served as an exempt staff provincially at the Alberta legislature for both the Minister of Sustainable Resource Development and the Minister of Finance in Alberta, whom we also call the provincial treasurer. I served on his staff for three years as a policy adviser, but I also dealt with a lot of the standing rules of the Legislative Assembly of Alberta, so I bring both viewpoints here. I know there are many members, both on the government caucus side and in the opposition caucuses, who have served in a provincial legislature or a provincial parliament, as the case may be, who bring that type of experience with them as well.

I would always caution parliamentarians here not to look necessarily at how the provinces do business to find the best model of efficiency. In the Alberta legislature you can pretty much pass a piece of legalisation in one day. I don't personally believe that type of efficiency is what we want here. That's not the type of efficiency parliaments and legislatures were set up for. What we were set up to do is to deliberate, and this is maybe one point....

I'm just going to segue here to the actual document that was proposed, which is the study, the motion, which is based on studying parts of this and parts of the Standing Orders during that day of debate on October 6. It does say here, "While Parliament by its very nature is an adversarial system...." Now, if we stop right there, I have a problem with calling this place adversarial. I don't consider members of the government caucus my opponents. You're not my enemies. I actually think of you as colleagues.

I'm a junior colleague to you, Mr. Chair. We've enjoyed a couple of flights flying through Toronto, as well as Air Canada's stellar service, and we've been stuck in Toronto a few times. It does happen. I have great appreciation for my veteran members and those who have been here, who have more experience than I do, regardless of the political party they belong to, because they bring a great amount of experience to how this place works. I did not appreciate that as much when I came here.

We were elected in different "class years". I hang out, so to speak, with my class of 2015 much more than I do with "the others", we call them, regardless of the political affiliation they have, but it's from those others, such as chairs like Tom Lukiwski, that we learn. I have learned a great deal from him about how to be a better committee member at the table. He's taken the time to explain to me the rules around committees, how they function, and where the great advantages and disadvantages are. I've changed the way I both behave and do the work that I'm asked to do at committee.



I appreciate that type of guidance. You don't get that from the rookie members, obviously, because we don't have that experience here. Those changes to the rules, then, depend upon the more experienced members giving us some guidance and telling us that these are where the pit traps are, these are where the fault lines are, and if you change the rules in this way, there will be unforeseen consequences.

I depend on members like Mr. Simms to explain to us what's happened in the past. As I was saying before, I look to the more experienced members, regardless of the political party, for judgment calls on rules, procedures, and how those should work.

Now, I really do feel that if the government pursues the contents of "Reforming the Standing Orders of the House of Commons", as laid out here, and they achieve these goals in the timelines being proposed in the main motion, with or without the amendment, it would be to the detriment of parliamentarians. It would, in effect, through the rule changes, turn the opposition into an audience. We would be able to speak up occasionally, perhaps, but not really be able to contribute to this place.

In every single past reform and in every report I've read, from the McGrath report to the debates in 1991, 1986, and 1969, the thing that was most important for parliamentarians participating in those debates was ensuring that they were the ones who were receiving a greater opportunity to keep the government accountable—if you were an opposition member, that was key to you—and to do more effective legislative work. This would include proposing amendments and finding opportunities for unanimous consent motions that everybody could live with to change the rules temporarily for a particular situation or to make exceptions.

I'll just mention that before the election, I was registrar for the human resources profession in the province of Alberta, a not-for-profit corporation. Unlike the CPAs, the accounting profession, or the engineers, we had, and still have, voluntary certification, with 6,000 members who voluntarily pay dues in order to have a professional certification. In human resources and labour relations you would always say that the rules exist not as a straitjacket. They're not supposed to be a straitjacket. For HR professionals, you look at the rules and you ask where the exceptions are and where you can make your employees happy by making those exceptions. The right opportunity for that comes with experience, which builds judgment and then trust. They're all interlinked. You cannot get there by any other fashion.

I would always tell them...and these were experienced professionals with 30 to 35 years in labour relations, negotiating with unions on both sides. We had members on both sides of the table negotiating. They would always say that the rules exist, sure, but as long as we can all co-operate, we can reach an agreement and suspend the rules temporarily. If we all agree on that, we will find consensus. We will find agreement. Then we can move forward with it.

But you don't move forward with a motion like this, with the contents of this report produced by the government, which I believe it is unreasonable and reckless, and say that by unanimous agreement we will proceed. I think that's a mistake. That's an error. Many members before me have mentioned it. I am pretty confident

that members on this side will repeat the point that it is an error. It would change the opposition into an audience. We would be ineffective at keeping the government accountable.

When the debates were moved from Parliament to the committees and we were given time limits for speaking in the House—that was a maximum time, but you can always speak less than the time you're allotted by the Speaker and by the rules of the House—they moved it here into the committees so that we would have an opportunity to speak, an opportunity to raise the points we would otherwise raise in the House of Commons, in Parliament. If you take that away here at the committee level and don't give us an opportunity to speak up on behalf of our conscience, on behalf of our constituents, our political party, our experience that we gain from being here for four, eight, 12, 16, 20 years, then I think you do a disservice to Parliament, do an injustice to this institution.

It's a human institution that has survived in this country since 1867 and in the preceding colonial parliament as well. I think it's important to remember that we are here as stewards of Parliament. We don't own this place. It's not ours to keep; it's ours to steward for future generations. This is something I tell my staff and that I tell my constituents. I say I may be the first member of Parliament for the riding of Calgary Shepard, but I will not be the last.

Now, I may be the last, if we change the rules so badly that Parliament ceases to work. There are many cases in the world in which the legislative assemblies don't work very efficiently anymore, and by "efficiently" I mean as deliberative bodies. I don't mean the speed at which they pass legislation; I mean as deliberative bodies, where people can debate ideas, in our case here in the safety of the House of Commons. I think this is important and bears remembering.

The last thing I'll mention about my personal experience and what I bring to this debate is that I used to work as the manager of policy and research at the Calgary Chamber of Commerce. At the time it had six policy committees, made up of anywhere from a dozen business persons interested in a particular subject matter to as many as 30, 40, 50, or 60 members, who sat in the morning at 7:15 a.m.—and our staff had to suffer through that almost every single day of the week—to debate policy issues. We would produce papers for them to consider, and then they would deliberate, much as Parliament does.

We had rules in these places, and it was the manager's job to apply the rules on behalf of the board. I was empowered, as a non-executive team member. The chief economist was the member of the executive who would direct me in managing the work of these volunteers. Each of these volunteers was a member of the Chamber of Commerce and had participated in the elections for the board of governors of the chamber. In a lot of ways, because they were members, they had a vested interest in how the chamber functioned, and they then deliberated.

We never said to them, “These are the policy issues you will talk about. These are the rules that will govern you.” Much of our work was done by consensus between the members and members of the staff. The members were there to deliberate the points they were trying to make. We never imposed on them a specific way of doing things. We would always try to find an opportunity to empower them to bring forward the issues they wanted to bring forward, especially if they were working co-operatively among themselves. If half the committee wanted to speak to an issue and the other half didn't want to, it wasn't the job of the staff to decide whose issues we would deal with. We waited and we deferred, based on the rules that we had.

That's the type of experience I bring to this discussion. I have seen how the Alberta legislature functions and I have seen how Parliament functioned 12 years ago. I've spent time learning the rules. Like everybody else here, I got that big green hardcover book, the Standing Orders of the House, and I've taken the time to read through it.

Now, I have not read it cover to cover. I have a great amount of difficulty to do that through and through.

**Mr. David Christopherson:** Shame.

**Mr. Tom Kmiec:** My colleague here is saying “Shame”. I will get there. I will get there eventually.

Speaking of Parliament, I mentioned Diefenbaker already and the speaking crutch. I get that from Sean O'Sullivan's book, *Both My Houses: From Politics to Priesthood*. I recently read it upon the recommendation of a member of the whip's staff.

Sean O'Sullivan was a member of Parliament here many years ago, who sadly passed away from cancer. He had a great love for this place, but he did not come here to—

**Ms. Filomena Tassi:** There's a connection right here. His nephew is right here.

**Mr. Tom Kmiec:** That's fantastic. Even better, I get to reference the ancestor, so to speak, of someone who is here too.

I immensely enjoyed his book. He started as a staff member in this House and was working for John Diefenbaker as his executive assistant. He had been a long-running volunteer who started very young. In his time, he was one of the youngest members of Parliament ever elected. His mentor was Diefenbaker. When he left this place, it was partly because he was disillusioned with how the place functioned, but he was also disillusioned with politics in general. He went into the priesthood. He heard the call of his faith and became a priest.

I've been thinking about a lot of the points he makes in this book, about the observations he makes about Parliament and how important it is, and I think a lot of his quotations from Diefenbaker bear thinking about. There are many parliamentarians who have come before us who have made immense contributions, who have served here for 12, 16, and 20 years. Reading books like O'Sullivan's and speaking to former members of Parliament, such as Jason Kenney, have made me rethink this, and I now completely disagree with term limits for members of Parliament, something that in my youth I thought was a great idea. Now I think it's not such a great idea, mostly because it's the veteran members, the experienced

members, who pass on to the next members the traditions and the customs of this House, the House of Commons specifically. You won't have that happening very often if you change the rules so drastically that people get disillusioned much more quickly with regard to their ability to contribute.

The number one reason that people leave a workplace, an organization, or a corporation—and this was consistent across the board when I worked as a registrar—isn't that they weren't making enough money. It wasn't because they were not getting the opportunities to get training or professional development, or to travel, or to work on interesting projects. Ninety per cent of the time it was because they could not see how their individual activities, their personal activities in the workplace, were related to the achievements and success of the organization they were in. That was the number one reason.

I know what happens because I've seen it happen at the Chamber of Commerce and in other workplaces. I've been invited in either to give counsel or to listen to the HR professionals explain to me what the issues are, and then to listen to them debate about how to fix their workplace.

Ninety per cent of the time that's why people leave. I've seen it happen. People get disenchanted with the type of work they do, so they do less of it. They find opportunities to not be there as often, and then they start finding other work, typically on work time. They'll start using their workplace email and the workplace phones to find work opportunities elsewhere. I'm sure there are parliamentarians who have come before us who've taken the opportunity to sit in the House to do just that because they've become disenchanted with their individual ability to contribute to the whole—to make an amendment to a piece of legislation or to propose a rule change or regulation change.

I would hope that we would not change the rules through this motion without this amendment. It's a very important amendment. We should not change the rules in such a way as to disenchant members at committees and in Parliament from doing the work that they should be doing on behalf of their constituents, their supporters, and the political movement that they belong to.

I always mention “circles of accountability”. It's something I picked up in talking to so many HR professionals. We are not just accountable to our supervisors; we have circles of accountability. I'm accountable to my wife. I'm accountable to my three kids—whom I'm missing, as I haven't been able to Skype with them for the past four days because of this committee meeting—but I'm also accountable to my board of directors of my local association, just like I believe many of you are as well. I'm accountable to my supporters, to my electors, and I have a great many of them. I have the second-largest riding in Canada by population size. In my riding, it was a privilege to earn more votes than even Stephen Harper or Jason Kenney. I have an enormous riding. It's a big number: 43,706.

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

**Mr. Tom Kmiec:** That's a big number, and it's a big riding.

I'm also accountable to all of them, and not just to the people who voted for me, but also to the people who didn't vote for me. How you do the balancing of those interests is actually one of the main points in the standards of professional practice of the HR profession in Alberta. I know that because I helped to write those standards for the balancing of interests. What I don't find in the reform of the Standing Orders of the House of Commons is that balancing of interests. I don't think the term even exists in here. There's no mention of that.

Also, it's not the balancing of interests here in this House between the government and parliamentarians, because that's not a balance. Parliament is supreme. Parliament comes first. Governments come and go; Parliament stays. There may be a time in the future, a hundred years from now, when political parties have broken down again and they no longer function the way they used to, but governments will always come and go. We as parliamentarians will always be here, and we should ensure that the rules of the House don't protect the government but protect parliamentarians first, which is why we can make points of order and claims of breach of privilege against the government and other members when we are defending our rights.

If we choose not to defend our rights, that is our responsibility. It is our fault if future parliamentarians become disenchanting with this place. I think that's what this motion will do without the amendment, because it gives us an opportunity to seek that common ground.

Also, if we don't achieve all our goals immediately, the goals set by the government that I believe the government caucus presumably agrees with—to varying degrees, I would hope—there is always an opportunity for future parliamentarians to take up the task themselves and find ways to change the rules to suit the needs of that generation, but they should always do it by unanimous agreement. The wording of this amendment to the main motion should be unanimously agreed to by the committee here.

The concept that you should seek common ground is not only the title of the Prime Minister's book, but it has happened many times before that members have tweaked the rules. I have examples here. I asked my staff to look into it.

Since 1867, there have been occasions when controversial proposals have led to lengthy debates where the government used its majority to amend the Standing Orders.

These include the adoption of closure in 1913, time allocation provisions in 1969, and a series of Standing Order amendments in 1991. I'll be referring to debates from that time. There were many members who were veteran members in the Chrétien government and in the Paul Martin government who had very astute remarks to make. Many of them had been rookie members then, but had excellent points to make. Just to the point I made, they looked to their experienced members to explain to them the traditions or customs of the House, how things had been done before, and why they should not be so quick to change all the rules, throw everything out, and bring in new ones.

Then there were amendments to the Standing Orders with respect to the report stage of bills in 2001—

**Mr. Scott Simms:** It was 1991.

**Mr. Tom Kmiec:** It was 1991.

In the 1969, 1991 and 2001 examples, closure was imposed to bring the debate to an end and force a decision.

I think those were errors. They should not have done so. I have the debates and I've read the debates from the time. I have former speaker Peter Milliken's speech from the time. I found it interesting. I found it sharp in its criticism of the government of the day, a Progressive Conservative government. I found it insightful into how Parliament should be working, how you build trust and consensus, and how you get to that point.

In many circumstances, however, procedural changes have been the result of broad consensus among members of all parties and have been readily adopted without debate. You'll forgive me; I cannot tell you specifically what those amendments were each time, but they were done in October 1997, March 1998, November 1998, February 2001, February 2004, and November 2008. On all of those occasions, when there was broad-based support from all the political parties and members of Parliament to make amendments to the rules, that came about by trust. They built trust through debate, and got—

**Mr. Scott Simms:** On a point of order, in the past, on unanimous consent, the speaker ceded the floor to someone to make a point or ask a question. I was wondering, politely, if the member would like to cede a bit. I just have a couple of points.

**Mr. Tom Kmiec:** Sure. Mr. Chair, are they the same rules we've used before when Mr. Genuis was speaking?

**The Chair:** You can. It's up to everybody here, but....

**Mr. Scott Simms:** Yes.

**Mr. David Christopherson:** You can cede the floor at any time.

**The Chair:** Okay, Scott, Go ahead.

**Mr. Scott Simms:** Did you say 1991, with the changes made then under the Progressive Conservative government? That was a pretty adversarial process. We should probably go there, because Mr. Christopherson is saying we've always done this unanimously, but we haven't.

**Mr. David Christopherson:** To be fair, Scott—

**Mr. Scott Simms:** I don't know. I'm asking a question. I just want to get your point.

**Mr. Tom Kmiec:** That was in debates in the House of Commons. The committee produced a report in which there was agreement, to the best of my knowledge. Whether there was unanimous consensus at committee, I can't tell you that.

**Mr. David Christopherson:** I'll just make one quick point on this.

It's my understanding—and I stand to be corrected, since I haven't done the research—that the only exception to all-party agreement on these changes is that there are a few one-offs over history on which the majority of the government of the day did prevail. I don't know how many of those there are, but any time—to the best of my knowledge, again—there was anything you might call a comprehensive or systemic review of the Standing Orders, that report, as other reports have told us, was always done with all-party support.

It's important to note that every one of those reviews I've seen talks directly to the future and asks us, in our time, to do the same thing they did, even though it's difficult and even though you don't always get the changes you want, and that for a healthy Parliament, the only way to proceed on major changes to Standing Orders is through all-party agreement.

**Mr. Arnold Chan:** I'll come back to Mr. Barnes. I have a question on the same point.

Just to remind other colleagues, particularly those who aren't permanent members of the committee, we had requested a paper, Mr. Barnes, with respect to historical past practices. I find it fascinating that Tom is now raising it in his presentation. I wanted to get a sense of what status that might be at, because the point with that was to inform us about every time we had major changes to the Standing Orders. If you have that evidence or research, Tom, or if we could get a sense from the analyst, from Mr. Barnes, of the status with respect to that paper, it would be informative to us as a committee.

**Mr. Andre Barnes (Committee Researcher):** I was meant to meet with the table research branch of the House of Commons on Tuesday, but of course this meeting continued on, and I stayed around until around eight, so I wasn't able to meet with them. Most of my time has been here, so now I have a colleague working on the paper as of today and collaborating with the House.

The House has a list of all the changes to the Standing Orders from the present back to 2006, which a colleague is going through to see whether or not they were done by majority or unanimous consent.

**Mr. Arnold Chan:** When I asked, I was particularly interested in every time there was a particularly substantive change to the Standing Orders through the history of past Parliaments, and how that was dispensed with.

I am reading some of the papers that are on this subject matter, but if we could have one that could be neutrally distributed to all of us, that would be informative.

**Mr. David Christopherson:** Just on that point, Chair, if I might...?

**The Chair:** He was first.

**Mr. Tom Kmiec:** That's okay. It gives me time to think.

**The Chair:** How about if we hear Tom, and then we'll get you in?

**Mr. Tom Kmiec:** If David wants to go, I was going to—

**Mr. David Christopherson:** Sure. Thank you.

I was just going to say, Arnold, I think that's excellent, and it would be helpful, because you hear me trying to.... We do need a good fact base that we all agree on.

Could I ask, though, that we also have them reflect on any comments that any of the reports make about unanimity and whether they achieved it or not?

I could tell you that there are some reports that say they didn't find unanimity on everything, so I'm not trying to stack the argument. If we could get what process was used, and any time they made a reference—"they" meaning predecessors of ours—to their process about voting or unanimity and all-party agreement, if you could put that in there too, that body of information would help reflect the jurisprudence of Parliament.

Thank you.

**Mr. Tom Kmiec:** Just to return...where was I? I can just start from the beginning again, but no, I won't do that.

**Mr. Scott Simms:** You can. That would be great.

**Mr. Tom Kmiec:** I can, but I won't, because I don't want to repeat myself.

I don't think we should look to past instances where the process hasn't been run the way it should have been in principle, to find excuses in history or something that you should not do. Just as the rules of the House say you cannot do the following things, let's try not to find ways around it by finding past mistakes and then claiming some type of moral equivalency to actions of today. Let's not do that. That doesn't build trust. That was my next point, in bold letters: trust.

This place runs on trust. You trust your staff, and I trust my staff with doing things and posting things for me sometimes, with my approval, and doing my financials as well. Trust is fundamental to any organization, even places like Parliament. It's fundamental to how we do work. You would sorely reduce trust if you were to use the assets this committee has in terms of the analysts and the clerks to find excuses for why you think this amendment is unreasonable and the motion is perfect the way it is, with the contents reforming the Standing Orders of the House of Commons and, as good as it is, they should just rush it through in June.

Consensus is built with trust over time. There's no way around it. Finding that consensus may take you weeks. It may take you months. It may take you a year. As a parallel, to go back to the Standing Committee on Foreign Affairs and International Development, we have been working for a year on the report, reviewing government legislation. We were in no rush to complete it. We wanted to get it right. That might not be the most efficient way to do it, but it's the right way to do it. It's the right way because no members on the committee can then claim that their views were not heard or that they did not have an opportunity to have their viewpoints reflected in the debates, in the questioning, and in inviting the witnesses to committee.

In fact, I would even point out that the main motion that you find here says there are only seven calendar days following the adoption of the motion to produce a list of witnesses. You know that has been a standard practice of this committee. I would just say that our practice in our committee—and again this is the foreign affairs committee—is that you can introduce new witnesses at any moment. The chair and others and opposition members have been willing to accept witnesses on short notice who are not on the list, and have them included as part of the study on different policy issues and on the legislative reviews we've been responsible for. I think that is because of the trust we've built, the trust and the consensus around the table that we don't have a fixed goal. Our goal is to do the best deliberative job we can at committee to produce the best report we possibly can at the end, with the best recommendations for the government to hopefully take up once it's tabled in the House. That is our goal and has been our goal from the beginning, and that trust and consensus have built the co-operation that we need amongst each other.

I know that the members across the table in the government caucus are not out to prove a political point, are not out to extract out of me and my colleagues some type of gain by injecting a certain witness into a committee study or by producing a very specific paragraph somewhere in the report that will embarrass us on our side and say that we agree with the government on a particular issue. We're co-operating on the report that we're hoping will reflect the views of the committee members, which then can be taken up by Parliament. That is our goal. There is no other goal. It's to edify and to raise the quality of our work to such a level that Parliament will then take it up. Perhaps it will finish as just another report on a bookshelf somewhere. We are producing extra reports, so hopefully it won't be that way.

There's always an opportunity to do better, and that's something I've heard even the House leader on the government caucus side say repeatedly: we can do better, so do better. I would almost insist on it: do better. Don't go back in history to find an optimal situation where there were members who disagreed.

In the debates in 1991 I spoke about, those were in the House of Commons, not committee transcripts. I've gone through committee transcripts of some really obscure committees, and I mean obscure. I've read the notes of the architect who put up the Peace Tower. They are obscure, but you find interesting tidbits that you will not find unless you do some of this homework.

In those it was mentioned that a West Block tower had once fallen over, and—this was during the debates on how high the Peace Tower

should rise—the architects believed.... Members of Parliament who were around the table were saying, “Just keep building until you run out of money, as high as it will go.” Then there were members saying, “Well, wait; in our experience.... Don't you remember that time a West Block tower fell over?” I would never have found such things if I hadn't taken the time to appreciate both the institution and where the institution is housed and how it functions.

I will go back to that, because it's a good segue into past comments and the resignation speech of a former mentor and still current mentor, Jason Kenney, the former member for Calgary Midnapore, whom I had the distinct privilege to work for as well.

**An hon. member:** He's now the leader of your party in Alberta.

**Mr. Tom Kmiec:** That's the Progressive Conservative Party of Alberta, a different party.

He quoted Edmund Burke. This is a quote I would not be able to find myself, but he speaks about Parliament. Jason Kenney says:

One of the great parliamentarians of the 18th century, Edmund Burke, said this:

Parliament is not a congress of ambassadors from different and hostile interests; which interests each must maintain, as an agent and advocate, against other agents and advocates; but parliament is a deliberative assembly of one nation, with one interest, that of the whole; where, not local purposes, not local prejudices, ought to guide, but the general good, resulting from the general reason of the whole. You choose a member indeed; but when you have chosen him, he is not member of Bristol, but he is a member of parliament.

I think that's important to remember.

**The Chair:** He also lost the election.

**Mr. Tom Kmiec:** I was about to say that. He also lost the election, which is why many of us Conservatives think he is a very principled man, but maybe not the best politician.

Still, he raises a good point. I sit here as a member for Calgary Shepard, but I am a member of Parliament first; that comes after. I'm not here to advocate for concessions from the Government of Canada for my riding.

Now I will say that every opportunity—

**Mr. David Christopherson:** Well, I am.

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

**Mr. Tom Kmiec:** We should talk offline about that.

Every opportunity I get when I see Minister Amarjeet Sohi, I talk about the Green Line LRT in my riding that I want to see built, which would double the number of kilometres of line when done, but that is not my main purpose.

My main purpose here is to work on behalf of my constituents within the context of Parliament and to do the best work I can as a member of Parliament. We're all equal members of Parliament; even the ministers have the same rights and privileges. They have additional duties that they are assigned by the Governor General upon the advice of the Prime Minister. The Prime Minister doesn't appoint; he makes recommendations to appoint. I know that's a distinction that over the years gets thinner and thinner, but I think it is an important one to remember.

I should mention that I didn't grow up in Alberta. I grew up in Quebec, where my entire education was done in French and where that distinction was almost zero, but it's an important one to remember, because it speaks to the customs and traditions of this House that we are here as parliamentarians.

**Mr. David de Burgh Graham:** You're from where in Quebec?

**Mr. Tom Kmiec:** It was Montreal South Shore, in Brossard.

**An hon. member:** So you're bilingual?

**Mr. Tom Kmiec:** *Un peu, oui, c'est vrai*, but I won't use French now, because then I'll slow down.

I know they need to change it up. If I start speaking in French, this will all slow down and I won't be able to get through all the pages and books and everything else I need to speak of.

**Mr. David Christopherson:** You can take more time. One thing you have now is time.

**Mr. Tom Kmiec:** Mr. Christopherson, I'm just worried that you won't get an opportunity today.

**Mr. David Christopherson:** That's okay; I want to hear from you. You're doing a fine job. They've all heard from me.

**Mr. Tom Kmiec:** The next point is that you all have this equal power as parliamentarians to show us that you want to live up to these high-minded principles, which you all ran on as members of your political party, your political movement, so you shouldn't look to the past to make an excuse for something you can't do today.

You could then use the same argument that just because we did something before in a certain way under the rules and procedures of the House doesn't mean we should keep doing it the same way. Why have only one hour of private members' business per day? Why not have two hours, four hours, six hours, or eight hours? Why not have zero PMB hours? Why not just prohibit members from being able to slow down the government? Why not have all government orders all the time and never move away from them? We could be the most efficient place if we just ceased debating.

If you think about it, the ultimate end of the argument that efficiency should drive this whole thing is that if we stop debating, it will be very efficient. The Speaker would call for debate, there would be no member rising, and then we'd proceed. Maybe it would be with unanimous consent, or maybe the consent rules in existence wouldn't be needed and they could move on to first, second, and third readings, with report stage in between second and third readings. We could pass all bills quickly and the opposition would be an audience, which is what this motion would do. If this motion proceeds without the amendment, my great fear is that we will wind

up being an audience—a loud audience, possibly heckling a lot more, and I don't think that edifies this place.

This place started out as what Diefenbaker called the “cathedral”, the cathedral that Parliament is. Again I'll quote Jason Kenney quoting Diefenbaker:

One moment [Parliament] is a cathedral, at another time...it ceases...to have any regard for the proprieties that constitute not only Parliament, but its tradition. I've seen it in all its greatness. I have inwardly wept...when it is degraded.

If you don't give the opposition an opportunity to oppose, to render the place less efficient at passing government legislation and getting its business done, you will degrade it. You will have more instances when you, on the government caucus side, will find the behaviour of the opposition less than proper, acceptable, or edifying.

Members in different Westminster parliaments have been heckling each other for far longer than any of us have been here on this earth, and I hope that in the future they will be there too, contributing to the debates, because members want to be heard. I've always thought that members who heckle in the House of Commons do so because they have something to contribute to the debate, except when it is personal and unacceptable. Vicious commentary about another member should never be accepted in the House, but a smart heckle about a policy issue has brought the House to laughter, or to tears.

I'll be the first to say that the President of the Treasury Board, Mr. Brison, is probably one of the great gentlemen in the House. He is interesting to listen to and at almost every opportunity he brings us to laughter—

**An hon. member:** On division.

**Mr. Tom Kmiec:** —on division, as the honourable member says, but that edifies the place. We don't necessarily speak out of turn in the House of Commons because we are looking to be disruptive but because we want to contribute to the debate. That's done in the House of Commons. If you change the rules on how committees work and you don't allow us an opportunity to contribute to the work of this place, you will disenchant us with the proceedings of the House and how we go forward as parliamentarians to work together.

It is up to the government to set the agenda. The government decides what is debated, what the issues of the day are. It's not necessarily up to each one of the parliamentarians to do that. Private members' business is supposed to be our time, when our ideas and our specific voices are heard on specific issues that matter to us, to our constituencies, and to the groups that we are attempting to represent, which is unlike the House of Representatives in the United States.

I have much more to say about the Congressional procedures and the policy process in the United States, because I know it's raised here in terms of programming. There was a reference that the United Kingdom does it and that programming is done in the House of Representatives, but the problem is that there is no government in the House of Representatives. The House of Representatives' majority leader manages the House.

There is no government business of the day. All the members propose all types of legislation at all times, large volumes of legislation. If you go on their website, you will see that almost every single member has proposed five, six pieces of legislation at any time. However, they're re-elected every two years. I think the great wisdom of our Parliament is that our Parliaments last no longer than five. I cannot imagine having to seek re-election every two years.

**Mr. David de Burgh Graham:** Under the Constitution we'd never do that.

**Mr. Tom Kmiec:** I mentioned the Constitution. Five is just fine. It's the Constitution first. I am a Conservative.

**Mr. David de Burgh Graham:** But you have the four-year limit.

**Mr. Tom Kmiec:** There's a four-year limit, yes. It's the Americanization of our system, and I think programming would further do that.

That's why I'm opposed to programming. I have not seen a good argument for introducing it here. I'm afraid that the processes we have here, without the amendment that we've proposed, will make programming a reality, because it will simplify the work of the government House leaders. They will no longer have competing interests of members who are wishing to debate an issue and raise issues in the House, and that's a real problem for me.

There are many pieces of legislation that I have read and taken the time to think about and have wanted to debate. I've taken the opportunity to do questions and answers, to rise and contribute. There are other pieces of legislation on which I have chosen not to participate in the debate, either because I didn't feel I had completely understood the piece of legislation in all of its granular detail or because I deferred to more experienced members, veteran members who had a better understanding of how the piece of legislation would impact the particular policy area we were dealing with. I made a choice.

Programming takes away the choice. It would basically make it possible for the House leadership of the political parties to run the show entirely. That's the major difference between us and the House of Representatives. They have an entirely different system. I'll speak more about that too, because I happen to have studied in the United States for a master's degree. I happen to have studied American government, including Congressional procedures. I want to speak on that and how it relates both to how we're proceeding forward with this study and why this amendment is so important to get right. I want to explain the practices of Congress, both the Senate side and the House of Representatives side.

I think it's compromise. Compromise has helped Parliament and parliamentarians move forward at times and achieve the goals that the opposition has and that the government caucus and government members, members of the executive, have. We've seen it because we've had unanimous consent motions in the House when, regardless of the Standing Orders of the House, we've proceeded with doing something in order to expedite something on behalf of the government. When we haven't found that compromise, then we've proceeded with the rules.

As I mentioned earlier, in human resources the rules are not a straitjacket, just as they are not here. By unanimous consent we can

agree to suspend the rules temporarily. You will get there only if you compromise. Our House leadership in the past has been able to compromise. I think it speaks of the ability of our sides to compromise. I want to. I'm sure some members of the government caucus want to.

We will not always agree on policy. That's why we have different political parties. Political parties were, are, institutions themselves, but really all they are is a way for us to organize ourselves around our passions, around our ideas. We bring them here to the House to organize ourselves. We're still parliamentarians. I'm equal to every single one of you, and I hope you'll remember that you literally have the power to force through the vote. You have the power then to force through the vote in the House of Commons, but I would hope you would not do that. I would hope you would find an opportunity to compromise with us on this issue.

Mr. Simms is nodding his head, so I'm hoping I'm getting through. Maybe Mr. Genuis softened you up, and maybe today we'll get through.

**An hon. member:** Maybe.

**Mr. Tom Kmiec:** I think that's a point worth remembering. The parties have compromised in the past on different issues. Maybe we all didn't get what we wanted.

I remember the debate on Bill C-14. I have very strict views on that Bill C-14 debate, on how it proceeded and how time allocation was used. I deeply disagreed with it, so I took every opportunity to debate. That is probably the issue I got the most emails and phone calls on.

I happen to live in a riding—I think the only riding in Canada—with two large mega-churches in it, with thousands of members there every single weekend. They're a faith-based community—there are different ones they belong to—and they were coming to me on a regular basis with very specific views. I think I'm one of only five backbench members of Parliament who proposed amendments at committee. When this process is done, if another piece of legislation like Bill C-14 comes down.... I don't know what you will decide by June 2, but it might be that in the next Parliament or in a future Parliament I won't be able to have that opportunity. I don't know. It's not clear to me. You don't build trust with a lack of clarity, and you also don't build compromise, because then we don't know what you actually want to achieve and we don't know where you want to go.

That's our issue here. This amendment, if you choose to pass it, will begin to build trust again. It will get us to the point where we can have some form of consensus. We can co-operate again. Then we can get to the moment of compromise.

Perhaps you won't get everything you want in terms of all the changes to the Standing Orders. Different members have different ideas about the changes to the Standing Orders. I told Mr. Genuis, to his shock, that there are ideas he has about how the Standing Orders orders should be changed that I disagree with. I have other considerations, especially around private members' business. I think there should be more of it. I think it's important for every member, when they're elected to Parliament, to get at least one chance—one chance—to have their motion or private member's bill heard and debated in the House.

Now, whether or not the debate gets to the final end is secondary to me, or at this point it is. I could be persuaded, but I think it should still come to at least a first vote or a first debate. I think that's really important for members of Parliament.

I drew the short straw. I probably will not have my private member's bill heard until much later in this Parliament. Perhaps I won't.

I see Mr. Chan pointing to himself. Do you have a worse number than I do, or a better one?

**Mr. Arnold Chan:** I'm pretty bad.

**Mr. John Nater (Perth—Wellington, CPC):** I have 255.

**Mr. Tom Kmiec:** I'm sorry to hear that, both of you. I feel for you.

I've already tabled two private members' motions and I'm working on another private member's bill on rare diseases. I am personally interested in that, but when these changes are done, I don't know what will happen to that.

If you look at every single prior change—the McGrath report, the changes that were done in 1969, and other times when changes were considered—members talked about the role of parliamentarians as legislators in terms of raising their ability to legislate. It wasn't just about introducing legislation but also to amend government legislation, and now, with the advent of an increasingly autonomous—or independent, whichever term you want to use—Senate side, with these Senate bills coming over, to amend those and how that process will work.

I don't see enough discussion on it here. I see half a line, a fragment of a sentence, that speaks to the Senate public bills that are coming over. I think you could spend an entire study of this committee on amending the procedures of the House in order to deal with an increasing volume of Senate bills. They bump our private members' business. I think that is critical. That's a critical consideration. If they sit down and consistently want to do this, they could pass legislation every few weeks that would come over to our side for debate and for a vote. We don't really have the rules in place right now to deal with a very large volume. It would also begin to displace the will of the House of Commons, the ability of parliamentarians to propose private members' motions or private members' bills. I think that's really important to think about.

We have this system whereby you draw lots, and you have a number assigned to your private member's business. Then you begin working on the content of that bill, finding stakeholders who will support you, finding other members of your caucus who will support you, and then other caucuses who will support you. The trust, the consensus, the co-operation, the compromise—that's how it works.

I saw a rookie member do just that. Arnold Viersen, the member from Peace River—Westlock, did exactly that with motion M-47. He got members from the New Democratic Party and from the Liberal Party. He even got a Bloc MP to co-second his motion. It passed unanimously. Now it's at the Standing Committee on Health.

**Mr. David Christopherson:** I have a point of order, Mr. Chair, if I might. I've been waiting for an opportunity, and I think this might be the one.

This point has been raised before. You saw the media attention here, and we know how many people are following this live. It has a lot of attention. We have made this request before. The Conservatives and the NDP are unified. That's why I'm doing this, to try to keep things fluid.

I would once again, on behalf of the opposition members, request unanimous consent to allow a motion to go on the floor that would have us move to a room where these discussions can be televised. We know the interest. You saw the gaggle of reporters out there when we came in here. There's clearly an interest. It has so far been denied by the government, time after time, but we're going to continue to pursue it, as we are the issue itself, in terms of fairness.

Again, Chair, I would seek unanimous consent to allow a motion to be placed that would have us move to a room where the television cameras can be engaged and Canadians can follow this important discussion.

**An hon. member:** That's a great idea.

**The Chair:** Is there unanimous consent?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**Mr. David Christopherson:** Mr. Graham said no.

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

**Mr. Tom Kmiec:** Thank you, Mr. Chair.

I guess it's because he's not wearing the snappy tie he had on yesterday that he doesn't want to be televised.

I'll continue with two quick quotes. They're very short. Again, from a former member of this House who resigned during this Parliament, the member from Calgary Midnapore, who was again quoting Mr. Diefenbaker when he said, “when you come to parliament on your first day, you wonder how you ever got here.” I did just that. “After that you wonder how the other...members got [here].” I think many of us do that on a pretty consistent basis. We look across the aisle and we wonder how some of you got here—some, not all.

There are members I have listened to in debate, both in committee and then in the House of Commons, when I've actually put down my iPad, put down my pen, and I've taken the time to listen to them. Mr. Chan is one of them, on the BDS motion. We disagreed on it, but I really appreciated his comments. It was a different viewpoint than mine.



At committee I've had disagreements with Mr. Fragiskatos. We have severely disagreed over process and policy, but I've never not appreciated his contributions to debate, even when he's gone over time, because I appreciate the viewpoint and I think he has an opportunity to be heard.

I see Madam Jordan is here. We served together on the Standing Joint Committee for the Scrutiny of Regulations. She knows I have gone on and on for hours, it feels like, when we've had witnesses at that committee to testify and explain to us why a particular regulation was so badly written that, in my eyes, it needed a rewrite, or why the public servants in a particular department—the Canadian Food Inspection Agency comes to mind—had not done the work the committee had directed them to do. For 25 years, whether under Liberal or Conservative governments, it did not matter. They simply were not following the direction of Parliament.

My worry is that without this amendment, this study will lead to the implementation of these few pages into whatever this will turn into, and there's simply not enough time to go into this. It's divided into themes, but each one of these themes could almost be its own separate study. Programming could be its own separate study, because it would have a profound impact on the type of work you are able to do in this House. Then how we deal with the Senate bills could be an entirely different study, as I mentioned before.

I think it's important to bear in mind that the rules we've inherited from our predecessors worked for them, and while tweaking should be done and we should amend the rules, it should only be done when we all unanimously agree at the committee level, so then you could recommend it to Parliament. Then when people ask if the committee agreed, they won't just say they agreed on a majority vote, which the government caucus has the power to do, but that they unanimously agreed, and all the people at this table will be there for the vote. If I'm so fortunate to be here as a substitute for a permanent member of this committee, I will then take that vote in the affirmative. I would like to have unanimous agreement at the committee. That's why this amendment is so important. We can only get there in this place.

I talked about the institution of Parliament as an accumulation of customs and traditions, but it's also the building we are in, literally. This committee room in the bowels of Parliament is as close as you can get, I think, without being in the chamber. It's one of the more prestigious-looking committee rooms.

The way the House of Commons is laid out and the way it's represented, the way the rows of chairs are assigned, where the Speaker sits, the Speaker's chair itself, the stained glass windows, all add to the veneration that we should all bear to the institution. When you walk into a hotel and it's well renovated, well presented, you'll have a different feeling about the place and you will treat it differently than you would others.

I've worked in heritage buildings, such as the Calgary Chamber of Commerce, which used to be in an Odd Fellows Temple in Calgary. The building was falling apart. You treated it accordingly, poorly. The chamber moved into a brand new renovated space in the Burns Building in downtown Calgary. Staff members then treated it differently. They also started to work differently, without the approval of their managers, which was a problem. I think how we treat institutions is also how we treat Parliament.

I think, Mr. Chair, you were the one who mentioned the semicircle concept during the debate on the standing orders on October 6. I know that's been used sometimes by constituents, and I've met individuals who think we should adopt a European model. That's not in reforming the Standing Orders of the House of Commons, but you could see a situation in the future where they would try to reform the way our seating is laid out into a semicircle to make it less confrontational. I think that starts from the wrong principle. I'm debating; this is deliberation. It's not confrontation.

We can have confrontation outside with the media present, which would not be edifying in any way. It would not help us in any way. It would not build trust or consensus. We would not be able to cooperate afterwards. I believe the idea of a semicircle is a terrible idea, including for committees.

I think the way we're laid out right now is just fine. I can look at all the government caucus members and discuss with them the issues of the day. I can see all their names too, which is very helpful, especially when you're a rookie new member and there are 337 names to remember. I assume you know your own, hopefully.

The reason we have it laid out in such a way goes back to the cathedral concept and Diefenbaker's great love of this place. Mr. Diefenbaker served almost 40 years in the House of Commons. He knew this building inside and out. His respect for the traditions and the customs of this place were beyond reproach. He loved Parliament. It was both a speaking crutch, as I mentioned before, and something he deeply believed in. We should have the same love for Parliament he had, and one way we can show our appreciation of this place is by not drastically changing or amending the Standing Orders of the House without seeking unanimous agreement. Even in terms of the layout we have, members have talked about the two sword lengths. I'm pretty sure that's apocryphal. I'm not sure that's actually true—

**Mr. David de Burgh Graham:** It's sort of true in Britain.

**Mr. Tom Kmiec:** It's sort of true in Britain, but they don't have the original Speaker's chair anymore, either.

**Mr. David de Burgh Graham:** Nor do we.

**Mr. Tom Kmiec:** We have that chair.

**Mr. David de Burgh Graham:** It's not the original.

**Mr. Tom Kmiec:** It's not the original we have. That's true. It's a copy of Westminster's.

**Mr. David de Burgh Graham:** It also has a motor in it so it can go up and down.

**Mr. Tom Kmiec:** That could be something in the reform of the Standing Orders. You could have an institutional component they could add on.

**Mr. David de Burgh Graham:** That chair is not moving to the West Block, by the way.

**Mr. Tom Kmiec:** It's not moving to West Block?

**Mr. David de Burgh Graham:** They can't get it through the door. Seriously, they can't get the Speaker's chair that goes up and down that was made for Jeanne Sauvé to go through the door, so they're going back to old one for the West Block.

**Mr. Tom Kmiec:** The point I wanted to make here was that Mr. Kenney, when he was the member for Calgary—Midnapore, mentioned this allusion. He called it an echo of history, just like our Standing Orders are an echo of history. He said that it was an original chapel where the monks would pray that the members met in before they moved to the Westminster Abbey chapel. They were in rows, and they would face each other.

When I was completing my studies at Oxford on an exchange, I went to some of the cathedrals in Oxford. I was surprised to see that unlike here in North America, the pews actually don't face the altar. They face in all types of directions. I was surprised by that. No matter what type of denomination of church you were in, it was pretty consistent. You had pews facing walls. You had pews facing pulpits. You had pews facing staircases, for some reason, and the entrance way. It was different.

They kept it that way because they respected not just the church and the institution it represented—a 2000-year-old institution, in the case of the Catholic Church—but also the fact that the place had accumulated a certain way of doing things. Their standing orders were that the layout was to be this way, so they left it that way. It's not to say that they didn't amend it a little bit. They moved a few things around as more and more people were using it. You could see that they started changing the way the pews were arranged, but the general principle was that they left it that way.

I would hope that whatever changes we make in the future to Parliament, we don't move to the semicircle, because we are not Europe. This is Canada. I think we should keep that echo of history. I think the Standing Orders of the House of Commons are part of that echo. Whenever we want to change them, we should change them by unanimous agreement, because in that way, that echo, that concept of speaking as one voice, we could continue together, having built consensus and then trust.

Many members have heard me say that I like Yiddish proverbs, and I've used a great many of them. I have one: He who is silent means something just the same. I know that very few members of the government caucus have spoken to this issue maybe as long as I or Mr. Genuis or Mr. Christopherson or others have done, but I've appreciated every time Mr. Simms has made a contribution, because he's tried to explain and maybe elucidate, make a point, about where we have maybe erred in our description or in our judgment of actions taken by the government.

**Mr. David de Burgh Graham:** If he did that for everything, he wouldn't stop talking.

**Mr. Tom Kmiec:** That might become an issue if we had to yield the floor to him then, which we will not do just yet.

Silence means something, and when you don't speak up on behalf of Parliament as a parliamentarian, you will find, maybe not in this

Parliament, but maybe in the next or the one thereafter, that you will regret it. You will say that you wish you had spoken up and stopped this from going off into a bad structure that led to the rules being changed in a way that has now hurt your ability to represent your constituents and your ability to leave Parliament in a better place than when you took it on as a parliamentarian.

You become a steward the day you take your seat, not the day you are elected. The day you take your seat, you became a steward of Parliament. Your job is not to steward the government. The government has the executive council. Every minister is there to steward the Government of Canada, to leave it in a better place than it was before.

As a Conservative, I would think they should spend less money. That would be my great hope. Hope springs eternal, and I'll always believe that. However, for Parliament to function well, we have to be the defenders of the Standing Orders, the rules of the House that protect us as members. We cannot allow a government document....

I find one of these things galling, to the point I made very early on about this concept of the board. The Parliament of Canada, the Senate and the House of Commons together, are not the Government of Canada. We are like the board of directors of an extremely important organization. We tell them what to do; they don't tell us what to do.

When I worked for the Human Resources Institute of Alberta, I would never have produced a document like this, telling my board everything I thought they should do and where they should change, unless they had given me direction and told me to do it and had told me what format to use, and never would I have ordered it done by June 2, 2017. It's such a short timeline. It took us well over a year just to get to the point where we were ready to accept a new standards of practice and a code of ethical conduct that I helped to write, but it was the members who proceeded to write it.

The board of directors of an organization—a corporation or a not-for-profit corporation—is just the same as every single parliamentarian in Parliament, whether in the Senate or the House of Commons. It's not a perfect comparison, but it's pretty close. We have an executive team and we have an executive, and that's where it kind of gets convoluted sometimes.

However, this document is written by the Government of Canada, by the leader of the Government in the House of Commons, and there's a little flag on the top left side. I'm looking at the French here. It's the same thing. It's on the Government of Canada's website. I have a real problem with the Government of Canada telling us to change our rules so they can get their business done more efficiently, by which they mean faster, not more efficiently.

They really believe that this place is adversarial in nature, that we're adversaries. You heard Mr. Genuis say this, and I'll say it too, because I agree with him on this point: we're not in a sports competition. It's not me against you. It's not me against the government caucus. It's not us against the world. We're a deliberative body. We debate, and debate takes a long time, because we're trying to achieve consensus and co-operate on ideas. We're trying to find where we agree, and because the issues are so important and because the stakes are so high, it could take hours of time.

We've already spent, I think, four days debating this, Mr. Chair. Is it four days?

**The Chair:** It's something like that.

**Mr. Tom Kmiec:** It's something like that. Three days? We're at this point and we still have not found consensus. I would say that trust has gone down as time has gone on.

I would also say that consensus is more elusive now than it was before, but we're still trying to find a way to co-operate, despite that. We take opportunities to suspend the meeting. We take opportunities to talk outside this room, offline, to try to find a way to proceed, but for us on the opposition side—Mr. Christopherson can back me up on this—this amendment to the motion is critical. We have to do this in this manner. I cannot see a way around changing the rules in such a way because the executive team of the board has told us we need to change or redo things because we're too slow.

I didn't realize that slowness was a vice that Parliament needed to fix. Government is slow. Government still hasn't fixed the Phoenix pay system fiasco, which I find ridiculous. Payroll would be the most basic thing to get right in human resources. Paying your employees on time should be the most basic thing any organization can do.

I see that Mr. Cuzner is joining us, which is good, because we need another experienced member at the table.

“Modernization”, as used in this government document, is also another euphemism for telling us that we're old and we don't work well, which I think is also false. That starts from a false premise, so how can we proceed, then, without this unanimous agreement to implement something in this document?

Why should we allow the executive team to tell the board of directors about all these deficiencies and then tell them to fix it themselves? The executive team wasn't picked by the membership, or in this case, by the electors; we parliamentarians were picked by the electors. Then the majority, the government caucus side, decided that the Prime Minister and his team would make the best executive. They chose them, and then they have executive staff who write these types of documents.

It shouldn't be up to them to then turn around and tell us what to do.

I would have been fine with it if the committee had done a study over maybe two to three years and had looked at all the issues, maybe broken down into different themes such as private members' business and programming—different things to look at over time—and then, only by unanimous agreement, had moved forward with proposing it to the House. We could have let the government draw up some rules that could then come back here, but that is not how this went.

This went the other way. The executive team told us that we're too slow and that we can't get their business done in our chamber, but as parliamentarians, it is our chamber. It doesn't belong to the Government of Canada. They're obliged to go through us in order to get their legislation passed. Is the Constitution too slow? Does it need modernizing?

I remember growing up when the constitutional debates were all you ever heard on the six o'clock news, and I would watch the six o'clock news because I was waiting to watch *Star Trek* at 7 p.m.

I see that Mr. Chan is a fan as well.

I have a real hang-up on that part of it, that this all went down.... I said in my outline that I would speak about this specific point, because I was a member of the executive team of the HR institute, and I would never do something like this without the board's consent and express direction.

We didn't get that here. They're telling us what to do. They're telling us we're too slow. If we're too slow, you could say that the Constitution is too slow, and there's nothing wrong with it. It works just fine.

We can all agree and unanimously consent to exceptions to the rules that will make this place function better, but we won't find that, Mr. Chair.

I see that the lights are going off.

**The Chair:** We're just going to check.

**Mr. Tom Kmiec:** Okay. I'll keep talking, because I don't like dead air, just like on radio.

The freedom we have, which every single member of the government caucus has, is the freedom.... Freedom is the right to be wrong, not the right to do wrong. Any one of you has the right to be wrong—

**The Chair:** I'm sorry. We'll suspend. There's a vote. We'll be back after that.

**Mr. Tom Kmiec:** I'm in the middle of my thought.

**An hon. member:** You were just getting started with that.

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

• (1130) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1220)

**The Chair:** We're back.

**Mr. David Christopherson:** Point of order.

**The Chair:** Mr. Christopherson.

**Mr. David Christopherson:** Thanks, Chair. I seek your guidance.

So far, you have consistently refused to allow the committee to suspend for us to attend question period, supported by the majority government, and unless your intention is to do something different today, I would assume that once again we'll be denied the opportunity to participate in question period as we sit here.

My question, my query, is this. The rules provide, Chair, that whenever there is a vote, as soon as the bells start ringing no committee can continue to do their work unless there's an unanimous agreement to do so. Obviously we don't have that here, so every time there's a vote, the lights come on, you adjourn, we go upstairs, and we're allowed to exercise our right to vote.

**An hon. member:** Suspend.

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

Now, my understanding is that there are three votes after question period and no bells. If we are not allowed to participate in question period, how will we know when it's time to vote? How will I be able to vote if I'm expected to carry out my responsibilities here at PROC? I also have an obligation to my constituents to be in the House and casting my precious vote on the matter before us, but under the current regime that you have structured for us, I find myself at this point unable to fulfill one of those two obligations.

I seek your guidance on how you can help me recognize my rights, privileges, and obligations vis-à-vis the vote that's going to happen without bells.

**The Chair:** Yes, the votes. That's a very good point.

Mr. Chan.

**Mr. Arnold Chan:** If I may, I'll respond to the commentary from Mr. Christopherson.

Let me say that I am sympathetic to your position. The chair actually has no discretion. Standing Order 115(5) of course requires committees to suspend when the bells come on. For the purposes of today, the government will suspend in advance of question period, so that all members can attend and we can exercise our privilege to vote on the matters that will come immediately after question period.

**Mr. David Christopherson:** Mr. Chair?

**The Chair:** Yes, I'll suspend at two o'clock so you can go to question period.

**Mr. David Christopherson:** I want to thank Mr. Chan. I'm hoping that senior staffer isn't in the room and runs up and tells him once again that he can't do that, because the last time he tried to be reasonable, his senior staff wouldn't let him. I'm assuming that this time it will hold.

The only thing I would ask, then, Chair, is what your intention is in terms of reconvening. When would that be?

**The Chair:** Ten minutes after the votes: is that good?

**Mr. David Christopherson:** Sure. That's great. Thank you.

I thank Mr. Chan and you, Chair, for allowing us the chance to exercise our rights.

**Mr. Blake Richards:** While we're on this point, Mr. Chair, I understand that's the intention for today, but based on the so-called conversation we had last night with the government House leader when we suspended our meeting, in which she continually referred to wanting to have a conversation, there was clearly no intention to actually have the conversation.

She told us to carry on, that they're not really too interested in trying to do anything to make sure the opposition has any kind of say. We expect this will go on for some time, unless she has a change of heart, because [*Technical difficulty—Editor*] if you're still undecided. She wants to continue to claim that she wants to have a conversation, but not really to have one, and therefore has no desire to let there be any opportunity for the opposition to hold the government accountable. We could very well be in a position where there could be several weeks of question period that members would be expected to miss.

As far as today goes, it's appreciated so that we don't miss our vote. Certainly, question period is an important part of the day for all members, and I wonder what your intentions are for future question periods.

**The Chair:** I'll take that under advisement and think about it. I hadn't really thought that far ahead. I'm hoping we can come to some solution.

**Mr. Blake Richards:** You will advise the committee at some point what your thoughts are after you've had a chance to think about that?

**The Chair:** Yes.

**Mr. David Christopherson:** Chair, while we're dealing with procedural matters and the discretion and ruling of the chair, I would like to raise an issue that both the official opposition and ourselves that we've talked about. I suspect that my friend Mr. Richards is likely going to want to jump into this too.

Here's the issue. Originally when the government invoked their trickery to keep the committee in session well after we were supposed to adjourn last Tuesday at one o'clock, we thought that it looked like it was going to be 24-7, which is very straightforward, and we would just continue to meet 24-7, as has happened around here before.

Instead—and we can only go by what we see happening, because you folks have all the control, not us—what we see happening over the last couple of days is that at your discretion, which is within your purview, you decide when the committee will suspend. One morning you chose 3 a.m. Last evening, you chose midnight.

I'm doing this in the friendliest possible way, Chair. This is not a frontal attack on you, but depending on the answer, it could be problematic. Let's stay on the nice side of things.

I won't speak for colleagues, but I got the impression that there were government members who knew before you ruled when you were going to rise. First of all, that would be a real problem for us, because it would suggest that, unlike what we thought was a dispassionate honest broker, a non-partisan chair, there are indeed some cahoots going on between you and the government members. I know that you would not want to leave that impression. I'm just going to say that it's an impression right now.

That's a problem. If you'll allow me, I'll extrapolate on why that's a bigger problem going forward. The case this instant case, you can understand. If there's any sense that the government has a sense of when they're going to suspend and we don't, it gives them the ability to call their people ahead of time and say not to bother coming in. There's a whole big advantage to knowing that, and we can't do anything until we hear you publicly make a ruling.

It also violates our obvious privilege rights: we have a right to be informed of the decisions of the chair at the same time as the government members. Conversely, it would be unfair for the chair to privately tip the government members as to where the chair is going in a ruling and leave the opposition members in the dark.

I know, Chair, that you can see this, and I would assume—you'll speak for yourself—that you would agree that this is an untenable situation, if that's indeed where we were.... I'm not suggesting that we are. I am suggesting, sir, that I'm starting to get the impression that it's at least possible for that to have happened, and I'm trying to raise it early.

However, here's the bigger issue, Chair. Right now, it looks as if we're going to be here in the ditch and at war over this amendment going into the weekend, going into the constituency week, all the way through the weekend following, and still be engaged here when we come back a week later. That's what we assume is going to happen. We've made no secret of the fact that the NDP and the Conservatives are working together. We're putting together a roster of members to sit here. We're working in coordination, in partnership, on this issue. Our intent is to fill every minute of every hour of every day between now and when the House comes back and we re-engage in regular business.

Here's the crux of my issue, sir. If... I'm not saying this happened. It's hypothetical, but I would ask you to take the hypothetical seriously. If the chair were to give an advance nod to the government on what time we might suspend over the course of the week, it gives the.... In addition to being a violation of our rights, which should stop it right there, let me explain where it's really problematic going forward in terms of the functioning of the committee, which is your responsibility.

If the government knows ahead of time that on Monday you're going to suspend at midnight, but we don't know that on the opposition side, that means the government has days ahead to know that they don't need to schedule anyone after midnight. Because they know the committee is going to suspend and they know what time we're going to re-engage in the morning, they can go ahead and say to everybody to get some sleep, get some rest, they don't need anybody.... You can plan that days ahead.

It's no big secret to know that the undertaking we're going through right now to staff this committee next week is a major undertaking. It's a little easier when you're government, because you have more members, and you have a lot more motivators, shall we say—we'll just leave it at that. For us, it's purely voluntary. There is nothing to be gained. You have to give up time in your riding with your constituents to come back and be at a committee that at some hours is a tree in the forest.

My question to you is as follows. In order to ensure that our privileges are not breached, to ensure that the chair is treating everyone the same, and to ensure that all the caucuses have the same information in terms of planning this political war that we're engaged in—a friendly civil war but a political war nonetheless—as we go forward, I would ask for one of two things.

One is that if you would indicate to us that, no, there won't be any more suspensions and that we will be sitting 24-7, then everyone can

plan their business accordingly. Or, if it is your intention to be suspending, then we would like an assurance from you publicly that no government members—in fact, no one other than the clerk—would be aware of when you were intending to suspend prior to your doing it publicly without all of us knowing at the same time.

I'm asking, Chair, for one of the two: either declare that, no, it's going to be 24-7 from here on in, or from Sunday on, or Monday on, and that's the way it's going to be; or, if there's a sense that we're going to be rising, then give us an assurance from you publicly, as our trusted chair, that no one, other than the clerk, would know ahead of time when you plan to suspend, and if you are making plans going forward, that you would inform the opposition members at exactly the same time that you would be informing anyone else.

Sir, I present this in the most respectful way, but I think you can appreciate why I and my colleagues on the opposition benches would seek to have these assurances so that our rights can be protected.

I thank you for the opportunity to place this, sir.

**The Chair:** Thank you.

Are you speaking to the same point, Mr. Richards?

**Mr. Blake Richards:** Yes. It's on the same point. I have some things to add.

Before I comment on that point, Mr. Chair, I would like to say, first of all—I have acknowledged this in the past, but it was later in the evening, I think, when I did so—that of all the people on this committee you have the toughest job in terms of the exercise we've been going through this week. You have to remain in the chair and are sort of strapped to the chair, really, and as someone who has done that job in different but similar types of circumstances, with daylong meetings and things like that, I understand that it can be difficult. I want to acknowledge before I say anything else that you've performed that duty admirably.

In regard to the substance of what Mr. Christopherson has just raised, I would certainly concur with what he has said. I would add to it, though, and in my mind, I think this is also about the rights of our constituents and of the groups that we will be meeting with, in addition to being about fairness to all the members of the committee and those who would probably be substitutes for members. For example, next week, some chambers of commerce have asked me to come and speak to them. They've sold tickets to people for them to come and hear me speak about the budget and items around it. If we have to make decisions not knowing whether we'll be here or not, we're affecting those constituents and those organizations. There will be many of those types of impacts taking place.

From my perspective, I would concur with what Mr. Christopherson has said, which is that it's always important that all members of Parliament on this committee have the same kind of notification as to when suspensions would be occurring or what the schedule is going to be going forward. I couldn't agree more. I also think it's important to consider fairness for those organizations as well.

Obviously, Mr. Chair, you would be in that boat as well. As the chair, it's more difficult for you to be a part of the hearings than it is for anyone else. You have a riding that's very far away from Ottawa. Mine is quite far, but you have a lot more travel to do than I have, so it's even more difficult for you. I would be quite certain that you... I know how much your territory means to you, and I know that you would be intending to be there otherwise, if this committee were not meeting. You probably have who knows many meetings scheduled or set up, like the rest of us, and you might have to be cancelling such things as flights, meetings, and various things.

Obviously, this is something that at this point you must have considered, especially after last night, when the House leader was here and made it quite clear that she had no real intention of trying to work with the opposition parties. That was made quite clear. She basically said, carry on, we have no intention of working with you. This would indicate that we could be here for some time in this conversation that we're having. At least at that point, you had to have considered this and what the implications would be, if for no other reason than your own personal scheduling purposes.

It would be helpful to this committee if you were to share with us your thoughts on where we're going, because you clearly had to have those thoughts. If you haven't made a decision as to what is going to occur over the next couple of days, say, or the weekend and into the constituency week next week, obviously at some point you're going to have to make a decision about what you intend to do.

Can you either enlighten us as to what that decision is and what you see the schedule looking like or, if you can't do it at this moment, I think we should at least expect that you would share with us when you can provide us with that information? Mr. Christopherson laid out quite well why that is fair, reasonable, and important, in addition to the fact that it's also fair for those organizations, constituents, and people that we would have to leave hanging as to whether we can be there or not. I think it's a basic fairness issue. I know you're a fair man, and I'm sure you will provide us this information as soon as you can. If you can't give it to us now, could you please tell us when you would be providing that information to the committee?

**The Chair:** Ms. May.

**Ms. Elizabeth May (Saanich—Gulf Islands, GP):** First of all, let me thank you, Mr. Chair, for giving me the ability to speak at this moment on this issue that is very critical for all members of Parliament.

I would very much appreciate it, as the committee goes forward, if all members, and particularly the government leader in the House, consider giving full membership to a representative both of the Bloc Québécois and of the Green Party. I think this would assist in the committee's work. It would ensure that all voices of members of Parliament... We're not two classes of MPs in this place. We're all

equal, but obviously there's a very different status for members of Parliament who belong to parties that have more than 12 MPs.

I won't go into great detail on the nature of those differences, but the essential difference doesn't exist at all, in that the voters in Saanich—Gulf Islands are equal to the voters of the Yukon, although it actually takes fewer Yukon voters to elect a great MP than it takes the voters of Saanich—Gulf Islands, because we are more populous. Other than that difference, our constituencies are equal and as MPs we are equal. When we're discussing the rules of this place, I think it's really important, as Scott's motion suggests, that there be a role for those members of caucuses that don't have representation at this committee.

I would recommend strongly that the role be a full membership. Certainly, we did that on the Special Committee on Electoral Reform, but it is not unprecedented. Indeed, there are many precedents for members of Parliament with fewer than 12 MPs in their caucus to be full members of committees, not just special committees but standing committees. It is not precedent setting. It's been done many times in the past. Given the importance of this issue and the high temperature that it has now attained, I think this is a way to cool things down and to work together well.

You have my word that as a full member of this committee, I will give it my all and will be extremely fair and non-partial and will work together with you to come up with rules that will work in the interests of Parliament, not any particular party.

I thank you for the chance to put these points forward, Mr. Chair.

**The Chair:** Thank you, Ms. May.

On the point Mr. Christopherson raised, I think it's a fair point. To date, I've tried to be flexible and change depending on the situation, which is sort of an evolving situation. In fact, last night, I think I changed my mind three times after talking to Blake about when we would finally adjourn—

**An hon. member:** Suspend.

**The Chair:** Yes, suspend.

It's a fair point about going forward, and I think that because next week is a long week I'm going to try to get back to people today, if I can. I haven't totally exactly decided, but I'll try to get back to people today so that everyone knows what the timing would be. Also, I'm not prepared to commit to 24-7 at the moment.

**Mr. David Christopherson:** Good.

**The Chair:** I'm not sure my body can handle that.

**Ms. Elizabeth May:** I'm on board for 24-7. Let me in on it and—

**Mr. Blake Richards:** Mr. Chair, thank you for that. It's appreciated. I had no doubt that you would seek to find a way that would be fair and would allow people to plan. I had no doubt about that. Also, we appreciate that it will be today.... That's very helpful.

In the meantime, would you have an indication as to what your plans are for suspension this evening? If you're not intending to go 24-7, what are your plans for suspending this evening and recommencing tomorrow morning, should we still be there at that point?

**The Chair:** At the moment, I thought we were going to carry on in a way similar to where we were, and that it would not be an early night tonight but it would not be a late morning tomorrow morning. I'll figure out the specific timing of it. Is that okay? Really soon...?

**Mr. David Christopherson:** Well, if I might say so, Chair, there are two things.

I'm trying to frame this in a way that you don't take offence, because that's the last thing I want to do, but I do feel the need for you to at least, given the comments that I've made and the observations, even just say "of course" or something.... I would just like it to be said publicly, for my own assurance, that when you're making these deliberations, there is no special consultation or discussion with any members of any caucus if it's not with all the members of all the caucuses.

That would be one, and I hope you take that in the spirit I meant it. It's "belt and suspenders" for me and in no way a reflection on you, but given where we are right now, I'd just like to know, if you're going to take all this time to deliberate, that I have the assurance that there's no private input that the government gets to give you. At this stage, you're in a very precarious position. You still contain a Liberal membership card in your pocket, but we view you as being our honest broker. You're the only thing right now that defends our minority rights as they exist. I hope you'll understand that I don't see it as being over the top to ask for extra assurance that those rights are being protected in the procedure that you're following. I recognize that you could see it the wrong way. I hope you don't see it that way.

That's a rather definitive one, but there's another thing I would ask you. As you're having these deliberations... I mean, this is a democracy. I've been a committee chair too, and I understand the residual rights and powers of a committee chair, but if there's all this deliberation going on in your heart and soul, can you maybe share with us what some of the guiding principles are that you're thinking of as you determine when we meet and when we don't? So far, you have the unilateral power to do that, and it might be helpful to us to understand what are the factors that you're taking into account.

I'll leave it at that, sir.

**The Chair:** I don't plan to have any special consultations. A number of times when we have suspended, I've given the reason at the time of suspension and have said what my thoughts were.

I'm also open at any time when we're having our breaks, if people have thoughts.... Blake had a thought last night about something related to timing. If any members have thoughts on timing as we go on, please let me know so that I can take them into my consideration, informally....

**Mr. David Christopherson:** I assume I have that assurance.

**The Chair:** Yes.

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

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

Okay?

**Mr. David Christopherson:** I'm probably not as sharp as I'd like to think I am today, so I accept that you said it.

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

**The Chair:** Okay.

Mr. Kmiec, we're back to you on debate on the amendment to Mr. Simms' motion.

**Mr. Tom Kmiec:** Thank you, Mr. Chair.

**Mr. Blake Richards:** I'm sorry, Mr. Chair. I know he was ready to really get into it and I've just ruined it.

**Mr. Tom Kmiec:** My train of thought is ruined now.

**Mr. Blake Richards:** The momentum was there, but I'm sure he'll get it back.

Mr. Chair, yesterday we tried four times to have these meetings that are supposed to be about accountability in the open, so that we can be accountable to people for what's being said and done here, and particularly so the government can be accountable.

I want to make another attempt. They have had a chance to sleep on it, and I hope they may have had a thought—

**The Chair:** There were thoughts again this morning when you weren't here.

**Mr. Blake Richards:** Oh, so this is now the sixth attempt to try to televise the meetings. I assume the Liberal MPs denied it again this morning, then.

**An hon. member:** Yes.

**Mr. Blake Richards:** Okay. I have something here that they should hear and might find helpful. Maybe they would choose to reconsider. This is from the procedure and House affairs committee—this committee—from the first session of the 39th Parliament, in its 40th report:

I'm going to read a small section of it, Mr. Chair, if I may. It begins with "As has been stated in previous reports...", so this isn't the first time this has been issued in a report of PROC, but it's one time that it has, so I'll read it:

As has been stated in previous reports, it is important that Canadians be able to see more of the work on committees and of Members, and that the televising of committees is an integral part of making Parliament more accessible and transparent to the public. The original objectives were to provide Canadians with a fuller picture of Parliament, to give them an opportunity to see MPs at work and to see what committees are doing, and to promote coverage of less high-profile hearings and committees, including those of particular interest to certain regions or interest groups. It remains our hope that the electronic media will take advantage of this opportunity to enhance coverage of the work of parliamentary committees.

It would seem that the existing guidelines are appropriate and that they have proved successful in providing the necessary framework for transparent access to, as well as a better understanding of, the work of the House of Commons and its committees.

It then goes on to make some recommendations about broadcasting and televising of committee meetings, but the important point here, Mr. Chair, is the statement that

...it is important that Canadians be able to see more of the work on committees and of Members, and that the televising of committees is an integral part of making Parliament more accessible and transparent to the public.

Now, we've seen on many occasions—yesterday's budget is of course another example of it—that this government's words say one thing and their actions say another. Certainly, the example that comes to mind for me is from yesterday's budget. There are a couple of them. The deficits were going to be small, at \$10 billion. We can argue about whether \$10 billion is small, but that was what they claimed. Of course, now we see that the deficit is in the neighbourhood of \$25 billion to \$30 billion. Also, they were going lower taxes on the middle class. Well, we see all kinds of tax increases.

That's just an example, and this is another example. They promised that they were going to be an open and transparent government. What I've read out there is exactly about that: the televising of these committee hearings. According to this committee in the 39th Parliament, and in parliaments before it as well, it would make "Parliament more accessible and transparent to the public".

For them to deny that ability is to say that they don't want to be open and transparent to the public. Obviously, this motion itself is an example of the government trying not to be open and transparent and accountable, and so is this about televising. It's really troublesome. I hope that maybe these words will have meant something to the Liberal members on this committee and that they'll choose to allow these meetings to be televised so that Canadians can view them for themselves.

I would ask once again, for the sixth time, Mr. Chair, for unanimous consent.

**The Chair:** Is there?

**An hon. member:** No.

**Mr. Blake Richards:** It's unfortunate that for the sixth time Liberal members are denying that unanimous consent. It's quite unfortunate.

**The Chair:** Do you have a point of order, Mr. McCauley?

**Mr. Kelly McCauley (Edmonton West, CPC):** Perhaps my colleague could repeat all of that for the benefit of our fellow members across the way, who I do not think were actually listening to his proposal. It's a very serious issue about transparency. If it has come up this many times, I think maybe it should be repeated so that members across the way could actually listen and participate in this, rather than having side conversations and showing disrespect for the whole process, not only for transparency, but also because it's something this important that has come up six times now in a short period.

**Mr. Blake Richards:** It is unfortunate. I agree with my colleague that the members were choosing not to listen to those very important words. I can assure the committee that maybe after those members have had a chance to think about it, I'll give them another opportunity to have those words sink in.

**The Chair:** Thank you.

Mr. Kmiec. Oh, sorry.

Mr. Simms.

**Mr. Scott Simms:** We're still on this point of order. Is that correct?

**The Chair:** On the televising?

**Mr. Scott Simms:** Yes.

**The Chair:** Well, we didn't have unanimous consent. You can start it again.

**Mr. Scott Simms:** I can start it again.

**Mr. Blake Richards:** Unfortunately, the members on your side chose to deny unanimous consent. Hopefully, maybe you'll have something that you can say that will convince them to change their opinion. I really hope so. You seemed to be in favour of it last night yourself.

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

**Mr. Blake Richards:** Maybe some of the other members on your side will listen to you.

**Mr. Scott Simms:** I'm beginning to think that I should ask Blake to write my householder, because that's...

I have a question and then I have a comment.

It has been the past practice of this committee, notwithstanding the current Standing Orders, that if we achieve unanimous consent, we could make an intervention that you would cede the floor for not a long period of time but a limited period of time, to discuss the subject matter. If we were televised, would we still have that opportunity?

**Mr. Blake Richards:** Are you asking me the question, Mr. Simms?

**Mr. Scott Simms:** Yes, I guess I'm asking a question.

**Mr. Blake Richards:** Well, obviously, it isn't for me to make that determination. It's up to the chair, but I personally can't see why not.

**Mr. Scott Simms:** I look to Mr. Christopherson.

**Mr. David Christopherson:** We can get complicated and go in camera and things, but Mr. Richards and I have made ourselves available to you, Mr. Simms, 24-7 through this whole process. We've had a number of pull-asides to talk about how we might accommodate things. I remain offering that. I'm so confident that I'll even say Mr. Richards and I continue to make ourselves available. If there's any discussion you want to have about anything that gets us further along the process rather than this inane debate about filibustering, we're open for it.

I do not see how being in public would negate our ability to have any kind of offline discussion that we need to in order to come to an agreement to further the interests of the committee.

**Mr. Scott Simms:** I guess, Mr. Christopherson.... I appreciate that, we have been doing that, and—

**Mr. David Christopherson:** Yes, we have.



**Mr. Scott Simms:** —I hope that continues.

**Mr. David Christopherson:** It will.

**Mr. Scott Simms:** I guess what I'm asking about, though, is more about the online than the offline.

It's mostly me, but all of our other members have received the ability to interject if unanimous consent is granted to us to do that. I know that's not standard.

**Mr. David Christopherson:** Are you asking if that would continue?

**Mr. Scott Simms:** Yes.

**Mr. David Christopherson:** Certainly. It's in the interests of the committee and we've said that we're willing to do anything we can positively to try to move this along. We're no happier being here than you are, but we have no choice.

**Mr. Scott Simms:** Okay, and—

**Mr. David Christopherson:** Remember: you started this fight, not us. Anyway, go ahead.

**Mr. Scott Simms:** Right, and to that extent I'll take responsibility for what I'm about to say, which is that I see that we have agreement that we could proceed in that fashion if we're given unanimous consent to get the floor if we so desire.

**Mr. David Christopherson:** As we've been doing...?

• (6055)

**Mr. Scott Simms:** Yes, as we've been doing.

**Mr. David Christopherson:** I think we would continue the same respect—

**Mr. Scott Simms:** Okay.

**Mr. David Christopherson:** —that we've been showing each other and the ability to say, hey, can I talk...? Yes.

**Mr. Scott Simms:** I'm sorry if I'm belabouring the point.

**Mr. David Christopherson:** No, no. Time is the one thing we have lots of.

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

**Mr. Scott Simms:** Yes, as we've demonstrated.

Mr. Chair, I'd like to move that following question period today we ask the appropriate staff, ASAP, to set up that we are televised.

**The Chair:** After...?

**Mr. David Christopherson:** Hey, what do you know? [*Inaudible* —*Editor*]

**Mr. Blake Richards:** On that point, Mr. Chair, I'm flabbergasted. That's appreciated. Because it's being asked by a government member, maybe the government members will change their tune here. If that's the case, that would be wonderful.

**Mr. David Christopherson:** I would hope, and if they want to divide, that's helpful too.

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

**Mr. David Christopherson:** It saves us the trouble.

**Mr. Arnold Chan:** Committees are masters of their own destiny.

**Mr. David Christopherson:** We have a motion, Chair. Let's hustle.

**The Chair:** On this motion, we have a point of order by Mr. Kmiec, and then Mr. Chan.

**Mr. Arnold Chan:** No, I don't.

**Mr. Tom Kmiec:** I have no problems with the way it's proposed as long as the unanimous consent is sought at the time that it's wanted, that it doesn't form part of the motion that whenever it's requested on the government caucus side to cede some speaking time.... Two, on televising or not televising, I hope that thus far the reasons we're not televising is that my face is not good enough for television. It's only good for print—

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

**Mr. Tom Kmiec:** It's only good for radio.

**Mr. Scott Simms:** It's precisely the opposite.

Yes, like I said, that's the only thing we would ask for in return: that we be able to get the...and again, I say this in complete sincerity that we will not hog the time or rag the puck, as the expression goes, when doing so, as we've done in the past.

**Mr. David Christopherson:** If I may say so, Chair, I think that's the key thing. It's in the past. A lot of these kinds of things are based on goodwill and respect. We do know what we're talking about, and it would be very obvious to everyone if we didn't allow that kind of continuing co-operation. You'd be right to call us on it and make us look bad, because we are giving you the assurance that the same process that we entertain, the fairness....

I agree with my friend. It is important, because every time we did it in the past, Mr. Simms, it was precluded with you respectfully asking unanimous consent that we invoke that little mechanism—whatever we're calling it—we have to further our discussions. You have certainly my personal assurance that exactly that same respect and latitude would be afforded whether we're in public, private, down the hall, or whatever.

**The Chair:** We have a motion. Is there discussion on the motion?

Mr. Graham.

**Mr. David de Burgh Graham:** Thank you, Chair.

I would hope that we see the irony of the conversation we're having in terms of refusing to have the unanimous consent in this motion. I just wanted to put that out there.

**An hon. member:** Pardon?

**Mr. David de Burgh Graham:** Well, he said that he doesn't want the motion to be amended to say to require this, because we want to go on the basis of the agreement.

That's the whole discussion we've been having here for the last three days. I think we can pass the basic motion, without your amendment, on the same basis. That's all I want to say on that.

**Mr. David Christopherson:** It must be how long I've been sitting here. You've confused me.

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

**Mr. David de Burgh Graham:** Well, I just heard Mr. Kmiec.... My point is that you just said a moment ago that you would not want this motion to be amended to require unanimous consent for us to take the floor at any time.

**Mr. Tom Kmiec:** It should be automatic. I'm not proposing an amendment to the motion. I'm just saying that we should not say or mean to say that whenever it's automatically done, such as.... Mr. Simms could at any time seek the floor and he already has unanimous consent, because if the speaker is making a point, I think the speaker should be allowed to finish making that point, to complete it, so as not to lose the spot in their speaking notes, if they have any, and then be forced to restart from the beginning. I don't think anybody would enjoy that.

**Mr. David Christopherson:** If it required unanimous consent, you as the speaker could immediately say you don't give it because you want to finish that thought.

We always maintain—and we'll use you as an example—that when you have the floor, no matter how far afield we get with our little side deals, discussions, set-asides, and everything else, at the end of the day you always have the right to say to the chair, “I have the floor and I want it back right now.”

**Mr. David de Burgh Graham:** The irony is that you're asking for us not to do exactly what you're trying to do with the amendment to the main motion.

**Mr. Tom Kmiec:** It's not the same thing, though.

**Mr. Blake Richards:** Mr. Graham still has me confused. I certainly hope that what he is saying—

**Mr. David de Burgh Graham:** Well, I—

**Mr. Blake Richards:** —is not sort of preconditioning to excuse himself to continue to deny consent to televise and to have this meeting be accountable to Canadians. I hope that's not what he's doing here. If it's something else, then I guess we're all confused about his point, but if it is to try to deny that accountability to Canadians, I hope he'll think twice.

**Mr. David de Burgh Graham:** I'm quite happy to go on camera. I just want to make sure we have very clear rules once we get there, which is that when we want the floor in this discussion, we get it.

**Mr. Blake Richards:** I think we're already there except for—

**Mr. David de Burgh Graham:** But the problem and the irony that I see is that you're telling us you would not want that in writing because we want to go on the basis of trust, and that's what we're saying on the original motion that Mr. Simms moved three days ago.

**An hon. member:** No—

**Mr. Blake Richards:** I think what Mr. Kmiec is saying is that we'll follow the rules we've been following all along, which is standard procedure. I don't know what else you could possibly do. Of course, the speaker who has the floor always has the right to finish their point or whatever, and if unanimous consent is sought, of course a member has that right to deny it.

We can't speak for what someone might or might not do in the future. All we're saying is that we would intend to conduct ourselves the way we've conducted ourselves all along. The same rules have

always applied. It seems to be what Mr. Simms is seeking. I'm unsure of your point here.

**Mr. David de Burgh Graham:** My point is that you want us to proceed on trust, and I'm asking for the same thing. That's all.

**Ms. Filomena Tassi:** Yes.

If I may, I'll add to that. I don't think it's—what term would I use?—courteous to challenge Mr. Graham's point. I think he's making a legitimate point. Situations might come up that haven't come up in the past, where someone takes the floor and the other side.... So far, it hasn't arisen, but it could arise that someone takes the floor, they stand, and the other side then would challenge and take the floor back. That hasn't happened, so we want to make sure, if we move forward in this way, that the person who is asking to speak will be extended the courtesy that has taken place thus far and will not be cut off prematurely. That's the courtesy that we're asking for in this.

With respect to Mr. Graham's point about Mr. Kmiec's intervention, Mr. Richards, I disagree with what you're saying, because if it was as is, then Mr. Kmiec wouldn't have made the intervention that he just made. He is asking us to go on trust, as Mr. Graham is pointing out. If you can't follow that logic or you don't agree with it, it's one thing, but to say that logic doesn't exist is another.

Mr. Graham is right in what he is presenting and saying, and I want to go on record as supporting that. We can disagree with the logic, but the point he's making is an absolutely accurate point.

Thank you.

**Mr. David Christopherson:** I can't agree or disagree, because I didn't understand what he said.

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

**Mr. David Christopherson:** I can't agree or disagree, which is not the point. David usually has very insightful comments. I guess that's why we're focused on it a little. I normally do understand, and they're usually original ideas and well worth considering.

I appreciate where my friend Filomena Tassi is going, but I want to come right back to what Mr. Simms was asking. What he wanted to do was ensure that we weren't going to harden up our lines of interaction between each other and that the process that we've been offering each other, which is to respectfully ask to just comment on a few things that were said or that sort of thing.... Mr. Simms was seeking the assurance that we would continue that respectful courtesy to each other.

Mr. Richards and I are indicating on behalf of our respective caucus that, yes, we would continue to act in the same fashion and show that discretion and that respect, but recognizing that my friend had just asked to be 100% assured that it didn't mean—which it didn't before—that if one of us is talking all of a sudden the government has the right to just stop us and take the floor away. While Mr. Graham was seeking a refinement, I think that Mr. Kmiec was seeking to do the same thing.

To come back to the point, Scott, yes, on the courtesy we've been showing, our intent is to show that, and we would expect you to call us on it if we don't.

**Mr. Scott Simms:** Thank you.

**Ms. Filomena Tassi:** Can we get the same assurance from Mr. Richards?

**Mr. Blake Richards:** Yes. Obviously, we've been indicating from the beginning that the idea here is that we would try to work together, as we have been doing the whole time, and if there are points that someone has to make, many of us have given that opportunity, but I would agree that the point Mr. Kmiec was trying to make was that you can't allow for the ability of someone to choose to interrupt someone whenever they want.

There's common courtesy that could apply here, and obviously, to ask for the consent of the person speaking, which is what has been occurring all along, is reasonable. For someone to expect that there be this automatic right for someone to choose to usurp someone's ability to have the floor would be unreasonable. All we're saying here is, yes, we'll continue to conduct ourselves as we have, as the members of my party have.

I don't know if it was asked when you were speaking, Mr. Christopherson, but several members of my party have offered the floor to government members to make some points, out of reasonableness, and that's what we're trying to seek here. All we're seeking in our amendment is for the government to do the same in return when we talk about what the substance of the matter is. Clearly, that's the principle we continue to want to abide by, so you have my assurance of that.

**The Chair:** Ms. Tassi.

**Ms. Filomena Tassi:** Just to clarify and succinctly say it: that permission will not be unreasonably withheld.

**Mr. David Christopherson:** That is correct, as we've been doing thus far.

**The Chair:** Does anyone else want to speak on this?

**Mr. Scott Simms:** No, as just a friendly suggestion—

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

**The Chair:** Okay.

**Mr. Scott Simms:** I think I've built a bookshelf shorter than this debate that took place.... I'm sorry. I didn't mean to be facetious, but yes, do vote.

**The Chair:** Okay. Is there unanimous consent to televise, this afternoon after question period?

**An hon. member:** After the votes.

**The Chair:** I'm sorry—after the votes.

**Some hon. members:** Agreed.

**The Chair:** Okay.

**Mr. David de Burgh Graham:** You'll keep us in Centre Block, will you?

**The Chair:** Yes, we're probably going to be upstairs, but in Centre Block.

**Mr. Kelly McCauley:** Okay. Is that a motion or is this...?

**Mr. David de Burgh Graham:** No. I'm just saying....

**Mr. David Christopherson:** It's one where we do have unanimity.

**The Chair:** Okay. That's agreed.

We'll try again [*Inaudible—Editor*] Mr. Kmiec for his—

**Mr. Tom Kmiec:** Continuation of this debate.

**The Chair:**—continuation of his exciting speech on the amendment to Mr. Simms' motion.

**Mr. Tom Kmiec:** Because we have Mr. Housefather here and he knows of my great love for Yiddish proverbs, I have this: "Before you utter a word you are the master. After words you are a fool."

I hope I haven't been a fool so far and that I have made a substantive contribution to the debate with the research I have used to demonstrate that we do have an opportunity to find common ground and to have the amendment to the motion pass. It's based on a substantive reasoning that we should do it where we unanimously agree on changes to the Standing Orders as they may come.

Now what I want to do is refer to an article that deals with time allocation in the House of Commons, "Silencing Parliamentary Democracy or Effective Time Management? Time Allocation in the House of Commons", which I think is to the point of efficiency that's in the government's "Reforming the Standing Orders of the House of Commons" document. Efficiency keeps being brought up in this document as the reason for the motion Mr. Simms tabled and the amendment that was thereafter moved.

This article is written by Yves Yvon J. Pelletier, who was a parliamentary intern from 1999 to 2000. It's based on his research essay, which was awarded the Alf Hales prize as the best paper submitted by the 1999-2000 interns. I have gone through this article, and I made a few notes to myself, because it deals substantively with what we are dealing with here today, which is the role of members of Parliament and the Standing Orders of the House and how they enable us to have the rights and privileges we enjoy to do the work of parliamentarians.

Our privileges as members don't come from the Standing Orders. The Standing Orders don't grant us those privileges. We have those from our traditions and our customs. Some of them are written into statute, and some of them simply are practice. As I mentioned before, we come to learn about them mostly from the more experienced members of Parliament, who tell us about decorum in the House, whether or not we can wear ties in the House, and when we can be recognized to speak by the Speaker or the person in the Speaker's chair.

In this article, he mentions that the changes to the Standing Orders of the House of Commons have limited the opportunities of private members to influence the final wording of government bills. This has happened over time. Successive parliamentary procedural changes have made it a priority of the government and of the majority of the members. They have limited the ability of private members to influence the final wording of government bills. That has given the government some certainty about what the final product will look like once it goes to the Senate.

There has always been a need to balance the right to speak for an appropriate length of time and Parliament's right to reach decisions. It's Parliament's right to reach a decision, not the government's right to reach a decision. Government should have no expectation that there is an end date to the debate. Only once each member has spoken in the House, if he or she chooses to speak on a particular amendment or subamendment or piece of legislation, could we then say that Parliament has reached a point of making a decision. We know this. The Speaker rises, goes through the yeas and nays, and then we have the request: is it on division?

Maybe I'll segue just for a moment. "On division", the two most beautiful words in parliamentary procedure, which we should use much more often than we do right now, are when we stand by for a recorded vote. On division at committee is the reason we're able to process amendments so much faster than we would if we had recorded votes for everything. On division is the reason we are able to go through a witness list at committee so much faster than if we went through a recorded vote. You could request a recorded vote on all those things and grind a committee to a halt. Sometimes the opposition may do that, if none of their witnesses have been accepted, in which case there is a valid reason to obstruct a committee solely to prove a point that you should compromise, cooperate, and at least show good faith toward the other political caucus at the table to reach a compromise and move forward.

You can build trust over time, or you might find situations where persons at the table are willing to forgo a particular witness or an amendment or whatever reason they have found for obstructing. "On division" are the two most beautiful words in parliamentary language.

I'll mention, too, as part of this segue, Bill S-201, the anti-discrimination bill. I was mentioning this to Mr. Graham. When the votes happen, we all get to count the votes and see who voted how, and it's part of the pageantry of the House. After having lost two votes, the executive members—the executive council, the cabinet ministers—rose to request a recorded vote after it was plainly evident that they had lost the voice vote. I was scratching my head the first time they did it, because I didn't quite understand the political reasoning for doing it. When they did it a second time, I thought to myself that I must have dozed off and missed something, because it was very confusing. They consumed another 10 minutes of time in the House, when there was no need for it.

This is about policing ourselves. The efficiency of the House was not hurt by parliamentarians. It was actually hurt by the executive. We could have been more efficient in managing our time if the executive team, the parliamentarians who also serve on the executive council or are members of the cabinet, had simply not risen and had accepted it "on division", those two beautiful words.

We could pass, perhaps, this amendment to the main motion on division, and it would be beautiful, as long as it was accepted and passed on the yea side, not on the negative side.

I wanted to mention that the right to reach a decision is a right of Parliament, not the right of the government. They should never expect that Parliament will pass their legislation in the shape or form that they present it and table it before the House.

Now, the legislative role of MPs has declined as a result of time allocation. We know this. We've all experienced it. We've complained about it. A certain political party and caucus on the other side made a lot of hay out of it politically, and it was very successful for them.

When I reach the end of these notes, you'll realize I'll mention the government of Prime Minister Chrétien and will compare it to Mr. Mulroney's when time allocation was used, and it won't be as positive comparison for the members of the government caucus.

Prime ministers take advantage of the loyalty and inexperience of their members. I make this as an opinion statement, but it's also repeated in this article, which goes on to say that prime ministers use "...persuasion skills to limit, if not silence, their opposition to government measures on the public stage."

Although I can see in the government caucus there are a lot of independent thinkers, which I appreciate very much, I hope they see on our side a lot of independent thinkers as well.

I voted with you, Mr. Chair, on your private member's bill, which I thought was an excellent idea. I know we had a side conversation about it. I was in the minority in my party. I was happy to do that because the idea, the policy goal, was the right one. That's what I thought at the time, and I expressed to my caucus colleagues and to my supporters that I would be doing that.

The Prime Minister and the executive team have a lot of tools they can use in order to limit the ability of the government caucus to express itself.

Maybe this is a good time to mention the free votes concept. We've all heard about free votes, that we should have more free votes. I have a lot of constituents come to me and tell me we should have more free votes.

We have free votes. Every vote is free, even the ones at committee, but all votes have consequences.

**An hon. member:** Hear, hear!

**Mr. Tom Kmiec:** As long as you can bear the consequences of your decisions, then you are free. If you can't, that's when you are not free. If you remember before we suspended, I mentioned that freedom is the right to be wrong, not the right to do wrong. We should never do wrong with how we vote, and what we vote for, just like on this amendment.

This amendment will help us avoid doing wrong. I think the members here, the members of the government caucus, as well as the members of the opposition parties represented at the table, have that ability to vote freely, and we will accept the consequences of those votes. I will. I'll vote my conscience on this if I am substituted in for the vote of this committee.

There is an idea that Canadian MPs are not elected to govern, but to ensure those who do are held accountable for their decisions. When we elect members of Parliament, when our constituents, our voters, go to the polls, although there is a lot of confusion about this, and a lot of people say they're electing the government, the prime minister, that's what they're voting for. It's a very presidential focus. It's come over time in Canada. It's Americanized our system further a great deal. Part of it is also the medium that we communicate with, such as television and social media. It makes it more about the person, the personality, than it does about the system and how we reach decisions.

We are not elected to govern, that's true. The executive council governs. That's why they have orders of the day and government business. They get to decide government business. They set the agenda, and we on the opposition side respond. But the government caucus responds too to the agenda of the day. Obviously, you are much closer and have a bit more intuition, maybe psychic knowledge, over what the government will decide to do, and we accept that.

The introduction of time allocation was an example of the executive's desire to maintain control over the legislative process of the House of Commons. This was granted back in 1969, to my knowledge, if I'm not getting the year incorrect. I have a quote here from 1956 preceding this.

Progressive Conservative Member of Parliament Donald Fleming said "the Canadian House of Commons has been gagged and fettered in this debate by a despotic government". Speaking of the government, he said:

...you are jeopardizing the institutions that have proven themselves the bastions of democratic freedom, and destroying the rights of the minority in the house...This strategem was not given birth in any democratic mentality.

This was in response to St. Laurent's government imposing closure at each stage of a bill on public funding for a pipeline partly owned by American interests. The bill was passed in less than 15 days as a result. I bring it up because I'm from Alberta. We have a great love of pipelines in all forms and shapes, especially when they help our fellow Albertans get jobs.

I raise that as an issue because at the time they used time allocation—closure specifically, the proceeding name—in order to meet the government's agenda and their need for efficiency. Those rules still exist today in a slightly different format.

What has changed from 1956, when you could pass a bill in 15 days, to today, when we can't have at least 15 days of debate when members would like to rise and speak to a bill? I acknowledge that there are more members today, so there are more opportunities to speak to government business, but we all come here as generalists on parliamentary procedure and parliamentary policy, and then we specialize through the committee work we do.

We should not, though, give up the opportunity to speak on things we may know a little bit less about in the House of Commons outside of our area of specialization that our caucuses have asked us to undertake. I'm worried that this motion, without the very reasoned and reasonable amendment, may result in taking away the opportunity at committee to do just that, to avoid a situation where you could in the name of efficiency pass a piece of government

legislation extremely quickly, perhaps without enough deliberative debate like we're having now, and without an opportunity to consider the clauses in the bill and the contents of the bill.

The member of Parliament in question, Donald Fleming, was probably excessive. Hyperbole is something our profession is known for. I always joke with my constituents that it's the 99% who ruin it for the 1% of us. It's true that we sometimes resort to language that might be considered hysterical. All sides do it. All sides have done it. We're supposed to police ourselves, just like members of the public who are working for a corporation or a professional organization, wherever that is, police themselves.

When I worked in human resources, there was always a question of difficult employees that a company or an organization might have. The number one thing they would tell them first, after seeing them, was "police yourself." Self-censorship is not a vice, it's a virtue. It means you have learned a couple of lessons. It's when a government tries to censor you that it's a vice from the government side, but self-censorship, the knowledge not to be rude, not to be obnoxious, not to be a jerk, is a virtue that should be practised far more in public.

If they limit our debate at committee—they limit us already in the House in terms of how long we can speak—those opportunities to gain the experience and the judgment to practise this virtue and gain it are limited.

There would be far more opportunities for members of the opposition. Perhaps free-thinking members of the government caucus will then choose to go to the media, and maybe post something on social media they should not post, make a comment they should not make, or disparage a member they should not disparage.

I would like to take you back to the article here and to get a bit into the more technical reforms that happened in June 1969.

Between 1964 and 1969, the procedural committees examined "modernization". This is the term used by the author, not my favourite term. It says:

...in the absence of a unanimous decision, they all agreed that the Standing Orders of the House of Commons could not be amended without unanimous consent. In June 1969

—that was the reform—

...Standing order 75A would permit the allocation of a specified period of time, when "there is agreement among the representatives of all parties"; Standing Order 75B would apply when "a majority of the representatives of several parties have come to an agreement in respect of a proposed allotment of days or hours"; and Standing Order 75C...would permit "[when no] agreement could be reached under the provisions of Standing Order 75A or 75B (...), that a minister of the Crown [may] propose a motion for allotting time".

You can see how it goes. First, we talk amongst everybody. Can we seek some type of agreement? If we can't, you've already failed. At that point the House leadership has failed.

They then move on to the next one. Can we find an opportunity for several of the parties to come together and find a compromise? Is there sufficient trust maintained to still reach some type of agreement? Perhaps not everybody gets what they want. Perhaps it's something between the initial position of the government caucus and something the opposition parties wanted, or perhaps an independent member did not give consent.

The final point is that the minister of the crown comes in and simply demands that a certain time be allotted.

At the time, the opposition described these amendments as “the will of the government only”, and it was a previous Liberal government, led by Mr. Pierre Elliott Trudeau, that invoked closure on this debate.

I've quoted Diefenbaker substantially, so I want to give Conservative leader Robert Stanfield a chance here. Mr. Stanfield said:

The use of closure to force through rule changes, which are opposed by every member of the opposition, is of course an aggravation, and the use of this method of forcing through rules is so completely foreign to the traditions of this House as to constitute a breach of privilege.... [W]e are in a very sorry state indeed in so far as democracy and freedom are concerned.

This article deals with how we pass changes to the Standing Orders, which is the motion and the amendment to the motion. The article says:

...the opposition [parties] argued as one that parliamentary procedure should give all parties equal privilege in a limited debate and that amendments to Standing Orders should be based on a consensus.

You could almost exchange “unanimously agreed” with “consensus”. That's the idea behind it, if you have to put terminology in —“consensus”. This place runs on consensus built through trust.

Ironically, the time allocation [motion] was passed only through the use of closure, the very rule it was...suppose[d] to lighten.

After the House leadership had failed twice to reach a compromise —this is the last one—“the opposition described the use of... Standing Order 75C as anti democratic”. The article goes on:

...the government had promised that, despite the imposition of closure to ensure the passage of the time allocation rule, this measure would never be implemented.

They said one thing at the time, promised one thing, and subsequently did not follow through on it. I've quoted Diefenbaker enough, so I want to give Mr. Stanfield a chance. Stanfield called the use of Standing Order 75C a tactic “to save the political face of the Prime Minister and the Minister of Finance”.

My personal opinion—not the opinion of my caucus or anybody else—is that this motion, without the amendment, is a tactic, a stratagem, to attempt to save the political face of your House leader, just as it was in Stanfield's day. That is what I, not my caucus, personally believe. It's just a personal opinion, and I'm expressing it.

With the amendment, I think we can actually achieve the goal that may exist amongst some.

At the time, “[t]he opposition feared that 'If, some day, Canada should live under a government with more pronounced dictatorial ideas’—I don't like using that term in this House—“then, our parliamentary system might be ruined'.”

Efficiency comes to mind. The word “efficiency” means different things to different people. I've mentioned this before, but I truly believe that in the context of this reform package produced by the government, the reform of the Standing Orders of the House of Commons, what it actually means is “faster”—faster, faster, faster.

At the time,

...it was argued that, if this motion meant the slow but gradual decay of Parliament, “the Commons will no longer represent a forum for public debate but

will flounder and disintegrate as an anachronistic tower of Babel, scorned by the Canadian people”.

All opposition parties “considered this initial use of time allocation to be closure and compared it to a guillotine or imposition by force.” The timelines proposed in the motion, without having the amendment, are essentially the same thing. By process—and Mr. Genus mentioned this—you can achieve a lot of your goals anyway. You could limit debate just by rushing this report through.

I also mentioned the Standing Committee on Foreign Affairs, which I serve on as a permanent member. Mr. Michael Levitt, who was here yesterday, serves with me on that committee. We took a year-long study to review a piece of government legislation. It was a mandatory review. We were not in a rush to provide the government with feedback and a complete report with recommendations inside. Our goal wasn't to be efficient in our time. It was to deliberate accordingly and deliver a complete and finished product to the government so it could determine whether these were recommendations it would take up.

When this report is tabled in the House, Parliament will be able to see it and then debate it, if a member so chooses, by moving a motion.

At that time, they'll be able to determine whether they want to proceed with it, but it has taken over a year. I think that's okay. Many people in the private sector would say this is really inefficient. Why does it take you a year to do something like this? It's because we deliberate. Our goal is not to produce a final....

Like, I'm not going to go back to my constituency and be able to tell them, listen, in my four years in the House of Commons, on your behalf, I produced 20 government reports with recommendations in them, 20 reports of Parliament. Nobody will give me a gold star for 21, or penalize me for 19. They will probably say they've never heard of a single one of them. But I know that there's a public servant somewhere in those departments whose responsibility it is to review the reports and see whether there's anything valuable that should be implemented. They can look at the contact information, potentially, for witnesses. They can review the witness list that was provided and discuss with those individuals how they can implement the recommendations provided to the government.

I'm an Albertan, and the national energy program in 1981 is an example of controversial bills passed more quickly, more efficiently, as a result of time allocation. We all know how deep an impact it had on Alberta, and on Alberta's political culture as well. Alberta has two political cultures, one in the north and one in the south. I'd refer you to the early 1970s. There's a great article written by Tom Flanagan describing these two political cultures. If you look at a political map of Alberta, you will see that in the voting patterns of Albertans.

The national energy program had a deep, lasting impact on the political culture of Alberta and the political fate of many Liberals and many Conservatives. It was passed with time allocation, efficiently moved through the House. The president of the Privy Council in 1971 promised that no precedent would be created by the initial use of time allocation, which turned out to be totally false. Again, in this article, “Silencing Parliamentary Democracy or Effective Time Management? Time Allocation in the House of Commons”, by Mr. Pelletier. It's in the *Canadian Parliamentary Review*, winter 2000-01 edition.

Prime Minister Chrétien promised to govern without guillotining the opposition. “Guillotining” is the terminology from the article. This promise was broken barely two months after the start of the first session of the 35th Parliament, on a bill to change electoral boundaries. His government then also limited debate on gun control, constitutional protections for the LGBT community, and “imposed Standing Order 75c”, which is when, as I mentioned, the House leadership failed to reach an agreement by consensus 20 times.

The acting leader of the Canadian Alliance at the time, a great, great Albertan, Deborah Grey, spoke for over three hours on May 16, 2000, about the Chrétien government's lack of respect for the primacy of the House of Commons. She argued that the government's use of time allocation was to simply brush issues out of the way in the name of efficiency. In six years the Chrétien government used time allocation as much as the Mulroney government did in nine years. This is common to the government side, to refer to the previous Conservative government's use of time allocation.

Every government has started off with the best of intentions and eventually used time allocation more and more often as their term has gone on in Parliament. Typically, it's because they ram through their agenda, as opposed to trying to seek conciliation of some sort and build trust with the opposition parties. There will be times when we can't agree, and there will be times when we have to disagree and the government executive will have to use time allocation.

We will hum and we will haw, but I hope we've been pretty measured in our comments, when we have risen in those 30 minutes of debate, not to accuse you hysterically of shutting down democracy too many times.

**Mr. Scott Simms:** That's a good caveat.

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

**Mr. Tom Kmiec:** I've watched enough *Yes Minister* to know that I need caveats.

**An hon. member:** You're too young for that.

**Mr. Tom Kmiec:** Oh, never too young. These things are on iPads now.

I think it's important to remember, too, that the members of the government caucus made it an issue during the political campaign in the previous election, and now the government caucus sees the same things we do. The executive has used time allocation 13 times so far.

I think Mr. Chan has a correction he'd like to make. Was that 14, or...?

**Mr. Arnold Chan:** No, no, I'm just saying that it's the tool we have, right?

**Mr. Tom Kmiec:** Right. Exactly.

There are times when we will not be able to agree. I think the government should have the right occasionally, not always.... My worry with this document is that it will become an “always”.

With regard to programming, as it is explained here, I'll get to the reason it's a bad idea. The examples used do not translate well to our House of Commons. I'm worried that it will become a permanent feature of this House and a permanent feature at the committee level. We already see it during committee of the whole: we don't actually debate directly the amendments; everything is on division, as much of the work the committee of the whole used to do is now done at the committee level.

Is it an anachronism? You could have an entire study on whether committee of the whole still serves a relevant purpose, but it should not be done within the context of this, rushed by June 2.

As Mr. Christopherson said when he was here—and I see that Mr. Donnelly has joined us—I simply don't see what the rush is to do it by June 2, with such a massive change to the way the House, Parliament, gets through its business.

To get back to the point, it's not the government's business, it's Parliament's business. They come to us for approval and we grant our approval when we so wish. The government represents the crown, after all. They're acting on behalf of the crown. We shouldn't be automatically accepting of everything they propose, even those members of the government caucus.

I had discussions with certain members on Bill C-14, and I'm sure they were kind enough to pass on my comments to the justice minister, because I saw some of what I had mentioned in private appear in the bill. I still appreciate very much that it was done.

Those types of opportunities will vanish, because we will have been programmed. Why would we then come to talk to government caucus members in the hopes of having influence over government legislation? The process is predetermined. The fate of the government bill is assured. When it gets to the Senate, who knows? They have a different way of doing things. They are more independent now—autonomous maybe. Our Senate is now turning into something more like the U.S. Senate.

For all those individuals who complain about the gridlock in the American system, just be careful: 10 or 15 years from now, Canada might have exactly the same type of problems, with senators holding up appointments, senators holding up bills, senators filibustering in the Senate for excessive amounts of time or passing huge amounts of legislation in Senate bills and then sending them to us to deal with during private members time. We will simply not have rules in place to deal with the volume, just as has happened in the U.S. system when they don't have a House leader to lead these issues through on behalf of the government because they're all independent thinkers.

I'll mention, because I have a few examples I want to use, how they changed their rules and the regrets many of them have after they change sides. Someday the government caucus will be on this side, as the opposition caucus, not as a government caucus. I don't think you just switch sides like that. But you'll be on our side.

**Mr. Arnold Chan:** You want us to cross the floor.

**Mr. Tom Kmiec:** Well, you're always welcome. It's a big family on this side. You're always welcome to join our side.

This, then, is my concern, if we proceed with this motion without this amendment. This amendment ensures that we parliamentarians protect Parliament—from ourselves, from our vices, but also to edify an institution that we've been given to steward. That's our primary role. We have a responsibility to our constituents, but we also have a responsibility to leave this place better for the next person who takes our seat in the House of Commons.

We had the Daughters of the Vote. These young ladies came. Someday some of them may sit. We're stewarding it for their generation and for the generation that comes afterwards.

I have another article that I want to refer to, again on procedures and politics. It concerns government motion 6. I know that this has been mentioned before by other speakers. I don't want to so much mention the content of it as take a couple of the ideas in this article, because it speaks to the way we do amendments to the Standing Orders and where our rights and privileges as members come from.

As I mentioned before, Standing Orders are meant to give voice to our privileges as members, they don't grant us privileges. One of our privileges is the freedom to speak. I have that opportunity now to speak and express myself.

In the House of Commons, it's not unlimited. Standing Orders constrain me. I agree to the constraint, quite obviously, because other members have the right as well to be heard.

We just had a motion that a member be heard, because they had an important point to make.

**Ms. Ruby Sahota:** Who was that?

**Mr. John Nater:** John Barlow.

**Mr. Tom Kmiec:** John Barlow, that's right; he's from a riding just south of mine—a good Albertan.

Before I speak to this article and some of its contents, again, I want to provide content and material that perhaps may be used if this motion is followed through on, hopefully with the amendment, because I think that's the best way to do it. This article helps make the case for it.

I have a quote here from Katharine Murphy. This is about the U.K. Parliament, and she refers to Australia as well. She says—

**The Chair:** Is she an MP?

**Mr. Tom Kmiec:** No, she is not. She's a pundit, or someone who has studied it. She says:

Question time in its contemporary manifestation symbolises everything that's wrong with political discussion in Australia—an exchange of manufactured sound bites and confected television “moments” signifying nothing at all. It is at once uncomfortably aggressive, spiteful and gladiatorial, and completely soporific.

I can only assume that Ms. Murphy at some point went to university, because I don't think anybody uses the word “soporific” all that often without prior extensive post-secondary education.

I think it's a good point, and question time, at times, turns into that. But never doubt the value of question period. I know that a lot of people would like to change the Standing Orders around how question period is dealt with, to improve it. Some people say it doesn't serve any purpose, but it's the only opportunity we have. How many questions do we really get in per day as the opposition? It's the only time we can have the ministers there directly to ask them questions. There are ministers who have been forced to apologize over the last hundred years, to resign. It's also an opportunity for the opposition to discover contradictions among ministers, different viewpoints, because as much as the executive and the cabinet members are obliged by cabinet solidarity to vote together, I refuse to believe they all think alike, that there's groupthink suddenly, that you get the “honourable” title in front of your name and you cease to think. I refuse to believe that happens.

There have been members of Parliament who were members of the executive, who have resigned on principle, whether we agree or disagree with it. There's a member of our caucus, the Honourable Michael Chong, who resigned on a matter of principle. I remember that because I was a staffer in this building when it happened. I think he did it for all the right reasons. I may not have agreed with it, but he did it for the right reasons. So there is no groupthink amongst the cabinet, but question period is the only time we have to really see what members of the cabinet are thinking and what the prime minister thinks, and whether what he or she says agrees with the cabinet members. It's the only opportunity we have.

I worked at the Alberta legislature for the minister of finance, where there was question period. Now, this was in Alberta during the 44-year reign of the Progressive Conservative Party of Alberta. A great many of the questions were being asked by members of the Progressive Conservative Party to their own members in what's called the softball lob. There we have a question and up to two supplementals that we do, and I would say they serve no real purpose. The model we have here is not actually all that bad.



There are some things that I would change. Again, some of this is mentioned here about changing the way we do question period. But the standing order rule for relevance and repetition is suspended during question period. So a minister can get up and repeat their line, whatever that line is. Having worked for a minister, the Minister of National Defence—again, this is my background—I participated in the building of the binder every single morning. The larger your department, the more you have to remember, and that's always the great difficulty.

**The Chair:** Is it okay if we suspend for question period, and we'll let you carry on when we finish?

**Mr. Tom Kmiec:** Sure.

**The Chair:** Okay.

We'll go to room 253-D after the vote.

As I said before, if anyone has any suggestions on our next suspensions for tonight or over the break, talk to me this afternoon.

We're suspending until 10 minutes after the vote.

- (1340) \_\_\_\_\_ (Pause) \_\_\_\_\_
- (1610)
- (6410)

**The Chair:** I call this to order again.

We're debating the amendment to Mr. Scott Simms' motion. This meeting is televised.

Mr. Kmiec had the floor before the votes, and we will return to Mr. Kmiec.

**Mr. David Christopherson:** On a point of order, I would ask for a clarification, sir. Forgive me, because I don't recall exactly, but you made a commitment to us earlier about advising when we would be suspending this evening. Are you a little closer to when that's going to be?

**The Chair:** I am not much closer, but hopefully this afternoon, because before question period I asked any of the members who had thoughts on this to come to see me. My original thought was to go pretty late, but I haven't had any feedback yet. When we have our breaks and stuff—

**Mr. David Christopherson:** When you say “really late”, like, up until midnight is late, and after that it's really early.

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

**Mr. David Christopherson:** Maybe we could just narrow it down a tad more, sir.

**The Chair:** Okay. Well, we'll go with that definition, then.

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

**Mr. David Christopherson:** That's not real helpful, and you know that.

The two times we've done it so far, I believe two nights, were at 3 o'clock and midnight. Are you in that same ballpark?

**The Chair:** Yes, or even earlier.

**Mr. David Christopherson:** Or even a little earlier? Okay. That's helpful.

**The Chair:** Okay?

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

**The Chair:** If anyone has any thoughts, let me know in the next couple of hours.

**Mr. Blake Richards:** I hate to belabour it, Mr. Chair, but we have a bit of a clarification on this evening. Probably tomorrow morning there will be people wanting to plan their morning schedule to be here or not be here at certain times. Can you give us any indication of what you think you would do in terms of recommencing, then?

**The Chair:** For tomorrow morning, what I said earlier today was that I thought we wouldn't be that late in the morning. It would be relatively early.

**Mr. David Christopherson:** Like today, give or take, Mr. Chair?

**The Chair:** No one has approached me on this, but 9:00 or 10:00. Is that okay?

**Mr. David Christopherson:** Yes.

**The Chair:** Mr. Kmiec.

**Mr. Tom Kmiec:** Thank you, Mr. Chair.

I believe when I left off, I was about to refer to an article on government motion number six. It would have been a 2016 article published on “On Procedure and Politics”, which is available through [thoughtundermined.com](http://thoughtundermined.com).

Instead, I want to refer to and begin with this article: “Evolution of the Ontario Standing Orders since 1985”, by Adam McDonald. Mr. McDonald was an Ontario legislative intern for 2004–05.

It says:

This is a revised version of a paper presented at the Annual Conference of the Canadian Political Science Association on June 4, 2005.

It goes on to say:

This author is grateful to present and former MPPs as well as to legislative staff interviewed in the preparation of this paper.

It bears some discussion here, because it talks directly about how the standing orders of the provincial Parliament in Ontario have been amended since 1985. I think it's relevant to the discussion we're having now, because we can see through this motion and the very reasonable amendment we've proposed to—

**Mr. Blake Richards:** I have a point of order, Mr. Chair.

I'm sorry to do this so quickly to you, Mr. Kmiec. I think we're making a habit of this.

Before I get to it, I would just like to acknowledge and welcome Mr. Schiefke, the Prime Minister's parliamentary secretary. It's good to finally have some representation from the Prime Minister's team here. Maybe the PMO will have some words to say through Mr. Schiefke at some point, and maybe we can try to resolve this ability that we're trying to preserve for the opposition to hold the Prime Minister accountable more than one hour a week. Maybe we'll get some comment from Mr. Schiefke on behalf of the Prime Minister at some point about that. That would sure be helpful. Maybe the Prime Minister will choose to think the better of his ability to try preventing his being held accountable by the Canadian public.

What I actually wanted to raise is this. I want to confirm that the meeting is in fact being televised.

**The Chair:** Yes.

**Mr. Blake Richards:** My colleague Mr. Nater has been looking on ParlVu, and it doesn't seem to be coming up on it. We're just a bit concerned about whether it's actually being televised, Mr. Chair.

**The Chair:** We'll have the technicians check. We announced that it was televised.

You're suggesting that we announce new members who are here, so I'll say welcome to Alistair MacGregor, John Nater, and of course Tom Kmiec. Also, we have John Aldag, who just had an exciting vote; Michel Picard; and Peter Schiefke.

Welcome to everyone who is not normally on this committee. You'll find it very interesting and will hear some very educational speeches.

Carry on while we sort out the technology.

**Mr. Tom Kmiec:** Do you want me to continue? Just let me know when it's televised.

For those members who don't know, I have a great love of Yiddish proverbs. Mr. Housefather was here earlier with us. I have one in mind now: "Words should be weighed, not counted." It applies to Mr. Genuis, who spoke before me, and obviously to Mr. Lamoureux, and I know that David appreciates it. I hope my contribution thus far to the debate has been in weighty words. I've tried to reference as much parliamentary material as I can find, demonstrating that the amendment to the motion is very much reasonable.

I think the motion as it stands without this amendment is reckless because of the damage it could do to our institutions. I've mentioned why the institution of Parliament is so important: it's because you don't get a second chance. We have no other House of Commons that we can protect or use as a back-up. If a corporation or not-for-profit business collapses because of poor management, another one will arise to take its place and undertake the service and products they were doing. The service we render to the population of Canada through Parliament is to deliberate, unlike what the Government of Canada's document says, "Reforming the Standing Orders of the House of Commons", which talks about the adversarial system that we have.

I've explained before that I think that is completely wrong. We are a deliberative body. We are not here to spit out laws at the end of the day and to produce legislation. We are here to deliberate on the matters and concerns that Canadians have shared with us through whatever medium that is.

Speaking to the article I mentioned, the article written by Mr. MacDonald, I'll just finish the citation. It's in the Autumn 2005 issue of *Canadian Parliamentary Review*. The abstract talks about the fact that Westminster-style governments and Parliaments are steeped in a "thousand year tradition", and many of the processes originate in historical fights or reactions to external events rather than as conscious decision-making over time.

I don't think anybody thought, as I've demonstrated before, that time allocation and guillotine motions and closure would be used to such an extent. In fact, in the parliamentary debates in Canada, we

have seen that initially ministers of the crown have said that, no, in fact it would be only on the off-chance that they might use it. We have seen the complete opposite on both the national energy program and on gun control, and successive governments, Liberal and Progressive Conservative, have done so, and then the Conservative governments that came after. It's not as if anybody is innocent here, and we're not laying blame on anyone. I'm just stating facts for the record.

The same applies to provincial legislatures. The one I want to talk about just a little bit, because it's germane to both the motion and the amendment, involves the way Ontario has changed the standing orders of Ontario's parliament since 1985 and the reaction to those changes, expressed both in the way members of that assembly have done their work and then in the way the government has reacted in producing legislation to move them forward.

This article really talks about Premier Peterson's activities and attempts to negotiate with opposition parties to make changes to the standing orders. In 1997 the Peterson government got a majority in the election and, according to the author, they started to act in whatever way they wanted. Of course, that judgment is subjective. In turn, the opposition parties became more disruptive.

I mentioned before the need to build trust over time, and consensus and co-operation that didn't exist in this case. Let's see where it leads in this particular case as an instructive scenario for the amendment here.

MPP Peter Kormos of the New Democratic Party accused Premier Peterson of lying to the House, a pretty serious charge even here. I have made it my mission never to accuse another member of lying, because it's a serious charge and then causes debate. I think no member purposely misleads the House or lies here, I would hope.

Mr. Kormos then refused to recant, and the Speaker named him. We know that naming used to be a pretty serious form of shaming. Nowadays, I'm not so sure. Maybe some members wear it as a badge of honour; it may be their opportunity to appear in *Hansard*. I would think not—not for me personally.

The New Democrat House leader challenged the Speaker's ruling on May 29, 1989. The opposition whip refused to join the other two whips to walk into the chamber to indicate that the MPPs were ready to vote and kept the bells running.

Then the Speaker suspended the sitting and deemed the bells to be continued as ringing until the sitting resumed on Friday, June 2, which it so happens, I believe, is the date this report would have to—

**Mr. Blake Richards:** Maybe that's why that date was chosen. We've never had it explained to us.

**Mr. Tom Kmiec:** Well, since nobody has explained to our side why it was June 2, it's quite possible, Mr. Richards. It may be for some historical allusion. I don't know. It would be interesting, almost —

**Mr. Blake Richards:** It's the first explanation I've heard, so maybe that's it.

**Mr. Tom Kmiec:** It could possibly be. The bells were left ringing for what I see here would be almost three days, and maybe four days, if my math isn't wrong, but at any rate for a long time, and I think this is our third or fourth day of debate here.

When the Speaker resumed on Friday, June 2—I'm sorry: this continued until Thursday, June 6, thereafter—the opposition had succeeded in disrupting the House for a whole week. It's not an activity that any opposition would take on lightly, I would think.

Dave Cooke, then the New Democratic House leader, accused the government of having the attitude of: "To heck"—his word did start with "h", but I've heard the Speaker tell members not to use that word in the House—"with the opposition. We'll get at the rules by imposing." Sean Conway, then the government House leader, responded to the opposition's comments on his rule changes by saying that the government would get its business done and would do so without the continuous obstruction from the opposition.

In 1990 Bob Rae became premier and Mike Harris became the leader of the opposition. This obstruction continued, obviously, and many of the same people were returning, so that lack of trust continued into the next assembly. They had lost trust in each other, could not build consensus while working together, and could not find a way to co-operate.

Harris's opposition to the premier's policies resulted in a number of tactics to delay government legislation. The opposition decided to get creative. On May 6, 1991, Mr. Harris introduced a bill whose title included every single body of water in Ontario. I'll let that sink in a bit. I'm not from Ontario, but I would assume that there would be a very large volume of names to write down. Not only did Harris, as sponsor, have to read it, but the Speaker and the Clerk had to read it, in both official languages.

[*Translation*]

They had to read it in French as well. It's interesting.

[*English*]

The opposition never would have done that if there had been an opportunity to find a way to build trust, consensus, and co-operation, which is why we're pushing this amendment to the motion. We're not saying that we're opposed to any type of change. That is not our goal. We're saying, "don't shut us down", and I'm also saying, "don't shut yourselves down". You're members of the government caucus, and working hard to join the executive, I'm sure. However, until such time as you're called upon by the Governor General to join the executive, you should be mindful of your roles as parliamentarians first and foremost. I think that's more important.

Parliamentary government assumes that the government will get its way eventually, but the opposition parties have the right to criticize and to delay business from occurring.

The New Democrats brought in some of the most restrictive changes to those standing orders; there were some that were complaints and were not so much brought in. They limited speech in debate, and time limits were introduced at that time. There was a limited amount of time for the introduction of bills, which is a direct

result of Mr. Harris's private member's bill—or the equivalent in the Ontario parliament—that he brought forward, which caused that extensive reading of all the names of bodies of water into the record. They also provided for time allocation of bills.

All of these changes prevented the possibility of the opposition taking over the legislature the way it had been for the previous two years under the New Democrats. As a result, in the wording of the author, the legislature "is much less relevant"—I wouldn't say that about the Ontario parliament—"than it was twenty years" previously. Again, this is from an article, "Evolution of the Ontario Standing Orders since 1985".

Prior to that I can't speak to the content, the standing orders that existed, and the types of changes that may or may not have been considered, but we have an example there where there are drastic rule changes as a direct result of the opposition's activities. Those were the results, and those opposition activities to obstruct and delay and to be heard were the result of the government's intransigence, inability, and unwillingness to compromise.

All we're asking for through this amendment, Mr. Chair, is compromise. It's a very reasonable amendment that would take a reckless motion and bring it more into line with what should be and must be the standard practice of this House, which is to seek consensus in this committee meeting. Of all the committees that should be able to agree, I think this committee should be the one that should find consensus as much as possible. As for what this amendment will do, it will say that we will study and we will look at the changes, but we want to unanimously agree for the report.

Then our colleagues the New Democrats and we on the Conservative side can come to some type of agreement with the members of the government caucus on what types of changes to the Standing Orders will be suggested going forward. That will elevate the quality and the opportunity of each member of Parliament to represent their constituencies, to edify Parliament, and to steward their seat for the person who comes afterwards.

As I mentioned before, we are parliamentarians first. There is no rule—I can't find anything in the Constitution—that says we must pass government legislation, except for those very few where we need to confirm the oaths of office for the members of cabinet and to pass their budget. That is our main role, along with the estimates, confirming that the government has the confidence of the House and is able to pass a spending bill, or successive spending bills in the case of supplementary estimates. Our core role is to review how the crown spends money. At committee I was told—I won't mention which member of the government caucus said this to me—that it's not as important as looking at policy issues. I agree that policy issues are very important, but looking at the main estimates and how government spends is much more important. It is our constitutional obligation.

As the official opposition, in fact Her Majesty's loyal official opposition, we don't oppose you because we consider you adversaries. As I mentioned before, you're not my enemies. You're not my adversaries. We may not be friends, but I would think that our relationship, as we build it over time, will get better. We can honourably oppose each other but also find ways to co-operate later on.

We are loyal to Her Majesty. We've taken an oath of office to fulfill our obligations. It's our obligation to oppose you, to criticize, and, when necessary, but only when necessary, to obstruct when you are being unreasonable or when we think you are being reckless. We take that responsibility seriously.

We would not obstruct endlessly, because any opposition could do that right from the start. They could just obstruct from day one and not allow anything to happen. There are many different things you could do in this House that would further delay the activities. We choose not to, because the opposition has a responsibility with all this power, just as the government, both the caucus and the members of the executive, have a great deal of responsibility.

I don't see that in "Reforming the Standing Orders of the House of Commons", this document for discussion that the government has put forward. I don't see that. My personal belief is that they're reckless, some of the changes being discussed in here, or the potential for changes without great details. That's why, to me, this amendment is so important. Moving forward, we need to know, and have faith in you as members of the government caucus, that you will not see your roles as defenders of the executive but as defenders of Parliament.

The John Diefenbaker quote I like to use, the speaking crutch he used to have, that appears in his mention in Sean O'Sullivan's book—I see the gentleman's nephew sitting just behind—was, "I love Parliament". As a speaking crutch it was incredible, but he didn't just say it, he believed it. We should all—all—believe it.

I mentioned an article at the beginning, and I want to briefly speak to it on the record. Again, it's germane to this discussion. Mr. Julian was the New Democratic House leader at the time. He no longer is. When motion six was tabled by the House leadership, he called it a "draconian motion" that breached the privileges of members of Parliament. He said that it would "put all the other members in a straitjacket and limit their rights and privileges" and would "deny MPs the right to spark debates on the crucial work" of committees. About the executive, he talked about it "attempting to set aside those rights and privileges for all MPs, other than for cabinet ministers".

That wasn't a belief of just politicians. That was also a belief of the media at the time. I'll quote Kady O'Malley here. She said that there was an attack "on the privileges of the House" and that it stripped "the opposition of their parliamentary rights".

I think to the credit of the government, they didn't proceed with implementing the motion. I don't think it was because you were convinced of the argument—by "you" I mean the members of the executive—but more so it was the public pressure. We're seeing public pressure mount on the executive, on the government caucus, to stop this, to pull the motion off the table, which would then render the amendment unnecessary, obviously.

Only with the amendment can this all go forward. It is the only way that I can foresee this working out.

I think Canadians believe that if there are changes to be made to how the opposition functions—because these changes are meant mostly for us, for the official opposition and for the third party, and for other smaller party members as well, such as the Bloc, which is not a recognized political entity in this House, and for the

independents, who serve on behalf of a political party—this would significantly change the work they do. Without unanimously agreeing to changes ahead of time, without the process by which we will come to agreement, and without agreeing to this at the very beginning, we do a disservice to ourselves as parliamentarians. We also do a disservice to Canadians and their expectations.

On this motion 6, at the time it was said that "the motion would have curtailed the ability of Members to move certain motions which they would have done largely for the purpose of delaying the progress of Government business." That's absolutely true, but the delay is also an opportunity for us to deliberate and to make a point. That's the only time we have in the House of Commons to make that point, because otherwise the government runs the business. It's the government's orders of the day; it's the government's business.

As the member of Parliament for my riding, I can't rise randomly during debate and say that I'd like to talk about the Green Line LRT. As much as I would like to, I keep those conversations on the side so that I can go to the infrastructure minister and plead the case of my constituents, who really would like to see this done and have the project funded. I've taken every single opportunity—I've found him in a lounge somewhere and on a plane—to raise this very briefly, just so he doesn't forget that it exists.

I mentioned this before, but I have a reference on parliamentary privilege that I'm going to be using here. As members, we have parliamentary privilege, but not from the Standing Orders. The Standing Orders exist to enable parliamentary privilege. I have a very brief list here of the rights, privileges, and immunities of individual members of the House, which we can categorize as the following: freedom of speech; freedom from arrest in civil actions; the exemption from jury duty; the exemption from being subpoenaed to attend court as a witness; and, freedom from obstruction, interference, intimidation and molestation. That last one is with regard to the breach of privilege that was moved last May during an unfortunate incident in the House.

Those privileges and the Standing Orders that impact them and encapsulate how they work in the House, and at committee as well, I think are really important. When the initial changes were done in 1969, and the committees became more formulated and strengthened and became the process by which we have substantive, deliberative debate, committees became the place where you could have an open debate among the different sides. You could hear all the different sides and the disagreements they had. There were legislative committees as well, to debate specific legislation, and you reviewed the main estimates, etc. Members made their points there. You had almost unlimited opportunities to debate. You could move a motion, you could move amendments, and you could debate. In the House of Commons, we were then constrained in debate, and "efficiency" was the original term used.

It's used again in this government document. Again, just for the committee's sake, it's called "Reforming the Standing Orders of the House of Commons". It's a March 2017 document, which was made public on March 10, I believe. This document talks about efficiency, which, as I've mentioned, is all about speed and speeding up the process. We've done that already, but what they're talking about in this document, and what I fear will be done through this motion without the amendment, will be that we will look at pure efficiency, at how much we produce in a day and how much we hand over to the Senate for its consideration. I think it could be doing more work, I'm sure, and I've met a lot of senators and have spoken to them about the work they do.

I actually read Senate transcripts now to get ideas on what we could look at. Even after this, when this is done, I will go back and maybe read a Senate transcript from its foreign affairs committee that my staff will find for me. They will tell me that it is important for the work I'm doing and for my interest.

If at this committee and at any other committee of the House you limit the debate of members, of parliamentarians—and of you as well, as members of the government caucus—you will find opportunities to represent your constituents reduced when you disagree with the government. Kudos to those of you who are free thinkers and have voted against the government or with the opposition parties. It happens. I've done it as well. I have voted against what the majority of my party thought was the right thing to do.

You will find those opportunities reduced, or potentially reduced. You may not be here during an entire study. You may miss specific meetings where decisions are made and a report is finalized. You may not like the final product.

We're saying let's get it right from the beginning. Let's make sure that the tools by which this review will be done, that the format by which it will be done, are the right ones. Let's get off on the right foot.

When I helped the volunteer policy committees at the chamber of commerce sharpen their focus on some very specific issues that the membership there wanted to treat, we brought it through and created a new committee called the policy advisory council. We went through consultations with every single group to make sure they understood what this would mean. This new council would basically not so much direct the work they were doing but choose from the areas they thought were important and then bring it back up to the board of directors there to make sure that these were issues of immediate concern to the broader membership of the chamber.

That's a good model for the chamber. It's a consensus model. It's a model built on trust, in which staff members and members of the executive on the staff of the chamber serve as go-betweens to inform members. What I see in this document here, though, is an attempt by the government to dictate to parliamentarians what you shall consider and what you shall not. By omission, you can say what not to consider.

I've said from the very beginning that this is so broad, that there are so many substantive things to discuss, you could break this down into several studies. It could take two or three years, potentially

beyond the next Parliament, for a new group of parliamentarians to consider whether this is something they truly want to implement.

Again, I would look toward the veteran members, the more experienced members who understand the traditions and customs of this place, who are in a lot of ways mentors to those of us who are new and who are rookies. Although we can understand the Standing Orders, we can read them and comprehend them....

Mr. Nater has probably memorized all of them. There are pictures of his kids memorizing the Standing Orders of the House. I'm sure that's their bedtime reading too.

We understand the Standing Orders in the way that you can read a book and understand what you've read, but to really comprehend them, you have to experience them. That experiential learning is not something that any new parliamentarian can just do with a flick of their fingers, a flick of a switch. At times I have depended on the committee chairs to explain the rules to me. I make a point of clarification. I ask questions. As I mentioned, Tom Lukiwski is the chair of one of the other committees. He has explained to me how to be a good parliamentarian in committee. It's different from in the House, and I think that is important to remember.

Will those disappear in this model? How many of the standing orders will be changed at the end of this, and how will these potential changes impact the work we do? How will we experience the changes in the work we do, in the day-to-day activities? Will there be opportunities to talk like this, back and forth, or will it all be scripted again?

The House of Commons can be scripted at times. When I started in this House, I would write all my speeches, because I didn't have the confidence to speak off the cuff. Now I feel perfectly comfortable, as many of you have experienced over the last few hours, just talking off the top of my head. It took me about a year and a half to get to this point.

I did conferences before, and I spoke at rallies, obviously. We've all done that, at some point. It's different from speaking in the House of Commons, where you know that every single word you say is permanently recorded for the future. Some not very edifying things have been said in the House. If you look back far enough, you're like, "Wow, my predecessor said that? They were kind of a jerk."

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

**Mr. Tom Kmiec:** There are many, many, many such instances. Just as it says in the Yiddish proverb I used, I weigh my words carefully, I don't count them. If I don't need to stand for 10 minutes to make a speech, I don't stand for 10 minutes. As I mentioned, we can do a lot of things in the chamber and in committee by unanimous consent and by agreement when we police ourselves. At different times we are better or worse at it.

Again, if I don't need to speak for the full 10 minutes, I don't speak for the full 10 minutes.

**The Chair:** You must be almost finished.

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

**Mr. Tom Kmiec:** My introduction, yes. I'm almost through my introduction.

**Mr. Tom Kmiec:** I'll go back to the outline in a moment, because I finished the first part.

I think that's a really important thing to remember during the debate on this amendment, because this amendment will allow us to do that, to continue this. This amendment doesn't shut down the main motion. It doesn't say not to do a study. It says to respect us as parliamentarians and likewise we'll respect you as parliamentarians.

The last thing I wanted to mention is from this article here, because it mentions the United Kingdom, and that's an example used here too. The United Kingdom has a second chamber where they do other debates, where they move it for efficiency's sake again, which in this case means making it faster. In the United Kingdom, at least a quarter of government bills will start off in the House of Lords, which of course frees up more time for the Commons, and it avoids the problem that we have in our Senate, which this article says has next to nothing to do, which I think is incorrect. I think the Senate has plenty to do, and does plenty right now. It has plenty of bills to study, and it has been much more active in creating its own public bills. In the United Kingdom, though, the second House they have created really has to do with dealing with the large number of members of Parliament they have, and the inability of all of them to sit in one place.

The House of Representatives in Congress has a similar model, which they call the track. You can enter Congress in the United States and declare to the Speaker that you are speaking on a different bill from the bill debated previously. That's potentially something the government caucus and executive might want to consider as a suggestion. But that is not something you can introduce in the span of 45 days and just decide. That is a substantive, huge change to how this chamber functions. So is setting up a second chamber, which I would not like to see done either—and again, this is my personal view—since as it is we already have too few members participating in debates right now without opening a second chamber in order to deal with other issues.

I think any type of change to the standing orders should bring more members of Parliament back to the House for debate. I have experienced excellent debates in which there have been a few more members, and in which there was back-and-forth debate with them, when we didn't use the full 10 minutes for Q and A on a 20-minute speech, and there were very short and to-the-point answers. I've enjoyed the back-and-forth banter too.

I've had Mr. Lamoureux come to my side to explain to me what he was trying to say or to explain how I was wrong on a specific point. It's an educational experience for me—that's fine—and I've done it to him as well.

Now I keep stats and records and quotes in my desk, because I know they come up on a periodic basis and because I know members of the government caucus love to use the word "historic". It's been overused: historic commitments, historic investment; everything's historic.

**Mr. David de Burgh Graham:** Historic filibusters.

**Mr. Tom Kmiec:** Historic filibusters.

**An hon. members:** We have a ways to go.

**Mr. Tom Kmiec:** We can't waste a good historic moment.

Now, on motion 6 I have a last point, and then I'll stop talking about this article. There was a reference made that the motion was denying the right of MPs to debate committee reports. That's one of the things the government, I guess, had wanted to do.

The motion did no such thing. It simply stipulated that if a member called for concurrence debate on a committee report—committee reports are only debated if a member requests such a debate—there would be 20 minutes of debate, the debate would be adjourned, and then a debate could be called again at a later time.

This may seem like a good idea, but again, it robs the opposition of the opportunity for others to participate in it too. Why would it be only one member? The model that we have now allows for multiple members to participate.

I have personal experience with this. I don't track what every single other committee does, but on occasion I do have my staff get me the report of the natural resources committee just so I can see what the recommendations were and which witnesses they spoke to. Sometimes I do get constituents or stakeholders asking me if I saw the report. I keep track of the reports now so that I have them handy in my office, or I have a link ready to go so that I can read them. That's my airplane reading. In my case, I have to use an airplane to return to my constituency.

Now, we should be able to debate that, and it shouldn't be just one member. Opportunities should be given for others to participate in it too, which is why motion 6 was considered, as Mr. Julian called it, "draconian". I don't know if we can term it that way, but that was the opinion of another parliamentarian, a parliamentarian with experience in the House. I will probably never agree with Mr. Julian on very many issues of substantive policy, but I will agree with him on issues of parliamentary debate, I think. I think we can find common ground. Although we haven't spoken much, he now sits much closer to where I do, so maybe we can have that debate between ourselves in private, build that trust, and find a way to co-operate on future issues.

You heard me mention Sean O'Sullivan, and Diefenbaker's great love for Parliament and what he considered to be its substantive work—i.e., debating motions like the one we're debating today, producing reports, reviewing how government spends, making a point on behalf of a constituent, and rising in the House to name them. In that case, I think it's a good thing when you can speak on behalf of a constituent who has a very specific issue and either ask the government for action or get other members, such as members of the government caucus or opposition caucus, to rise and congratulate them on an activity or a success or an achievement. Diefenbaker used to say, "I have always been a House of Commons man", and I think that's important to remember. All of us should look to the House of Commons as the ultimate deliberative body. We should all be House of Commons men and women, to edit Diefenbaker's original comment.

There's one last thing I'll mention about Sean O'Sullivan before I stop mentioning his name. He was the one who moved a private member's bill that made the beaver a national symbol of Canada, seconded by the Right Honourable John Diefenbaker. Would he have been able to do that if these rule changes had been introduced?

I genuinely like private members' business, because I think people bring forward ideas, and you can learn more about individual members' interests and passions by the types of private members' motions and bills they produce. I'm just concerned that in private members' business, as it stands now, there's not as much substantive debate. We give 10-minute speeches. Sometimes we use the full time and sometimes we do not. Maybe there should be a Q and A, or maybe there shouldn't be. Maybe it could be restructured in such a way that there is more back and forth between members for discussion.

I can't tell you what the right or wrong answer is on that one. What I can tell you, though, is that if you get rid of Friday sittings, there will be that much less time to consider them. As Mr. Simms has said, his view would be to have a full day, potentially. But I just heard the House leader on the government side, in her answer to a question in question period, say that we could reappportion the days. That's not the same thing Mr. Simms said.

I appreciate that we can have individual ideas about how it should be done. I personally think that Friday sittings should be as they are, but perhaps you can change the way it's done, with more private members' time. Maybe it should be all private members' business. Maybe it should be a time for a specific committee or two committees of the House to take their work straight into the House, for it to be debated openly.

I don't know. That's just a suggestion, but it's a suggestion that would take probably more than 45 days to consider. It would be a substantive change to how we operate as parliamentarians. Committees and individuals would need to prepare. Would it be a debate on a motion or would it be a debate on the types of reports you want to do? Reports are typically considered in camera before they're produced. Would it just be on the committee report, potentially, for a full-day debate on it?

All these types of changes to the rules have to be done with our amendment passed in order to be considered. I personally view this as a short timeline for this study; it's too short to consider something so substantive as changing how we treat a Friday in this House. As I mentioned before, a lot of ideas are being pitched by the government in this modernization of the Standing Orders of the House of Commons, which, as I've mentioned, I think is the wrong way to go about this. It should come from parliamentarians to the executive to say how we think we should change the system.

It's not for efficiency's sake, and not for speed. It's to be able to deliberate in a better manner and to improve House of Commons debates with the increased participation of members. I don't see very much of that here. It talks about convincing more people to run for public office.

To be honest with you, I did not reread the Standing Orders of the House of Commons before I chose to run for Parliament. I did not reread them to make sure that I understood in full what every single

standing order allowed me to do or disallowed me from doing. They bore no relationship to my decision to run. I think a great many people do not read the Standing Orders before they decide to run. Perhaps they should. I don't know. It might help them establish themselves in the role and be a better parliamentarian. They give us the book on the very first day, and we're told to read it. It's like your first university class, when you walk into the technical college and the master electrician hands you the code book and says, "Read it, understand it, and then come back to me."

I think that for the Standing Orders it's a communal ownership. It's an intergenerational ownership. They don't belong to you as members of the government caucus, and they don't belong to us as opposition members. They belong to all of Parliament.

They definitely do not belong to the government. The government cannot dictate to us and tell us that we're too slow in passing its legislation. We are working as fast as a deliberative body can and should work. It's not my fault that it hasn't tabled all that much substantive legislation. It has had some that has been pretty substantive, and I wish we would have had more debate on it, but the executive being able to move forward legislation in a speedy manner—or what it believes is speedy—is not our responsibility as parliamentarians.

What we're doing now in having this debate is our responsibility. It's our constitutional responsibility to debate, deliberate, criticize, and find opportunities to amend and improve things, just as this amendment is our attempt to improve the motion presented by Mr. Simms. That's all it is.

Again, to go to the point I've made repeatedly, Parliament cannot fail. There is no backup. You only get one chance. Substantively changing it in the way mentioned in that 1985 article on Ontario will mean deep and permanent changes to the institution, to how the work is done, and then to the opportunities to co-operate and work together.

I won't read the Magna Carta here, but I will reference it. Many of the privileges we enjoy are from that time, when it was far more dangerous to be a member of Parliament than it is today.

**The Chair:** You're not going to read it, are you?

**Mr. Tom Kmiec:** No, no.

**Mr. Arnold Chan:** Read it in French.

**Mr. Tom Kmiec:** In French. If I can find a transliteration, I might use it.

It was far more dangerous before. In fact, I believe the first few Speakers who were elected by our parliamentarians to sit as Speakers—Mr. Chan is making the motion—did not keep their heads. They displeased the executive.

In a more symbolic sense, then, don't behead the opposition. We're not your opponents. We're not here to displease you. We're just here to raise the point that we're stewards, with you, in Parliament. You may be on this side, and then you may not find the rules as pleasant when it's someone else using them against you.

I would not be the one to want to use them against you. I think the best opportunity for us is to find a way to pass this amendment on the motion, to proceed with a study, and to build that trust, which I believe this committee did have before. It grants us then an opportunity to debate these things, potentially, but to come to unanimous agreement on what actually goes forward.

The committee is always free to take up afterwards another study or another series of studies. This is probably the most important committee of the House. The public accounts committee perhaps rates a very high second. The Standing Joint Committee for the Scrutiny of Regulations has a disallowance clause....

The member for Perth—Wellington is looking at me with shocked eyes. I'm sure he has a favourite committee that he wants to reference.

You know, as another idea, we could always agree that if any member disagrees with a proposal that it be stricken from the discussion. I know that's been mentioned before. That's basically what our amendment says. I think we've covered off everything that may potentially be changed: "Standing Order, provisional Standing Order, new Standing Order, Sessional Order, Special Order, or to create or to revise a usual practice of the House". We're just saying give us an opportunity to keep things as they are and consider it some more.

There's nothing wrong with further consideration. Delay is not a bad thing in Parliament. It truly is not. You want to get it right the first time you do it. I hope we get as close as possible to getting things right the first time we do it. A lot of the detailed work is then done in government regulations or passed by order in council. We give to the executive, to cabinet ministers, the ability to make very specific decisions. Our statutes are detailed, but they don't go down into the minutiae most of the time. We trust that the cabinet will make the best decisions on behalf of Canadians. We also trust that public servants will then implement those decisions, both statute and regulatory decisions, on behalf of Canadians. We hold the government accountable for the activities and the services rendered to Canadians by public servants.

Madam Jordan was here before. I used to sit on the Standing Joint Committee for the Scrutiny of Regulations. We had two witnesses, and I was told that it was the first time in eight years the standing committee had witnesses appear. Both times we were debating, and then asking the witnesses very specific and pointed questions about why the departments had not followed the orders given to them by the cabinet and given to them by members of Parliament through the statute. They had gone, we believed, far beyond a reasonable interpretation of the statutes and regulations.

There wasn't finger-pointing and blaming. There were Liberals there too, at the time. They outnumbered the Conservatives but they agreed with us, and I agreed with them. This had nothing to do with our partisan affiliations. It had everything to do with the fact that a deliberative body, Parliament, had decided, with specific wording in mind, that specific regulations were passed, and public servants were not following through. They were going beyond the letter of the law. It was an opportunity for us to question them, to debate back and forth, and to make the point to them that they had gone beyond what Parliament sought to do through a statute.

Will those opportunities disappear? Will they go away? How will these joint committees with the Senate work? That's my worry here. If we program too much of the activities at the committee level, will I have that opportunity, if I rejoin that committee, to question aggressively, if necessary, a public servant or a stakeholder group—perhaps because they've misled me, either on purpose or by accident—who comes to present before me? Those types of opportunities are rare.

Will I even be able to call them as a witness? That's an open question: will I be able to do that? I don't know. I've been on committees such as the Standing Committee on Foreign Affairs and International Development, where it's freewheeling and we add witnesses whenever we want to. There's a great deal of trust among us. There has not been a single dissenting report since I've been on the committee. I think that's a testament to our willingness to work together, back and forth, just as it should be, if we can pass this amendment to the motion.

A lot of the proposals the government is pushing for in "Reforming the Standing Orders of the House of Commons" would be termed historic. "Transformational change", in fact, are the words I would use, because they would transform how this place works. I mentioned before that faster is not better; being more efficient is not necessarily something we should seek. We are a results-oriented organization, it's true, but it's also about the journey of how you get there, because that builds the public's confidence that we have considered everybody's opinions.

When you have time allocation and you shut down debate, that's one thing, and people get angry and unhappy. Governments have different reasons for doing it, but when from the beginning they say that you cannot do this because the rules say you can't express yourself to the point you may wish to in order to represent your constituency, it is going to have an impact on parliamentarians, both on this side and on the government caucus side.

What it will do is disincite members from running for office again. I'm sure there are organizations out there that will cheer that: fewer members of Parliament running for office, and more rookies and new people. But here's where I think we will lose if we don't have these members who run again, who recommit to another four or five years in Parliament: we'll lose that experience. I can't pick up the traditions of this place by reading the Standing Orders. Nobody told me on the first day when I entered the chamber that you bow towards the Speaker or bow when you walk across the floor in front of the mace. They just told me not to walk across the box. It's like traffic light signals. It's very important. I saw a member of the Liberal caucus almost pass through it accidentally, not thinking, and I've almost done it once myself. I stopped myself.

Nobody explained that to us. You only pick that up from the members who have been here longer and who spread the news, almost like preachers of Parliament's traditions. That's how I've learned about the respect you should have for the mace, for the Speaker's chair, and for the institution we're in.

I'm worried that this motion is too reckless without amendments. I know that at the beginning I mentioned that I had only a couple of points, and that I would go through about three dozen sub-points for each of my main points. I'm about halfway through the first bullet.



The decorum in the House is governed by really just a handful of Standing Orders, if that, and they're very broad; they're up for interpretation. We rely on the Speaker and the more experienced members—again, the veteran members—to tell us. The clapping, the excessive standing ovations, the eating in the House.... It's not a cafeteria. It's where great men and women have debated substantive issues: whether or not to enter a war, how to conduct a war, World War II, World War I, the Korean War. Important debates have happened there.

I know that in other workplaces you can work at your desk because you don't have time to leave and go anywhere. On things like decorum, I was told that clapping was introduced in the early 1970s. It was introduced because members used to thump their hands on the desks and cause the microphones to pop out. Also, it was probably damaging to the desks. If you do it enough, they'll will go away.

Look at the Assemblée nationale in Quebec. There is no clapping. There is no heckling. There is no anything. It is stoic, maybe you could say, in its question time. I think "stoic" would be the nicest term you could use for it, but it can be boring.

I'll say one thing about our question period: it is not boring. Neither is question time in the United Kingdom. It is not boring. Questions go fast. You have to listen to the answers. A good minister or a good parliamentary secretary will be humorous, will give a direct answer and a substantive answer, and actually will answer the question.

I think that's all that opposition members are really looking for. We're not looking to catch you in an error or anything. What we want is a substantive answer. It can be a short one too. A simple no or yes would suffice at times. You don't have to use the whole time. You could police yourselves.

My concern is that with some of these changes that we may bring through, we may not think about these traditions or customs or conventions that we have. We may accidentally introduce something, or take away something else that made us want to work together, that made us want to reach across the aisle and maybe have a private conversation with another member over something they were or were not doing.

I know that the ruminations of the president of the Treasury Board at times can be interesting. I know that the Speaker has admonished him at least once for eating in the House. I don't eat in the House, because it is not just like any other place of work. It is Parliament. It's the House of Commons. It's the floor of the House of Commons. In many other workplaces, I ate and did everything at the same time at work, especially when I was an exempt staffer. Every single exempt staffer will appreciate this. You don't have time to eat your lunch somewhere. You stay at your desk and you prepare your boss for question period. You resolve the issues ahead of time. You have the meetings you need to have, and you resolve them. That was my experience.

This is not like any other place of work. That's why changing how this place of work functions should not be done by only one caucus, or one party, or a small group of people. Further, I would say that it's

not even the caucus but the government that is looking to do this through this very short, slim document.

Reducing the speech lengths that we could have would deprive Mr. Genuis and Mr. Christopherson, who have spoken before, and deprive those who come after me from being able to speak to the amendment of this motion. Some things that could take five minutes to say should be said in 20 minutes to allow the translators to translate, potentially, but sometimes you need all the detail to truly understand. It could be vice versa, and something said in 20 minutes should be said in five. There is no reason to be verbose. I feel I need to be verbose today, but not on most days.

I know that the main motion discusses October 6, 2016, the day that was spent in the House to debate the Standing Orders. I think any subject matter taken up from those debates should have a more substantive study than the 45 or 60 days that would be allowed by this. As well, just because their ideas are being pitched here on the floor of the House,...they still should be unanimously agreed to. They cannot just be one member's idea, or a group of members' idea, like the executive council of the cabinet members, to push it through on the rest of us.

You are all parliamentarians, equal—equal to the chair, equal to me. I don't have any extra power than you. We should all have an equal opportunity on the Standing Orders, the sessional orders, and the rules of the House, as they stand now, that will help us do our work. Changing them or amending them should be done by unanimous agreement.

I now want to reference a few of the speeches and some of the ideas they've picked out of them. Some of them are about process.

Mr. Chair, you're the one who mentioned the semicircle, and as I mentioned before, the reason we sit across from each other is really an echo, a historical echo, from Westminster chapel, where the monks sat across from each other. The pews faced each other instead of facing the altar. We've continued that tradition down through the ages. The mace sits on the table. There's a calendar on the table that we don't really all need. There's a clock in there, but we all have smart phones. It sits there by tradition, as do all the rules. All the Standing Orders and all the procedural rules are in those books. The clerks sit there as well. They now have screens built into the table. We've adjusted technologically to changing circumstances and on different things in order to speed up certain mechanics of this place.

I remember 12 years ago, when I was here working as a staff member to a member of Parliament, that they still delivered the Order Paper and Notice Paper every single day. Now you need to get them online. They are no longer delivered, at least not in the Confederation Building. That's okay with me, because doing that was probably a waste of paper. All of us can get them online.

That's a mechanics change. It doesn't have substantive impact on the work I do. I check the Notice Paper every day. Every Monday, when I am back here, my staff has already printed it off and provided it for me. That allows me to do my work. I can figure out what's going to happen, generally speaking, over the next few days.

I also have certainty that when I go to committee, I will be heard and I will be able to speak. I don't have that certainty, based on the way I see this motion functioning, based on the non-commitment I see to this particular....

I see that the bells are going off, Mr. Chair.

**The Chair:** Keep going.

**Mr. Tom Kmiec:** Should I keep going? Excellent.

I don't see that commitment here to passing this reasoned amendment that would help us do our work.

**Mr. Alistair MacGregor:** I have a point of order, Mr. Chair. If there are bells, I believe you need unanimous consent to keep going.

**The Chair:** We're checking this to make sure it's a vote, and then we're going to suspend.

**Mr. Tom Kmiec:** Maybe I'll try to go through the speed of voting.

**Mr. Arnold Chan:** It's a dilatory motion. We would have to adjourn.

**The Chair:** We have to adjourn now. It is the motion.

**Mr. Tom Kmiec:** We have to suspend, rather.

**The Chair:** We will suspend until five minutes after the vote.

• (1710) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1800)

**The Chair:** We are resuming discussion of the amendment to Scott Simms' motion.

[*Translation*]

The meeting is televised.

Mr. Kmiec, the floor is yours.

**Mr. Tom Kmiec:** Thank you, Mr. Chair.

I'll continue from where I left off.

I'll start by reviewing certain comments made by members during the debates held in the House on October 6, 2016.

I also want to mention that, at the end, I'll talk about another article published in the *Canadian Parliamentary Review*. The article describes the events that occurred at the Legislative Assembly of Ontario in the 1990s, in other words, the obstruction from the opposition. It's a perfect example of the situation at that time.

[*English*]

I'm first going to continue with the debate that happened on October 6, because, again, there is a reference to it in the motion. I think we would greatly assist the committee if we were to pass the very reasonable amendment that we've proposed in order to be able to follow through with and study some of the ideas that have been discussed by other members of Parliament before us—for instance, electronic voting.

Mr. Chair, you mentioned “electronic voting” during the debate. I'm looking at page 5557 of *Hansard* for that day. There's a brief discussion there about how we could have buttons on our desks that would speed up the vote, especially when we have successive votes to do, but those often happen because we're having a recorded vote.

At the very beginning, maybe a few hours ago, you heard me mention Bill S-201, the genetic discrimination bill, when members of the cabinet rose to have a recorded vote after they lost the prior vote that I believe indicated the will of the House to pass the bill. We could have done it “on division”—those two most beautiful words in parliamentary history. They are historic words. Saying “on division” speeds up the process. If we police ourselves, we don't need electronic voting, whether we're voting on a BlackBerry or an iPad, or with switches or dials or with ballots cast. If we police ourselves and ask for a recorded vote only when we absolutely must, I believe we could gain from it.

It's happened at committees too. Committees I have been on have done things on division, and not just for committee reports, but when there's a disagreement that's profound and the two sides can't agree, and they choose not to go with a recorded vote. I think I have asked for one recorded vote at a committee, only once in all my time serving on them. Every single other time, we just agreed to disagree. We can agree to disagree without being disagreeable. I think many committees succeed in doing that.

On electronic voting, I would hope that whatever the committee may or may not study in the future will balance the speed of voting with the understanding what we're voting on. I know that it's sometimes a challenge in the House to hear what the Speaker is saying or to fully understand exactly the motion that we've been called to the House to vote on.

For some of the motions or bills, we know ahead of time, because we get our notices and it's easy to plan around them; they're on pieces of legislation at different stages that we're moving on to committee or there's a vote at report stage. It's a fairly simple exercise to understand what we're voting on. At times, especially on estimates or business of supply votes, it can be difficult to hear. The difference between Bill C-40 and Bill C-41 is minute, and the speakers do have to read through them quite quickly. You could miss it.

If consideration is given to electronic voting—I know the government's proposal and the discussion paper's very brief mentions of it don't have very many details—I would hope that we don't just look at speeding up voting in the name of efficiency while taking away the ability of members of Parliament to fully understand how they're voting.

I think the changes that have been introduced in the past in order to vote from the backbench to the front are good. They are positive changes. I think very many of us, then, can look at our colleagues around us regarding how they vote. I know that I talk to my colleagues before deciding on how I will vote, and when I choose not to vote with my party and my caucus, I let them know. They know how I'm going to vote, because I inform them ahead of time.

I'm sure that in the government caucus the members opposite me right now do the same thing.

You have discussions, you talk amongst yourselves, and you inform those who you need to inform. “No surprises” is almost a slogan here in Parliament, but I think it applies to all of us. We don't want to surprise our colleagues. We want them to know how we're going to vote. It shouldn't be much of a secret. When people ask me how I'm going to vote on a particular motion or bill, typically I tell them exactly what I'm thinking, how I am going to vote—yes or no—and I have no problems in conveying that, but I have to know what I'm voting on. Sometimes there are last-minute amendments proposed or report stage amendments that I would like to be able to read more carefully.

I'm not opposed to electronic voting, but what does electronic voting mean in this context? I do have potential issues with it.

Another comment that arose, and this is from Mr. Dubé, the member for Beloeil—Chambly, was this:

This is certainly something that we should include now officially in the Standing Orders, barring certain exceptions that can come up. It is something that we can easily formalize and seems to be something that already, despite being relatively informal and based on the motions that we have to adopt every single time through unanimous consent, has that consent. Why not make it formal and avoid having to do it every time?

He was talking in this context about the personal situations, the gruelling schedules we all have to go through. The votes being moved to after question period I think is a good change. It's done by agreement. It's not in the Standing Orders. It's simply that we have agreed, as a group of people doing work on behalf of our constituents, to have the votes scheduled at a more convenient time. We're still going to vote, but just at a more convenient time.

I also think that one of the things that Parliament could look at and this committee could really look at is studying all the unanimous consent motions that have come through in recent history. You can get staff to do that. I don't mean for all of us to start going through the pages of *Hansard*. We would be looking at what was the most common unanimous consent motion and potentially—

Pardon?

**Mr. David de Burgh Graham:** [*Inaudible—Editor*]

**Mr. Tom Kmiec:** There might be quite a few of them.

We could consider what the most common ones were and then those could be the sources of changes to the Standing Orders. If we're having to consent unanimously to changing the standard procedure of the House many times on the same one, perhaps we should simply amend the Standing Orders.

To the amendment, though, we should only agree to that unanimously, as we've done for those. I think it would be a good idea, but you can't do that in 60 days, which I think is just about the length of this study. It might be 45 days. I think it's important to remember that this type of study and review cannot be rushed. Whatever comes out of this, we should still seek unanimous consent of our colleagues, at this committee stage, so that all of us can agree that it should be a permanent change. Perhaps there is an issue around it. We need full consideration of the impact it would have to amend the Standing Orders to make them longer and with more exceptions. The more exceptions that are created in writing and formalized within the rules, the more opportunity there is for confusion later about how the rules apply. There's a reason that the

book has gotten so thick and that there's so much history and detail provided in it.

Mr. Dubé went on to say the following:

I did say at the outset that while we talk about juggling family lives and our own personal situations, we also have to talk about accountability on the part of the government. It is unfortunate that despite wanting to be non-partisan, we have to accept the adversarial nature of this place.

You've heard me mention before that I don't believe this place is adversarial. The term “adversarial” is found in the government document. I completely disagree with it. This body is deliberative. The debates that happen and at times the sharpness of them are just part of Parliament. It's how we deliberate. It's how we come to decisions. It's how we decide and adjudicate on the value or non-value of government legislation, private members' bills, motions, and other ideas being put forward.

I don't think that adversarial nature really has much impact on the juggling of the family lives in this particular situation. I have a family. I have three very young kids. My youngest was born right at the beginning of the last election. I juggled things as best I could. I've been here for three or four days now, and I've missed my Skype and FaceTime sessions with my kids. Even though they're so young, they understand that I am in Ottawa working on their behalf. When I can, I call them during the day after they have come back from school. That should be very soon, based on Calgary time.

In terms of the changes to the Standing Orders, people are going to say that language is found in the discussion paper about improving the work-life balance. Work-life balance is something which every single working Canadian struggles with. Shift workers who go up to Fort McMurray for three, four, or six weeks at a time struggle with that work-life balance as well. They don't return at the end of the day. They don't even return on the weekends. They stay in camps, separated from their spouse and their kids, typically. They also use Skype and FaceTime.

A hundred years ago, members of Parliament didn't fly to Ottawa. They used the train, their number one means of travel. That had a huge impact on the parliamentary calendar, when Parliament sat, and what type of business could be done. There were members of Parliament who were elected and never got to sit in this House. They never made it in time to be sworn in because they had passed away. That has happened. With modern travel, however, some of us are able to return to our ridings every single weekend.

I know that for you, Mr. Chair, it is a long trip back to Yukon, especially when you miss a connecting flight, as we've done together before.

Let's look at the work-life balance in terms of the Standing Orders. Let's say we do away with Friday or Monday sittings—or any day, really—and we potentially reapportion the hours to another day, which is what the government House leader said today. Mr. Simms has said that it's not necessarily cancelling Fridays; it's maybe making them a full day. That would have a significant impact on the work-life balance of parliamentarians and whether or not they choose to be here or in their ridings.

There are members who will miss a day during the week because they have a speaking engagement, or they have a constituency event or a conference to attend. I went on parliamentary business to Toronto to attend a clinical trials conference. I missed a day in the House in order to do parliamentary business to learn about the way in which clinical trials function. It's an area of interest. I have no background whatsoever in medicine or law, but I was interested in it because it has a substantive relationship to the private member's bill I would like to table, and without understanding it, I can't do it. I chose to forgo that one day, and then I returned to continue the work I do here in Ottawa on behalf of my constituents.

If you take away one day and reapportion it to other days, the problem would be that some parliamentarians, senators, members of the House of Commons, with an extra hour or two added per day, may not make it on time to have dinner with their families. That's for those who have chosen to move their families to Ottawa. Likewise, there may be some who might miss that FaceTime or Skype call with their kids back home.

It has an impact for all sides. I don't think you can simply change the rules "just because", and impose that on members and on their families, without getting it unanimously agreed to, as our amendment to the motion is trying to do.

Still on the issue of Fridays, here in Canada eight out of 13 provincial and territorial legislatures have opted for the four-day week, and two others sit on Fridays only in exceptional cases. I can think back to my experience when I worked at the Alberta legislature. We had a four-day legislative week. What would happen is that near the end of the session, we would have to add late sittings every single year. Let me remind you that this was with a majority Progressive Conservative government at the time, which had been there for 44 years, with experienced members who knew how to operate within the confines of the standing orders in their house. What happened is that at every single end of session, they added late sittings to add in the required hours to pass the required pieces of legislation.

I would not want to see that happen here. We would have to return to late sittings once again, something that was a common practice in the 1950s and I believe in the 1960s. I could be wrong on that and I stand to be corrected, but I would not want to see late sittings again. Ms. Mendès is indicating that there were late sittings in the 1990s as well. That would not be an improvement to this place. I don't think members who are sleep deprived debating into the wee hours of the morning can have the deliberative debate, the quality debate, that we can have at 10 o'clock in the morning.

The other thing about the Alberta legislature is that it starts much later than even our Parliament does. Some of these things could have changed with the New Democratic government, which is there provincially. I'm just speaking to my experience from about five or six years ago.

Those types of changes should not be considered in a rush. Again, the sessional calendar that we have, that we come to an agreement on between the House leaders and I believe the whips as well, comes from trying to reach consensus among them. We can get consensus here at this committee if we agree to pass the very reasoned

amendment that we've proposed to the motion—a consensus to move forward and then study.

I think the study period is still too short. You could have much debate, with interesting witnesses from every single legislature. They could come here and tell us how it has impacted the work they do. That could include former members of the legislative assemblies which exist provincially, because obviously they'll have a different viewpoint, not being in it anymore. I don't believe you'll have enough time to review all of that information with this model right now.

Mr. Graham talked about a film, *Guibord s'en va-t-en guerre*.

[*Translation*]

It's a very good Québécois film directed by Philippe Falardeau. It was released on October 2, 2015. I had the chance to watch it on an airplane. I think it gives a very good overview of the type of parliamentary work done by federal members for their ridings and constituents. I understand the film is a comedy and satire. Regardless, I think it provides a representative view of our profession. I really liked the film. I even showed it to my wife. I think I even bought it on iTunes. I believe the film reflects how the ordinary Canadian voter perceives the role of members. They are men or women who fight for their ridings and constituents. That's what people think we're doing here.

In the film, Mr. Guibord tries to understand how to represent his constituents and the people in his riding. At the same time, he faces many conflicts, including family conflicts and conflicts with interest groups in his riding. His biggest conflict is to determine whether he'll vote for or against the idea of Canada going to war.

[*English*]

I think that mention by Mr. Graham during the debate was interesting, and I see that it goes on. I understand that this was filmed in his riding, so I'm guessing that he's doing a bit of free press for the movie. It's a great movie. He says that it is "a pretty accurate description" of his riding. We were talking about it before committee. It is a pretty accurate description—

**Mr. David de Burgh Graham:** It's a beautiful riding.

**Mr. Tom Kmiec:** The second most beautiful in Canada—

**An hon. member:** After Pontiac.

**Mr. Tom Kmiec:** I think the movie is edifying for us regarding the role of a parliamentarian. We would all like to think that our constituents think that's the role we have. The challenges he faces are the challenges which I think most Canadians would hope that we have, one of which is that this is not an easy job both for family and for making decisions about how we vote. At the end of the day, how we vote is the most unique thing about our job, and it's not just the standing and sitting for recorded votes, but the substance of our work is to vote.

I'm afraid that with this motion, without the amendment, some of the changes to the special orders and the Standing Orders, the provisional Standing Orders, could result in our not being able to have a vote on certain things, in our being unable to have an opportunity to speak on behalf of our constituents to the fullest extent that we want to, or to move a motion at committee in the way that we want to, perhaps a dilatory motion or perhaps not. That's my concern, that without this, some of us may lose our ability to represent our constituents to the fullest.

Sometimes that requires us to do things that obstruct others, to slow things down and make this place less efficient, but again, that efficiency concept, as I mentioned before, is all about doing things faster.

I see that Mr. Simms is enjoying that one.

**Mr. Scott Simms:** That's right. I just have this habit of—

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

**Mr. Scott Simms:** It comes out once in a while. My apologies.

**Mr. Tom Kmiec:** It comes out once in a while.

**Mr. Scott Simms:** Yes.

**Mr. Tom Kmiec:** Collectively, we know there has to be a government legislative agenda. The opposition's job is always to react to what the government is doing. You set the agenda. You, in a sense, are the executive—not you as individual members—because you are members of the government caucus. It's about ensuring balance, and about understanding which bills are considered controversial, which ones need more debate, which ones could use less debate, and how we can afford additional debate. What are the mechanisms by which both the government and the opposition can let it be known that they choose to have more debate on a particular issue, or want to have that debate? If you introduce the kind of programming that this proposal has in it without sufficient review, without sufficient study, and I believe without sufficient witnesses coming in, then I'm afraid you will not strike that right balance and you will lose as parliamentarians, not as members of the government caucus. It may not be in this Parliament, but in the Parliament after this one, and the one after that.

There are bills that are not controversial. We have seen our ability in the House to quickly pass bills, such as the Marrakesh treaty bill, because we were in agreement. We agreed with the contents and the principles. When we do that, we move it forward. Likewise, debate has collapsed at times on particular pieces of legislation, such as Bill C-6 in the House of Commons, because no member chose to rise and speak to it or debate it further. It simply proceeded to the next stage in the House.

We don't have to be geniuses to realize that a single member can cause a lot of havoc for any government or opposition on any bill. What we do need, though, is a sense of co-operation. We can build that co-operation at the committee level especially. That's why we didn't simply vote against the motion. We proposed a reasonable amendment that would improve the original motion, one that we could move forward with in terms of its contents. I still believe it's reasonable. The contents of our amendment are pretty reasonable.

We saw with Bill C-14 that the government used time allocation several times. On that particular bill, I disagreed with time allocation being used, because it was an issue of conscience for many of us. Our constituents, or many of them, thought it was an issue of conscience. That bill in itself was a response to a Supreme Court decision, so we as parliamentarians were being asked by the government to respond to it. That was their proposal, to implement what they thought would be a means of abiding by the strictures of the Supreme Court decision. We were free, then, to deliberate to the fullest extent possible on behalf of our constituents. I think it was an error to use time allocation in that situation. Again, that was the government's call to make.

There was some debate, and in my opinion not enough debate. At the committee stage, I'll give great credit to Mr. Housefather, the chair of the committee at the time. He made it possible for every member there to have their amendments considered. I know that he gave me consideration for my amendments that I proposed at committee. To his credit, he allowed me that opportunity.

I don't know what the outcome will be of this report, nor should I know. There should be a study of some of these ideas here. Our ideas on the changes to the Standing Orders have been debated before, but I would caution you about changing the way in which committees work too readily, too quickly, and surrendering your rights as parliamentarians to be heard at committee. We moved it from the House of Commons in 1969 into the committees to have freewheeling debates, to move from generalists to specialists on specific issues. If you allow the types of rules that exist in the House of Commons to be moved into committee, you will lose on that. You will lose the ability to differ with your party when you need to, to be independent thinkers in general, because potentially there could be limits on the type of debate you could have. There could be limits on the types of motions you could put forward. They could program the committee so that it works a certain way, so that when every member has spoken, it simply moves on to the next stage. I don't think we win when we do that.

All of us were elected within a political party. There are no true independents in this House. Even Mr. Tootoo was elected as a member of the Liberal Party of Canada, although now he is free to pursue whatever objectives he has as a parliamentarian. That is his right.

I don't think it suits us to so readily and so quickly change the way these committees work without getting unanimous agreement among ourselves.

I see that Mr. Garrison is here for the New Democrats. I know they would agree with me that we fight hard at committee for the other members of our caucuses who may not be able to sit through the committee because of scheduling reasons. We do this on their behalf, not just for our constituents. There are also our fellow caucus members who may have an interest in a particular issue. We need mandates from our caucuses, because when we speak there, we don't speak just for ourselves and our constituencies. We also speak on behalf of our fellow caucus members.

Again, from the *Debates*, at one point, one of the members said, “Trust me, if a debate collapses on a particular bill, it might be because there is no one who wants to talk about it.” That is very true.

When we are allotted our 10 minutes in the House of Commons, you don't need to use the full 10 minutes. I've seen members use less than that. They rise, make an excellent point, sit down, and then do a Q and A with a member who chooses to pursue a line of questioning or make a commentary. If we policed ourselves more often, we could find opportunities like that to be faster and more efficient, but you won't achieve that by changing the rules just because sometimes people don't police themselves.

Here's what we should do. Let's try to get some substantial rule changes in our Standing Orders without resorting to forcing it past the opposition. We are opposed to making changes without being sufficiently consulted and without being able to say to not do A, B or C, because it will constrain us as an opposition from being able to fulfill our constitutional obligation to loyally oppose.

As I mentioned before—and will now, maybe for the benefit of some of the members who have joined us this afternoon—you are not my adversaries. You are not my enemies. You are fellow parliamentarians. I am not here to win political points at your expense. I am here to debate you and to deliberate with you. You will disagree with me and I will disagree with you. At the end of the day, in terms of your political affiliation, you will likely vote with your caucus. I accept that, but we can have that deliberation between us. Don't take away all the tools I have to make a point on behalf of my constituency, or on my behalf if I have an issue of conscience I need to raise, or on behalf of my caucus members who may not be able to sit around the table.

There are proposals in here to add members of other parties as ex officio members so they could question witnesses. Right now, we have two hours. Typically, most committees meet over a two-hour period. I've actually asked why the meetings are two hours. I don't know if anybody has ever wondered why we have two-hour committee meetings. Why are they scheduled in two-hour blocks? Is there something about three hours or two and a half hours that doesn't work? In the business world, a two-hour meeting would be called a two-hour waste of time, typically. It would have to be pretty substantial business to have a two-hour meeting with multiple presenters. Engineering companies may do it if there's a complicated project with drawings on the table.

What I have been told—maybe this is apocryphal—is that the two-hour scheduling was done before we gained the buildings that were added to the precinct, and the two-hour windows allowed for every single committee to be scheduled during the day. They would schedule them all in a row. There weren't as many committee rooms as there are now, so they scheduled them one after another and the two-hour blocks made it all work.

Do we need two-hour committee meetings all the time? I know that at times the chairs have finished meetings early. Chairs obviously have longer meetings at times. Small changes to the rules like that are worthy of consideration, but we should come to them by unanimous agreement.

Making this place more functional doesn't require us to surrender our ability as parliamentarians to keep the government accountable, which you want to do also. I've been told by many experienced members, veteran members, and even members of the government and previous governments, that sometimes when considering the main estimates, and even during debates on supplementary estimates, they have discovered things in the documents that they didn't even realize were contradictions or errors.

I remember doing estimates at the provincial legislature in Alberta. Sometimes there would be inaccuracies. There would be typos that would have to be explained. Sometimes the civil servants had not removed a certain thing that they had specifically been asked to remove because it was no longer part of the agenda of the government, and it was only realized through considering the main estimates. The committees are the opportunities to review those estimates. If we program the committees to limit how much we can speak, we'll lose that opportunity. We really do very little of it in the House.

There is a provision that the estimates are automatically passed at a certain point, debated or not and considered or not. There, we have already surrendered part of the core job of a parliamentarian, which is to review how the government spends money.

The President of the Treasury Board is proposing changes to when and how the estimates are considered, so I know that it's already being considered by the government in its proposals to Parliament. This is something that parliamentarians have talked about in the past. The main estimates are done on a cash accounting basis. The government does accrual accounting. The fiscal years don't match.

I remember being at the chamber of commerce when we invited the deputy parliamentary budget officer to come to Calgary and explain this problem to us. He made a fantastic presentation to our tax and economic affairs committee and really convinced the people who were there, business people, about the errors and mistakes that could occur and the difficulty in tracking how government spends money.

Earlier, I mentioned the second chamber. I am moving on to page 5571 of the *Debates*. I won't go through all of them, because I'd like to move on to a few more articles and the debates from 1991, when there was an attempt to force through changes to the Standing Orders without unanimous agreement, and go through how adversarial it became at that time between members of the government and members of the opposition.

There are two last points I'll make on the debates. This concept of a second chamber, like they have in the United Kingdom, I think is unnecessary. What we need to do is fill the chamber with the members we already have. The best debates I have seen have happened when there were more members in the chamber who got engaged because there was an engaging speaker making a point that perhaps someone hadn't made, who was perhaps doing it in a tongue-in-cheek way, or who perhaps grabbed the attention of another group of parliamentarians. Then there is an easygoing back-and-forth, a flow of conversation and debate.

I don't believe that we need a second chamber. I know that it was mentioned by some members in the debate on October 6, and I know that part of this original motion is to consider what members have mentioned.

Here's what I signed up for. No one forced me to run. I wasn't forced into this by my wife—definitely not my wife—and I wasn't forced into this by constituents or by the local Conservative association. We've all signed up for a job that involves gruelling travel. We have all heard people talk of working 15-hour days and working on weekends. For some of us, it's a very long trip back home. We all campaigned for 78 days in the last election for people to grant us this: to earn the privilege to sit here as parliamentarians and serve in the House. I try to keep my complaining about the work-life balance to a minimum.

I campaigned vigorously against New Democratic and Liberal opponents in my riding who wanted to do exactly the same thing. They were signing up for exactly the same type of job. What I don't want members of the cabinet to say is that to save our work-life balance they're going to reduce our sitting time by 20% and reapportion the hours to another time. I don't think that would help this place work. I don't think it would improve debate. I don't think it would improve work-life balance. How about they let parliamentarians decide about their work-life balance?

If I remember correctly, it was this committee that did not pursue recommending doing away with Friday sittings, but it reappears here for consideration. I know that Mr. Simms has offered a different perspective, which is to do a full normal day on Friday. I've offered my perspective that perhaps what we could do is bring back committees of the House to take their debates to the House for a day. They would be automatically pre-scheduled so that everybody would know that the foreign affairs committee would come in for three hours and the members of the committee would be expected to be there, perhaps on a motion to debate a report or an issue.

It's an option, but I haven't studied it enough. I haven't considered it enough to understand the ramifications of doing that. I don't think you have enough time to complete a report by June 2 and get consensus at this table without passing our amendment to the motion. You will need that done in order to get that across.

There are many people who work in different occupations, such as the military, or who work in Fort McMurray, who travel quite a bit, are away from their families, and don't get a say in their work-life balance. It's imposed upon them by their employers. Our employers are our constituents, the taxpayers of Canada. In a group, they pay us to be here to work on their behalf as parliamentarians first, not members of our caucuses first.

I defend the interests of my constituents because nobody else here exists to do that. As I've mentioned, I have the second largest riding in Canada. Nobody else is going to represent it here but me. That's the best I can do on their behalf. Within five years—and likely within four years, because that's the law—there will be an election, and I will be held to account for my performance in the House. A great thing about our democracy is that individual voters can use whatever metric they want to rate us. They can ask us if we have missed a lot of votes, if we have been present in the House, or if we

have spoken enough. I hope they will feel that I have spoken enough.

**Mr. Scott Simms:** Today you did.

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

**Mr. Tom Kmiec:** Yes, today.

They could ask how often we have voted with another party, if we have dissented from our party, and if we have been independent thinkers. They could say that they will rate us based on whether we had ridiculous office expenses, which I hope to never have.

They are the true judges of whether we have done the job we were sent here to do, and that may change from constituency to constituency. There may be constituencies in Newfoundland or the Maritimes, in Ontario or Quebec, or on Montreal's south shore, where there are very specific infrastructure projects they expect to have, and they want them—

**Mr. Scott Simms:** And Labrador.

**Mr. Tom Kmiec:** Yes, and Labrador. Forgive me. I somehow knew that was coming, and I appreciate the correction.

**Mrs. Alexandra Mendès (Brossard—Saint-Lambert, Lib.):** We have the bridge and now we want the electric train.

**The Chair:** We have a short break here and, as you know, this morning we mentioned the new members who were at committee. This is a team affair for all parties.

This afternoon, we have with us Robert Sopuck and Gérard Deltell. We also have with us Ali Ehsassi, Alexandra Mendès, Ron McKinnon, and Robert-Falcon Ouellette.

Thanks to all of you for joining us. You'll find that this committee is very erudite. You'll learn a lot from the interventions.

Mr. Kmiec, continue.

**Mr. Tom Kmiec:** Thank you, Mr. Chair.

That broke up my thoughts. I think I might have to start from the beginning now—

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

**Mr. Tom Kmiec:** —but I have more articles I want to refer to, so don't worry. I won't do that.

Again, I think a great thing about our democracy is that constituents can decide what we'll be rated on. If they so choose, they can also decide whether we have passed enough legislation, if that is the metric they want to use. We could say that we've passed 50 laws. I have never heard constituents ask that though, how many laws we passed last year or how many bills we passed. As for the efficiency argument for changing the Standing Orders to speed things up, I don't think it flies with a lot of Canadians.

**Mr. Robert Sopuck (Dauphin—Swan River—Neebawa, CPC):** On a point of order, Mr. Chair—

**A voice:** Oh, that glass shattered.

**Mr. Robert Sopuck:** It's obviously a very profound point of order. I have that aura sometimes.

I'm just wondering what the speakers order is.

**The Chair:** After this short speech, we have Mr. Simms, Mr. Christopherson, Mr. Graham, Mr. Reid, Mr. Richards, and Mr. Nater, who is not here at the moment.

**Mr. Robert Sopuck:** I appreciate that. Thank you.

[Translation]

**The Chair:** Mr. Kmiec, you can continue.

[English]

**Mr. Tom Kmiec:** Let the record show that I did not smash any glass out of frustration or anything. That wasn't me.

As I was saying, the argument about the amount of legislation passed doesn't really count.

There's one thing that I'll mention now and again a little later. Actually, I'll do it now and just segue into this, because it deals with private members' business again. It's an observation about private members' business, because there has been talk about doing more of it differently.

I've made a few suggestions that could be considered by the committee, but again, I just don't think there is enough time to do it, and I would not want to impose it upon parliamentarians.

I think we all jealously guard that one slot we get to propose a private member's bill or a private member's motion for debate. I think we all jealously protect it because that is our one opportunity. Some of us may be here only once—or twice, if we're fortunate—and if you're only here once, that could be your one great contribution to Canada: to have the debate and to know, win or lose the vote, that in these halls people debated your idea. Wherever you got it from—your constituents, your faith-based community, whatever it is—it will be debated here. All of us hope for that one moment when we can get that done.

I've taken advantage quite often of Standing Order 86(2) on co-seconding, and I'll read it out just so we understand which one I'm talking about:

Notwithstanding the usual practices of the House, not more than twenty Members may jointly second an item under Private Members' Business and may indicate their desire to second any motion in conjunction with the Member in whose name it first appeared on the Notice Paper, by so indicating, in writing to the Clerk of the House, at any time prior to the item being proposed.

That is, prior to it being debated.

Why can't we use this list to prioritize private members' bills? If I propose a private member's motion for which I can get a lot of support from other members, could we not find a way to make it a priority, as opposed to simply using the lottery system? It's a proposal, but it would have to be substantively considered at committee.

Private members' business could be its own study. I think you would have a great deal of interest from parliamentarians in how the government and the House leadership of the different caucuses treat our private members' business. As I said, we all guard it jealously. We get one chance. We can table as much of it as we want. I have tabled two motions already, M-93 and M-72, on issues that I care about, but I know that many members haven't yet taken advantage of that opportunity to table as many extra ones as they want.

Could we also use an amended version of Standing Order 86(2) to potentially avoid a vote? If we could get all members to co-second, why would you need a vote? Couldn't you say "on division" and just continue? That's if division is even necessary. Could we look at how it's dealt with in terms of new opportunities to withdraw co-seconding? Also, how would amendments be treated?

I raise this point because, again, private members' business is often raised when we talk about amending the Standing Orders. If this committee were to proceed—

**Mr. Scott Simms:** On a point of order for just a second, I was wondering if, just to give my colleague a break, I could have the floor.

Can I have the floor? I'll take a few minutes. That's all. I just want clarification.

**Mr. Tom Kmiec:** Under unanimous consent, I would agree to it, yes.

**The Chair:** Okay.

**Some hon. members:** Agreed.

**Mr. Scott Simms:** There have been a couple times that you've mentioned this. I'm speaking next and I was going to address it then, but I thought I'd do this first because I don't know if I'll get a chance afterwards to answer.

The member has talked about "on division". We have a vote and it is accepted, but members will yell "On division" and therefore it's recognized that not everybody in the room agrees with what is being passed.

Then there is also the idea of accountability. I don't know what he's suggesting and I'm not saying he's wrong, but is he suggesting that more votes should go that way? If you want to be accountable....

I know that on some of the most important stuff you'd want to have a registered, recorded vote—I get that part—but important to whom? We have large constituencies, and I can think of some instances where it may not be important to them.

I see Mr. Sopuck in the room. It was you, sir, who had the heritage bill. Is that correct?

**Mr. Robert Sopuck:** No.

**Mr. Scott Simms:** No? It wasn't you? Okay. Well, you were obviously a big supporter of it.

It was a heritage bill, a hunting rights and hunting heritage bill. Forgive me, because I just massacred the title, but nevertheless, you know what I mean. It was a heritage bill about hunting rights and so on and so forth, and—

**Mr. Robert Sopuck:** It was Rick Norlock's.

**Mr. Scott Simms:** Rick Norlock had the bill. Thank you very much. I should mention his name because he worked so hard to get it through.



I voted for it, and that was noticed in my riding, but I don't know if every riding has the same sort of enthusiasm. I don't mean to put a divide into rural and urban, but I'm trying to flesh out an idea here, which is that it depends on who it's important to. I would suspect that we would want all votes to be recorded, which we probably could do if there were electronic voting.

Maybe I'm wrong, but I'll throw this back to Mr. Kmiec for comment. I just thought that it was a very interesting issue.

**The Chair:** Go ahead, Mr. Kmiec.

**Mr. Tom Kmiec:** It's a fair point to make. To whom is it important and to whom are you accountable at the end of the day?

If you were to agree on a particular vote on division, let's say, and a constituent came up to you and asked you how you voted, I would think that you would answer them by saying what your feelings were on it and by saying that had there been a recorded vote, you would have voted either yes or no. I have had a lot of difficult questions asked of me by constituents. I've told them how I would vote—yes or no—and whether or not it's recorded in a place, I would tell them that I agree or I disagree.

We just had a contentious vote on Motion No. 103, and I had a constituent actually message me on Facebook. I read all my Facebook messages. I probably shouldn't have said that, because now everybody is going to start messaging me on Facebook—

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

**Mr. Tom Kmiec:** I respond to those personally.

**Mr. Scott Simms:** I'm already there.

**Mr. Tom Kmiec:** You're already there? You have more experience than I do, Mr. Simms.

I took the opportunity to respond to her and to say that I was going to vote against it, knowing full well that this individual could then tell me something less than kind. She said, "Thank you for confirming why I didn't vote for you, and I won't vote for you in the future."

I always say that's okay, that I want to earn their vote. If I don't earn their vote, it's okay for them to vote against me. It's okay to disagree with me. I've said that to people at their doors. I've said not to vote for me if they were thinking that I would do something for them. I've told them to ask me some questions and we would see if we agreed on certain general issues or the issues that they particularly care about, whatever those are. Whether those are gun rights or gun control, social issues or fiscal issues, ask me the question, and I'll try to do my best to respond.

I know that many politicians have the gift of gab and are able to not answer a question. I think many members of cabinet and those working hard to join it are working hard on raising their skill level in not answering the question or answering it but not completely. I think part of being an effective parliamentarian is to understand when to answer a question and how to answer a question with politeness, with ability, and, at times, with kindness towards the person asking you. I don't think we should be impugning each other's characters, either in the House or outside the House. I try not to do that. I'm not perfect, and I fail at times in doing it, and people remonstrate with me for doing so.

One thing I'll mention before going into another article, the one I mentioned at the beginning, is that again during today's question period the House leader made certain comments about Fridays, about how they're only half days and we could reallocate those hours. Typically in a question period, we have 40 questions asked. That's about 200 a week. There used to be more questions asked. In one of the old *Debates* issues I saw a Diefenbaker debate, where they were discussing this issue of the Standing Orders and how many questions were asked per week. They were being asked something like 300 to 400 questions a week, which is much more substantive.

I've explained my experience with the Alberta legislature, where you had a question and then a supplementary. You could have up to two supplementary questions on the same subject. They were a way for a member to raise an issue and then dig a little deeper. You were forced to ask questions related to the subject. We sort of do that today. You can see that the questions are set up in such a way that they follow each other as well as possible. At least within the context of the political caucus, the party that a person sits in, that's coordinated. If we were to take away 40 questions, those would have to be added to other days, hopefully. I hope most members would agree.

I also think it's important for the Prime Minister to be there to answer the questions, because it's the only time when we can ask him a direct question and expect an answer. Whether it's direct or indirect is beside the point; we have an opportunity to ask him. We have 45 minutes for the opposition parties to ask questions and to hear from the Prime Minister.

Those are the chances we get to ask the head of the government what he or she thinks about a particular policy issue or to ask about behaviour, integrity, or government policy. It's a chance to discuss that. I would hope that whatever we do with Fridays—I know that Friday is being mentioned, but you could do it to a Wednesday, a Monday, or any day—we always ensure that those opportunities to keep a government accountable are there, because there will also be fewer days for members of the government caucus to raise a question in the House, which they may choose to do.

I'll just remind members of the government caucus that once you stand to ask a question and are recognized by the Speaker, you can ask whatever you want. You have that freedom. Just because you had a question in mind and you agreed to a question earlier doesn't mean that you have to go through with it. Courage, my friends, courage.

I do the same thing on my side. I write my own questions. That's probably different too. I have very specific things I want to ask and I propose them. I do ask them when I have them.

I'm not a frequent asker of questions. It's not that I don't have material; it's just that I find other places to do my work, such as the debates here at committees and just the general debates in the House of Commons. I'm not as prolific as the member for Sherwood Park—Fort Saskatchewan or the member for Winnipeg North. They count their words; they don't weigh them. It's the inverse of how the Yiddish proverb goes.

I find opportunities here to contribute on behalf of my constituents, and I am worried that the rule changes we could make will constrain me in the type of work that I can do and like to do in this place.

I've talked about the demotivation of parliamentarians. The number one reason people leave a workplace—and not just Parliament, but any workplace and any organization—is that they can't tell how their activities and what they do on a day-to-day basis relate to the overall goals of the organization. I think that is important to keep in mind. It's not about bad supervisors, although they play a really big role. Once you become disenchanted with your workplace, you will not want to proceed.

Without the amendment, I think you will disenchant some of us. In some cases you may be happy about that. You may be pleased that some members won't run again in the next election, but I think it would be an especially great loss for this Parliament to lose experienced members.

I see the chair wants to...?

**The Chair:** I was just going to say that you made that point yesterday about why people leave workplaces, so—

**Mr. Tom Kmiec:** Yesterday?

**The Chair:** Yes, or this morning. Just try not to repeat.

**Mr. David de Burgh Graham:** It was last weekend.

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

**Mr. Tom Kmiec:** The article I referred to is from page 42 of the *Canadian Parliamentary Review*, the summer 1990 issue. I have it here. It was about Bill 68 in the Ontario legislature. You've heard me mention this bill. I wanted to find an example of what a government was experiencing after a loss of trust, that loss of consensus amongst the different political parties and MPPs.

Bill 68 was called "An Act to amend certain Acts respecting Insurance". This was in 1990. There was a day and a half of debate, and then the government tried to call time allocation on it. The opposition argued that the Standing Orders did not allow for that and that time allocation was premature in view of the "insufficient time" spent on debate at that point. They said that after a day and a half it was not the right time to move time allocation—

**Mr. Scott Simms:** When was this?

**Mr. Tom Kmiec:** It was in 1990. It was the Peterson government. Acting Speaker Michael Breaugh—I may not be saying that correctly—ruled the time allocation motion in order based on the Standing Orders of the day, so opposition members launched a filibuster.

I think it's a good example to hear a little bit about. It was the longest debate on a time allocation motion in the history of Ontario legislature as of summer 1990. This is an old article, and I don't know if it's happened since then. They've changed the rules since then to constrain members from being able to speak at length.

The opposition members used tactics including quorum calls, points of order, divisions on motions to adjourn the House or adjourn debate, the reading of petitions, and the introduction of many bills. It lasted for 49 hours and 35 minutes over 18 days.

The longest single continuous contribution to debate was by Peter Kormos from Welland—Thorold, who I've mentioned before, at 17 hours and 15 minutes. He was interrupted by points of order, four divisions on motions to adjourn the debate, three divisions on motions to adjourn the House, and a 20-minute suspension of the meeting until simultaneous interpretation services were made available. On May 9, 1990, the government moved closure. I think the government just gave up.

It was a total breakdown of this system of trust. If the government had not moved it and perhaps had waited just a few more days to move it, the government could have completely avoided the situation that they had created for themselves. Once you go down that funnel, there's only one way that I think it can go for all of us as parliamentarians, and that's poorly. I don't think it improves the situation in any form.

As I mentioned before, I did go through the debates from 1991. There are two specific members I want to reference, because I think that when they spoke about the changes to the Standing Orders that were suggested and then forced through by the government, they were specifically talking about committees. Committees, as I mentioned, are an important area for me, as are the proposals mentioned here.

In that debate, Mr. Blackburn, the member for Brant, who had been elected in a by-election in 1971 and then re-elected in successive elections, was a member with substantial legislative experience and substantial parliamentary experience, and he said:

When was the last time anyone wrote a bill on this side of the House, or a backbencher on the other side of the House, that actually became the law of the land?

He was asking an open question about the role of parliamentarians as legislators and the role that we can have in amending something through a motion at committee. In this case, it was about contributing to debate and amending a bill at some point. He's quoting in general:

Members say: "Oh, well, committees have been reformed, you can go to committees."

He means to seek that opportunity to be a legislator.

He went on:

What are committees? Committees are just a reflection of this Chamber. Why does the government find it so difficult to maintain its membership in committees on a day to day basis, and therefore wants more time off? It is not so much that members would rather spend their time in their constituencies—certainly that is one reason—....

We've heard that argument being made for changing the way we do our business here: to make it more "efficient" so we could spend more time in our constituencies. Some of us have constituencies that are remote and difficult to get to on a weekly basis, but that was a problem even then, in the 1990s, and a hundred years ago it was an even bigger problem. It has always been with us. It's not new, so I don't understand why we have to rush a study without having this amendment that we've proposed.

He continued:

—but the other reason, I am convinced, because I feel it on this side of the House, is a sense of uselessness. It is a sense that you can produce the best report that a committee has ever produced, and all it does is gather dust on the shelf.

We now know that Mr. Blackburn was wrong, because we've used the McGrath report. The New Democrats and other members have repeatedly referenced the usefulness of the McGrath report, which shows what this committee could do, as was done in June 1985, by the looks of the report from the Honourable Mr. McGrath, who was the chairman of that committee. I believe that later on he went on to become a lieutenant governor.

It shows that some of these reports, even 30 years afterwards, are referenced by other members of Parliament, because in that committee they considered this fully. In that report, you can see that they travelled and they considered witnesses. It was a thorough report, and they did it by unanimous consent. Together they agreed, because they had a shared experience that convinced them to do certain things and to not do others. They did not pursue goals that they could not all agree with.

That was Mr. Blackburn. I'll just put this away.

The Honourable Bill Blaikie was both an honourable member here and a fine gentleman. His son now serves in this Parliament. I've had discussions with the younger Mr. Blaikie about his dad and about how much I've appreciated some of the debates. I've listened to them and I've read them. I think they're very substantive. I think the deliberations he offered within the confines of the Standing Orders were very valuable.

On April 10, 1991, during the debates on how the government was pushing through the changes to the Standing Orders that they wanted absolutely, without seeking that unanimous agreement, he said:

I think that this is the way the Standing Orders of the House of Commons should be changed: by unanimous consent and agreement between the parties. That is what happened in 1983 as a result of the committee, chaired by now-Senator Tom Lefebvre, and in 1985 as a result of the work done by the Special Committee on the Reform of the House of Commons, which was headed by Jim McGrath, now the Lieutenant Governor of Newfoundland.

It doesn't say "Labrador" here, so—

**Mr. Scott Simms:** Okay.

**Mr. Tom Kmiec:** I just want to make sure.

Mr. Blaikie senior, in this case, the member at the time for Winnipeg—Transcona, continues on to say, and I think his particular experience is very valuable:

I had the opportunity to work on both of these committees. I wanted to reflect on the changes we have before us here, in light of the parliamentary reform process that I have seen unfold since I arrived here in 1979.

He actually worked on both of those committees, so his viewpoint as an experienced parliamentarian, as a member who has served on both of those committees, which reformed the Standing Orders not once but twice with unanimous agreement, is very valuable, and he's a New Democrat. I'm not even looking for a Conservative I can agree with. I actively looked for a New Democrat I could agree with and cite and quote.

He mentions here other members storming the chair at one point. I know that this was Harvie Andre, who was a member from Calgary, a very well-respected member, who actually did no such thing and would defend himself till the very end. I have the privilege of

knowing his daughter Lauren as well, who lives in Calgary with a gentleman I worked with at the Calgary chamber, Craig Watt.

He goes on to mention other members, the types of work they've done, and how they contributed to committee reports on the McGrath committee and on the Lefebvre committee. He says here about the McGrath committee:

At the time we all agreed with the McGrath committee that delay is not necessarily a bad thing.

That goes to the argument of efficiency found in the government's document.

Delay is one of the features and functions of parliamentary democracy.

Delay is so we can consider the question put before us, either a motion or a report or private member's business. It is not a delay to debate. I have heard that mentioned by a current member of the executive, the Minister of Finance.

Delay is not a bad thing. If I have an argument with my wife and I disagree on something profoundly, or she disagrees with me, and we sleep on it, we didn't delay; we just decided to pull back, sleep on it, and then decide the next morning, as opposed to deciding in the heat of the moment and then making a bad decision.

I think the same could apply to Parliament. We're all members seeking to find that common ground among each other.

He goes on to say:

They are providing crucial political time for the public to mobilize against something which they may or may not regard as something they want to oppose.

That is exactly what we as opposition members are trying to do today, and were trying to do yesterday and the day before. We are trying to rally Canadians to demonstrate to them that we believe the motion without the proposed amendment, and the contents of "Reforming the Standing Orders of the House of Commons", the March 2017 document that the Government of Canada posted online, are bad for the opposition. We believe they will lead to an opposition that is an audience, able to be seen but not heard. I would think that would be a great loss to this Parliament and to parliamentarians on all sides.

Now, people can disagree on the other side. I know a person who disagrees with our interpretation of what's going to happen, but the fact is that we, the opposition—I think I speak for a great deal of members—have very little trust right now for members of the executive. I don't necessarily mean members of the government caucus here at the table. What I mean is members of the executive. We have very little trust for them right now. We could rebuild that trust if we could pass this amendment, and we would like to get to that point.

I have two more things from Mr. Blaikie's contribution here during these debates. It's from April 10, 1991, on page 19293 of the House of Commons *Debates*.

He says:

...and the use of delay as a primary parliamentary function would not be so absolutely crucial to the role of opposition, if there was more meaningful input. But that they have not provided in this particular reform.

He's talking about the 1991 reform, when they were rushing through changes to the Standing Orders, as I feel changes to the Standing Orders are being rushed here. This is a parliamentarian of years of experience, who is saying this in 1991, who was first elected in 1979, who had served on the McGrath committee and served on the Lefebvre committee—two times they were able to reach unanimous agreement on the types of changes they wanted to see to the Standing Orders—and was a New Democrat in those years, no less.

I think that is the—

I was worried for a moment that I would not be able to continue.

I have just a few more quotes from Mr. Blaikie on the idea of parliamentary secretaries on committee. While I value their work as parliamentarians, I really don't believe they should be on committee. They can come sit in as parliamentarians, but I find it difficult to believe that they are able to separate cleanly their roles as parliamentary secretaries, meaning spokespeople on behalf of their minister and the executive, from their role as parliamentarians.

It is an incredibly difficult and fine line to walk as a parliamentary secretary, because you are there to promote, advocate, defend your minister, go to meetings, propose ideas, and work on their behalf and on behalf of the executive. You take on that role. You volunteer for that role. Nobody forced it upon you. You took on the extra duties. Just like then, in 1991, as Mr. Blaikie references, this is the excuse used by the parliamentary secretary to the House leader, who said:

It is not for control, it is for information, contact and communications, et cetera.

It's just like the argument that's used today: oh no, by no means will they direct the committee to do certain things, or direct members of the committee to vote a certain way or to propose a certain motion.

We're all working as a team on our individual teams, and we'll always be doing that. There are only so many spaces on the committee to work together. Some of the recommendations here could and should be studied, maybe to grow the membership of the committees and to include others who are unable to contribute to it, but that can't be done without the unanimous agreement that we're proposing in our amendment.

I have problems with some of the content of the motion, but I could live with it, as long as we pass this amendment. I think the study period is too short to study all the substantive changes being proposed for consideration. There's not enough detail, in some cases, to actually go through with it. I've mentioned the themes before, theme 1 and theme 2. You could break those down into separate complete studies, and you would have ample work at this committee in studying that over two or three years.

I've mentioned free votes before, so I won't repeat the points I've made on that. I won't mention that Mr. Blaikie twice rose in the House on a point of order to complain that the government was interpreting opposition day motions as matters of confidence. I would hope that we would never return to such a situation, where members of the government caucus are forced to vote a certain way on opposition day motions because they're matters of confidence. The government can name something a matter of confidence.

I think some changes that were made in 1991 and 1985, and some changes, as I mentioned, that were done by unanimous consent over the past 20 years, were at times good changes. They allowed members of the government caucus, and members of the opposition as well, to be more independent. Not everything is a matter of confidence.

Mr. Blaikie mentioned that as well in his contributions to the debate. I think it's important to reference him in particular, because he was a member of both the McGrath committee and the Lefebvre committee, so his viewpoints, because of the time he spent there, provide insight. He was a 12-year member of the House of Commons at that moment. As I mentioned before, it's from the veterans that we learn about procedures of the House.

Another member I want to mention is a former Speaker, Peter Milliken, the member for Kingston and the Islands. He was very well known and I think well liked in the House. Amongst parliamentarians he was well respected. He says here as a member, not as a Speaker, that:

This time we have had the government say in House leaders' meetings that it had changes it would like to propose to the rules; here they are; tell us what you think.

That's not what we've been asked to do. We've been directed to do it, not asked for our opinions in a general sense. We haven't been asked to cobble together the original motion. That's why we're trying to get in our say through this amendment.

He continues:

I submit that it is contrary to the past practice of this House. It has denied the opportunity for public input on the changes that are being proposed which fundamentally affect the way this House operates. This House is, after all, the public forum of this country where citizens have the right to express their views through their representatives and, on occasion directly, in the committees.

I think this is a profound statement by a parliamentarian who later became Speaker of the House, adjudicating the Standing Orders. There may be members here who know Mr. Milliken better than I do. This may just be apocryphal, but I was told that he did his studies on the Standing Orders and on question period. He read the Standing Orders before he became a parliamentarian, so he understood them in a way that many of us are learning to understand them and appreciate them.

In another section that I want to reference here, he quotes someone else:

Mr. Andre says the opposition's planned fight against the rule changes is just for the sake of appearances, since the three party leaders have been actively negotiating the changes since December.

The House leadership was trying to negotiate a solution to the impasse. Our House leadership has been trying to do the same, I understand, trying to find common ground and increase trust so that we can find some type of agreement. That's why we spend meetings trying to reach that agreement among ourselves, which we've so far failed to reach.

Don't consider our continuation of this debate, my continuation of this debate, as being solely to obstruct you. I want to make some points. I hope I've kept my repetition to a minimum. I've introduced into the discussion new material—articles, ideas, past debates, the opinions and judgments of parliamentarians with decades of experience. I think they're valuable for this exercise and this consideration because they're germane to the discussion. We're talking about changing the rules of how we work.

Mr. Milliken went on to say, with regard to the government House leader, that:

I presume he meant by that that just because you have been negotiating means you somehow agree.

Just because we negotiate, it doesn't mean we agree with the intent of all this, which is to drastically change the Standing Orders of the House and we how we do our business. I know that members have said that it doesn't necessarily mean that. Well, we have no way of knowing that, because we weren't party to the original discussion on the motion. That's why we're proposing this amendment, to at least reach some type of common ground. At least on this little bit we were hoping to find unanimous agreement to proceed on the study.

This amendment isn't trying to gut the original motion. We're not trying to eliminate it. We're saying that we will proceed with your goal, but we would like to have confidence in you. We would like to build that trust and co-operate, but with the knowledge that you will not force this upon us. We can talk, we can debate, but that does not mean that we somehow agree—yet. Perhaps we'll come to an agreement later on.

There is another reference I want to make. It is to Charles Edward Selwyn Franks, a constituent of Mr. Milliken, a good friend of his, a former professor of his, who wrote a book called *The Parliament of Canada*. On page 5 it says this:

There are two further functions of parliament which are so important that they deserve to be identified in their own right, though they might also be subsumed under the general rubric of making a government work.

This is related to the efficiency argument that the government is making.

The first of these is the function of parliament as a recruiting and training ground for political leaders; the second is the function of political communication, where the processes of Parliamentary discussion, in Bagehot's terms, express the mind of the people, teach society, and inform both government and citizen of grievances and problems.

How will we be able to debate those things and get to the grievances and problems, to, in his view, teach society and inform both government and citizens, if we don't have substantive debate at the committee stage, since we don't have it all the time in the House of Commons? The mechanisms the government can use to proceed with time allocation reduce debate. This is the place where parliamentarians used to debate all the issues, used to propose all the amendments, used to go into committee of the whole to propose amendments there. Yes, it was a very difficult process. It was perhaps inefficient, but it was effective in ensuring that parliamentarians had full capacity to represent their constituencies.

Mr. Milliken went on to state:

Governments resent oppositions that look like a government in waiting because it is perceived that all the weaknesses of the government are shown up by a skilful and competent opposition.

I would hope that Canadians, in general, have found our caucuses, both New Democrats and Conservatives, to be skilful opposition. I hope the government recognizes us as that, and not obstructionist, not out to unnecessarily impede, but to skilfully demonstrate a point, which is that you have to seek unanimous agreement to change the rules of how this House works before you proceed with a study. If we can reach agreement on the amendment, then we can proceed with the study. I think that's been plainly evident.

I'm looking at my outline here and I've gone through about four of the points. I have two left to do. I see Mr. Simms giving me a thumbs-up. He's quite pleased. Eventually, the floor will return to him, but just not yet. I have a few more points to make.

Mr. Milliken went on, saying:

I will read from page 5 of the little work: "On the Role of an Opposition".

This was something Mr. Milliken wanted to deal with, and he had been interrupted several times by other members.

He read;

Only a strong and alert opposition can hope to check and control the excessive control powers contrary to the Constitution that may be assumed or conferred upon governmental administration, the so-called bureaucracy.

Only an alert opposition can prevent the short-cuts through democratic procedures that cabinet ministers and bureaucrats frequently find attractive. It is only the opposition, functioning as a recognized part of parliamentary proceedings, that stands opposed to the degeneration of the governmental system into a form of arbitrary direction of public affairs by the executive and the bureaucracy.

I won't continue the quote.

The Standing Orders enable us to do these things. We are part of the parliamentary process. Part of proposing a bill should be considering how the opposition will react: whether there will be reasoned debate, whether it will pull the plug and obstruct everything, or whether it will say, "You are the government. You have the right. You have the mandate from the people to move forward with a piece of legislation, and you have recognized our right to oppose" within the rules that we have now.

If you choose to change the rules—and as members have said and members of the government caucus have said, you have a mandate to make this place more efficient and modernized, though I don't like the term "modernize"—I hope you will consider that we too still have a role to play here in these proceedings, at committee and in the House, through motions and, at times, dilatory motions or debatable motions or motions on committee reports. We have a role to play with you and we hope you will consider our viewpoints as well. However, unless you pass this amendment, we don't have faith that this will actually happen, because you can outvote us at this committee and you can have your way. There's just so little trust right now that we can't proceed on the basis of faith alone.

Later on Mr. Milliken made the point about 1969. I've had a very difficult time finding the *Debates* from the time and actually reading them all.

Mr. Milliken said:

The government finally used closure to get these rules through, after 12 days of debate. After 12 days of debate. I want to point that out to the parliamentary secretary. I can assure him that if closure is applied on this debate, he will hear about the 12 days of debate that went on in 1969. We are quite prepared to debate these for 12 days, I can assure the hon. member.

He was interrupted later on, but he was making a point that in 1969, again, the government of the day pushed through changes on the Standing Orders within 12 days, without that consent from everybody.

Parliament shouldn't be turning out legislation in quantity. My answer and the answer of many others has been that the mission of Parliament is freedom and the assurance that all the people shall receive justice. We're not a slot machine into which we drop a piece of legislation and then spin, hopefully not for no reason, and then a slug drops out at the end, and the legislation becomes law. We're not a slot machine. That's not what we're here for. You can't program this as you can a slot machine.

We're supposed to have open debate. We've chosen, I believe unfortunately, to move this from the House of Commons floor to the committee stage. We don't know how it will finish on June 2. We don't know what will be in this report, which is why we're asking for protection. This amendment is about protecting us. We're asking for protection. The weaker party is asking the stronger party, the government caucus, for protection, for certainty that it will not try to turn us into a slot machine as parliamentarians. That's all we're asking for.

I think it's a very reasoned debate.

I won't reference Mr. Milliken anymore. I'll put away the rest of his speech, but I highly recommend that members take a look at the debates in 1991 and his specific commentaries. Again, he was a member of the Liberal caucus at the time. He became Speaker, so I think he speaks from a position of experience and judgment, and he's also someone who actually studied the Standing Orders and has a deep appreciation for the traditions of this House.

Another member, David Berger from Saint-Henri—Westmount, quoted from the McGrath report:

We must strengthen the role of the House of Commons, and the key to restoring confidence in our central democratic institution is to enhance the involvement of the private member of Parliament in a number of areas.

He was talking about enhancing, but I can't tell whether many of these changes are enhancements for individual members or enhancements for the government. The two get confounded quite often, because what's efficient for an individual member is not necessarily efficient for the government. Having more deliberate debate is not efficient for the government. It says that slows it down. It wants us to be a slot machine. It wants to put in a piece of legislation, process it through, and then get it out the door within a fixed amount of time. It wants certainty.

Individual parliamentarians should say they can't give it that certainty. They need to consider this. They need to go back to their constituents and they need to go back to their caucus and they need to think about it. It's like buying a car: you're not going to buy it the first time you see it. The first time a piece of legislation is proposed, I may hum and haw. I will take weeks to consider it. I would hope people wouldn't buy vehicles based on an ad and then just walk into

a dealership and buy the first Tesla they see, although I hear in Ontario you can get a heck of a rebate for one.

This particular parliamentarian then went on, and he was speaking to amendments to the Standing Orders, exactly the same thing that could potentially happen later on if this report becomes part of a government motion to amend the Standing Orders. He talked about question period. I have commented that question period is the one time of the day and during the week when we can uncover weaknesses in the government and disagreements, perhaps, with government policy.

He says that in the parliamentary system it's the government's responsibility to present a legislative agenda. We mentioned this before, but the agenda comes from the government. We don't disagree with that on this side. We accept the fact that the government will be setting the agenda, and it won't be us.

That's why the example in the reform to the Standing Orders of the House of Commons referencing the U.S. House of Representatives is just so odd. It's because in there, there is no government to represent. Every member proposes bills and pushes bills forward. Majority leaders debate among themselves and then figure out agreement on things.

I'll mention one more. The member for Saint-Léonard, Mr. Alfonso Gagliano, was a respected cabinet minister, a long-serving member with much experience to bring to debates.

I have tried to reference experienced members of the House who were Liberal caucus members to demonstrate the viewpoints that existed then. I value all members regardless of their political affiliation, but to me experienced members bring a thoughtfulness that takes time to accumulate. Mr. Gagliano had this quote:

A fundamental aspect of the principles on which the financial procedures of Parliament are based is that Parliament does not grant supply before the Opposition has had the opportunity to show why it should be refused.

So we don't say yes before we say no. All we're asking is this opportunity. Say yes to us, and then we can debate on the rest. Perhaps we'll say no, but we could say yes too. You can't automatically assume that our side will say no to any changes, because we've expressed an interest in considering changes. Different members have expressed different ideas. I hope I've contributed some ideas as well, ideas that I think would be interesting to study, although not to implement immediately, because they deserve some study.

I have just this last quotation here, again from Mr. Gagliano:

The role of an opposition party in a parliamentary system is to make the process more democratic by forcing the government of the day to be accountable.

The goal is to render passage of laws inefficient because of that need for accountability. It will slow things down, but it's a two-way street. One person's red tape is another person's accountability measure. Requiring a longer administrative form is meant in some way to fulfill a requirement to collect information and to assure yourself that the money is being spent in the proper fashion. One person will call it red tape. Another person will call it accountability and want you to show them the way you spend.

I am getting closer to the end, which I'm sure members will cheer.

There is a reference to the House of Representatives here—

**Mr. Ali Ehsassi (Willowdale, Lib.):** Say it isn't so.

**Mr. Tom Kmiec:** I have a few books here I could maybe begin with.

I want to reference the ninth edition of *Congressional Procedures and the Policy Process*, written by Walter J. Oleszek. It is an American congressional procedures book that people who take university courses on congressional procedures of both the Senate and the House of Representatives in the United States are forced to read.

It goes through all the details of such things as committee mark-up procedures, which are very similar to our committee report-writing stage; how to bypass committees; the committee chair's role; committee hearings; and the scheduling of legislation in the House. There are many examples in here. There are sections on privileged legislation and minor non-controversial measures. There are examples on the amending process on the floor of the Senate, and on a lot of procedures like committee of the whole, which is very similar to our own. This is a book that is considered to be fundamental to read when you manage procedural process in the Senate and in the House of Representatives.

I bring it up because every time we discuss the Standing Orders, reference is made to Congress, to the United Kingdom, and to other legislatures and how they function. With a study as short as the one proposed in this motion, I don't feel you would have the opportunity to get the full contribution of enough witnesses from the United States, potentially, or to travel there to consider their process to pass laws.

We've all heard about the gridlock in Congress and about how slow their legislative process can be. I don't think it's necessarily true. You've seen in the past that they've passed massive pieces of legislation, and pretty important ones too, like the Affordable Care Act, which made substantive changes, and they used these procedures.

I want to focus a bit on unanimous consent agreements, because we use unanimous consent to get around the rules when we need to when we've consulted with each other and we're agreeing to cooperate. I bring it up as well because unanimously agreeing to change the rules sounds a lot like unanimous consent agreements. If the Senate strictly observed every rule, it would become mired in a bog of parliamentary complications.

We on this side—and the government caucus does this as well—when we have been able to find common ground to expedite a bill or find common ground to pass a motion recognizing a day, a place, a

person, or a particular situation, we have done so. We've found the ability to seek agreement, which is why it's so surprising to me that we can't find agreement on this very reasonable amendment.

Senator Tom Coburn, a Republican from Oklahoma, informed the other 99 senators that he would object to any attempt to pass by unanimous consent a measure to increase the debt ceiling. If one member of their Senate can slow things right down so that it cannot pass a particular measure, that sounds like a very inefficient way of doing things.

Majority leader George Mitchell, a Democrat from Maine for six years, said:

I regularly propound unanimous-consent requests on the floor and...when Senators object we hear within seconds—within seconds. Frequently when I am in the middle of a sentence, the phone rings and staff comes running out to say, “Senator so and so objects.”

They actually negotiate them back and forth on the floor, and actually cobble them together as they go, in the debates of the Senate.

That happens here, too. We have an open call, “Does anybody object to a unanimous consent motion?” and typically a member within earshot of the Speaker will say, “I object” or “No, I don't want to proceed with that”.

I don't think, though, that they think that their system is wholly inefficient. There are obviously members of the Senate who continue to do it this way because they think it produces results at some point.

This book says:

Unanimous consent agreements are often the product of intensive and extensive negotiations....

They actually draft written agreements that are then tabled with the Senate. They're at the table, and any senator can go to review them. This is once they have actually reached agreement on them.

I don't know why we can't make amendments to the Standing Orders using the same or similar inspiration from this procedural method. We can find common ground. I'm sure that we can if only we can have a very clear list of what the government caucus or the government intended by the changes it has proposed here.

I also use the example because programming is referenced, and programming happens a lot in the House of Representatives.

In here, one senator guesses that in the course of a typical week, they would probably enter into anywhere from literally 10 to 200 unanimous consent agreements, with 100 senators agreeing to them.

Including you, Mr. Chair, there are 12 of us. I'm sure we could come to some type of agreement, but we would like it to start with this motion right here, to find agreement on this motion. If 100 senators can write complex agreements and then table them before the Senate to deal expeditiously with an issue to find that efficiency that they're looking for, I think we can too.

These complex unanimous consent agreements are like our unanimous agreements that we seek. Some of them can be very long. The broad purpose is to impose time limits on debate, which is partly the proposal for programming in here for committees, and to expedite the scheduling of the Senate's workload.

There's talk of the parliamentary sessional calendar and of establishing predictability and permitting flexibility.

The predictability they're talking about is for the majority leaders. They want predictability. A piece of legislation will come in, at some point go out, and be moved to the House of Representatives. Again, there is no government line to defend. It's 100 independent, freethinking senators who generally agree with each other but who can also dissent.

They also have whips to rely on. There are general features to these agreements. They're negotiated contracts, basically, and accepted by all of them. They're comprehensive or partial. They vary. They waive points of order, and they may require the relevancy of amendments, so they eliminate the possibility for some of them to produce amendments.

These are all things a committee can do today. A committee can go into one of these, to take an example from here, and agree that they will not accept points of order. When committees travel, I have seen motions passed, before the travel is accepted, that during a committee meeting there shall be no dilatory motions or motions that would make it impossible for the committee to do its work.

I served briefly on the OGGO committee. I travelled with them to Atlantic Canada, including Newfoundland and Labrador, although we actually were unable to go to Labrador, and we passed those motions by unanimous agreement. Everyone agreed. Nobody wanted to shut down the committee while it was travelling, because we wanted to consider the witnesses and hear from them and get their feedback.

How would it help us to have rules set upon us that so that when we travelled, these rules would follow us? Has that been considered? Has anybody considered whether or not there will be exceptions to the rules when we're outside of the precinct? Will there be exceptions to how those function?

Now, all of these unanimous consent agreements are filed or recorded with the *Congressional Record*, the daily calendar of business, and the Senate journal, so no senator can ever miss it. A congressional scholar wrote that "A dozen or more complex agreements are no longer uncommon for complicated contentious measures."

As I mentioned before, why don't we look at all the unanimous agreements we reach right now, at committees and in the House of Commons, to find opportunities to amend the Standing Orders based on the idea that since we're agreeing to these things quite often, why can't we just make them part of the Standing Orders? I think that would be a nice starting point. Plus, because we've agreed to them in the past, I think we would find agreement with them in the present—within this Parliament, I am sure.

Here I want to paraphrase a knowledgeable Senate aide whom Mr. Walter Oleszek references with regard to these consent agreements.

There's increasingly a leaning toward the comprehensive rather than the incremental. Comprehensive unanimous consent agreements are now used to manage the decision-making process on the Senate floor "to an unprecedented degree".

On the idea of "comprehensive" versus "incremental", we can't tell, as members of the opposition, whether the government is proposing comprehensive changes to the Standing Orders—and we're supposed to accept, on faith, that they will respect us as part of the parliamentary proceedings—or whether they are proposing incremental changes. We don't know, and the few things that we do know, we don't trust. There's a lack of trust right now. We just don't know. That's why we cannot proceed with this.

I'll move on to a different chapter. It starts on page 260 of the procedural manual. We can compare the House and Senate now—the House of Representatives is referenced in here—and programming. I want to reference this for programming. I have the charts here on the differences between the two. Those I've mentioned I will not repeat.

They do have a more expeditious floor debate in the House of Representatives. They do. Because they have programming, it goes much more quickly.

Power is less evenly distributed—and they admit to that—between the majority and the minority. The majority holds all the cards.

There's a "strict germaneness" requirement—as for my pronunciation there, that's probably my third-language English at work—for floor amendments. This strict germaneness requirement for floor amendments means very strict rules on what a member can propose and cannot propose. They are far more partisan, partly because of the programming. It creates an environment where there are very few opportunities to make a point of debate.

I'm worried that these changes will lead to more partisanship at committee and on the floor of the House. I think we have enough of it. I think it's at a sufficient level. Sometimes it exceeds the need that is required, I think, but that's on us as parliamentarians.

They have very strict limits on debate in the House of Representatives. We have limits on debate here, but we can speak at every single reading of the bill. I have taken advantage of that opportunity, especially on the budget bill. On the last budget bill, I spoke at every single stage where I was allowed to do so. I remember getting ready to speak again on a free trade bill one time and being told by our lobby and the clerk that I had already spoken on it. I had spoken so much on the free trade bill that I was about to speak again when I wasn't supposed to.



The Senate and Congress have unlimited debate on nearly every single measure, which was the state of affairs in the House of Commons before now. With programming, you can see that the House has had its influence drastically reduced in what it can and cannot accomplish. They adhere very closely.... They have a rules committee. All it does is consider the rules. They negotiate these agreements to try to set the bar for all members of the House of Representatives, and there are 435 of them. It's a larger House than we have now. We may get there someday, and there may no longer be space in the House of Commons for everybody to be there. Maybe some of us will have to sit on the floor, quite literally, in order to be present.

I mentioned that the power is less evenly distributed. That uneven distribution comes at the expense of those who are opposed to the measure being presented on the floor. I don't think that's a model we want to adopt. As stated:

...the 113th Senate's rules, standing orders, resolutions, and laws affecting the business of the chamber are contained in over 1,400 pages and its precedents in one 1,608-page volume.

The Senate in the United States maximizes freedom of expression, quite literally. The House rules "show a constant subordination of the individual to the necessities of the whole House as the voice of the national will", because it changes every two years.

The House of Commons is the voice of our national will as parliamentarians, so we shouldn't necessarily be taking direction from the government on reforming the Standing Orders of the House of Commons. As I mentioned, this is like the executive team telling the board of directors what to do.

If we're going to proceed on the contents of this and the *Debates* of October 6, 2016, then we must have the assurance on our side that we do not finish like the House of Representatives, where the individual is subordinated to the common group. It would be a big problem for parliamentarians on all sides if that happened, and if we were to copy programming the way it's proposed there.

I think the study length is too short. I think programming should be studied over a longer period of time, because it's such a substantive change to how we function right now, especially if the committees are changed as well. In terms of changing all these successive things, it's simply impossible to know what all the unforeseen problems will be, in circumstances we haven't thought of, with new events that happen.

I've mentioned this dual-track method. I want to expound on it just a bit to explain what it is. It's "programming lite", as I would call it. As stated:

Formerly, senators could arrive in the midst of a debate on a banking bill, for example, obtain recognition from the chair, and launch into a lengthy discussion of the wheat harvest prospects. Today, complex agreements and the track system prevent that from happening. Now, senators generally know what measure will be considered on a specific day and at what time, when they are scheduled to speak on that bill, and how long they will have the floor.

They've already done some of this through those consent agreements, but they all unanimously accede to it. They say yes to it ahead of time, so if any single member has a problem with it, which is exactly this amendment, this would make us equivalent.

The government uses the House of Representatives as an example, but the example they should be using is the U.S. Senate. We are much more like the U.S. Senate than we are like the House of Representatives, because we have more similar terms. They sit for six years; we sit for four years. We should be more individual. We are more individual. We are trying to seek that unanimous agreement on things just like those senators are.

When they choose to, they can temporarily surrender certain rules, certain powers that protect their privilege. As I said, the Standing Orders protect our privileges and rights as members, but we can choose to temporarily suspend those in the name of passing a bill, agreeing to a certain formulation of debate because there's an urgent matter or an emergency or whatever it is that we're taken with. However, we should do it by unanimous agreement, just as the Senate does.

I find it interesting that the government would choose the House of Representatives, knowing that we're not like the House. We are much more like the U.S. Senate. I think that's a much closer example to how it should be.

There's talk of scheduling in here, and I want to raise this point on the House calendar about potentially moving things around. The very first sentence makes a reference to "a more efficient week". I don't quite know what a more efficient week could possibly be. We have ample time for debate. We have a caucus on Wednesday. They're really talking about Fridays. That's really the talk: it is to move Fridays and go to a four-day work week. I know Mr. Simms has said the opposite, that it's not necessarily so, potentially a full day, but how would this work?

I think there are other changes you could do to make the House calendar more efficient, and they do very similar things in the United States Congress. They have scheduling procedures, and there's a table shown on page 272 of their procedural book, table 613, a comparison of the House Special Rule and Senate Unanimous Consent Agreement. In general, this is what they're...and I will not read the whole thing. There are just a few I want to pick out to make a point. They are formulated on the House side by the rules committee in public session.

The exact meeting we're having here is where they would seek that consent among the members on the rules committee. Typically, very senior members of either party would cobble together an agreement on how to proceed. It permits or prohibits amendments. It specifies time for general debate. The effect is to waive the House rules, and it doesn't specify date and exact time for vote on final passage, so I think this is a very important thing.

Even though they have the ability to constrain members, to tell them they will vote at a very specific time on a very specific day on these measures whether they like it or not, they don't do that. They don't specify that. They don't go as far as to program everything down to the specific hour, saying they will have it passed by then. That slot machine idea I talked about—dumping in a piece of legislation and numbers churning and getting a piece out—is not necessarily the goal. They just want certainty here.

On the Senate side, again, the effect for these unanimous consent agreements is to waive Senate rules. The adoption is sometimes aimed towards prospective floor action. If somebody might want to raise an issue or a motion or a report or table something, it's agreed to by unanimous consent of senators. As I've mentioned, I believe we're much closer, and should be much closer, to how senators work in the United States.

It often restricts non-relevant amendments. I think it is reasonable to debate whether non-relevant amendments should be eliminated at certain stages of debate and procedure at committee. Sometimes I see amendments removing that from the beginning of a bill or removing the bill title. Some of those changes were brought in in previous Parliaments, again in the name of speeding things up and efficiency, but I think a great number of members agreed with it and those particular forms of amending motions were moved to other stages where they could be done in a different way.

Is it perfect? I'd say no, but it's good enough that it doesn't restrict my ability as a member to propose an amendment at committee. In the Senate, their unanimous consent agreements can set a date and an exact time for a vote on the final passage, which could include a 60-vote adoption requirement. Because they need unanimous consent, they can agree they will have a vote on this day, at this time, when all the senators who want to vote on it and want to be present can actually assure themselves of that fact, which is different from the House, where they don't do that. Again, it's that minimal amount of cordial respect as peers that they extend to each other.

That's enough on that chapter. I don't want to belabour the point on the schedule.

The legislative calendar that they have for the House and how they do their work and how it's regulated, the 24-hour day session they have, is quite similar to our own. If they choose to recess, the legislative day is carried over to the next calendar day. It's similar to the way Parliament can sit for as long as it so chooses. They can choose not to adjourn. Committees can choose not to adjourn and can continue. They can recess on to another day, and it becomes part of the legislative day. They do very many of the same things, but those many same things are on the Senate side, not on the House of Representatives side.

They have the same type of routine proceedings, and I see changes being proposed to routine proceedings here. They're just mentioned in brief, and I'm interested by some of them. I can see the wisdom of some of them, but I'd like to consider them more. I think they need more time, but we shouldn't change them without unanimous agreement.

As for moving the tabling of petitions earlier in those 15 minutes, it was in 1991 that they limited tabling of petitions, because what was happening was opposition members were accumulating petitions, as we all do, and were tabling them one after another. That was delaying other government business that needed to be done, so we've moved the tabling of petitions to an earlier point. I would be fine with it, because it's 15 minutes. It's a fixed amount of time that everybody knows about. We as members have petitions to table. I keep petitions in my constituency office and I co-operate with my local members of the legislative assembly, who keep petitions from me in their office. I've started to distribute them to my

community associations, the residents associations, because in Calgary every community has its own residents association with its own building, and now they are hosting my petitions as well. It's a great way to work with the general managers of these community associations to distribute these petitions. I think it's a valuable way to have people's voices heard, because it compels the government to answer within 45 days. Typically, what I'm trying to do now is to have a petition and then have the response to the previous petition, so then constituents can pick it up. They don't have to drive to my office. They can go to the community association to get the response. I think that's an interesting thing that they have.

The U.S. Senate has the call to order, the prayer, the pledge of allegiance, the presiding officer they name in case the chair is not there, leader time, morning business, and new or unfinished business. It's pretty darn simple.

Under "new or unfinished business", the majority leader might bring new business before the Senate through the use of two fundamental methods. One is unanimous consent. Otherwise, they make a motion to move up S-1 or S-2 or whatever it is, and then the Senate might resume consideration of unfinished business from the previous day. That's kind of the way they work.

We work in one-week blocks, which I think is a very efficient way of doing things right now, because I have some certainty. I know which bills are coming up next, and it also gives me an idea of what the government would like to see passed, what the government agenda is this week. I go week to week.

I know during caucus meetings there's something we all do. Our House leaders do it, and I'm hoping on the government caucus side they do this too. They show you what the intention is in terms of debating the legislation before the House and outline what will we do.

In the U.S. system they've also amended filibustering on measures that were not critical. It used to be the rule.... In 1986 the Senate had to amend the rules that permitted a non-debatable motion for the journal's approval from the previous day. It was as though every single day we would have to approve the *Hansard* of the previous day. It's like being at a non-political corporation board meeting when somebody disagrees with the minutes, and then the meeting is held up because someone disagrees with the contents of the minutes. I've actually seen this happen at a general meeting of a professional association when somebody disagreed with the minutes and it delayed the meeting.

They amended it and removed that filibuster tool. Then they proceeded to eliminate it everywhere, and this was obviously by unanimous consent. All the senators there agreed to stop doing that by unanimous agreement. All of them together said they should probably stop doing that, because it was a bit ridiculous, perhaps, or maybe it was being abused as time went on. Potentially the rule might have made sense 100 years ago or 200 years ago in their case, because the minutes might have been written with some type of felt or ink and it would probably be hard to read sometimes.

**Mr. Scott Simms:** A quill.

**Mr. Tom Kmiec:** A quill. Thank you. That's the value of the more experienced members.

• (6750)

**The Chair:** He was there.

**Mr. Scott Simms:** I'm not that old.

**Mr. Tom Kmiec:** So the Senate works a lot more like we do in the United States, but they have similar complaints that I would have and certain members have. Their Senate is also very much empty during most parts of the day. Many members are not sitting at all times in the Senate.

They debate, they talk, they listen. They also are listening to the TVs. They vote, and then they move on.

**The Chair:** How do they vote?

**Mr. Tom Kmiec:** It's electronic, at the table.

We had an offline discussion very briefly about the way they vote and whether that procedure could potentially be adopted by the House of Commons, to have either a screen or a switch or a machine. I would hope we never go the route of voting on our phones. I hope it would be a closed-circuit system—no Wi-Fi, but strictly like that.

I also think we should be doing more things on division. Mr. Simms raises a good point: how can we keep members accountable if we do more things on division? Technically, the system right now can work completely on division. If five members don't stand up, we just go by yeas and nays, and if someone shouted "On division", we could then proceed. It would be much more efficient.

I think we've had more than 200 votes so far in this Parliament. I expect we'll have over 400 votes, then, if my math is correct.

**Mr. Scott Simms:** Would it be automatic?

**Mr. Tom Kmiec:** We've had more than 200 votes so far in this Parliament.

**Mr. Scott Simms:** But are you saying that maybe every vote should be this way?

**Mr. Tom Kmiec:** I'm not saying it should be. I'm just saying that we have that ability right now.

**Mr. Scott Simms:** Okay.

**Mr. Tom Kmiec:** If five members don't stand for a recorded vote, it would just proceed on division. That's what would effectively happen, which is the state of the committee of the whole, where we just do "on division" on everything and then proceed to the next stage of the bill.

Some bills have passed without a recorded vote. I think M-47 passed by a unanimous agreement of the House. As I mentioned before, the standing order allows people to co-second. I know that Mr. Arnold Viersen, Peace River—Westlock, passed motion 47 as a rookie member with the unanimous consent of the House and with co-seconders from every single political party. It can be done, even by those of us who are rookies.

I don't understand why we can't get agreement on this motion that we could proceed to look at the rules within the confines laid out in Mr. Simms' motion. For the three study areas here, the overarching themes, I think you'll have to sit evenings and maybe into the wee hours of the morning, until 3 a.m. every day, seven days a week, until June 2. Maybe on June 1 you can write the report. I think you have so much material to go on here that there is just not enough

time to do this job of reviewing the Standing Orders that this place and Parliament deserve, that parliamentarians deserve, and that future parliamentarians deserve.

I'm almost done. I want to reference just a few more articles.

I'm done with going through congressional procedures. I just wanted to make the point that I think the reference to the House of Representatives is not the right type of reference. We are far more like the Senate.

Any government legislative agenda is constrained, not by the opposition but by the "anticipated opposition" from other parties. The government should anticipate that the opposition will oppose. It should not just table a bill and then expect it to somehow make it through this place without substantive debate. If they were to consult more openly with parliamentarians, I'm sure they could achieve their goal—sometimes they do and sometimes they don't.

There is an article I want to reference. It's "Obstruction in Ontario and the House of Commons" by Chris Charlton. Chris Charlton was a doctoral candidate in political science at the University of Toronto. This is from page 21 of the *Canadian Parliamentary Review*, in the issue of autumn 1997.

She talks about this anticipated obstruction and makes what I believe is a pretty interesting argument that a government should anticipate opposition. That should be part and parcel of the deliberative process of Parliament. It prevents any government from getting too ideological and ensures they respect the role of the opposition. We can differ as to whether there is sufficient or insufficient respect for all parliamentarians, and whether the government is too ideological. They can also go completely the other way and not be ideological enough, not stand for anything, and veer in all types of directions. Many governments lose when they do that.

Thus, the opposition has a significant impact on directing government legislative policy and tactics. The government obviously reacts to how the opposition behaves. I think the 1990s are an excellent example of that. The opposition was an active participant in the proceedings of the House and in the agenda of the government when the Reform Party and the Bloc Québécois were in many ways setting the agenda. Their response was resetting the agenda of the government, such as the 1995 referendum and the drive towards eliminating the deficit as a priority.

I'll mention that the first Reform Party finance critic made the point in his memoirs—I can't remember the name right now, which is terrible—that oftentimes he would have private conversations with Paul Martin, the finance minister at the time, and Mr. Martin would tell him, "I can't have you agreeing with me too often. I can't achieve the goals that I have in mind too often. I need you to go hard." He would, and that's part of the parliamentary process.

I think the Reform Party did its due diligence and compelled the government to follow through on its promise to balance the budget. Some of it was downloaded to the provinces. There were program cuts and program reviews that the Reform Party was demanding on behalf of the people who voted for them. They wanted to see them through. Vice versa, the Bloc Québécois, which was the official opposition at the time, also had primary goals and objectives that it wanted to reach.

I've read Martine Tremblay's book on the history of the Bloc. It was a very interesting read. They did not feel it was their job to grind this place to a halt, and they could have done so pretty easily. They still wanted to be responsible, as the official opposition. Their goal was to achieve independence, but they were still knowledgeable about the fact that they had to prove they could be a responsible opposition.

I think we're trying to prove to you that we're trying to be a responsible opposition, which is why we haven't walked away from the table. We haven't just walked away from the committee. I haven't gone to pick up the mace in the House. I haven't taken the gavel. I'm still trying to prove to you that I want to be responsible.

I could do those things, but I won't. I don't want to.

**The Chair:** We had a member pick up the mace.

**Mr. Tom Kmiec:** I remember. I believe he was the member for Esquimalt—Juan de Fuca, Keith Martin.

**The Chair:** Yes, it was Keith Martin.

**Mr. Tom Kmiec:** I believe it ended poorly.

**An hon. member:** How did it end?

**Mr. Tom Kmiec:** I believe he was ejected from the House for several days.

**Mr. David de Burgh Graham:** He had to apologize in Parliament.

**Mr. Tom Kmiec:** Yes. He had to apologize in Parliament, and the Liberals eventually lost the seat. Now we have Mr. Garrison here, much to his delight, I'm sure.

I think that's an important consideration. We are integral to this process. There's not just the government caucus. There's not just the executive with an agenda. We exist here too, and we're trying to offer you solutions to your problems, criticisms to your objectives, in a responsible way. We could have brawls on the floor of the House. We came close to a brawl on the floor of the House and we avoided it. Since then, I think we've rebuilt the trust we had amongst ourselves. That was a very tough week.

We could do more to obstruct you, far more, but we're choosing not to. We still think that this amendment is reasonable and that you will see the light at the end of the tunnel. As Polish people like to say, and as my father used to like to say, you'd better hope that the light at the end of the tunnel isn't an armoured train.

I hope there is no armoured train at the end of this. If and when this does come to a head, and the government calls for a vote on this at some point, once substantive debate has happened, with full deliberation....

Prayer is a good idea, yes, Mr. Simms.

**Mr. Scott Simms:** Thank you.

**Mr. Tom Kmiec:** If our amendment doesn't pass, the great risk we have here is that parliamentarians and the government caucus will take this as an opportunity to eliminate all the tools we have and the opportunities we have to be heard. We could wind up in a situation where we could not be heard. Then we will have few choices, few avenues, to stand up for our constituents and for our rights as parliamentarians to use the Standing Orders to make a point.

I want to put this into context and read the following from the review:

...41 additional bills would have been introduced, had the government not felt constrained by the opposition's ability to manipulate available House time. Indirectly, therefore, the opposition did have a significant impact on constraining the government's legislative agenda, although this fact could not have been gleaned from a simple analysis of the number of bills passed as a percentage of those introduced.

This was a reference to how much legislation had been passed by the government.

I don't think the House Leader has said this directly, but I think it's been an undercurrent of commentary that our legislative process is very slow and we're not getting legislation passed as fast as we would like to. I don't think that's a good enough argument to change the Standing Orders of the House, that the rules we have currently are insufficient because they're not fast. I've mentioned before that efficiency is not the goal of this place.

This article has a table in it, entitled "Table 1: Federal Government Legislation 1974-1993". I would encourage all members to find this article. It contains a whole list of where bills were after nine hours of debate and with less than two hours of debate, and the percentage of House time spent on second reading of individual bills. It just cumulates them over time.

This type of statistical breakdown stops at the 34th Parliament. It would be interesting to see it broken down along these lines, to then have a comparison, but this is not something you can get done within the 45 days afforded by—

**The Chair:** Which article is that?

**Mr. Tom Kmiec:** It's an autumn 1997 *Canadian Parliamentary Review*. The title is "Obstruction in Ontario and the House of Commons", by Chris Charlton. It reviews the Ontario legislature and it reviews Parliament, five or six Parliaments, and the work they did on behalf of constituents. I think it is important to use that type of data. One data point is one data point; as I used to tell my staff at both the HR Institute and the chamber of commerce, it is interesting but it doesn't really tell any story. A trend tells you a story, because it can tell you if the rules or procedures or ideas you have are up or down, and whether they are declining or rising. Having multiple data points is how we will get to whether or not we need to change anything.

I haven't seen anything, because there are really no numbers in the government's proposal. There are only areas of study that they proposed—that Mr. Simms moved through his motion—which is why we have moved this amendment.

I want to reference another member of Parliament, Reg Stackhouse, who was a member of Parliament for Scarborough West. This is from a revised submission to the task force on reform of the House of Commons of March 1985. I don't know whether all of his ideas were included in the final report. This is in the *Canadian Parliamentary Review*, summer 1985, and I have only one point to make from this article:

Debate is the esse of Parliament, and debating is therefore essential to a member's fulfilling his role. The legislator is not intended to be primarily one who gets things done, but one who uses debate to assess, criticize, amend, resist as well as to promote, advocate, motivate and advance ideas.

This is a member of Parliament saying this, so at the end of the day, the result is what you make of it. I know that for the government, the result it is looking for is for its legislative agenda to pass, but we're not here to pass its agenda. We're here to pass Parliament's agenda, and we decide which bills should be taken up. The government can direct us that this bill should be debated today, but it should not be able to tell the committees that it will have six days, nine days, or 10 days, or that Parliament must pass this in 15 days.

That is what we saw with the national energy program when it used time allocation and got it passed within 15 days. What a disaster that was politically for members on the Liberal caucus side. It also had a profound impact on the political culture of Alberta. Up until this very recent election, there were no members of Parliament elected from the Liberal Party of Canada. There are some now, but the impact on the culture and the beliefs and the ethos and the myths surrounding the national energy program are still there. It has had a very profound impact on constituents back home, and on all parliamentarians back home.

I think this is worth reviewing by all members here. It's called "Reforming The House" by Reg Stackhouse, member of Parliament, in the *Canadian Parliamentary Review* from the summer of 1985.

Now I want to reference an Ontario MPP. I found the most material, surprisingly, from Ontario. It was the easiest to find, I think, because many members have written. A lot of members have also moved on to serve in the Parliament of Canada, so they offer the opportunity to compare the two. This is from Sam L. Cureatz, MPP, who was a member of the Ontario Legislative Assembly for Durham East. He had been deputy speaker since 1981, at the time of this writing in the *Canadian Parliamentary Review* in the summer of 1983, so he had at least two years as deputy speaker in the Ontario Legislative Assembly, which brings valuable experience. The Speakers are there to enforce the Standing Orders of the House, so obviously they have a better feel for what the Standing Orders mean.

The title of the article is "Some Thoughts on Parliamentary Debate in Ontario".

In Ontario, when the Minister of Revenue attempted to introduce legislation in connection with the May 1982 provincial budget, a vote on first reading was requested.

I've never seen a vote at first reading in this Parliament. I don't think it would add anything.

The official opposition left the Chamber, and the bells rang for two and a half days until their return.

They were calling the members to vote, and the members chose to show their displeasure and unhappiness. They did return eventually, because the opposition also has a certain amount of responsibility. If we just stop coming here and all return to our constituencies, or we sit outside on the lawn of Parliament, I think a great number of Canadians would find that type of activity reprehensible. They would say, "Go back to work. Cobble together a solution", which is why we're still here at this table trying to find that common ground. That's the point I've been trying to make.

Filibusters or delay is a long-standing democratic practice. Lots of different assemblies use it. It's a common practice, but it has to be used judiciously and wisely. I don't believe we have overreacted and I don't believe we have gone out of our way to obstruct. We are simply trying to make our points.

We come back. Every time, Mr. Chair, that you suspend the meeting and return us, we return. We return to continue the debate. We return to continue making points, and substantive ones as well. I hope I have been substantive in my commentary and that I have made a contribution because I feel that this amendment that we have proposed to the motion is reasonable. It would ensure that all of the opposition members who are here, including my friends in the New Democratic Party, will have an opportunity to be heard.

On these changes to the special orders, the temporary standing orders that could be introduced, our concern is that a report could be produced by June 2 that will be voted on by the majority. We will lose our opportunity to be heard and then, simply, the process will continue and there will be no opportunity for us to get involved.

My last example is actually a Nova Scotia House of Assembly procedural change brought in by the government of John Buchanan, which proposed substantive procedural changes. In 1978 it was a Conservative government. The Liberal official opposition of the day and the New Democratic Party protested, and the government proposed and subsequently set up an all-party working committee to reach consensus. They admitted that they needed to reach consensus.

The government then presented its proposal for these new rules. While these proposals contained only minor modifications of the proposals made by the select committee, they immediately encountered strenuous objection from the Liberal opposition and from the New Democrats. A two-thirds majority was required to enact the new rules, and government supporters in the House were not that numerous. The government therefore decided not to proceed with its resolution. Instead, it proposed to set up an all-party committee to narrow the areas of disagreement.

That's what we're trying to do.

Nova Scotia has an example that we could use. If you pass this amendment, we could narrow down the areas of disagreement. There are things we simply will not agree to. We will not accept to have our voices silenced at committee. We will not accept to have our privileges of debate further restricted. It's not something that we can accept.

The reason they set up this all-party committee, a working committee, and they admit this, was to try to narrow the areas of disagreement. I am sure that during those in camera deliberations or public sessions that they held they found things they simply could not agree on and they removed them. They took them off the table. Perhaps they went through a document like this that was produced upon the advice of the Legislative Assembly of Nova Scotia and they said, "On these three items perhaps we can find agreement, but this one most definitely we cannot" and they simply moved on and found a way around it.

They found a way 35 years ago to reach a solution to the impasse, so why can't we do it here? This is why I'm still speaking to this amendment to the motion because I think we can find agreement and then find a way to work together. I don't think it's unreasonable. This is just an amendment that would protect the opposition from the majority. As many members have said before, this is a protective measure for us to ensure that we are heard, that we do have a role to play here.

On the actual proposals, just so I can make some final points on this, in this document in the introduction.... I've already mentioned my problems about adversarial and my problems about modernization. There is a section that says, "Societal changes have also brought about the need to ensure greater predictability in the House for at least two important reasons".

There are two important reasons in here to seek more "predictability" in the House. I would substitute "predictability" with the word "efficiency". I think that's what they mean. One reason is "to ensure Members have a better balance". It doesn't say "work-life balance", it just says "better balance". Another reason is "to encourage under-represented segments of society to seek elected office". You've heard me talk about this. Nobody reads the Standing Orders before coming here. I think it's a great shock to them how many rules there are.

It says in here as well, "Technological changes should also be considered as we look to ways to make the House more efficient." Absolutely, and we have had technological changes. We have the ability to look up the Notice Paper, Order Paper, and pieces of legislation online. I read them mostly on an iPad, although I still like the feel of paper, which is why I'm holding this paper. I'm reading from it because I can go back and forth on it, something I can't do very easily on an iPad.

I think those are two bad reasons to go ahead and change the Standing Orders. Those are two very bad reasons to proceed. There would have to be something more substantive than simply saying we need a "better balance". A better balance of what—between the opposition and the government? You already hold all the cards. You set the agenda. You can use time allocation. You have more members, so you can outvote us. All we ask is for the opportunity to be heard. Don't propose to somehow change the rules without explaining to us where you want to go. As parliamentarians, not as the executive or the cabinet, where do you want to go with these changes?

I would feel far more comfortable if I saw more experienced veteran members, potentially returning members as well—members who were not there in 2011 but who were there before and then

returned—providing us their insight and their feedback on the changes being put forward by the government, not by parliamentarians.

Under "Theme 1: Management of the House", again, you can disagree with me, but I feel that Canadians work five days a week, and some work more than five days a week, so we should too. I know that members say that we work in constituency offices as well, that we travel to our constituencies on weekends and we do substantive work, but constituents expect us to be here and to work on their behalf here. I honestly don't mind if Friday becomes a full day, the way Mr. Simms has proposed, but I also don't believe that 45 days is sufficient time to consider that type of change. I don't want to use the word "radical". That may be going too far. I need a synonym for it.

This would impact members like you, Mr. Chair, who has to travel to the Yukon. I think you'd be able to spend maybe a few hours at the airport before you had to turn back. It would not achieve the goal it was meant to do.

There may be changes to the House calendar that could be done to offer members more opportunities to have back-to-back weeks in their constituencies. Perhaps we could avoid doing what we've done now, which is that we have one week here, one week off, one week here, one week off. It breaks up the legislative process too much. I still believe it's worthy to have five days, and we should keep it the way it is. Again, that is my personal preference.

In terms of alternating days, sitting days on Fridays, and having more private members' time on Fridays, again, reapportioning hours would not be family friendly in any way. A previous report unanimously agreed not to do away with this. I believe PROC was the one that said not to proceed with changes to Fridays. I could be corrected on that. There are members who sit on the committee on a full-time basis who may have different viewpoints on this.

I mentioned electronic voting before, and my thoughts on this. As I think I mentioned very early this morning, Bill S-201 is a perfect example of when "on division" should have been accepted by the government side, and the cabinet rose to force a recorded vote.

We have a lot of recorded votes. They do serve a purpose. Mr. Simms raised the point that they do serve the purpose of accountability on individual members. I agree with him on that, but I don't think every single measure needs a recorded vote. We have to police ourselves. Is the right number of members five? I don't know. I would say that 25 is not the right number. Let's not get excessive here, but maybe there's a way to change that to something more reasonable. Again, that would have to be considered in a substantive debate, but we can't agree to that debate if you don't approve this amendment. You could change it to 99 or 100, in which case we would not be able to get a recorded vote on our side. I would hope you would not do something so drastic, so radical. I'll use the word "drastic" from now on, not "radical".

It's mentioned here, under "House Calendar", that "The number of sittings could be based on the demands to sit." Who will set and determine who demands to sit? Parliament should determine when it sits. The government should have to bend to the will of Parliament, not the other way around.

I know there is prorogation, which is a method used for... It's mentioned in here too: "where Governments have prorogued early in the session to avoid politically difficult situations." It makes a reference to "governments" that have prorogued, but my understanding is that the Governor General prorogues upon the advice of the Prime Minister. Maybe that's just nitpicking but the more we confuse these fine lines between the different functions in the different places, the more we lump it all together so that the executive, the cabinet, the parliamentary secretaries, the government caucus....

People start saying, "You're in the government". I have constituents who tell me that I'm in the government, "You work for the government". I reply, "I don't work for the government. I work for you. You pay me indirectly through your taxes, but I am an opposition member." When I bring greetings to an event I don't say it is on behalf of the Government of Canada. I say it's on behalf of the Parliament of Canada because I am not a member of the government. In schools I go to, I make a point to explain to them that I am not there on behalf of the government; I am there on behalf of Parliament.

It is perhaps not as glorious or as edifying to say that, but it's drawing a line of distinction that we should all be responsible for as parliamentarians who should love this Parliament the way Mr. Diefenbaker did.

Just a little more on prorogation, there are some ideas in here that are worth studying. Some of the reasons for prorogation should perhaps be set out in the Standing Orders, which should perhaps constrain the ability of the executive to seek prorogation, or perhaps there should be debate on it before it happens. I'm sure that could be studied. It could be considered. That could be an entire study on its own, prorogation in Australia and in the Westminster Parliament as well.

Private members' business is where I find the most interest, honestly, because I think there are more opportunities there, as parliamentarians, to do the work we were sent here to do and to actually legislate and to act on behalf of our constituents. If we have more opportunities to propose private member's bills, I think it

would be better. I have two private member's motions that I have tabled. I know members who have already passed their private member's bills, but I also know members—Mr. Chan was mentioning it—who may never get the opportunity to table a bill or a motion that could be debated in the House.

It is one of those things members actually look forward to, and it is a question I have heard at the debates I have been to in communities. Many members have told me the same thing. They get asked the question, "What is the first private member's bill you intend to table?" It has become a question the public now asks us: "What is the idea you are running on? What is the one thing you want to do here?" If we could find more opportunities to do that, it would be an interesting idea to pursue.

Our worry is that if you pass this motion the way it is written now, you—the government caucus, the executive, whoever is going to make the final decision—could choose to take away our private members' business time. We have that time on Fridays right now, but we also have extra time on Mondays for it, or you could move it around during the day. We don't know. Maybe there could be Q and A during private members' business for every single speech, which would require more time.

Regarding "Theme 2: Management of Debate", as I mentioned before in a reference to the House of Representatives, programming was talked about on an experimental basis. It was introduced in 1998 in the United Kingdom. It was made permanent in 2004. It took six years before they made it permanent. They considered for six years whether to keep it or not.

I think we are moving too fast with this. I am sure they did not reach that point without consent, broad-based consent, among the different parties. If we guard our privileges jealously, parliamentarians in the United Kingdom guard them even more jealously. They have brought down prime ministers because they have disagreed with the way a prime minister, an executive, was leading the country. Voters brought down David Cameron's government on a referendum, but it was also a referendum imposed upon him by his backbenchers, who demanded it on behalf of their constituents. Right or wrong, they got what they wanted, and Mr. Cameron eventually resigned after losing what is now called the Brexit referendum.

Those are important points. Members there guard their freedoms jealously, and we should guard ours too against an executive that has gotten larger, more powerful, and more able to offer us incentives and opportunities that we may not have otherwise. I came here to be a parliamentarian, not to be a cabinet minister. Obviously I ran as a Conservative too, so that probably simplifies things as well. I am not working hard to join the cabinet. I am working hard on behalf of my constituents.

If I should find myself on the government caucus side, I would hope I would not be punished with an executive position in cabinet. That would be a punishment for my wife and my family. I think they do extraordinary work, with those extra hours. I don't agree with very many of them and the policy objectives they have, but I respect them. I would hope they would extend the same respect to us, on the opposition side, because we're not here to obstruct without a purpose. We have a purpose, and it's to be part of the proceedings of Parliament. We're trying to maintain that, which is why we've proposed this very reasonable motion.

Don't exclude us. Don't cut us out.

I've said this before, but we just don't have that trust right now. We don't trust you to follow through with that—"you" being the executive and some of the government caucus members who may be active on behalf of or in conjunction with. I don't want to cast aspersions unnecessarily.

Continuing on lower down here, it does mention that "New Zealand and the U.S. House of Representatives also have measures to plan the business of the House that are similar in principle to programming." I have just shown you, using a congressional procedures book, that the Senate is far more similar to who we are, as parliamentarians here, than who the House of Representatives is when this programming subject is....

I think just this one section here could be its own individual study. It could be its own separate study, but this motion says that you may do this by June 2. That is a quick pace to introduce such a measure as took six years for the United Kingdom Parliament, the mother Parliament, to say it was going to take this on and it was going to accept it.

We don't even know what your goals are at the end. You may produce a report with recommendations that will go to the House, and then you will claim, as Mr. Christopherson said when he was here before, that you have a majority decision from this committee, PROC, saying that we should proceed with the following changes and we, on the opposition side, will obviously disagree and we'll have a debate in the House of Commons that I fear will be just as divisive as the 1991 debates, just as divisive as the 1969 debates, and will not build long-term trust. That is my great fear.

I think the government, when it pushed forward on electoral reform, bent in certain ways and made an agreement with some other opposition parties to have a multi-party committee to consider the issue. In the end, the executive chose not to proceed with electoral reform. I think that was the right call, personally. I know my constituents think that way. I know that, because I surveyed all of them and I got almost 2,000 responses.

I see Madam Mendès also shaking her head. A great number of Canadians got engaged in something that would be considered "inside baseball". With regard to the Standing Orders, if there is inside baseball, I think we're in the dugout with this stuff. The vast majority of Canadians—

**Mr. Robert Sopuck:** I'm the third base coach.

**Mr. Tom Kmiec:** Yes. Mr. Sopuck is the third-base coach.

This is material that most people will not want to watch, but I think one of my colleagues told me that she has had a million views for her video that she made on just this subject. Also, it's astounding how many Canadians have sent me comments. I already have a hundred comments on one of my videos that I made earlier today. We had people watching at 3 a.m. when we finished on that first night. Twelve people with insomnia back home were still watching us. I was getting text messages from a former member of Parliament who was asking me what was going on and responding to my tweets.

I'm surprised by how many people have taken an interest in this, but perhaps I shouldn't be surprised. People have become more astute. They know where to find information, and it's easier to find now than it was before. Also, they're interested in this because they understand the value of an independent, autonomous opposition that is able to oppose and obstruct, but loyally, so that's not to go and take your gavel, Mr. Chair, so that you cannot suspend the meeting and we can continue ad infinitum to debate. I promise not to do that at this time.

On question period, questions, and written questions—I see that the chair is now hiding the gavel—we've talked a lot about question period, but not enough, I think, about written questions in the House. I'm one who submits quite a few written questions to help me do my committee work. I don't think that any of the changes proposed here will help in any way to get better written question responses from the government.

In fact, as a rookie member, I have risen in the House to complain, not about the quality of the answer—this was on Order Paper Question No. 510—but about the contents, the non-response I received. The Speaker reminded me in his ruling that the Speaker plays no role in adjudicating whether I have even received a response. The format of the response indicated quite clearly that they had not responded to every single point I had been asking questions about. If ministers don't respond to questions orally and they don't respond to questions in writing all the time—I'll say here that I have received responses that were complete and fulsome—this will not help.

I would say, let's change that to do something more, and in this case I do mean radically. Let's look at all the written questions submitted over the past three Parliaments, let's say. The most common questions that are submitted—the themes, the types of questions—should simply be information that is made available online automatically by the government for public consumption.

The government should not be forced to produce the information for parliamentarians when they request it if they can expect that they'll be asked this question all the time anyway. Why not look at the Order Paper question system that we have right now and say that, at the end of every Parliament, the clerk shall be instructed to review all the OPQs, and the 10 most common OPQs will be then perhaps automatically requested from the government? It will simply be information that's automatically requested in every Parliament, or at a certain tempo at a certain time.



I don't think that adds extra work. If a public servant who's producing this information today could have the certainty that he or she will be asked the exact same Order Paper question at a future point, then it really doesn't matter if they have 45 days or 65 days to answer, because they could just cut across all of that and produce a recurring document that could be tabled in the House or publicly posted on [opendata.gc.ca](http://opendata.gc.ca)—hopefully, it's still called that.

We parliamentarians ask questions in written form because they're more technical, so why not simply produce the information automatically if it's a common, recurring question? A lot of them are about ministerial expenses: sedans, per diems charged, and private flights. I table a recurring question about my constituency in terms of how much government money has been spent in my constituency, and for all contracts over \$25,000, and for whom. It's a very common question. I've seen many New Democrats table such questions, so I've started doing it too because it's actually quite interesting. I get to track government money as it is being spent.

Why isn't that done automatically on a government website? The difference between 45 and 65 days is small. The complaint here—and it is a complaint—is this. “However, written questions have increasingly become more complex and voluminous over the past 10 years.” Really? So has government. It's a \$300-billion operation. We as parliamentarians, all 338 of us, have a responsibility to ensure that money is spent wisely.

The only way I can do that is to ask these written questions. How else am I going to get the information? The proposed changes here will just delay further down the road and potentially limit how many written questions I can have. I can have only four at a time tabled before the House. Four is not an unreasonable number. Four questions over a 45-day period is not unreasonable. I should be able to ask four written questions.

I think the government could save itself a lot of time by being proactive, and that is not in here. All I see here are ways to avoid doing things and to give themselves more time. If you want to expedite the answer, look at the top 10 or top 25 most common OPQs and simply produce the information automatically. You don't need to change the Access to Information Act. You could do it by order in council. The executive can do it today. There is really no reason not to go ahead with that.

The omnibus section talks about omnibus legislation and the government's concern about it. Their proposal, though, is to inject the Speaker into the legislative process. The Speaker does his or her best to avoid injecting himself or herself into question period and determining whether a member has a written question response that is accurate or fulsome. Why should we inject the Speaker into determining whether government legislation is omnibus or not, or what the themes are? I think it's placing the Speaker in an extremely difficult situation. If you were to make these changes, the Speaker would have that type of power and would be expected, then, to rule. I think that's a problem.

It's not to say that I believe the Speaker would not be neutral in the processing and the activities they undertake in their role, but I would like it if all of us could agree on what the Speaker does. Now I fear that you may change the rules over what the Speaker can and cannot do. Just by having that section in here, I am worried about what the

Speaker's role could be changed to. The Speaker works for us, as parliamentarians, to enforce the Standing Orders of the House on our behalf. He admonishes us in different ways. He can do it more publicly, more directly, but he can also do it more kindly and privately.

I know that I have complained to the Speaker many times about a lack of decorum in the House, either directly or in person, but I've also used the Speaker to ask questions and to clarify how things work in order to get to an understanding of how I should be behaving in my job. If the Speaker's role changes fundamentally to more of a referee, where the Speaker is a referee between the Liberals, the Conservatives, non-aligned members who are independent, and New Democrats, then the Speaker becomes a referee. Just like a referee in hockey, I'm afraid the Speaker could perhaps have collisions on the ice. Perhaps an elbow would go too high and take out a Speaker.

I'm worried about injecting the Speaker into the proceedings of the House. That is not the role that was intended. The intended role was to provide bad news to the crown. Some poor soul would be directed to go to the King or Queen to give them the news they did not want to hear, which was that the House had not approved the spending the crown had wanted. A few Speakers did not survive the experience of giving bad news.

I don't think we should be expanding the role of the Speaker to do these things. I think it would be a great mistake. But now I don't know whether the unwillingness of the government caucus to vote in agreement with this amendment is because they have other intentions for the Speaker.

Mr. Simms perhaps will speak to that later, when eventually I do yield the floor. I am running low on material. I'm sure he's delighted by that.

**Mr. Scott Simms:** No, I'm good. I'm enjoying it.

**Mr. Tom Kmiec:** You're enjoying it. Excellent.

I'll move on to “Theme 3: Management of Committees”. Then I can move on to *The Canadian Regime*, the book here.

The management of committees has been a major part of my disagreement with how we've been proceeding here, because I'm worried there will be even more control over committee work than there is now by our House leadership on behalf of the executive. I also don't think that parliamentary secretaries should be involved in the business of the committee. That is simply my viewpoint. The government has committed to ensuring that parliamentary secretaries indeed are not voting members of committees, but regarding their role—and, as I've shown, in 1991 there was the same concern—it says here, “Parliamentary Secretaries could be given the same rights on committees as is proposed for independent members.”

They would have the opportunity to question witnesses, but this is the problem I have. In a two-hour meeting, we have only so much time to question a witness, and in the questioning of a witness, I'm always thinking about what the report will say, what kinds of recommendations we will have at the end. That's how I look at it. There is a finite amount of time. There have been committee meetings at which I haven't had the opportunity to actually ask questions, because once we came around, I no longer had a chance.

I would not like to lose a chance to ask a pertinent question because we have allowed a parliamentary secretary to ask questions of a witness. Parliamentary secretaries are free to have the witnesses for coffee outside the chamber and to discuss with them. In fact, a great many people would be honoured to be invited by a parliamentary secretary to speak about government business, government policy, government agenda. Committees are an opportunity for us caucus members, members of our individual caucuses, parliamentarians, to ask questions of witnesses and to hear the witnesses' answers in whatever format we want, to allow them to speak their minds, to interrupt them, or to have a back-and-forth conversation.

My great concern is that we don't know what's going to happen, because we still haven't passed this reasonable amendment. I would like to proceed to more substantive discussions on some of the content that's been proposed here.

I should also mention that eventually, as in that saying "what goes around, comes around", the treatment the opposition receives from the government caucus, from government members, will be returned in kind, and vice versa too. The experience you have with us, you will return upon us as well, I am sure. You won't be in government forever, and the measures you propose here could or will be used against you someday when you're in opposition, or the third party, which is an experience I guess I wouldn't wish upon anybody. My apologies to the New Democrats at the table.

**Mr. Scott Simms:** I've been there.

**Mr. Tom Kmiec:** You've been there, Mr. Simms.

Representatives of the government, or those who are spokespersons for the government, don't need additional time at committee. They have all the time in the world outside of the committee to meet with witnesses. The only reason to include that in this discussion document is to somehow be able to set the record straight, to change the line of questioning, to make a point at the expense of the other members here. I trust the government caucus members can make all of those same points, and the parliamentary secretary doesn't need to do that.

Whatever points a parliamentary secretary can make at committee can be equally made by a minister coming before the committee and stating their views. They could be made by a minister who sits through an entire debate on the subject matter affecting their ministry, which I have seen certain ministers do, and I feel it shows a profound respect for Parliament when they choose to sit through an opposition day on the subject of their ministry. I think it does, and I also think that, vice versa, it's profoundly disrespectful for a minister to choose not to sit through a debate day on a particular bill that affects their ministry.

A parliamentary secretary may stay behind. I know I've seen Mr. Lamoureux pinch-hit and be the standing voice of the government many times, and he serves that purpose well. He speaks on behalf of the government caucus very well, and he defends its position.

It says here, "Members are able to sow dysfunction in committees by filibustering proceedings either by refusing to yield the floor or by moving dilatory motions."

It's not done on a regular basis. I cannot remember in this Parliament someone else having done so. The opposition is responsible. We would use this only in the most egregious of circumstances, like now. But by no means do I want to be here in two months still debating this. I don't want to do this at every single committee I go to, first, because I'd probably lose my voice, and second, because Mr. Genois would probably lose his voice as well, because we would tag team until we got the job done.

We do not abuse that privilege we have. We do not abuse the Standing Orders that we have right now. We are worried that without unanimous agreement to proceed on this study, there could be a situation in which, at the end of this, the recommendation will be to take away all of those rights. The Standing Orders that enable the privileges and rights for us as members to be heard would be taken away. We on this side are truly concerned about that.

Being a good opposition member and being a reasonable opposition member are all about balance. We could obstruct the government at every step of the way, but we choose not to. We've done it now only because we're trying to make the point that we feel you are trying to do another motion number six. I don't want to overuse it as a euphemism in any way. I just want to reference it.

The last thing this document says is that, "The principle of deliberations in the House and in committees should be to engage in substantive debate on the merit of an issue, not to engage in tactics which seek only to undermine and devalue the important work of Parliament." I agree. That portion of this statement I can agree with. If it's an important work of Parliament, then why are you trying to take away our ability to do important work in Parliament?

We can disagree. Mr. Simms and, I'm sure, others will say, "No, we're not trying to do that. You should trust us. We should proceed with the study as per the original motion." Now, we could potentially proceed in the future without unanimous agreement, but that is cold comfort for opposition members who have no tools beyond this, because the other place we will then try to filibuster will be in the House, and the rules are already changed there so we will not be able to do it as efficiently as we might want to. We will not accept to have the rules changed on us so that we can't do anything and we would just become an audience. You've heard me mention that a few times. I don't want to become an audience member in a theatre. Parliament is not theatre. We are not passive participants in the proceedings of the House. We want to be active participants in the proceedings of the House and we will be. We will participate.

You've heard Mr. Christopherson speak with much passion about his mandate from his caucus. I believe that we on this side have a mandate from our caucus to represent our constituents, our caucus members, our supporters, and the people who believe Parliament is supreme, that we debate here as parliamentarians, that we respect each other, and that the standing rules exist in order to enable our privileges and our rights. We will not give those away. I refuse to give those away.

I simply don't know where the government intends to go. I don't know where the government caucus intends to go. This amendment to the motion would give me a lot of comfort in terms of knowing that if it were passed, we would be protected. There are tweaks to do. Multiple members have mentioned possible changes. Members who participated in the debate of October 6 mentioned possible changes to the Standing Orders. Those weren't rehearsed. Those weren't talking points. They were truthful and from-the-heart suggestions by individual members for our consideration.

Equally, for mine, I did not vet my suggestions through my whip's office or my House leader. This has been a freewheeling debate, an offer of my ideas. Consider them or not. If you so choose to, I hope you will give them more a substantive hearing, with debate and consideration, because I think they deserve it. I think they actually require it. I personally believe that the length for the study that the motion has right now—June 2, 2017—is too short, unless you're trying to do a historical echo back to what happened in the Ontario legislature. Then maybe there is some reason for that. I don't think that's a good enough reason to do so.

I want to reference *The Canadian Regime: An Introduction to Parliamentary Government in Canada*, third edition, by Patrick Malcolmson and Richard Myers. I can't even tell in what year this was done, but on pages 130 and 131, there is a section on House of Commons reform. Every single time there's a mention about the "possibility" of reform in the House of Commons, it says—this is a direct quotation—that it would be "to increase the power and independence of legislative committees and thus increase the power of the backbenchers who make up those committees".

There is no mention of government efficiency and passing legislation more quickly through committees. There is none of that. There is no mention of programming, of telling us how much we may or may not debate. There is talk about making us more independent and making the committees more independent, but I don't see that in the very broad language used in the government's proposal. What I do see there is the great potential for the opposite.

We've already seen the government's attempts at using time allocation sometimes, which they admonished us for during the last election, and we on this side will continue to admonish the government to live up to the high-minded principles on which they ran. As I tell many members on the Liberal side, "You are well on your way to using it 100 times, so what comes around goes around." You will wind up using it that often unless you introduce programming, and then you won't have to, because everything will be automatically time allocated. You'll have specific times: 15 days for this bill, or 15 days for that bill at such a stage. This won't exist anymore, and I don't think that's the right solution.

Also, I don't think you are giving yourselves enough time to consider the profound changes that will happen to the work you do. I also don't think you're giving yourselves the mandate within the committee if you don't approve this amendment to your motion, Mr. Simms.

The authors also say just a bit later about Paul Martin, the former prime minister:

A large part of what he meant by "democratic deficit" was the perceived lack of influence of backbench [members of Parliament].

It just so happens that a great many opposition members are backbenchers, and we have what we perceive to be very little influence, so why would you take away what little influence we have to move motions, for instance, or to debate a committee report by a committee that we don't usually participate in? Sometimes we're trying to just make a point. We have an idea, we want to raise a point, and we want to hear from others what they think as well. Some will consider it delay, while others will consider it a reasoned moment of reflection. Again, there is nothing wrong with a bit of reflection. Some people of faith do it during prayer.

The authors continue:

At [Mr.] Martin's suggestion, then, the rules surrounding questions of confidence [have been] changed to provide government MPs with greater independence from the party leadership.

The authors go on to say that "House of Commons votes are now divided into three categories": the three-line votes, the two-line whips, and that concept that we all have to vote together. I think that has been beneficial for Parliament. We are more able to vote our conscience, the way our constituents want, and to differ, to disagree agreeably.

It has been a good change, because it also helps along the notion that the votes we have are truly free. They're all free. I did mention the consequences from all of our votes. I'm willing to live with the consequences of all of my votes, whether that is failing at re-election, being admonished by my supporters, being admonished by caucus colleagues, being admonished by others, or being praised by others. I hope some people will praise me for certain votes I've taken.

I think the most dangerous thing you'll see, from episodes of *Yes Minister*, is when a minister is told, "That was courageous: that was a courageous policy initiative." That's when everybody recoils. I feel the same way sometimes about some of the votes that members of Parliament are expected to take. A courageous vote will cost you votes or it will win you votes, but the worst thing that can happen is that you vote a certain way, and then someday, when you are older and you are no longer here, you come to regret the way you voted.

The best piece of advice I ever got, from a now former member of Parliament, was to never vote against your conscience. If you don't feel it's the right thing, don't vote that way, because then you can't look yourself in the mirror for years afterwards. You will regret it, and it will hang on you. It will be there on your soul, and it will be a regret that you will always have: "I could have voted differently. I should have voted my conscience. I should have voted the way my constituents wanted."

Every single member of the government caucus here is free to vote whichever way they want. You don't have to listen to the voice in your ears or on your shoulder, or to the other members. You can represent Parliament. You can join us in these proceedings, and through this amendment we can find the rules that we can agree on. You can vote with us and experience the consequences of your vote, which I don't believe will be anywhere as severe as this being done poorly. The process might be set up poorly.

As parliamentarians, it's not just for you that you do it. It's for the generations to come, for the people who will have your seat after you. I know that for many of you that means not the person who may defeat you in 2019—the great hope of many parliamentarians is to be re-elected—but you should think about that next person who will hold your seat, whatever political affiliation they will have.

I don't want to use this book too much, but I thought it was worth reflecting upon, because this is sometimes used as a textbook for students of parliamentary democracy. It's called *The Canadian Regime: An Introduction to Parliamentary Government in Canada*. I think it bears a lot of relevance. It's germane to exactly what we're talking about here, which is our role and what we're supposed to be doing.

I want to talk to you just briefly now, as I'm concluding....

I think it's the fifth time I've said that I'm concluding.

**Mr. David de Burgh Graham:** You wouldn't be repeating yourself, would you?

**Mr. Tom Kmiec:** No, no.

**Mr. David de Burgh Graham:** You're pleading the fifth now?

**Mr. Tom Kmiec:** No. I have my outline here. I'm trying to stay within the outline and cover all those points, and I think I've done so already.

Because the United States Congress's example was used in the discussion paper from the government, I just want to reflect on it. The rule change introduced by the previous partisan affiliation to how Congress works, in the Senate and in the House, has nearly every single time, especially on amendments to filibuster rules, dilatory motions, motions that obstruct the majority, led to people regretting their decisions. I know many Democrats now feel that way when looking at the appointments. Appointments used to have to be passed by a supermajority of 60 in the Senate, and now that's no longer the case. They have changed it to 51. Some appointments have gone through on 51. They don't apply to Supreme Court nominees, though. They apply to other measures. This was a way for the majority to dictate to the minority how the rules will affect their rights to obstruct, to delay, and to make a point.

In the U.S. Senate it's a common joke to say that every single appointee has a buddy senator, because every single person who is proposed for appointment has to go through a confirmation hearing. Every one of them gets a buddy senator because there will be a senator who will object to the appointment, and that then delays it from getting to the committee. They've only resorted to that because of the way the rules are structured.

Chuck Grassley, a Republican from Iowa, who's been a senator since 1981, took the Senate floor to condemn the filibuster rules changes. He quoted Democrats who were opposed to filibuster reform when the party was last in a minority. "Not too many years ago, my colleagues on the other side described their fight to preserve the filibuster with great pride", Grassley said, "Today the other side is willing to forever change the Senate because the Republicans have the audacity to hold them, the majority party of today, to their own standard." You could replace "Chuck Grassley, Republican from Iowa" to "Nameless Conservative opposition member or New

Democrat", and replace every mention of an American one to the Parliament of Canada, to a member of the House of Commons, to the Liberal Party. What we are simply trying to do is hold you to your own standard, the high standards you ran on in the last election. That's simply what we're trying to do.

They have come to regret it, in the U.S. example, having changed their rules in the House to facilitate the passage of appointments, except for Supreme Court appointments. The Democrats have come to regret it, as you will come to regret this, and others in your government caucus will come to regret this as well. I don't think it helps you in any way to do that.

Perhaps some members will say that this, my prolonged, substantive debate at this committee, at PROC, has been unreasonable, but let me remind you about some famous filibusters in the United States, which were far more fiery, and I think I am much more even-tempered. Mr. Christopherson brought the fire on the first night. Some of the longest filibusters in U.S. Senate history since the 1900s: 24 hours and 18 minutes by Strom Thurmond from South Carolina, on the civil rights bill, 1957, and I believe this was continuous; Alfonse D'Amato from New York, on a military bill in 1986, 23 hours and 30 minutes; and Wayne Morse from Oregon, 22 hours, 26 minutes on the Tidelands Oil bill, 1953. Those are the only three I'm going to mention.

This by no means has been prolonged. I have tried to be relevant and substantive, and to produce some additional information for the consideration of the committee on why I think this amendment is worth passing, through examples in the past where it worked, it made sense, it made a contribution, and it produced something better. I don't think we're going to get there if we don't pass this amendment. Without this amendment, we have no certainty in knowing how we will be able to work with committee members on the government caucus side, and that worries me.

In the U.S., because it was mentioned in the government document that was produced, until 1841 there was the ability to filibuster in the U.S. House of Representatives.

• (6855)

There was, of course, the great compromise, the Missouri compromise of 1850, I believe, or 1820 and 1850, two of them. There was concern at the time about long speeches impeding House business. It dated all the way back to 1820, which was one of the first great compromises, on the territories of the United States becoming states. In 1850 it all related to the slavery debates in the United States.

They were worried about the same thing that members of the government are worried about, which is the prolonged debate on issues at committee. I don't think you can give me an example of another committee in this Parliament at which debate has been prolonged too long, at which there have been motions to delay government business on purpose. Correct me if I'm wrong, but apart from this committee at this time, I don't think that has happened. I think we've had interesting debates and I think we've had interesting discussions at different committees.

In 1841 the rule adopted on the motion of Lott Warren of Georgia, required that “no member shall be allowed to speak more than one hour to any question put under debate.” This was the first rule change in the U.S. House of Representatives that ended their ability to filibuster and ended the ability of people opposed to measures—because the party system wasn’t as defined then—to obstruct the will of the majority. It passed the House by a vote of 111 to 75—with John Quincy Adams of Massachusetts, who was known as “Old Man Eloquent” by his peers, among those dissenting. He was renowned for giving multi-hour speeches that would never end. Obviously, he had a preference.

According to *Hinds’ Precedents*, the one-hour limit did not become a standing rule of the House until June 1842. That was a year after the vote, and two years after it had been raised as an issue. After that, the minority would sometimes make use of this: the disappearing quorum.

I know that the quorum rules of the House of Representatives have been used in this House in the past, and they were actually a bone of contention regarding whether there was quorum, because quorum and what a quorum of the House of Commons shall be, I believe, are defined in the Constitution.

Mr. Simms, I don’t know if you can correct me on that.

**Mr. Scott Simms:** I couldn’t hear.

**Mr. Tom Kmiec:** I know there is a lot of noise around us, but the quorum in the House of Commons is defined in the Constitution. Am I wrong?

**Mr. Scott Simms:** Is it defined within the Canadian Constitution?

**Mr. Tom Kmiec:** That’s right.

**Mr. Scott Simms:** Are you talking about provincial representation, or...?

**Mr. Tom Kmiec:** No, I mean in terms how many members are needed in the House of Commons for quorum to be held.

**Mr. Scott Simms:** I don’t know.

**Mr. Tom Kmiec:** Maybe another member can look it up.

**Mr. Scott Simms:** There is always Google.

**Mr. Tom Kmiec:** There is always Google. My iPad is turned off for now.

That was often used to obstruct, so the minority—because its ability to debate and to obstruct had been taken away—started to pull quorum and members started to leave the House whenever there was an issue brought forward that they did not want moved forward. They started to obstruct the majority by removing quorum, something as basic as that.

It’s just like when you are trying to resolve a policy issue in one area. If you clench your fists and you have sand in your hand, some sand will come out. Every time the government tries to grasp more power away from parliamentarians in order to make the House more effective and efficient, you will find that we will find new and innovative ways, creative ways, to get our point across.

I think innovation is in the new budget. I haven’t had as much time as I would like to read the budget, because I’ve been here debating this issue. We will find innovative ways. We’ll contribute to Canada’s

innovation deficit and reduce it a little bit by finding new ways to get our points across so you don’t ignore us and try to exclude us from the proceedings. That is why this motion is so important, because it goes towards that unanimous consent tradition that must exist in this House.

I’ll quote a headline from *The New York Times* only because it applies here just as much as it applies there, “Hard Choice for Mitch McConnell: End the Filibuster or Preserve Tradition”, by Carl Hulse on November 11, 2016, very recently.

The choice is really between two things. The document put on the government website tells us that what we will consider at this committee is a choice between doing what the government is telling us to do—making the potentially substantive changes proposed by the government House leader, which will end tradition or may end some of our traditions and our much cherished privileges—and preserving the traditions, the customs, and the covenants we have with this place, and defending those.

**Mr. Scott Simms:** On a point of order, very quickly...it’s 20.

**Mr. Tom Kmiec:** Thank you.

**Mr. Scott Simms:** Sorry to interrupt.

**Mr. Tom Kmiec:** That reminds me of a point I wanted to make, which is that a private member’s bill was passed on a Friday evening, during a sitting. There was a private member’s bill passed, which was recounted in John Diefenbaker’s memoirs, to change Dominion Day to Canada Day. There was an open question on whether there were enough members sitting in the House for quorum to be held, and there was a question called for quorum that the Speaker did not hear or claimed not to have heard.

To my knowledge—if I’m remembering what I read correctly—Canada Day was created on division. Beautiful words, in this case used for an unfortunate purpose.

**The Chair:** Quorum is set by the Standing Orders, not the Constitution.

**Mr. Tom Kmiec:** Perfect. Thank you for that clarification.

That is one time when “on division” probably should not have been used, but there was also an insufficient number of members told to rise by their lobby assistants at the time. It was a different time. It was the early 1980s, and members were genuinely confused by what was going on. Ending the confusion on the floor, I would like to see that. I’m not opposed to the consideration of allowing more electronics to be built into our desks. Part of me grieves to change the way these desks function right now, because I think they’re a nice part of the institution of Parliament, the way they look, the way they feel, the green that is everywhere—very traditional. It’s the green we have on these chairs as well.

I think some of these things we keep, and for the same reason we have historical designations for buildings. That’s why municipalities do that, to preserve bits of our history before they are torn down and replaced by something more modern, which is exactly the term used in the government’s document.

I know that Calgary—lots of you have mentioned this—has been busy tearing buildings down that have a lot of history because it's busy putting up new buildings. Our history has been partially wiped away in this drive to modernize the city, expand the city's ability to densify. We've lost a lot of that tradition, that history we used to have, the LRT we used to have. Light rail used to run and the trams used to run on different streets. It has really changed the way the city looks.

The same way it's changed the look of the city, I'm afraid that by changing the Standing Orders of the House with too short a debate and without having all of us included at the table as equal members, with the certainty that we are equal members through this amendment we have proposed, we are going to lose. That's "we" as parliamentarians, not "we" as the executive. I think the executive stands to gain quite a bit out of this.

Many of us have proposed tweaks and things to study around changing the Standing Orders, but we should do this unanimously around this table so that we can produce a document that parliamentarians who are not on this committee, who have not listened to this debate, who will not read the transcript, have the certainty of knowing that we are united as one in the changes we are proposing to the Standing Orders. Each of us keeps a copy of that in our desks. I know I do because I refer to it when the clerks, or when the Speaker, or when a member makes a reference to a new standing order I have not heard of, or I have not read, or I don't remember.

It's just by chance that I found Standing Order 86(2), which I used to co-second legislation that I agreed with. I think it could be expanded for other purposes as well. There could be other things that we could do with it.

I know that we've used the example of the United Kingdom several times and the rules in the U.K. Parliament that allow for a second chamber, that allow for programming, that allow for many different things to be done. I have here an article written by the former Labour MP for Hendon, who has given the longest parliamentary speech this century. That's quite the fame.

**The Chair:** Can you read it?

**Mr. Tom Kmiec:** I'm not going to read it. I could, but I wouldn't want to then go back to other things and forget what I started with. He talked for three hours and 17 minutes to defeat a bill, so he must have passionately thought that this bill was bad for his constituents, bad for his caucus, and bad for people living in the United Kingdom. He took a stand. He's now a former member, so who knows? Maybe that contributed to his defeat, or perhaps not.

In the U.S. Senate they have different rules. He makes the comparison, too. It's a common comparison: Canada to Australia, Canada to Congress, Canada to the United Kingdom, and vice versa. They make the same comparisons. This is an article, as told to Leo Hickman, so it's a conversation between the two. He talks about the U.S. Senate. He says, "There you can read out a telephone directory when playing for time." I have not read a telephone directory, mostly because I couldn't find one. I don't know if they exist anymore.

**The Chair:** We have the relevance rule.

**Mr. Tom Kmiec:** It's the relevance rule, exactly, just the way they do it, and he compares it to Radio 4's *Just a Minute*:

You mustn't hesitate or deviate when speaking. The current rules mean it is impossible to speak for longer than four hours. I set the record for this century in 2005 when I spoke for three hours and 17 minutes, defeating a Tory bill to give householders more powers to defend themselves from burglars.

That doesn't mean householders in the sense we have here, which is the material that we distribute to our constituents by mail. He means people living in their homes. It was like a "my home is my castle" rule; you should be allowed to defend against burglars.

That was three hours and 17 minutes, debated on point, on subject, to make the point that a government bill was wrong. Now, that sounds really inefficient to me. If you go to the trouble of writing a bill, proposing a bill, getting consensus within your governing caucus, tabling the bill, and going through the motions of seeking support from everyday working people, only to then have a member being able to stand up and oppose it for three hours and 17 minutes and succeed, it sounds like a highly inefficient way of doing things.

To me, it also sounds like a way to honour Parliament, because there must have been an excellent reason for him to do that. He goes into some of the details on the difficulty he found in doing it. He says:

You are allowed to pause for three to four seconds, but it is risky to go any longer than that. Crossing your legs for the duration is essential.

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

**Mr. Scott Simms:** And here we are....

**Mr. Tom Kmiec:** Here we are. I have appreciated the few breaks we've enjoyed today to return to the House while I rushed somewhere else.

He says:

The best thing that can happen is that an opposition member tries to make a point. This gives you time to answer it in detail before returning to your wider points. Ideally, over a three-hour speech, you would want 20-30 interventions.

I think we've had that here. We've had a kind of back-and-forth. We've heard from Mr. Simms and others occasionally to correct it... I've prompted corrections as I've gone along.

He continues:

Arguing over the meaning of terms such as "could" and "might" is a useful delaying tactic, too.

I have forgone that need to debate the definition of "could", or "might", or "is", or other definitions.

**Mr. Scott Simms:** On a point of order, I want to ask the member, with the indulgence of everyone else, could he possibly finish tonight? Might he finish tonight?

I'm kidding. I mean that in a gentle way.

**Mr. Tom Kmiec:** I just have a few more papers. I've finished this book. I will need my iPad—

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

**Mr. Scott Simms:** To cut in for just one moment, you were right, by the way. Section 48 of the Constitution states that a quorum of the House shall be deemed at 20 members, including the Speaker.

**The Chair:** Thank you. I stand corrected.

While we have a break, I'll welcome more new members to this team effort. We'll have had everyone in the House of Commons here by the time we finish. We have with us Karen Louise Vecchio, Mel Arnold, Salma Zahid, Randall Garrison, and Lloyd Longfield.

Welcome to the very educational debate that we're having. We're learning lots of stuff.

Mr. Kmiec.

**Mr. Tom Kmiec:** Gladly. It's been a Herculean effort to get this far, as I mentioned earlier, but I hope it hasn't been a Herculean effort to listen to me for this long. If it has—

**An hon. member:** Yes.

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

**Mr. Tom Kmiec:** I hear dissent—on division.

In the case of this parliamentarian, from reading this article and the conversation he has on it, he talks about doing this not just because he could but about how important it was for him to do it. He did it to make a point on that particular legislation, “But we do it because we believe our perspective matters—because it might well be your perspective, too.” You just may not want to rise to speak for as long as they do.

We're elected here to be leaders in our communities. I always tell students at the schools I go to not to look to politicians for role models, because we will disappoint them. As it says here, “If everyone who reads our reporting, who likes it, helps to support it, our future would be much more secure.” It's up to individual parliamentarians to rise and speak their minds and obstruct a bill when they feel it is necessary, just the way this Labour MP did. It is inefficient. Perhaps their government members said they wished they could change rules once more—they already have programming—to prohibit something like that from happening ever again. Obviously it was of importance to that member. He only did it once. Once in 2005 was enough to make the point that our perspective matters, because you might have it too.

In 2013, eight years later, the House of Commons in the United Kingdom did consider whether or not filibustering should be banned. That was part of the principles in the discussion paper that was produced by the government. One of the things we would like to be able to protect is the opportunity for “extensive debate”, we'll call it, not just filibustering, because that might have a negative connotation.

This article on the *Telegraph* website—“Filibustering should be banned, say MPs” is literally the headline—states the following:

MPs face being banned from making long-winded speeches to block legislation introduced by backbenchers, under plans to reform Parliament.

A committee examining the way the Commons operates has suggested that the tactic of filibustering—by which MPs speak at length until time for debate runs out on private members' bills—should be ended.

But this isn't about the government. This ending of filibustering is not about the government but about private members. It's about us. It's about how we do our business.

Now, thankfully we don't have that problem here, because it's automatic after two hours of debate that it proceed to the next stage.

Our private members' business, which we should guard jealously, does proceed on a track, on a fixed agenda. I think we could have more time devoted to private members' business so that more members would have the opportunity to speak, to propose, and to have their perspectives matter here as well. These are perspectives that I may disagree with. I fully understand that I am saying this knowing that there will be private members' legislation that will be proposed by members of the government caucus and members of my caucus and the New Democrats that will put me in a difficult position when I choose how to vote on them. There will be more opportunities for divided votes within caucuses and among caucuses.

I accept it. I look forward to it. Those are always the best votes, and the most difficult ones. I may agree with the principle but not agree with the process—just like here. I agree with the principle of tweaking the Standing Orders. I don't agree with the process of going forward without it being unanimously agreed to. That is my problem.

I want to see this amendment passed, quite obviously. It's not just because I like the member who moved the amendment. I like the principle of it. Amending the process by which the study will go forth is, I think, a good idea.

**Mr. Scott Simms:** Like in the McGrath report.

**Mr. Tom Kmiec:** Like in the McGrath report, yes, and in the Lefebvre committee as well, which I mentioned before.

**Mr. Scott Simms:** I intervened without getting permission; my apologies to the committee members.

**Mr. Tom Kmiec:** That's all right.

“Unlike Government legislation”, the article reads, “private members' bills cannot be timetabled,” this is the reference to programming, “leaving them vulnerable to opponents prepared to speak at length”. Just remember, there are over 500 members in the House of Commons in the United Kingdom, members coming from constituencies, some of which have existed for hundreds of years, who represent areas that have long-standing traditions and long-standing beliefs on certain issues. The debates there can get extremely pointed.

Their debates, though, about ending the filibuster and changing the way the rules work, are to protect private members, to protect parliamentarians, not to protect the government. The government doesn't need more protection. Perhaps it needs protection from itself when it takes bad decisions, the executive. Those are not your bad decisions. You're just members of their caucus. You're not responsible for their bad decisions. It's a reflection upon you if you choose to support bad decisions, just as it is a reflection upon me if I choose to support bad decisions. It's not a reflection upon you. The changes that they debated were to protect parliamentarians.

There is another article I want to reference here. I'm talking about filibusters again and why they could be soon be banned. It's from the same time. It has a dictionary description here, which I will not read because I think we all know what the word means. The article, "What are filibusters and why they could soon be banned under new parliamentary rules", [evolvepolitics.com](http://evolvepolitics.com), is from this year, on March 22. I think this is brand new. My staff provided it to me.

They cite the right to freedom of speech repeatedly, and in "exercising their right to bore", to be boring. I don't think there's any member who rises in the House who doesn't expect to be interesting, to make a point, to offer a new perspective, but I'm sure some of us find the points they make, perhaps not so much repetitive but covering no new ground, making no new points. The right to be boring, I think, should be preserved. I'll just let that hang a little bit. I think we all have a right to be boring as parliamentarians. I know I'm going to get quoted on that somewhere. It's the "active preservation of democracy", of our freedom of speech; that's what matters. If you are boring, get new material but don't take our right to be boring away at committee or in the House of Commons.

My fear is also that the government will proceed with whatever its intentions are, anyway, regardless of what we opposition members think. The only pressure that we can put upon the government is to do what we are doing now, which is having an extended, substantive debate on the issues, and to delay so that we can get all of our ideas, our thoughts, our viewpoints onto the record.

In the same article it has here, "I merely use the rules.... I certainly don't make any apology. If I'm accused of being effective I will plead guilty to being effective and I will take that as a compliment." Obviously, that speaks to having delayed the proceedings, government's proceedings, government's business for too long. I make no excuses for having spoken thus far, and for having made the points I have made, and for trying to defend the interests of the opposition parties and parliamentarians overall, so not just us here on this side of the House but on both sides of the House, for those government caucus members who can't speak up for themselves, or won't speak up for themselves, or are not aware that this debate is going on.

Some of the proposals the United Kingdom considered might bear reflecting on by members who like some of the ideas being proposed without this amendment, so the proposal simply to go forward with a study by June 2. "Proposed measures include reducing back-bench bills from 20 per year to 14", so there are not very many being considered in the United Kingdom, "and to apply special protection to the first bill tabled on seven of the fourteen Fridays a year on which Private Members Bills would be debated, allowing the Speaker to force a vote at the traditional 2:30 p.m. cut-off point even if MPs are still talking. Unfortunately, the Committee has fought shy of actually enforcing strict time limits which might do most to make filibustering more difficult."

We have a rule in the House that prohibits us from just reading out a prepared speech.

I've heard, especially from more experienced members, the cry and lament for the loss of free and open debate. Actually, rookie members I've spoken to, the class of 2015, have actually watched old speeches of Diefenbaker, Stanfield, and others, and we are just in awe. They speak with barely any notes or crutches—the "ums" or

"ahs" or "I love Parliament". They were great parliamentarians who obviously knew how to debate and who appreciated the House of Commons for what it is, a deliberative body where you should be able to speak off-the-cuff. When you're running for office, you should be able to come here and speak with no notes.

**Mr. Scott Simms:** Exactly.

**Mr. Tom Kmiec:** I have tried to refer to as few notes as possible in the House. Forgive me for the times in Parliament early on, when I was brand new to my role and I could not speak without notes present before me. I had to read them. Now I don't need them as much. I hope I've shown that today. As much as possible, I've tried not to read. I hear members of my caucus laughing here, because they know I can't keep things short. I've done better, I think, than has my colleague Mr. Genuis, who I pick on quite often. He is one of those stellar new members who do speak off-the-cuff quite often, and who are able to engage in constructive, effective debates, to speak of principles and not personalities, and to make a point on government legislation when we have a fundamental disagreement, and when we cannot support the government but we're willing to let the government proceed with the business it has put before the House.

What we don't want to see, though, is for that to be taken away through the Standing Orders. Where will the Kevin Lamoureuxs of the world go? Where will the Garnett Genuises of the world go? Where will I go if you don't allow me an opportunity, occasionally, to extensively debate an issue?

I serve on the Standing Committee on Foreign Affairs and International Development. I know that at times I have tested the patience of the chair when I've asked for just a little bit more time to make a point, or I have not looked in the chair's direction and just kept speaking as loudly as I possibly could to make a point. I do that only when I have to make a point, and then I step away and I allow the proceedings to continue.

My worry is that through these potential—again, they're all potential changes, because there's so little in the original motion that was tabled. There are just themes, really, and we don't know where the work on the themes proposed in the government document could go. That's why our amendment is so all-encompassing. It covers the Standing Orders. It covers provisional standing orders. It covers new standing orders that might be created, the sessional orders, and the special orders to create or revise a usual practice of the House.



I know that Canadians have really started to take an interest. We've seen more media pickup, and we've seen interviews on this particular issue. Canadians do care about their Parliament, which is fantastic. They do care what happens on the floor of the House of Commons. That was probably one of the great surprises I had when I came here. I thought nobody watched CPAC. I was surprised by the number of people who send me notes while I'm speaking, saying I made a good point or saying I made a terrible point, sometimes demanding that I resign, to which I usually reply that I have no such intention but that I take their passion and ardour for a particular issue under advisement, and in the fullness of time I'll consider it.

I've been surprised by how many people actually take an interest in what we do. This "inside baseball" dugout we're in right now, people have paid attention to. We've posted many videos. I just want to mention some of the comments I got: "Wtg...keep up the fight"; "Way to go! Thank you for the great work!"; "Glad it will be televised!!! Do not give up!!! You are our Voice!!!"; and "So proud of you both", which was talking about me and Mr. John Nater, who was here before, who increasingly lets his voice be heard, through points of order in the House, to clarify through a point of privilege or a point of order. We should expect no less from a member who has so much parliamentary knowledge and is still a rookie of 2015, who will make an enormous contribution to this House.

It says here, from Liz, "We the people will not be shut out... We need to keep the debate going... Government needs to be accountable to the people of Canada." This is another commentary, "It is arrogant and divisive to make changes without considering the MPs in all parties." It says, "None of them actually answer any questions. Not only that but those behind the PM just nod and wave nod and wave. Shameful." It goes on like that.

People do watch these debates. I'm sure there are people now who have watched this televised debate on CPAC, and I thank Mr. Simms for allowing us this opportunity to move it here. I think being able to expound on it has been of great benefit, and I hope people at home haven't thought that I have delayed it unnecessarily. I hope they think I've contributed something. I've added references. Hopefully, the analysts on the committee will be able to look at it, review it, and consider it.

I've found substantive speeches by former parliamentarians, some of whom are still alive today, and they add substantive thought to this. I think there's an opportunity to bring them back as former parliamentarians who could give advice to this committee on what should or should not be done to the House of Commons rules and procedures, the Standing Orders.

Another commentator, Pia, says, "Keep on them Tom. We all have to write letters of support. Please everyone write!" Another one says, "Good work! Canadians deserve the respect of their government. Accountability is a large part of the process. Thank you for keeping this in check." Again, there are many other comments people have made, such as, "Keep up the good work. Hurrah." They're paying attention.

Again, I was surprised by how many people actually paid attention at 3 a.m. They were engaged and listening actively when Mr. Christopherson was here and debating substantively his issues on principle, the principle of the matter of not proceeding with

changes to the House rules without the unanimous agreement of all parties represented on this committee. I think it is absolutely fundamental to have this amendment pass and to have all of us agree that we can work together and co-operate.

I've mentioned the issue of trust and confidence. I want to mention here other comments that I have received from constituents, 92 of them, from just a few days ago. One says, "Liberals want the next step...for us to be ruled by" a different system "fight...don't let them pass this...motion". Another one says, "Yes as a Conservative I'm very interested. I'm also very concerned about Canada. I feel like we live in a police state these days." I think that's going way too far, but she's entitled to her opinion. Another says, "I feel the govt is incompetent" and she says she honestly thinks Trudeau is completely wrong. That's her opinion on the matter.

These are from Canadians posting on our Facebook account who are saying that they fundamentally disagree with the direction the government is taking by directing this committee to potentially strip the opposition of all the powers they currently enjoy. I think that is very serious for parliamentarians from all parties to consider.

I have other comments here from the former interim leader of the Wildrose Party back home in Alberta, "Darn spell check. Keep up the good work, Tom and Garnett. Canadians are behind you." Another person says, "We definitely are paying attention." Another adds, "Exactly what I said...he runs Canada like his own dictatorship." Again, I think it's going too far when we use language like that, but they're entitled to their opinions. I do think it's going too far, but what are Canadians at home supposed to think?

You're trying to move forward a motion that would constrain this committee's study. On a specific day, we have to report back. On June 2 we have to be done. It takes two weeks to write a report. It has taken the foreign affairs committee almost three months to write a report. I would think that the Standing Orders deserve all the time necessary to consider every word, every proposed change, every amendment, and every modification, because they are so substantial. They would change how I do my work on other committees. I substitute on the Standing Committee on Health at times. It will substantively change the way they do their work. The joint standing committees will also be substantively changed.

I don't think we can do this too lightly. I think you should take all the time you need, but I also think you should pass this amendment to show good faith with the opposition parties here that you do want to work with us. We want to work with you on tweaks, amendments, and modifications to the Standing Orders. If you don't pass this amendment and you leave this as it is, in this format here, this is a reckless motion. This is reckless. This is going too far. This is changing the rules without including all of us in the debate.

We don't know what you'll agree to do at the end of the day. Your perspectives matter too. Potentially, as government caucus members, you may fully agree with the government's intentions. Perhaps you are working extremely hard on joining the cabinet. Kudos to you; you've found a purpose.

That is not the purpose of Parliament. It's not to convert parliamentarians into ministers. It is to raise great political leaders. It's to make us better at debating. It's to make us better at considering and better at listening. Being here has made me a better listener to my kids, to my wife, to my constituents. I spend a lot of time listening in my constituency office.

**Mr. Blake Richards:** On a point of order, Mr. Chair. As I'm sure everyone is, I'm really enjoying Mr. Kmiec's comments. He has been talking so much, but he just mentioned that he was a really good listener, so—

**The Chair:** Were you wondering when it was going to start?

**Mr. Blake Richards:** He does listen to his wife really well, and his kids really well, as he was saying. He's probably just getting it all out now while he has the chance before at some point in a couple of days, a few days, when he decides he is out of material that he would like to share with us, when he returns home, he can be doing some listening again to his wife. I just wanted a little moment of levity, Mr. Chair.

I don't really have a point of order. Let's be honest about it, right?

**The Chair:** As you have done that, the new coffee has arrived, so if people want fresh coffee and tea—

**Mr. Blake Richards:** That was really the reason I was commenting, Mr. Chair. It was just to allow them some time to get in the room and get that set up for us.

**The Chair:** Thank you.

Welcome back, Mr. Richards.

**Mr. Tom Kmiec:** May I continue, Mr. Chair?

**The Chair:** Mr. Kmiec, you—

**Mr. Tom Kmiec:** I'd love to continue. I'd also love to get up and get a cup of coffee, but I guess I'll have to rely on whatever water I have left here.

**Mr. Blake Richards:** On a point of order, Mr. Chair, I should have thought.... The poor guy has been talking for some time. Could we just give him 30 seconds to grab himself a coffee, or could someone get him a coffee?

**An hon. member:** I can grab one.

**Mr. Blake Richards:** I could do that, but I just believe in being transparent and open, something I wish the government would do in the way it deals with these Standing Orders.

**The Chair:** That's fine.

Okay, we're going to—

**Mr. Blake Richards:** Unfortunately, that doesn't seem to be the case, unless you've had a change of heart over there. Has anyone sort of—

**Mr. Scott Simms:** I think we should suspend over—

**The Chair:** We're going to suspend.

**Mr. Blake Richards:** We could have a conversation about that instead if you'd like.

**The Chair:** We will suspend for 10 minutes.

•(2130)

\_\_\_\_\_ (Pause) \_\_\_\_\_

•(2145)

**The Chair:** I'll bring us out of suspension.

I know that Gérard Deltell would really like us to get to him on the list, but seeing as there are six people before him, and each of the last two have taken nine hours, we may not get to him.

**An hon. member:** That will be in about nine days, I think.

**The Chair:** Yes, about nine days, Gérard.

**An hon. member:** I'd like to be put on the speaking list.

**The Chair:** You'd like to get on that list too? Okay. You'll be about 10 days from now.

Mr. Kmiec.

**Mr. Tom Kmiec:** Thank you, Mr. Chair, and thank you for that short health break.

I'll just give a few more comments from constituents of mine. This is something I have done a few times now in the House during a late debate. I'm one of those members who asked repeatedly for an emergency debate on the jobs crisis in Alberta. That opportunity exists for members of Parliament to represent their constituents and request something that typically is not given. We did get a take-note debate out of it. Again, that's an opportunity that the government and the opposition have to demonstrate an interest in a particular subject. That agreement was struck by consensus on which day it would be. The government was.... I won't say they were generous, but they saw the wisdom of having a debate on the jobs crisis in the energy sector, and eventually yielded.

At that time, I read many comments left for me by my constituents regarding the difficult time they were having finding jobs. It was one of those opportunities when I, as a parliamentarian, had to represent them.

Just as I did then, I want to read a few more comments left by Canadians who do care what we do here, who do care about the work of parliamentarians, who do care about being well represented.

Marilyn says, "Thank you so much for protecting our democratic rights." Harold, 40 minutes into this extensive debate we've had, wrote, "The liberals had better realize that the next election Canadians will not elect them again if they keep screwing us Canadians over. How tough is that to figure out". That's pretty harsh language.

Barb says, 29 minutes in, "Everyone keep talking. Canadians need their voices to be heard." Lynn says, 20 minutes in, "Keep up the good work. Liberals are clearly lacking in work ethics". I won't say that about the members before me here. You're doing exemplary work sitting here on this committee at this late hour in order to listen to me continue to discuss this. The PMO may thank you for it. You'll be at the top of the list, perhaps, for parliamentary secretary positions.

**Mr. Blake Richards:** I doubt it. Don't count on it.

**Mr. Tom Kmiec:** The last thing Lynn says is that the “last thing they need is more time off”—“they” being parliamentarians, of course.

Silva says, “Liberals should all go—”. That's pretty harsh. There's an allusion to Napoleon and Marie Antoinette here that's excessive. Another says, “The people need to know at all times what is going on”. There's also, “Tom...thank you for using your abilities and knowledge to challenge the liberal moves” and “Thank you for speaking for us. Keep putting the word out there and hopefully something will click.” That's 55 minutes in. Obviously, people are interested. Obviously, they are taking an active interest in this.

Some of these were not just five minutes in, or two minutes in. Some of these people made commentary 53 minutes into my extensive debate, my substantive debate, on this subject.

Molly says, “Keep going Tom. Don't stop.” I eventually will have to stop, because I will run out of steam and out of subject matter that's interesting.

**An hon. member:** I don't believe that. I think you can go forever.

**Mr. Tom Kmiec:** The honourable member doesn't believe me, but I will eventually because I'm not the Energizer bunny. I won't stop yet, though. I've only covered off the first point with my three dozen substantive subpoints. That's already off to the side.

I'd like to go back to the 1991 speeches. Again, as you've heard me say before, past members have already debated this issue. Past members have already raised the problems with proceeding on standing order amendments without having the unanimous agreement of the other parties. I have mentioned that we should not be looking to the past for situations that arose where governments proceeded to ram through changes they sought to obtain through the PROC committee but also on the floor of the House of Commons. That is not the right way to look at our patrimony, the right way to look at what we have been handed to steward on to the next generation. The right way to look at it is as an opportunity to learn.

Mr. Jack Whittaker was a member of Parliament for Okanagan—Similkameen—Merritt. He rose to contribute to the debate on April 11, 1991. The reason I raise what he said here is that he made a lot of the same points, having read the biographies of great parliamentarians like John A. Macdonald, Sir Wilfrid Laurier, Tommy Douglas, Mackenzie King, “to name some of them”. He went through the biographies, and mentions here what great love they had for Parliament and the work they did as parliamentarians in this House.

Going on here, even in 1991, he said:

The government in its arrogance simply ignored discussions with the opposition and invoked closure. The matter was passed on a voice vote without the necessity, but Parliament was not meant to have these matters pushed through or rammed through without proper discussion, without proper airing or without the adequate ability of the 26.5 million Canadians being given the opportunity to look these bills over....

I feel the same way about the potential for this study on amending the Standing Orders to go through without having this unanimous agreement component. I think we've taken a good step in televising this portion of our debates. That's a good step forward. The next step is to then agree to pass this amendment, a very reasoned amendment. It's very reasonable. It's not radical. It's not new. It simply says we

want to seek unanimous agreement before we propose any changes, any tweaks, to the Standing Orders.

He then went on further to reference, just as many members have already, the McGrath report and the unanimous consent of the McGrath report. I don't want to go through the report with you and read sections of it out, because Mr. Christopherson did that before. I've mentioned that there was the Tom Lefebvre committee, which also proposed amendments. Many times the Standing Orders were tweaked with unanimous consent. Those types of instances, in which we have sought common ground and found consensus, we should refer to more often. We should go back into the *Hansard* and look at those individual situations when we did find ground to work together.

Even back then, Canadians cared. They cared in 1991. There were *Ottawa Citizen* articles written in great volumes. It says here:

“It is interesting, in looking at a recent article in *The Ottawa Citizen* this morning by Frank Howard, that he refers back to when this government first took office in 1984. Having spent a long time in opposition, it was very aware of the difficulties of the opposition and the need to give opposition members a voice and to make them feel that they were responding to their constituents' needs and wishes.”

I'm not going to quote from the article, as he does. They would feel as though they had an opportunity. That's what this amendment is all about. We just want to know that you have our best interests in mind as well, that you will not try to shut us down. We don't have that certainty.

We're fighting right now to get that certainty from the government caucus. We want that certainty. Our constituents, the ones who made comments that I've read to you, want that certainty as well. They don't want to elect parliamentarians to come here and not be able to advocate on their behalf at the committee level or at the House of Commons level. Certain motions may obstruct....

As I mentioned before, I won't be rated on how much government legislation I vote on or pass. I don't think a government is rated that way. A government can be critiqued that way for being inefficient and ineffective at passing legislation or having things fall through.

I remember when this government, the government that many of these members support, almost lost its vote on the Air Canada bill and it was saved by only one vote. That's taking it down to the wire, but that's not the fault of the government caucus members here. That is the fault of the House leadership on the government side. I really feel that this motion, the proposed changes the government is pushing forward, are to cover for the deficiencies in the House leadership on the government side. I'm using the nicest possible language to define the deficiencies that I see in the House leadership of the Liberal Party, the Liberal caucus.

I think that all of these proposed changes will be, in essence, changes that will be created or proposed and then potentially rammed through this committee on into the House, and potentially rammed through there as well. They will see fit to cover for the inability of the House leaders, the House leadership on that side, to reach consensus and an agreement with those on this side of the House, both the New Democrats and the Conservatives, as well as with others.

We've seen it happen sometimes that unanimous consent was sought for a motion in the House of Commons, and nobody had spoken to the Bloc Québécois members on whether they were agreeing to the unanimous consent motion. You may disagree or agree that they should be there or not be there, but they were elected by their constituents to represent them, and they are trying to do that job as well as they can.

I don't agree with their philosophy. I'm still a committed federalist. I was a federalist, even though I was young, in Quebec. I survived the 1995 referendum. I remember my parents with their van packed, ready to go if the vote happened to be a yes.

However, I still think Bloc Québécois members represent their constituencies. Their perspective matters. It matters because they sought, found, and earned the support of their constituents to represent them here as parliamentarians. I know I've had my disagreements with them, with their anti-pipeline stances, for example, but they are still equal parliamentarians to me. They have the same vote, the same equally weighted vote. They have the same ability to move a motion. They have the same ability to be heard on a unanimous consent motion when consent is sought. The amendment would fix the motion and ensure that we all have a voice here, through our caucuses, through our representatives.

I know that when Ms. May was here—Mr. Chair, you were kind enough to grant her an opportunity to speak—she made similar points as well.

With a lot of the changes proposed in 1991 and eventually forced upon the opposition parties, I'm convinced that both the Reform Party and Bloc Québécois opposition members came to regret them because they made it much more difficult for them to represent their constituents. To defend the interests of their constituents is one thing, but then to defend the interests of Parliament is another. That's a fine line. You may find yourselves, at times, in a situation where protecting Parliament is not the same as protecting your constituents and their interests at the end of the day. Sometimes they may come into conflict, and then it's up to you as parliamentarians to find a balance between the two.

That balancing of interests I spoke to at the very beginning is really important. For members of the government and members of the opposition caucuses, it's an important balance to reach, which is why we don't go over the top when we oppose something. We always try to find a balance in a measured way to show the government that we are unhappy or dissatisfied with the amount of freedom we are given to oppose in the reasonable way that we do.

Again, I'll be speaking about another member of the House, who spoke in the House on April 11, 1991—a different member, the member for Davenport. I'm not going to say the name right, but it was obviously a cabinet minister, Charles Caccia. If you read the *Debates*, he invoked the McGrath report and spoke to the number of times that closure was used, noting that between 1971 and 1984, a 13-year period that included minority governments, closure was invoked three times. In those years, when there were a lot of disagreement and a lot of changes in Parliament, with a lot of new members being elected, they only invoked closure three times. They were able to find consensus. They were able to find opportunities where they could have a reasoned debate, disagree, and vote against

each other, taking the positions they needed to take, but in the end finding a way to go forward.

Finding a way to go forward requires us to pass this amendment. It requires us, including members of the government caucus, to agree that opposition members still matter to the proceedings and have been faithful to the duty we've been given by our oath of office.

That particular member, the member for Davenport at the time, went on to draw a contrast with the situation in 1991, seven years after the time frame he first cited:

...closure has been invoked nine times over a period of nine years. Do we not detect a pattern of management of Parliament that is pretty severe and pretty restrictive in resorting to such extreme measures?

With regard to this pattern of management of Parliament, what I think he meant to do in a very gentle way was to chastise the House leadership of the government for how it had chosen to manage the proceedings. I think you get a lot more with honey than a stick, when you entice members to take a reasonable stance and then proceed to defend their interests and their perspectives. That is okay.

The member for Davenport then goes on to describe the imposition he felt, which I've mentioned before, the imposition of the government constraining him in what he could do on behalf of his constituents, and the message it was sending to his constituents about his worth and his role in Parliament. This was quite a long speech he gave in talking about the different sides and the positions they had taken.

He went on to say:

We on this side of the House do not believe there is a bankruptcy of ideas on the part of elected representatives.

As for this “bankruptcy of ideas”, we on the opposition side have ideas for potential reforms to Standing Orders that the government caucus may want to consider taking on. Perhaps the government caucus has ideas that we could consider, separate from the ideas being imposed upon us by the Government of Canada. The only way we can proceed is by passing the amendment so that we can have the confidence that whatever the final product will be, it will be by unanimous consent, and the changes that we will have done will improve the functioning of Parliament, whatever that functioning is determined to be.

I believe it's about deliberation. It gives us more opportunities to debate and speak. As you know, there are the changes Mr. Genuis mentioned about potentially moving late sittings—and how we treat them—to the end of question period. That's not an idea that should be discounted so easily. It's an idea worth considering. It does have merit.

Especially on the face on it, it does have merit, but it needs further study. It needs in-depth study, and if it's to be changed, I think it should be changed by unanimous agreement. I don't think it could be changed simply because the government decides that it's a good idea and they're going to change the way late sittings work because it's easier for them to schedule in ministers to be in question period, to have them do this extended late sitting, an extended question period of four minutes on each side, perhaps, and to then leave for the rest of the day and not have to return for votes.

The member also talked about the work-life balance. This returns to the concepts about Friday sittings. I know that there has been disagreement on what actually is being proposed. We hear one thing in question period from the House leader, but Mr. Simms has offered a different perspective on it.

The member I've mentioned went on to talk about constituency work and what that looked like. He said:

Let me analyse for a moment the idea of having members in their riding longer every month...for one week.

That wasn't available yet. He continued:

This scheme is one that could be described as the steam-engine era scheme, coming from the time when travel was very slow and electronic facilities of the kind we know today did not exist. Fifty years ago, it took two or three days to reach one's riding. You certainly did not have a fax in your office or the telephone facilities and other ways of communicating quickly with your electors, constituents and the like. Neither did you have the capacity to travel back and forth by jet.

Almost the entire beginning of that no longer applies. I don't know if many of you still have fax machines in your offices. I have a perpetually broken printer, but I don't believe that I have a fax machine anymore. Now, with the advent of email, we are able to keep in contact with our constituents on almost a 24-7 basis. I answer my own Facebook messages to constituents.

Yes, it's a great way to keep in touch. That's what Madam Mendès is doing right now. It's a great way to keep in touch with constituents, especially when they know it's the fastest way to reach you. You can have that quick back-and-forth. Then the constituents know they've been heard, just like we will know that we have been heard if you pass this amendment and allow us to proceed to change the Standing Orders in such a way that we can all find common ground.

He goes on to talk about what the work-life balance was. He also talked about past proposals for these kinds of parliamentary reforms in asking these questions:

Has it packaged the product of the 1990s for our consideration? Or is it a product of the 1920s?

Where do you want to take us with these amendments? Do you want to take us back to where we were before, pre-1969, which would give us more time in the House of Commons to debate, to potentially filibuster, and to obtain more speaking time from the Speaker? We just don't know, because it's not in here. The only theme, the overriding theme of the government document that's been produced, is that efficiency matters more than deliberation and that we are too adversarial in the way we proceed with the business of the House.

I have mentioned that I don't agree with that assessment. It's wrong. You're not my adversaries. We have deliberative debate, and especially at the committees, with the added opportunities. It could be just as good to have this deliberation and this debate on the floor of the House of Commons.

Even in this time, it wasn't solely a conversation among members of different caucuses who weren't members of the executive, but they mentioned the concerning, far-reaching statements, declarations the Prime Minister of Canada made on environment and sustainable development—it goes on an on—declarations in abstract terms.

**The Chair:** Sorry, but I will interrupt just briefly.

I promised to get back to people tonight about my thinking on the schedule. We will suspend tonight at 11 and come back tomorrow morning at 10 in room 253-D. It will be televised. You'll get the notice, but that's where it is. Then we'll suspend at 11 tomorrow till Monday, April 3.

**Mr. Scott Simms:** What is it again for tomorrow?

**The Chair:** We'll sit from 10 a.m. to 11 a.m. tomorrow, and then suspend till Monday, April 3, so you don't miss question period.

**Mr. David Christopherson:** Then we're adjourned until—pardon me, we're suspended until...?

**Mr. Tom Kmiec:** That term is pretty loaded.

**The Chair:** We will be suspended until April 3.

I promised to get back to people tonight.

Mr. Kmiec.

**Mr. Tom Kmiec:** That's okay, Mr. Chair. It's probably a good thing you interrupted my train of thought.

**The Chair:** You can go back to the beginning.

**Mr. Tom Kmiec:** I am tempted to just take it from the beginning at this point, but I think I've made my point by 10:10 p.m. I think I have exhausted every single subject matter I could have covered at this time. In the fullness of time, I may return to make a couple more points and then continue with point number two, the second bullet with the three dozen subpoints I would like to make.

**Mr. Blake Richards:** On a point of order, Mr. Chair, I will point out that he said he had a couple of points to make this time around, too. A couple of points can take a while, apparently. The other thing I would like to know is whether anyone has kept track. There were some very worthwhile presentations, but they were obviously quite lengthy. I'm wondering if anyone could tell us whose time was longer, between Mr. Kmiec and Mr. Genuis. Does anyone know?

**The Chair:** We'll get the clerk to report back on that.

**Mr. Blake Richards:** Thank you. Maybe Tom knows. Tom might be aware.

**The Chair:** Mr. Kmiec, was that your closing comment?

**Mr. Tom Kmiec:** I have just one more. Please don't give me a participation medal for the length of this.

Truly, I am done for now. I'm going to cede the floor—yield, so to speak—and then return at a future time, if necessary, to make another point on this debate.

Thank you very much for allowing me the opportunity to make the points I had and to present the documentation and the different review documents I had collected, including past speeches.

I'll end with the only speaking crutch that applies. Just remember John Diefenbaker when he said, "I love this Parliament." Thank you.

**Some hon. members:** Hear, hear!

**The Chair:** Thank you very much, Mr. Kmiec.

You researched a lot of very interesting material for us. I'm sure everyone here learned something from those historical debates and those articles and those magazines. I'm sure people watching on TV also learned a lot about some history, so thank you very much for doing all that research and bearing through with few health breaks.

Mr. Deltell, we're getting closer to you. There are only five people ahead of you.

**Mr. Blake Richards:** In fact, Mr. Chair, maybe that was the reason that, after six attempts, the Liberal members finally decided to allow it to be televised. I had thought they maybe suddenly decided to not have such an aversion to accountability, or maybe the PMO had finally told them it was okay, or whatever, but maybe it was because they knew that people would want to tune in to watch Mr. Kmiec.

**Mr. Arnold Viersen (Peace River—Westlock, CPC):** I'd like to mention to my colleague that I have a fax machine if he needs to borrow one.

**The Chair:** That's good to know.

We're going to Mr. Scott Simms, whose motion is being amended in this debate.

**Mr. Scott Simms:** It's ironic that I'm in the middle of a filibuster and I'm taking part in a filibuster of my own motion. I've done the whole loop, I think, in my 13 years here in Parliament. My colleague David Graham, when I told him I was getting on the speakers list and said I was speaking on the filibuster, called it a "counter-buster" or something of that nature. I'm not really sure, but I've been here way too long.

**Ms. Ruby Sahota:** A "filabond".

**Mr. Scott Simms:** All right.

I've been here for the whole debate and even though 99% of the comments have been counter to what I'm hoping to do, I rather enjoyed a lot of this debate.

I want to start with Tom, who I thought brought a lot of perspective to this. He just started, so there's a lot to come. I know that if there was a government formed by the other side, the leader of the party, whoever he or she were, would have a hard time choosing a government House leader, given what we've seen from Scott Reid and Tom and Garnett. There's been a lot of history invoked and a lot of perspective. I point out that Tom used not just Conservative comments from days gone by that he felt were pertinent and intelligent, but also comments from every other party, from the Blaikie's and the Milliken's and all of them. I congratulate him for that.

This is the part where I have to say that I will rebut Tom in many cases, but I don't know where to start, as we'd be here all weekend. It's not a question of looking at him and saying he's wrong most of the time, but just with the sheer volume of what was said, it would take quite a bit of time to dismantle. Nevertheless, I do want to touch on some points.

A lot of the points that he brought up were, I think, pertinent to this debate, even though they may not be directly related to the amendment, but certainly to the discussion paper that the government House leader published recently. In many cases some of the

proposals are based on campaign commitments, and some are not, but in mentioning them, he highlighted many of the discussions I highlighted in my motion, as well as those highlighted in the discussion paper. He outlined the three themes in the paper, the changes that I think can modernize the House of Commons.

There are many myths that I could dispel, which I've done already and may do again in the next little while. There's one I would like to dispel off the top. I mentioned to Mr. Kmiec earlier the question of unanimous consent in regard to the McGrath report.

I want to read for the record the motion that started the McGrath report:

The House resumed debate on the motion of Mr. Hnatyshyn, seconded by Miss MacDonald (Kingston and the Islands),—That a Special Committee of the House of Commons to be composed of Mrs. Bourgault and Messrs. Blaikie, Cooper, Ellis, Friesen, McGrath and Ouellet, be appointed to act as a Parliamentary Task Force on the Reform of the House of Commons to examine the powers, procedures, practices, organization and facilities of the House of Commons, bearing in mind balance between the respective constitutional responsibilities and roles of the House of Commons and the Government, such an examination to include, but not be limited to, the following matters:

- (a) the Permanent and Provisional Standing Orders;
- (b) the role of the private Member in the House of Commons;
- (c) the accountability of Ministers to the House of Commons;
- (d) the legislative process;
- (e) the funding, facilities and staff support services made available to Members of the House of Commons;
- (f) the administration and management of the House of Commons;
- (g) the procedure and powers of Committees of the House of Commons and the role and the use of parliamentary task forces;

That the Committee have all the powers provided to standing Committees pursuant to Standing Order 69(8);

That the Committee have the power to retain expert, professional, technical and clerical staff;

...That all the evidence adduced by the special Committee on Standing Orders and Procedure and the reports of that Committee as tabled in the House of Commons during the 32nd Parliament be referred to the Committee;

That notwithstanding the usual practices of this House, if the House is not sitting when an interim or final report of the Committee is completed, that the Committee shall report its findings by depositing its report with the Clerk of the House and that it shall thereupon be deemed to have been laid upon the Table—

Apologies for the length. This is from the Journals of the House of Commons from December 5, 1984, by the way. Let me conclude. It says:

That the Committee be authorized to include in its interim and/or final reports recommendations as to the implementation of any reforms proposed in the reports of the Committee;

That Messrs. Penner, Binns, Comeau, Duguay, Jardine, Ravis and Young be appointed as alternate members of the Committee;

That changes in the membership of the Committee be made only pursuant to Standing Order 69(4)(b); and

That the Committee shall report to the House finally no later than June 28, 1985.

That's how it concludes. It does not require unanimous consent.

That, folks, is why we did not include it in this particular motion. It is an aspirational goal. I've told this committee time and time again that I want unanimous consent. We all want that, but it's an aspirational goal I think we can work towards, based on what is in this.

There are other particular myths that I'd like to dispel, as we've said time and time again.

Let's take, for instance, the Prime Minister's question period. What the Prime Minister said was that he wanted to be accountable for 45 minutes, because he liked the idea of his being on the stand, as it were, to be questioned, but he did not suggest it was once a week. If the committee doesn't want to have it once a week, then that's what the report is all about. It can be reflected in the report to say that most members do not want the Prime Minister to be accountable only once a week. It's what we want to do to make sure that everybody has their say.

I want to get into some of the other stuff within the discussion paper. There is one thing in particular that Mr. Kmiec talked about and that is the debate itself, of course, when it comes to what effectively is closure. You're allotting time to end off the debate.

I will tell you about a personal experience of mine. Just last week we went to Great Britain and I spoke to Margaret Beckett. She was the government House Leader for Tony Blair in 1997. She was the one who convinced me that you should have a look at what's called "programming"—not to do it outright. That's not what I'm suggesting, but I think it's something we can look at. I will admit to everybody on this committee that it was not a part of the campaign, but it could be a part of this debate and it could be a part of this report that we look at seriously.

This is one of the reasons that what I wanted to begin with was to have a study done by this committee, because we can have these witnesses by video conference from Westminster to tell us their experiences. I'm not saying we should cookie-cutter something from Westminster, to apply it here, as is the case with many things. You could have what's called—if I could steal from the former government—a made-in-Canada solution. I'm not trying to be facetious. It's just that, a made-in-Canada solution.

When you look at the evolution of programming, which is to say that they are going to look at a certain debate and plan it over a period of time following second reading, then they can better plan what it is they want to do to represent their constituents and do what is best for the country. Let me explain.

This is what she told me. She didn't stumble upon this government programming when she became government House leader. She decided that this was worth doing when she was in opposition, and here is why. At the time, Margaret Thatcher had, quite frankly, a love and hate relationship among all the British. I do have a great respect for her, but there were certain measures that she had to take for fiscal reasons, which unfortunately meant cutting off a layer of people who were on social assistance.

I'm not going to get into the weeds of that. We all know about fiscal responsibilities and the realities so I—

Do you want unanimous consent to speak, or...?

**Mr. Mel Arnold (North Okanagan—Shuswap, CPC):** Sorry. I was just saying that we had time. I spoke out of turn and I apologize, Mr. Chair.

**Mr. Scott Simms:** I do recall her telling me that she had debate planned out, that they were going to argue this bill, and the way she was going to do it was by being steaming mad as a Labour Party member. Her constituents, a lot of people, were destitute and in poverty, and she wanted to stand up for them. God love her for doing

it. She had a plan and was going to start with this particular subject, that particular subject, and then on to this one over a period of about three weeks. She got to the second week and said, "This is the time now when I get to debate this. This is the very moment when I get to stand up and say, 'Hey, this is the time'", yet all of a sudden, down came the guillotine. I say "guillotine" for how they cut debate over there like that, but obviously, we call it something different. Scott Reid gave an excellent explanation and long historical context for the term "guillotine". I say that with great affection because he actually did a good job.

She never got to the most important part of her fight. When she got into government, she thought to herself, "We want to enact this piece of legislation."

Here, let's face it. I look across the way and recall Tom mentioning earlier the use of this type of measure in government. On the flip side, people will say it lessens debate, but yes, government has to put its legislation through. In this regard, there was a *Huffington Post* headline that "Trudeau Government's First Months Were Least Productive In Decades." The article states:

Parliament passed 10 bills during Trudeau's first nine months, the public database reveals. In their first nine months after winning a majority mandate in 2011, the Conservatives enacted 18 pieces of legislation—including nine bills moved in their first 23 days.

However, that came with many measures that guillotined a lot of debate, so now we find ourselves in a balance. You have a government that's been elected and has to get through its mandate, but it needs to provide a substantial debate for us, and for our constituents, to hear.

That is why she decided, as she phased it, that this was "organizing debate for adults". That was her terminology. They enacted it in 1997, but here's the thing, though. Tom is not a big fan of this, if I recall correctly. He said that all of it would be done this way. However, I would not advocate for that whatsoever. I do believe that government House leaders get together beforehand, as Mr. Christopherson pointed out. In a mature manner they can decide how this goes out, because many people have said that if the House leaders get together and plan the debate, there's no problem. If we have a certain time and a certain expiry date to it, as long you're responsible and respect that people who want to talk about it do get to talk about it, there's no problem. But some of us don't always have the best intentions, right? It's called political strategy. Let's face it folks, we're not all innocent of it. We all use political strategy to a certain extent. It could be you personally in your riding. It could be right here nationally. This is an adversarial system, folks, and we have to accept that and we have to be honest with ourselves.

She wanted to do this in a very responsible way, and I give her all the credit in the world because, remember, she didn't come up with this in government. She came up with it in opposition. I spoke to her and asked her if she would like to be a witness for us, and she said, yes, she would do it. Now you may not agree with her, but I tell you she has some good history behind her. She has a lot of parliamentary history. She's very smart and she could make it. She's been in politics for many years, and then people like Tom and Garnett come by and show that kind of flash in the same way.

To tell you the truth, I'd like them to hear it as much as anybody else, because people like Tom and Garnett and others are so interested in parliamentary procedure—and David is, of course, too.

I'm not ruling you out because you're older than they are. Trust me, sir.

**Mr. David Christopherson:** I'm older than everybody.

**Mr. Scott Simms:** That's all right. I bring it up because I think that when you talk about the programming of legislation, that's... I have a paper here. I won't read the whole thing, because I know David would like to say his piece as well. It states:

Programming was introduced on an experimental basis in 1997-98. Since the beginning of the 2004-05 Session, permanent Standing Orders relating to programming have operated.

They review it every so many years to see that it's running well, in the same vein, I guess, that we do our Standing Orders. It continues:

Following a review of these arrangements in 2000, the Modernisation Committee

—I think this is our equivalent—

proposed new Sessional Orders, which were agreed on 7 November 2000 and then subsequently revised on 28 June 2001. The Sessional Orders agreed on 28 June applied to Session 2001-02.

Let me explain it this way. It's something they did, and guess what? You'll never guess what happened. A consensus came around the fact that this wasn't really a bad thing. It was a pretty good thing. I spoke to the former whip of the Liberal Democrats in the coalition they had. He was part of the junior coalition—one of the surviving nine from the last election—and he agreed. Here's someone who has never been in government—well, at a junior level. Here's someone who never had outright power, but he said the same thing that she did, which was, look, it's just a mature way of doing things.

I don't even know if we can come up with a made-in-Canada version. I don't know, but that's what I wanted to do here in this motion so we can explore that.

Angela Eagle, a sitting Labour MP, said:

I was a minister pre-programming and post-programming [of debates].

...the then Labour government introduced programming [in order to] make more efficient use of Parliamentary time.

Filibustering of legislation was something that confused many of our constituents [and] it was not something that enhanced our democracy.

I don't know if I entirely agree. I think filibustering can be a healthy thing, present time included.

She continued—

**Mr. David Christopherson:** What about the future?

**Mr. Scott Simms:** Yes, absolutely.

She continued:

On the whole we are satisfied with how programming is working. We note that one consequence of programme motions is that Third Reading debates are often truncated—time is taken out voting on amendments on report stage.

But it's done so that the people know what's coming, and they get to say their piece. We don't speak on every piece of legislation here, but I can certainly request that I get involved, like anybody else can, and I think it allows the balance that anybody who is about to get into government will do the same. We're not planning for just our own government. We're planning as well for others that come along.

That's an acknowledgement that I truly don't feel we'll rule forever; I've been here too long to think that.

Philip Cowley thinks it's a great thing, as does Michael Zander, and as does David Kidney, who is a former Labour MP. Philip Cowley is currently a professor at Queen Mary University of London. They all state that it has provided a good sense of balance.

Quite frankly, I'll leave it at that, because there were some things said about it and I wanted to go more in depth about it. I think that on several levels it allows us to talk about how we can come into a debate and use it through the House of Commons such that people get their say, but at the same time respect the fact that government gets to do its legislation that it campaigned on. That's why I brought up this article from The Huffington Post.

On the modernization of this particular hallowed institution, I want to go back to earlier thoughts about the discussion paper itself and one of the things that was said about committees, which is that the discussion paper talks about reducing the amount of time at committee to 10 minutes and that's it, as some form of closure, but here's the thinking. I looked into this. There are 10-minute blocks to speak, much like you have in the House of Commons, but that's not your last one. You get to go again.

Tom, how long do you figure you spent speaking today?

**Mr. Tom Kmiec:** I lost track of time after the first hour.

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

**Mr. Scott Simms:** Fair leave. I did too. I apologize.

You can have that 10-minute block for as long you can. You just have the ability, at 10 minutes, to let someone else have their say. Now, does that work in practice? I think it does. But I'm not the smartest person in the room, and I don't pretend to be. I certainly would love to hear from the smartest person in the room as to how they feel about that.

That's why, when the discussion paper came out, I believe there were three groupings I spoke about with the minister: the management of the House and its sittings, the management of debate, and the management of committees. I think that pretty much entails everything, unless there's something else I'm missing, and there very well could be.



As I pointed out in my last intervention and want to point out again, Scott Reid was talking about the omnibus bills, and brought up the point that the problem with omnibus bills is that maybe we need to cut down on omnibus bill legislation. I remember when Peter Stoffer had a private member's bill about that. I really liked it. I thought it was good. I still do. I think they can be not entirely necessary. It's damaging for us, because all of sudden you find yourselves with something like the Charlottetown accord. Do you remember when we had a referendum on it? I think everything was in there. Did I want an elected Senate, or representation from certain groups of people in the country? It was all in there. There were two things at play. I was just a young child then. I remember thinking that there were two things that most people who voted "no"...or a lot of people who voted no. I couldn't say it was most people. They just didn't like the government of the day. Mr. Mulroney was not very popular. By the same token, when they looked at it they saw just so much in there. All it took was one thing for them to say, "That's it. It's a deal breaker." It was an omnibus referendum, really.

That's why I've never been particularly excited about having that type of legislation, even when it first came in. Scott Reid brought up a good point—namely, how do you break it up when it comes in? Can the Speaker do it? Does the Speaker have the jurisdiction to do that? I'm saying this rhetorically, because I think I have an idea, but I don't know for certain. I think he brings up a good point, to the point where we can have a witness in here to say, no, here's the deal on why you can't, and the next academic can come in and say, yes, here's why you can.

Quite frankly, I think we can write a report on what I've heard so far. We could. There's nothing wrong with it. The only problem is that I still would like us to hear from such witnesses as our friends and colleagues in Westminster, or from other Canadians who have been through this. Unfortunately, we can't bring in Mr. McGrath. He passed away two weeks ago, God love his soul. He was a revered public servant from my home province of Newfoundland and Labrador. He certainly was a very intelligent man. As a matter of fact, it was yesterday that Nick Whalen, his successor, paid tribute to him. I found it really quite fitting that the week of his funeral his name came up in Parliament, or certainly in this committee, probably more so since the time he left. Coincidence? I don't know. Nevertheless, it was a good report, unanimous as it was, and I agree.

I would say to this committee that this has been a tough road for all of us. There's no doubt about it. I've been here for the entire debate. I think it's incumbent upon me, as the mover of the motion, to be here for this entire debate and to accept all the criticisms I've received. Whether it's you or Facebook, it doesn't matter. It has to come. That's just the world we live in right now.

What I have taken with me from this debate, whether this happens or not, is that I can honestly say that this discussion won't end. It's just not possible anymore. I think we've opened up something here.

• (7035)

If we've not showcased young talent, we've certainly showcased their ideas, and we've definitely showcased our passion about how we want to modernize this House.

Colleagues, as we travel down this road that's obviously adversarial...more adversarial than I had hoped, but as adversarial as I would want, because that's how this place works.

With respect, I will turn it over to my colleague Mr. Christopherson, and I look forward to it.

Thank you, committee, for hearing me out.

**The Chair:** Mr. Christopherson.

**Mr. David Christopherson:** I'm impressed. You got applause at the end of your speech. I don't think anybody else did. Well done.

**Mr. Scott Simms:** Tom did.

**Mr. David Christopherson:** Yes, but he earned it.

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

**Mr. David Christopherson:** I was going to start out being positive, and I tried.

**Mrs. Alexandra Mendès:** And you failed.

**Mr. David Christopherson:** At any rate, thank you very much, Chair.

First of all, let me just put it on the record that in all likelihood, had it been just about any other member of the governing caucus who'd brought this motion in, I think the attacks would have been a lot more withering, and it would be hard for them not to be personal.

Conversely, because of the respect that everyone on all sides of the House has for Mr. Simms, as much as we are hitting his ideas and arguments as hard as we would anyone else's, it's not hard to make sure that one doesn't slip into personal acrimony and start to question his motives and his priorities as a parliamentarian.

Through you, Chair, I just want to say to my colleague that while this is an adversarial system, and we are at pitched battle right now on an idea and an issue, absolutely nothing that I have to say—I suspect this applies to everyone on this side, but certainly it does for me—will apply to Mr. Simms' integrity and the respect that I hold him in. I have nothing to think that this will change, regardless of how the course of this unfolds.

You're an honourable man, sir, and I know that you're doing the best you can. I probably know more than most, since I'm privy to offline discussions between you, me, and Mr. Richards. I could back up what I'm saying with witness testimony, if I had to.

I just want to be clear on that, Mr. Simms. My remarks are on your arguments, and absolutely not on you.

**Mr. Scott Simms:** I will take them as such. Thank you.

**Mr. David Christopherson:** Also, I'd like to join with Mr. Simms and give a shout-out to very promising young parliamentarians who don't happen to be in either one of our caucuses, which again speaks to how we do try in this place to get beyond just the adversarial aspect of this.

I have even mentioned this in the past when I spoke to Garnett afterwards about a speech he'd made. He reminded me of a young Tony Clement—and I hope this is okay, because I don't know what his politics are—back at Queen's Park, when Tony was a parliamentary secretary. Nobody knew who he was. He would be up in the middle of the night giving speeches that no one was listening to, and I was there responding with speeches that nobody was listening to.

I did say—and it's in their Hansard of that time—that there was absolutely no doubt that this was an honourable parliamentarian and was someone who was going to go on to make a huge difference. I think anybody who knows Tony—I know Tony personally, as he's been a Hamiltonian as part of his life—knows he's an honourable guy. Look at the heights he went to. I see Garnett doing the same thing.

I also have the greatest respect for you, Tom. It's not only what you've said and how you've presented it, but the way you've conducted yourself, both formally in front of the cameras and also behind the scenes. I want to say as a New Democrat to someone who's not a New Democrat that I think you have a lot to contribute to this Parliament, and we are certainly better off having you here.

Having said those things, let me comment first of all on the idea of the adversarial system.

Mr. Simms is absolutely right. It's designed that way. It's deliberate. That's why we have question period every day and congressional systems don't. It's built in. It's the whole notion of the loyal official opposition, where you proclaim your patriotism to Canada and to our Constitution and all that represents, and having said that, you then set it aside and go after the government of the day tooth and nail on the issues.

No matter how withering those attacks may be, that never speaks to whether the government has legitimacy, unless that actually happens to be the issue. It certainly doesn't speak to the notion that you're opposed to our governance, opposed to our system, and inciting revolution. It's all predicated on that respect for an adversarial system. It's meant to give us an opportunity—the whole “two swords' length”—to make sure that we find some means to pass laws in a civilized society other than heading out into the battlefield and killing one another. We all know of and have been to countries where they are literally dying to have that opportunity to have themselves and their country governed by that kind of system.

But I would say to Mr. Simms that, having done a great job of touching on what the adversarial system is, I think he makes the case even more as to why it's important to focus on what we're focusing on here. Mr. Simms went on from his broader view of the adversarial system and started talking about the substance of some of the issues that are in the discussion paper and advising whether he thought they were fair or not and where they were moderate.

That's not where we are right now.

There's also something that most of the world knows in terms of adversarial systems where there's also respect built in, and that's in most organized sports. For the most part in organized sports, you're on one team and you have opponents who are on another team. You're doing your best to defeat them, everything you humanely can

to defeat them, but you certainly show respect for the organization you belong to and, most important, for the rules of engagement.

Whether it's an NHL game or a pickup alleyway game of scrub, if you haven't decided what the rules are ahead of time.... I look back now to when I was a kid and I laugh, because I know the truth is that we probably spent more time fighting about what the rules were going to be than we did actually playing the game. That was part of it, but it does point to the fact that even then we knew as kids that to make it work, even for a pickup game in the alleyway, the only way it could work was if we all agreed on what the rules were.

Once we agree on what the rules are, we can then go ahead and engage in that adversarial system. But if we don't agree on the rules, we're not going to get more than two or three seconds or minutes in any kind of play, and we're going to have chaos. That's what happens.

As kids, you'll remember saying, “That's not the rule. You can't do that.” “Well, wait a minute, I said the rule was this.” Then you stand there and have this great debate in the middle of the street for a good 10 or 15 minutes over what the rules are, until somebody yells “car”.

There is a reason for why kids do that. They get it. They get the idea that they can't have a pitched battle and determine who the victorious winner is, who the champions are, and who has the bragging rights of saying they won, if you haven't agreed ahead of time on what the rules are going to be.

With that, of course, you have to have a referee who everyone accepts, and we have that with our chair right now.

I say to the honourable member, the idea that somehow there's an easy, common-sense path to get to the substantive matters.... I have to say that Mr. Simms brought out some arguments that are persuasive and which I'd like to engage in, back and forth, to see whether we could find agreement.

Chair, you know we are currently doing that with the Chief Electoral Office—I can't get into much because we're doing it in camera—and it is known that we have what we call our low-lying fruit process. We're trying to identify those things that we either already agree on, or with some work, respecting each other, on which we can come to an agreement, an all-party agreement, unanimity. Then that goes into the report and we take on the next issue. If it happens that one of the members says, “I have a real problem with this and I'm not going to be able to easily get past it”, we know we're now in for a truncated debate and there is a possibility that no matter how hard we work we may still not find language. When we know it is going to be tough, we set that aside and say we'll come back to that and wrestle it down, and we move on to the next one.

At the end, what we try to do to be productive is to identify enough things on which we do agree, where there is all-party agreement. We put it into a report and send it off to the House for the information of the House, particularly for the government of the day, who, hopefully, if they are living up to their word that they are going to respect what committees say, will take that report and use it to help them inform the legislation that will flow from that.

Right now, we can't get to that point. The government, by virtue of opposing this motion—they haven't said one word to the contrary.... Like Mr. Simms, I haven't been here every minute, but I've certainly been here an awful lot of the time, and I've been out in the House and have listened to the House leader's scrum. I was here late last night when the House leader came by and talked to us. Not once have I heard anybody from the government say that they are prepared to do what was done in the past, which is to only move on items where we have all-party agreement. No one is saying that.

So, Chair, we're left here on the opposition benches with no alternative except to look at the motion and realize that if the government is not supporting it, then the only alternative is that the government feels that with their less than 40% of the popular vote, they have the right, morally and legally, to walk into that House and change the rules of democracy, to change the way that we make laws.

That's where we are right now. I know the government would like to turn the dial, change the channel, and have us talk about whether Fridays are on or not, whether or not the Prime Minister is going to be here on a Wednesday, and the packaging and programming and all that other stuff. They want to eagerly get to that stuff. I would just say to my friends that you may not be so eager to get there once we do, because there will be a lot of substantive debate. But at least we would be engaged in a process of trying to find common ground to make this place better, with everyone of us knowing in our hearts and in the rules that if there isn't full unanimous agreement of the committee, it won't go forward to the House. In this whole debate that we've been having this week—because we're in parliamentary la-la land and this is still Tuesday—the reason we're here is that, like the kids in the alleyway, we can't agree on what the rules are.

All we want to do is to have the rules that have always been in place, that our predecessors used. The government somehow believes that because we are talking about it and not about the “bad people”—how could it be undemocratic if sunny ways and the tribes all decide that this is the right thing for Canada? It is completely missing the fact that the only time there was a systemic review of the Standing Orders, those reports bragged about the fact that they had unanimity.

Mr. Simms, in particular, and others have very much enjoyed holding up the McGrath report and pointing to it as the Holy Grail, the bible. This is where we ought to go here. Look at what they did in here. We need to do work like that. As happens in these kinds of debates, the Speaker was a little bit selective in what he chose to read, and I'm about to do the same thing.

**Mr. Scott Simms:** Is that a motion?

**Mr. David Christopherson:** They're still there. It's not like we're making it up. We're just choosing where we want to go. That's part of debate, right?

Peter Kormos was a master at it. Peter understood fake news before anybody even heard the phrase. I knew Peter well. I served with Peter for a long time, and I fought with Peter. I partied with Peter.

**Mr. Scott Simms:** He spoke about Peter.

**Mr. David Christopherson:** I know; that's why I'm raising it. Somebody mentioned to me that he mentioned Peter. I served for a long time with Peter in the Ontario legislature.

I just want to, if I can—and I'll be revisiting this in a more fulsome way, because we're going to pick up again, I guess, a week from Monday.

I'm sorry?

**The Chair:** No, it's at 10 o'clock tomorrow.

**Mr. David Christopherson:** Sorry? Oh yes, tomorrow morning. That's an hour. It takes us that long to clear our throats. I was looking past there, to where we'll start getting back into some serious debate again and some serious hours of very riveting points.

On the McGrath report, the government likes to hold it up and say, “Come on, colleagues, see, we have to do the same kind of thing in our era.” The government says that it's up to us, that we have to pick up that mantle, do like the McGrath report did and make this a better place like they did. As for holding it up and waving it around, all right, fine, but what else does that report say?

Right after what Mr. Simms just read, which was the “Order of Reference”, after the very next two pages is the “Preface”, with the personal remarks of Mr. McGrath.

If I may, I also will add my condolences to the family on their loss. Aside from what I'm saying here, Mr. McGrath was clearly a good role model for all of us in terms of what it means to be a parliamentarian. I suspect that he would have been the kind of person who was willing to take the hits back home if necessary, if he knew that here it was the right thing to do. To me, that's always the sign of a parliamentarian who searches their heart as much as their future when they make decisions. It's a loss for all of us.

He did give us that pedestal. Under the preface, he said this:

I wish to thank my six colleagues on the committee for their patience and support. That we were able to operate by consensus without once voting on an issue is a testament to their selfless dedication to reform.

The government likes to suggest that they want to reach the loftiness of that. I suggest that they can't even reach step one until they at least recognize the respect that was in that committee room, the respect for each other regardless of whether they were members of government, the official opposition, the third, fourth, or fifth party, or independents. There was respect. All Mr. Reid's motion is seeking is to reaffirm that respect.

I have only a few minutes left. I was going to go somewhere else on this, but I want to get this on the record tonight because I think it's really important. There's another report, with more of our predecessors doing the same work. Each of us does this in our time, in our era. This is from Bob Kilger, who was the chair of the report of the Special Committee on the Modernization—there you go, there's your favourite little buzzword—and Improvement of the Procedures of the House of Commons. That was chaired by Bob Kilger, MP, in June 2003.

I'm watching the clock carefully, Chair.

I don't think it can be put any better than how they put it. Listen to this, Chair. I'm quoting:

The Committee's order of reference—like that of its predecessor—required that... any report be adopted by unanimous agreement of all members. We believe that this is desirable for meaningful change, as parliamentary reform is best achieved where there is consensus and all-party agreement. While this may, of course, mean that change is more difficult and may take longer to achieve, in the final analysis, we believe that it results in stronger and more viable reform. The requirement for unanimity has meant that on a number of [occasions], recommendations were not possible....

They were acknowledging that the standard, the threshold of unanimity, meant that for some of the changes—even though they recognized that in principle they might be good—they couldn't make a recommendation, because they couldn't come to a unanimous all-party agreement on what that language and principle would be. That refutes entirely the government's arguments, when they put them up, about why unanimity won't work, or why we shouldn't do it, or why it's not necessary in our time but it was in theirs.

The fact is it is a lot harder. It's much easier just to have the majority government do whatever the heck they want, which is all they're trying to do here. That's very efficient.

I won't say anything more than to say to those who are students of history that just because you can make the trains run on time, it doesn't mean this is the right system to have. That's a bit extreme to say, but the point's made. It's also as close as you can get without losing automatically in debate, right? The first one who says...loses. You know what I'm saying.

Kilgour continued:

The requirement for unanimity has meant that on a number of issues, recommendations were not possible; by the same token, on some issues the members of the Committee have compromised....

That's still not a dirty word in Canadian politics. There are other places where they're making compromise out to be weakness, as failure. We've always seen it as our strength to accommodate one another, to respect one another without giving up our principles.

As Kilgour said:

...by the same token, on some issues the members of the Committee have compromised and worked toward achievable solutions that reflect our differing interests. It should be emphasized that there has been a remarkable degree of agreement, and shared concerns. While we may not always agree on the nature or causes of problems—or of the solutions—we have attempted in this report to recommend changes that we believe will improve the House and the work of its Members. All members of the Committee are committed to the institution of Parliament, and to the importance of the House of Commons as central to our democratic form of government. Obviously, the interests of government Members differ from those of opposition MPs; and, among the opposition parties, there are variances based on traditions, culture, size, and other factors. In the course of our deliberations, we have, nevertheless, had respectful and useful discussions, as we have tried to convince each other of our proposals, or argued against other propositions.

I see the chair signalling that he's wishing to bring us to a conclusion.

This is maybe a good, natural place for me to pause, Chair. I will affirm with you that it's my intention to be back here tomorrow, to pick up my speaking spot when we again meet.

**The Chair:** Okay, that's all true. Thank you very much.

The buses are running for half an hour, till 11:30. We will suspend till 10 o'clock tomorrow morning in Room 253-D, and it will be televised.

● (2300)

\_\_\_\_\_ (Pause) \_\_\_\_\_

● (1005)

**The Chair:** I call this meeting to order.

We're debating the amendment to Mr. Simms' motion.

Our speaker is, again, Mr. Christopherson.

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

Part of my punishment to the government for what they've done is that I'm going to start by singing *What a Difference a Day Makes*.

Well, well, well, so the government launches a thermonuclear attack on the opposition, and the bomb blows up on the launching pad. I'm of course referring to the fact that the chair is going to adjourn or suspend, probably, this discussion in a little less than one hour. Whereas the government was all bloody-minded that they were going to force us to actually capitulate at the end of the day, here we are now, a day later, and the government is blinking.

In the next 50 minutes or so that I have, Chair, I want to just take the time, because there will be a week before we come back. I wouldn't be one to suggest that there are millions of Canadians hanging on this debate, but I would say that for people who are serious about studying the politics and the give-and-take and the thrust of what happens here on Parliament Hill, there is a lot of attention on this. Those who care about democratic reform and about electoral promises are watching very carefully, both on the activist side...and, you know, there is a whole host of the academic world that pays attention to these things, too.

My intent—rather than my usual goal, which is to try to convey messaging by being at least partway entertaining—in this next period is to lay out exactly how we got here, so those who want to write about this and comment on it over the next week at least have a factual basis for understanding how we got here. It's not straightforward. Like most of what we do in politics, it's not crystal clear, and rules around here are often arcane and complex, which is why, Chair, you have the clerk to advise you on the rules, as experienced as you are. I was a chair too, and we can't know all the rules. There are just too many permutations. We have experts.

In each of our caucuses, we have experts. We have Rob Sutherland, who is just a national treasure in terms of understanding the minutiae.

It's not easy at first glance, even if you've had some experience at politics, to understand where we are, how we got here, and who the good guys are and who the bad guys are here, which is, of course, a subjective analysis at the best of times.

Let's just casually walk through how this slow-motion train wreck happened.

During the last constituency week, at some point—I think midway, or towards the end of that week—the government House leader issued a discussion paper, the infamous discussion paper, which outlines a number of areas that the government would like this committee to “discuss”. They want to have a discussion. In and of itself, that was not huge headline news, because we really didn't know what it meant. There was no comment that came with it. To the best of my knowledge, there was no contact with our House leader or our democratic reform critic. It just magically appeared one day, and Mr. Simms' magical land speed record response with his motion then followed, and he takes his bow, as he should.

That motion is a real straitjacket if there isn't an understanding going into that discussion that the only items being recommended for change in the report should be those items on which there is all-party agreement, because in the absence of that, it's not a discussion. This is just foreplay before the government just moves in with its majority and finishes things off. It'll bide its time and let the opposition talk, but we get into that straitjacket of the magical June 2, by which, if we're not done, there are supposed to be all kinds of catastrophic consequences.

It's interesting how all of a sudden out of that tight time frame, though, the government now can find a whole week during which we don't need to meet, during which we would have 24-7 opportunity. We could have done a lot of work in that time. It's interesting how the government has now decided, “Gee, we don't really want to have that focus over the next week”.

Again, the discussion paper lands. Mr. Simms' motion lands. Most people are focusing on the budget on the upcoming Wednesday, now passed. Then we go to our regular PROC meeting on Tuesday at 11 a.m.

You convened us, Chair. We came to order, and we were in camera. We were continuing our good work, our all-partisan, co-operative, progressive work, on the chief electoral report, a huge, mammoth report with major implications for our country and our future elections. We were doing good work. We arrived here Tuesday morning. Staff were there from the Chief Electoral Office. We had all our mountains of trees that were cut down in front of us, all ready to go.

The government, out of nowhere—I can't say much, but I can say what they did in camera—said they wanted to go public.

**Mr. Arnold Chan:** You asked for it.

**Mr. David Christopherson:** In and of itself, it's usually a good thing, but it was a little perplexing given that it came in the middle of our doing a process that historically, and by all-party agreement, we do in camera. All our motions and all our actions, of course, have to be done in public, but the actual deliberations, the give-and-take, the negotiations, take place in camera to give us the latitude to try to get to agreement. Anybody who has ever negotiated collective agreements understands the one thing that's a certain kiss of death—to try to negotiate in the media. At some point, you need to have a *Get Smart* cone of silence over it.

I keep dating myself, don't I, Chair. I just can't avoid it.

I will go this far. If I get tagged, I'll take the hit, but the reason I do it I think will be clear. We asked for a reason why—just “why”—and

in this climate of goodwill and working together and co-operative-ness and trying to be helpful to one another and working at a common goal, there was radio silence. No answer. Okay. We're certainly never going to oppose going in public if there's a good reason why we should. Normally, you would think, when we come into a meeting like this....

Mr. Chan has been very good in the past, as the usual lead on the government side, to talk to me and Mr. Richards ahead of time, to give us a kind of heads-up—i.e., “Hey, guys, here's what I'm thinking of doing, and here's why, just to let you know.” What that does, of course, is it settles down the suspicion. Then you enter into these things with some idea of what the government really has in mind so that you don't do your usual, which is to go apoplectic to make sure you stop them from doing something when you have no idea what their game plan is. It's a default mechanism. We all do that.

There was no explanation forthcoming, so we went public. Mr. Simms' motion is now on the floor for debate. I said earlier it was Mr. Richards' amendment that we were debating. Please correct me if I'm wrong, but I think it's Mr. Reid's amendment we're debating, correct?

**Mr. Scott Reid:** That's right.

**Mr. David Christopherson:** Mr. Reid then placed his amendment, which was exactly the right thing to do at exactly the right time: wait a minute—the first thing we need to decide here is what the rules of engagement are. His amendment to the motion was that we agree, basically. I won't read the legalese, but the essence of it is that we agree that we won't make any recommendations that go into the report unless there is all-party agreement for those recommendations.

Suddenly, it starts to become pretty clear that the government has no intention of supporting this amendment. That's when the first real spark of trouble showed itself. Up until then, it had been the report, the motion, but no comment or context. We didn't really know what it meant. We didn't even know if it was coming up on PROC. As I say, it was a surprise thing. I won't use the word “ambush”, but it was certainly a surprise, unexpected and not explained ahead of time. There were no niceties at all.

The veteran of this committee, Mr. Reid, on behalf of the official opposition, tables a motion that says that if we are going to get into this discussion he would like to make sure that we all understand and we are all in agreement. We get the indication the government is not going to do that. What that means, Mr. Chair, strategically, is that there is a vote coming and if we lose that vote it has serious implications. In this case, what it means is that the government would then retain the right—or rather, take the right—to use their majority to ram through the things they want to do in their discussion paper, in spite of any opposition that the united opposition benches might have.

Just because the discussion paper was issued and there are things they want to do, that doesn't, by its definition, make all those things evil. But I think it's more than fair to say that if you take a close look, anybody who knows anything about parliamentary procedure will tell you that most of these things—let's just call it a round number, 100%—benefit the government. Under the plan that the majority government alone could force those recommendations through, the final report would be called the report of the procedure and House affairs committee. The government could legitimately say, "We are only carrying out the recommendations of our independent standing committee, which took a good look at this, and here is its report." The government keeps saying, "Well, you can attach your dissension reports underneath." Yeah, that's a little nicety. When have you heard anybody say, "What we are doing as a government is consistent with exactly what was in the report. Oh, and by the way, to be fair-minded, I want to point out that both opposition parties did put forward dissenting reports"? That doesn't happen. It doesn't have to. That is why it's so critically important that the report reflect all our opinions and not just the majority.

Trust me, the plot thickens here; that was the easy part. So, we have the discussion paper, motion, meeting, surprise, and amendment to do the right thing, and the government indicates that they are opposed to it. This means that what we have to do strategically is to make sure this doesn't get voted on. This was moved by the official opposition. Once you get an indication that the government is going to oppose it, and they have more votes than we do, it's simple math.

The last thing that someone of Mr. Reid's experience is going to do is allow that vote to happen, where we lose, knowing we are going to lose going into it, and thereby losing our opportunity to have a unanimous all-party report reflecting all our wishes rather than just the ham-fisted demands of the government running over our rights. That's the implication. That's fine. That is when Mr. Reid made it clear that he was going to do exactly what you would do in that case.

Most of us at one time or another have had to do it. That is, you sort of advise colleagues, "Settle in for the rest of this meeting because I intend to talk out the clock. The last thing I'm going to do is let the debate collapse and have a vote come forward that I know I'm going to lose."

Mr. Reid did the thing that we all do in that situation: he started talking. His goal was to talk from 11:00 till 1:00, which were our regularly scheduled hours. Then, under normal sort of "skirmishes"—I'll call them that as opposed to the war we're in now—under normal circumstances, what would happen, Chair, is

that at one o'clock, the scheduled time to rise, the committee would adjourn.

We would all then go about our business as normal, come back at our next regularly scheduled meeting, which would be the following Thursday, again from 11:00 to 1:00. At 11:00, you would gavel us into order and then give the floor to Mr. Reid, who rightfully has the floor under our rules, in that you can't force someone to end debate until they're done. Under our rules, you carry that right into the next meeting: "What's our order of business this Thursday? Well, we're going to continue what we were talking about on Tuesday, and Mr. Reid has the floor." That's exactly what Mr. Reid and the rest of us expected to happen.

And then, things got dirty. Now, I'm sure it's happened before. I've only seen it once before. I've had it done to me once before, and you remember it.

What happened is that at one o'clock, Mr. Reid rightfully expected that he would conclude his comments and be ready the following Thursday to pick up where he left off and continue. It would be that kind of thing, which is why I call it a "skirmish". It would be a filibuster, but it would be within the usual time frame of when that committee meets. "That committee happens to be seized up right now because we have this issue and we're dealing with it as we go along." It wouldn't become what this has become, because of this one—and I'm going to call it a dirty trick because it is a dirty trick—ambush. I had exactly the same thing done to me.

What happens is that you find out that, where we all thought if the meeting—and this comes as a shock to members over and over, and it did to me.... We had a document that called this meeting to order, and it said that we were going to meet from 10:00 to 11:00. Well, I guess it wouldn't in this case because here we are in parliamentary la-la land; it's Friday, but we're still on Tuesday. Anyway, the fact is that you have a piece of paper that tells you what hours you're going to meet, and 99% of the time that's when you rise. You would expect that.

I think there was a member of the official opposition who said, "Chair, I would point out that it's a couple of minutes after one o'clock. We should adjourn this meeting and this discussion and reconvene on Thursday at the regular time." The chair said, "Actually, no, we're going to continue." Points of order ensued, and we had a discussion with the clerk about what was going on: "It said the meeting is over at one o'clock. It's now a couple of minutes after one o'clock. The chair has an obligation to end this meeting."

Ah, but you see, that's the interesting thing about parliamentary rules: they're not always crystal clear. What's inferred at the one o'clock rise is that at least the majority agree with that. It, in and of itself, is not an ironclad law of parliamentary physics that the committee must end at its scheduled time. The committee ends when a majority says that the committee ends. Given that we are masters of our own domain and masters of our own destiny, that right remains sovereign, unless and until collectively we decide differently, or we get overarching marching orders from the House. Other than that, we control our destiny.

So when you apply that, what it means is, if the chair knows that the majority government members are not going to vote for adjournment, he has, in this case, really no alternative but to keep the meeting going. Now if need be, he can stop things and force a showing that there is a majority who want to keep going, but when there's a majority built in, it's implied and understood, and that's the way that rule works.

It was done to me, interestingly enough, on a very similar kind of matter under that good old Bill C-23, the unfair elections act. I came in all raring to go. I came in and got my stuff. I got my speech; I'm ready to go; and I'm two hours, like Mr. Reid. I have two hours to go, and then I have a day in between where I can do my homework and get my next two hours of talking points so I can keep the floor and keep it going because, as you know, Mr. Chair, we can't repeat our arguments, and any argument we make has to at least have some kind of tenuous relationship to the motion at hand, and that is a discretion that you reserve as the chair as to whether or not something is germane to the point in front of us.

I had exactly the same thing. I had that two hours, exactly the same scenario, and the whole points of order, and, "What do you mean?" and shock on my part. I'm like, "What the heck?" Then suddenly I'm filibustering 24-7, and I have about two hours' preparation. That was deliberate. It was an ambush. Now for some of us—and I won't go long on this to my Conservative colleagues—some things leave permanent scars. My good friend Harold is laughing.

Now you might expect that kind of thing from a ham-fisted government that we had before. I'll leave it at that, Harold, okay? If you take that one, Harold, I'll cut it short. I don't want to go too far down that road because it takes the sting away from this government, and that's really where the play is, but it does need to be said that we are in this.

When I used the word "war", it wasn't on the discussion paper, and it wasn't on the motion, and it certainly wasn't on the amendment. It was the governing Liberals using.... That was the government doing exactly what Harper did, as a vicious... legitimate.... I'm not saying we'll use points of order to stop it, so it's allowed, but that doesn't make it right, and it certainly doesn't mean it was fair play. There was never any intent for fair play. The government hoped that they would catch me flat-footed. At the time I was the only one who was keeping it going on the filibuster, so if I couldn't keep talking, that meant that the debate would collapse, and the vote would have happened, and I would have completely lost any further input into how C-23 was going to be dealt with. I won't say that I won, but we did get some concessions.

My point is that it is a sneak attack. It's an ambush. It's meant to catch members flat-footed by using an interpretation of the rules that is not done day-to-day. In fact, it's not even done usually year to year around here. Once every Parliament or so, this kind of hijinks is carried out. That is when this government decided that they were going to take this skirmish, and they were going to make it a full-blown war, and I just called it for what it is. That's what triggered us going 24-7.

It's really important for those who want to understand how we got here that this is not about the opposition going apoplectic, and all we've done is step forward, and we've hijacked the House and hijacked the committee, and that we're the ones who are forcing all of this. Not the case.

**Mr. Blake Richards:** On a point of information, this is actually a perfect opportunity for me to raise something that I want to raise as a point of information. Just for the information of committee members, there was an e-petition put up about half a day ago. Late yesterday it was put up, just before dinnertime yesterday. It's on this topic, and it might be something members would be interested in following, particularly the Liberal members, because they are being expected to do the Prime Minister's dirty work for him. I'm sure they're getting a lot of flack about that, and the only person who is benefiting from this is the Prime Minister. He's the one who wants to make life easier for himself, so this is something Liberal members might want to follow.

It's Petition e-983. I'll just note that it has been up for about half a day now, and it has about 5,000 signatures. I'm watching it, and it's growing by the minute here. There are signatures from every single province and territory all across the country.

I won't read the preamble, because that might take too much of Mr. Christopherson's time, but I will just read the part on the petition, just for the information of members:

We, the undersigned, citizens and residents of Canada, call upon the Government of Canada to adhere to longstanding Parliamentary tradition and procedure and not force any changes to the Standing Orders of the House of Commons outlined in the above mentioned discussion paper without the unanimous consent of all political Parties currently represented in the House of Commons.

As I said, there have been around 5,000 signatures in about half a day, and that is growing by the minute. It's something I think members would want to be aware of and follow, because it's obvious that Canadians from all across this country are demanding that the government not do this without the consent of all political parties.

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

Mr. Christopherson.

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

I thank Mr. Richards for that, because it shows there are not only the folks on the list that I mentioned but also a whole lot of others. In fact, a lot of the people who felt betrayed over the government's decision to back away from democratic reform are those in exactly the same demographic and part of the population who are very upset about what's being done here and the way the government is trying to grab power beyond what it is already legitimately entitled to. That just doesn't sit well with Canadians.

Again, that's why the politics of this thing is so crazy, Mr. Chair. You've heard me. I've been perplexed from the beginning as to, one, why the government is doing this, and, two, how on earth it thinks it's going to win. This is Canada. This is a government that ran on a whole platform of doing things differently, of doing the opposite of this sort of thing, of not doing this kind of sandbagging of the opposition members, or using parliamentary trickery, or ambushing people, and keeping them in the dark. All of that was supposed to have been swept away in the last federal election while we had a new dawn of sunshine, light, and transparency. Instead, we get political thuggery that in some ways surpasses what Harper did. That achievement, and then uniting the Conservatives and the NDP around any kind of issue, would be the two grand accomplishments of this government.

I want to come back again to why we're here, how we got here, and why, even though this is Friday, it's only Tuesday. It's because the meeting on Tuesday has still not ended; this is it. The chair has been very careful not to adjourn, which would then require a reconstituting of the committee and all the procedures we go through. The chair just suspends the meeting when we do suspend, but technically this is still Tuesday. The whole idea was that the government was going to force the opposition to die on this political hill. It did it the day before the budget, knowing that everyone was distracted by the budget; and they were. There was very little coverage of the use of this nuclear option by the government in the media, for good reason. It was focusing on the budget. That's why the government brought this in. It's no different from announcing bad news on a Friday afternoon. It starts to get reported on the weekend when many people have shifted their mind to their personal life, their weekend activities, and they don't really tune back in to the serious formal part of the world until Monday morning when they have to. This was the same sort of thing. It hoped that we wouldn't have enough material and that we would be afraid of a public backlash against us for being obstructionist. That's why the messaging of Mr. Simms and others and the House leader all along has been that they just want a discussion, that they just want to improve things, that this is about modernizing, that they have a mandate to modernize, and that that's all that's going on here.

Yet, what they wanted was for us to cave so that we would quickly get to a vote and come back again. That would force us to have that vote on the amendment that we will only make decisions by all-party agreement, and it would lose. That was its game plan, Mr. Chair. This crowd wants everybody to believe that they're so different with sunny ways, transparency, and accountability, and that we are all going to sing *Kumbaya*, and we are going to pass laws together, and we will do things only.... That was all just talk.

They came in here as ham-fisted and bloody-minded as Harper was on his most determined day, and used his same nuclear option.

Poor Mr. Reid was just like me, practically apoplectic that now, suddenly, unexpectedly, that really is how we pass laws, by tricking and scamming one another. Suddenly what Mr. Reid prepared for, and he did an excellent job—if you go back to read that, it was a solid piece of two hours of discussion on that motion. He did his homework. He came and did his job. He had every right to believe that at the end of that discussion, at one o'clock, we would adjourn and he would go off and do the other things he does. In the interim, before he took the floor again on Thursday, he would do his homework again and make sure that he had another two hours of very relevant, germane discussion on the motion that's on the floor. That's what he had every right to expect was going to happen. Instead he got ambushed.

Now, tell me how sunny ways and ambush go together. I'm from Hamilton. I understand ambush; I understand getting along together. I understand transparency and sunny ways. This is not it.

Let me just say parenthetically, Chair, if you notice, most on the opposition benches, even when we get in full dudgeon, have been very careful not to in any way try to personalize and put ownership of this on the members of the committee, including you, Chair. No matter what niceties we have that this is Mr. Simms' motion, and Chair, you're being 100% independent and only have the interest of the committee...as much as we all know that's our narrative we also know why it is that the Standing Orders spell out that certain committees have to be chaired by opposition members. Let me just say that fact.

I'm not going any further on this, Chair. That's why I'm saying we live in this kind of suspended belief animation of what's real and what isn't, and you're in this awkward position where you are a member of the team. You were put there by the government. Mr. Preston was no different. He did the best he could to be as fair-minded and as independent as possible, but at the end of the day he was appointed there by the government. When it was time to do what needed to be done, Mr. Preston did what needed to be done, as did every other chair beforehand. The difference between a good one and a bad one is almost how much relish and delight they take in running over the rights of the opposition. Chairs who are deep in character and true parliamentarians actually will push back on their own government behind the scenes and say, that's not right, I'm not comfortable doing it, and that kind of thing will ensue.

I'm not going to go down that road, Chair. You heard what I said the other day. We both knew that it was all very nice and would fit nicely on a pedestal or on a plaque, but the real world is that you're there as a government appointee. We voted for you, but we all understand.

I'm going to do this once so I can move off, but I need to address it because I did deal with it the other day. When you made the decision last evening that we weren't going to sit next week, I'm just going to say that I understand you made that decision. We'll leave that there, but it's also what the government wanted. If anybody wants to refute that, I'm prepared to have that debate also. But the fact is that's what the government decided.



Therefore, why I opened up with my wonderful singing voice on *What a Difference a Day Makes* is that the government has blinked. They thought that, worst-case scenario, if the budget ruse didn't provide enough cover to slip and slam this through underneath the radar, at the very least they could hold our feet to the fire and make us go 24-7 over the weekend. Why could they see their winning that one? It just happens—purely coincidentally, I'm sure, total serendipity—that the Liberals are all going to be here this weekend because they're having a caucus retreat. My good friend Harold Albrecht knows very well how much easier it is to get volunteers to sit in on a committee when you don't have to schlep it halfway across the continent to do so, especially when you'd much prefer to be in your riding with your constituents, because during these times we don't get a lot of time there so we value it.

We would be struggling, in the opposition benches, to find volunteers to sit in a committee meeting that for the most part nobody's going to pay any attention to, and to give up time with their families and their constituents. Whereas the government, what's your majority? You have 180 members. You only need four or five. Easy-peasy. If the budget didn't give them the cover...it was very clever in the short term.

It wasn't very good in the long term, I have to tell you, but in the short term, I understand it. If the cover of the budget didn't do it, they'd get us on the weekend. The second we can't put up a speaker and the debate ends, that's when the chair can legitimately say that the debate has now closed and we will have the vote. The government will use its majority to carry it, and we will lose the right to have an equal say in what the rules are in the House of Commons.

But what happened along the way is that this was so outrageous, so egregious, so unfair, and, dare I say, so un-Canadian, that even the Conservatives and the NDP found easy common cause in fighting this evilness—and I use that term generically, not biblically. Actually, it's been quite enjoyable. I have to tell you Liberals that we now have created some networks and, regardless of how long we go forward on this, the next time we need to come together, it's going to be a lot easier. We'll be able to do it a lot more quickly. We had a great experience. There was the fun we had doing the budget thing and bringing the attention here. There was a small group of us from both caucuses meeting through the day. There was a lot of respect, a sharing of resources, and staff working together.

I never would have thought it possible that the Conservatives and the NDP could work that closely together in a respectful way and in common cause. I want to thank the government of the day. You did that, and you should feel proud, because that's not easy. There are good sunny ways in terms of this side.

From there, we were easily able to say, okay, we're in this together, because if the official opposition loses the right to have an equal say, obviously we do too, so we have common cause. We quickly got together and said, okay, let's make sure that between the two caucuses we have the weekend covered, because we know the Liberals can do it easily. Over the last 24 hours and 36 hours, we've been working together to coordinate a roster of members who would be here so that we could staff this committee for the entire 24-7 all next week, and the government could sit there and listen to the response to their abuse of our rules, wall to wall, all week.

I have to tell you, notwithstanding the fact that I want to go home to see my family and I want to be in my riding, that I was kind of relishing the idea of that kind of a pitch, because you know what? In my gut, I knew the government couldn't.... How can you win this? How? They can't. Given what's at stake and given what the government has done.... Remember, they caused this war. Normally we wouldn't be having this discussion until the Tuesday we get back, and it would be at the regularly scheduled time. We're only into this crisis 24-7 because the government wouldn't adjourn the darned committee meeting at the time it was supposed to adjourn. That was part of their ambush.

Then, last night, the government message—I'll put it that way—was, “Oh, we're not going to meet next week at all.” Now, I don't know what happened to make June 2 no longer the end of the earth or the end of the world. I guess maybe they delayed it for weather. I don't know. It certainly puts the lie to the argument that this needs to be done chop-chop. They just sold off a whole week of discussion, because when we come back a week Monday.... Are we going to come back at 10 o'clock, Chair, or at 11 on that Monday?

**The Chair:** It's noon.

**Mr. David Christopherson:** It's noon, and at noon, what will happen is—this will be sure to push the audiences away—I get the floor again, and that's the one I've really been working toward. I've been waiting for a chance to really settle in. I got to do a couple of two or three-hour speeches, but that was just to warm up my throat. I'm really looking forward to that one because on that one I can settle in, and I'll have had all week to get ready. I'm looking forward to that, and I hope we're going 24-7 then because then we could do the marathon thing. It would be great. I'm so looking forward to it, but I have a funny feeling something will happen between now and then because if they don't want that to happen today, why would they want it to happen a week from now?

What a shemozzle. You guys have just played this so poorly, so badly, and you have done so much damage to your brand, and all you have done so far is to confirm all of that.

I started to say this earlier, Chair, and because my time is starting to expire I do want to make sure that I get it on the record. We're all students of interpreting words and language but also body language, and it's been pretty clear from the outset, with maybe one exception along the way—and this is my personal opinion, if government members want a point of personal privilege, feel free—that there is not a whole lot of pride of ownership for what's going on here over on the government benches. I don't see anybody jumping in front of the cameras saying, I'm the one who thought of that strategy to ambush Reid. That was me. I did that, and my buddies here are going to support me while we crush that opposition.

No, they're pretty sheepish, and for the most part they're been doing what they're doing now. And I would do the same thing. I used to be in government and I did do the same thing, and that was I kept my head down and I read things, and if I had to look around I did it very carefully, and if I had to move, I made sure the focus was somewhere else. I just really didn't want to be there. I get the impression there are some government members who feel that way. I won't say any names. I won't go any further.

That was another thing. A lot of people who are on this committee we have worked with in camera and publicly, and we've had some fights, but we've done a lot of good work together and there is a camaraderie here and a lot of respect here and I know the kind of people who are on the opposition benches. One of them is a fellow Hamiltonian. I know the kind of campaign he ran on. I know what the message was, and I know for certain, at least for the Liberals in Hamilton, there wasn't one of them who was running on a platform of, elect us and we'll ambush the opposition better than Stephen Harper. That was not the approach.

So while the geniuses were dictating the strategy from up on high, members here on the ground knew that this was not going to fly because they knew if they were on the opposition benches they would be going out of their minds too. What do you do when something like that is going down? You just keep your head down. Anybody who is in this room can take a look at the government members and that's pretty much what they're doing right now.

Everything is more important than whatever is going on, and they're just thrilled that we're not meeting next week. I can tell you there is no happier bunch in all of Canada land than government members who are on PROC who realize they don't have to sit there and take this well-justified abuse for another seven days straight.

Again, sometimes the rules work in our favour. As much as they're thrilled to see the end of a loudmouth like me and see my time finally come to a conclusion, all I have to do is put my hand back up and get back on the list and we still can't have that vote until I'm finished for the second or twenty-second time, and the same for Mr. Reid, and Mr. Richards and Mr. Albrecht, if he wants to join in too.

The government have no one to blame but themselves. What a mess. Now somehow, and what they've done....

Chair, I think I have maybe five minutes left because you wanted a couple of minutes to make some concluding remarks. Very good, Chair, give me a nod when you're looking to me.

We know that the government does not want to be sitting here day after day after day, and what the government has done now is blinked. They have realized that their declaration of war didn't work because the opposition members are not the ones who blinked, it's the government. They knew we were getting stronger and now the budget is over more and more pundits, analysts, and people are starting to turn their minds to what is going on, and I haven't seen a positive write-up on the government's actions yet.

I'm sure there are some out there, and some may start doing that now that I've said it, but I haven't seen a whole lot of articles saying that we are being obstructionist here and that we in the opposition are the problem. The ones who are starting to turn their mind to this and look at it and understand in a serious way what's going on understand that this is a fight that the government set up, that the government picked. It was hoping to trample the rights and ride roughshod over the opposition benches, and all it did was unify the opposition against such unfair, undemocratic actions. We are getting stronger by the day and will get stronger still. The government knows it has to fold. The blink next week was the first indication, and now it has seven days to figure out how the hell to get out of this mess. Then it still has the problem it started with, which is that it

would like to make some changes to the House. I'm sure it would like to get a few advantages. Some of it may actually be goodwill, but now the thing is such a mess. Look where it is. This is what happens when you say you're going to be one way and you act another.

How many times have we said to the Liberals, "you're so good at running on the left and governing on the right"? Democratic reform is the poster child for that scenario. This government talked up a democratic reform argument that was as good as anything the NDP or the Greens could come up with, and the proof of that is the number of seats that it got in the election.

But actions like this on how we pass laws are so opposite to what every member of the Liberal caucus said during the campaign and what their Prime Minister has said. I don't know where the government goes now, but it needs a stand-down.

Mr. Simms, Mr. Richards, and I have tried night and day, literally in the middle of the night, having side meetings with you. We've been the ones giving suggestions to you to give to the government about how we can get out of this. We've done everything we can to be reasonable to get out of this quagmire, because there is some good work we'd like to get to. It just got a whole lot tougher for the government to get out of this.

If you think you can do this to us and then just say, "Oh sorry, we didn't mean to upset you. We got a little crazy there. Sorry, we'll go back to our sunny ways." No, this does damage. It does damage to your brand. It does damage to this relationship. The one chance you have to salvage this will be the way you decide to create your exit ramp and your exit strategy out of this boondoggle.

Mr. Simms, there's probably a little bit of goodwill left, but I have to tell you, the string's running out fast. We're running out of runway here, to mix my metaphors. Your government has been so vicious in this process that it's getting harder and harder to find an amicable way down. I can only urge the government to reconsider how it's approaching this, because if the government thinks that it's going to double down when we come back and that somehow we're going to get weaker in our opposition, then it has once again misread this situation. We get stronger by the day. Mr. Richards has read out the kind of support that's starting to come in across the country as people realize what this government is trying to do to unilaterally, through a power grab, change the way laws are made in our Parliament. That's what's at stake. That's what's going on, and the rights of the minority and all of these things are at stake.

Mr. Chair, I will conclude by saying I hope the government, when it creates its exit strategy....

I can't believe you're going to double down on this. You can't be that politically tone-deaf as to say, "okay, the reason that didn't work was that we weren't tough enough. We weren't nasty enough. We weren't vicious enough. We weren't tricky enough." Hopefully that's not the attitude. What we need is a whole different attitude and an approach that takes us back to where we were as quickly as possible from this viciousness and back to working together as we were and we were going to on Tuesday. Again I end by saying the government started this fight, but let me tell you, the opposition united will end it.

The only question is when, and how much more damage to the government brand there will be in the process.

Chair, I thank you for the opportunity to speak. I look forward to being back here again a week from Monday at noon to continue our review of the government's current ways.

Thank you, sir.

**The Chair:** Thank you.

I will take a couple of minutes. It's been a long week, and I just want to thank the people who have helped us out this week and everyone who has worked long hours, the interpreters, the technical staff, the Library of Parliament researcher, our clerk, who has done such a great job, his assistants, and of course, all the members and their many substitutes, who have worked long hours to stand up for their beliefs on the best way to operate Parliament for the benefit of Canadians.

Yesterday, I asked members to approach me about when they wanted to suspend last night and what they wanted to do next week, and everyone who approached me said they would prefer to have next week off.

I hope you have a busy constituency week, and you'll be itching to get back here with this more relaxed schedule.

We will suspend until high noon on Monday, April 3.

•(1055) \_\_\_\_\_ (Pause) \_\_\_\_\_

•(1200)

**The Chair:** We're back to the 55th meeting of the Standing Committee on Procedure and House Affairs. This meeting is being televised.

Colleagues, I've been informed that the House leaders are in discussion, which a lot of the committee members asked for. To give them time to try to work something out, I'm going to suspend until four o'clock on Wednesday.

•(1200) \_\_\_\_\_ (Pause) \_\_\_\_\_

•(1630)

**The Chair:** Good afternoon. Welcome back to the 55th meeting of the Standing Committee on Procedure and House Affairs. The meeting is being televised. The meeting was last suspended on April 3. Mr. Christopherson was the last member to have the floor when the meeting was suspended.

There are a couple of points. I'm planning on going on a regular schedule today, like we were before, roughly until midnight. It depends on what you do. If you come to some agreement, or if the House leaders do, that would be great, but if not, roughly it will be midnight tonight.

There will be same type of schedule tomorrow, from nine to midnight, but I had forgotten one thing about tomorrow. I have talked to all the parties about it. We had arranged that we would suspend for question period, but that we also would meet the chair of the Scottish Parliament at one o'clock tomorrow. I propose that instead of suspending for just one hour for question period, we

suspend for two hours, so that those who want to—it's an informal meeting—can meet the speaker of the Scottish Parliament.

It will be held in this room. It will be totally informal. There will be no recording, or minutes, or anything for that particular hour.

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

**The Chair:** Well, I was thinking of seeing if we make some progress today or tomorrow and then deciding, but....

**Mr. Scott Reid:** I understand now that it will be until midnight tonight, and you said tomorrow from 9 a.m. until—

**The Chair:** Midnight.

**Mr. Scott Reid:** To midnight with the break from...? I'm sorry.

**The Chair:** The break is from one to three o'clock.

**Mr. Scott Reid:** It will be from one to three, more or less. Okay.

**The Chair:** That's subject to votes.

**Mr. Scott Reid:** Then, as far as Friday goes, you'd like to wait to see whether or not it's necessary.

**The Chair:** Yes. We'll see how things are going during the day on Thursday.

**Mr. Scott Reid:** That's very helpful. Thank you.

**The Chair:** Okay?

Mr. Christopherson.

**Mr. David Christopherson:** Just to confirm, it was my understanding that the second hour was so that we could receive the Scottish speaker. Correct?

**The Chair:** That's in the first hour from one to two o'clock.

**Mr. David Christopherson:** Yes. I think all of us are in agreement that we don't want to let our domestic differences get in the way of our international obligations, so I'm pleased to see we are all in agreement to do that while we still have this domestic battle.

**The Chair:** Okay. That's good.

The clerk has reserved this room all week so we shouldn't have a problem procedure-wise. There will be food for dinner this evening after the votes, if you can last that long.

Okay. We have Mr. Christopherson, and we have distributed a paper by Ms. May.

**Ms. Elizabeth May:** May I...?

**The Chair:** Okay. Go ahead.

**Ms. Elizabeth May:** I appreciate Mr. Christopherson giving way, as they say in the British Parliament.

I was visiting the British Parliament, and it inspired some of what I've given us here. I'm grateful for a chance to distribute the paper. I hope it's helpful. It is a response to the government paper, with ideas that I think would make Parliament work better, and also, of course, it's a plea that we find a way forward in this committee so that we have a shared approach to how we reach decisions.

I don't want to trespass on any more of your time, Mr. Chair. I'm very grateful for the official tabling of the standing order proposals that I've made in both official languages.

[Translation]

Thank you very much for allowing me the privilege of participating in this committee meeting.

[English]

**Mr. Arnold Chan:** If Mr. Christopherson would allow me two seconds to respond, I want to thank the leader of the Green Party for taking the time to draft a response to the government House leader's paper. We look forward to reviewing it and commenting.

I will pass on your paper, and I look forward to having an opportunity to table a response.

**The Chair:** Mr. Christopherson, you're on again.

**Mr. David Christopherson:** We got there. You've been avoiding making that full sentence since Monday.

**The Chair:** Were you waiting for me to go...?

**Voices:** Oh, oh!

**Mr. David Christopherson:** You've got the gavel ready to go. There are a lot of Canadians who'd like to vote right now that you do that. However, with apologies to Canadians, we do have a process to follow.

The process at this stage is to try to force the government to see the light and understand that the wonderful discussion they want to have is one that we're eager to have too. The difference is that the government wants to have what they would call equal, fair discussions, but always reserving the right, if they don't like the way the negotiations go, to just opt out of sunny ways and suddenly use their majority to ram through whatever they desire, regardless of how everybody else feels.

That's where we are. Every time this committee suspends, that's great—we make no bones about it—because our purpose is to prevent that discussion from starting until we have established what the rules of engagement will be.

Again, the government is trying to have everyone focus on the idea that all we want is a discussion. That's all. We just want to talk about these things.

We are ready to do that, but we are not ready to do that while the government maintains that they have the moral right to use their overwhelming majority to smother the opposition and deny us an equal say in the rules that determine how we make laws.

It's unfortunate, because it's a bit like a strike. There are no winners. The second you go out, work is stopping. The company is losing. Wages are not being earned. There are no winners. But sometimes in this world there are certain principles that you have to stand up for and pay whatever price. We run the risk in the opposition that the public will turn, or that the media that informs the public will say, in their dispassionate evaluation, that we're just being obstructionist. That's always a risk.

Before I move to a letter that was just released a few hours ago, it has to be underscored that the reason we're here, at 20 minutes to five on a Wednesday, debating this motion, is that the government refused to adjourn the very first meeting. Again, here in this room, parliamentary la-la land, this is two weeks ago Tuesday. It's two

weeks ago yesterday. We're still on that day because the government wouldn't allow the committee to adjourn at its regular time. It's supposed to adjourn at 1 o'clock. The government unleashed an unwarranted sneak attack on the opposition, who are the minority, by refusing to allow the committee to adjourn at its regular natural time, thereby thrusting Mr. Reid, in what was supposed to be a two-hour period of speaking, into unlimited.

If this were the regular process, the filibuster started by the opposition parties would only play out at committee Tuesday and Thursday from 11 a.m. to 1 p.m. That's our normal business time. Filibusters happen all the time—"mini-busters", if you want—where there's give-and-take at the committee. For some reason, the government's about to use their majority to do something that the opposition deems is unfair or unwise or unwarranted, so they quickly make the decision and say, "Look, I'm not just going to let that happen here. If I need to, I'll run the clock." Running the clock means that you will just take the floor and keep going until the committee is over, thereby denying the government the opportunity to use their majority to ram something through.

Now, normally they, don't last very long. I've only been involved in one other major filibuster like this, and it's interesting that it was under the previous Harper administration, which pulled the same stunt. We were debating Bill C-23, the unfair elections act, on changes to the election laws, and I indicated that I was going to hold things up. In that case, we were looking to get the committee to travel, to get input from people. That's all we were seeking: that element of fairness.

I indicated that until we got that, it was going to be a problem, and we were going to seize things up, and they did exactly the same thing to me that the Liberal majority government did to Mr. Reid. That surprises a lot of people, because when they get the notice paper, a lot of people believe that if a meeting is called for 11 o'clock and is going to adjourn at one, it would, lo and behold, commence at 11, and then adjourn at one. A couple of minutes after one, as the committee Hansard will show, I believe it was a Conservative colleague of Mr. Reid who made the point that it was a minute or two past one o'clock, the time that we usually adjourned. It was at that point that the chair had to advise that it requires majority support.

I learned that civics lesson the hard way too. It comes as a shock to a lot of people that a meeting that's scheduled, on paper, called by the chair, with all the proper format, layout, and language, and is supposed to start at 11 and end at one, doesn't really have to end at one. It is implied when the chair adjourns at one o'clock that a majority is in support. The government gave indication to Mr. Bagnell, our chair, that this implied consent was not there. Therefore, the chair had no option, absolutely no option, other than to have the meeting continue. That's what thrust this into the big leagues. That's what made this a much bigger deal than we did at committee.

**An hon. member:** That's right. Absolutely.

**Mr. David Christopherson:** My colleagues are agreeing. We were hunkering down for what would probably be.... I don't know, but in my mind I was thinking, well, maybe a couple of or three—and if we really get in the ditch, four or five—committees will be lost to this, and then eventually the government will come to their senses, do what has been done in the past, and in fact do what we've done during this Parliament. That will be the next area I move to, Chair, after I read a letter.

That process, as I'll point out later, was completely done by consensus. There are so many similarities to what the government wanted us to do, and for the work that we did on this committee on that report, yet the approach is completely different. We can say names here; we can't in the House. The previous government House leader, Mr. LeBlanc, used a very different approach than the current House leader, Madam Chaggar. It resulted in a report that we just accepted in the House on Monday, I believe.

That's what I thought would happen. There would be a number of meetings—as I said, five or six if we really got in the ditch and the government got obstinate—and eventually they would realize that, okay, that little attempted power play, while it would have been nice, was clearly not going to happen. The opposition was not asleep at the switch and wouldn't allow themselves to be lulled into silly arguments about what this is or isn't—we know very well what it is. At the end of the day, it became clear that the government not only didn't want to do what they had just done the year before, but they were going to launch this from a localized committee “squarmish”. I think that's the right word. I think it's a word. I'm getting close, anyway: “skirmish”? I think that's the right word. I'm getting close, anyway. A “skirmish” is a little battle that happens all the time.

I've been involved in all kinds of those. In fact, as I did the one on Bill C-23, oftentimes at committee all I would have to do is threaten that I was about to go into a filibuster and that would be enough to get something moving, because, boy, nobody wanted to hear me do exactly what I'm doing right now for any longer than absolutely necessary. Just having it there and the reference to it and that we were about to do it.... My colleagues do it all the time. Mr. Schmale, even as a new member here, has indicated along the way that, hey, folks, if this doesn't start going a little more clearly, I'm not going to have any.... Then we get over it. We get past that.

That didn't happen here. For some strange reason, the government members believed that it was in their best interests to launch this into the stratosphere, to have all of the national media become aware that a localized issue in a committee is now not only a major blowing up in terms of a 24-7 filibuster, but it's starting to spill over into the House.

I'll add parenthetically that I just thought it was so cute today. The Prime Minister apparently told his caucus that this was going to be fun, and it was kind of cute when he got up and de facto created a Wednesday Prime Minister's question period and answered every question. They were so clever. I'm sure they thought that.... Well, he didn't answer every question, because not every one went to him. Every question that went to the government, the Prime Minister answered, which, as I understand it, is their idea of what this Wednesday Prime Minister's day would look like.

I don't know, but I guess the brainiacs over there in the PMO decided to show Canadians what the benefit would be of having this kind of day when the Prime Minister is on his feet answering every single question put to the government. The problem is that they didn't take the next step and think it through just a little further, because Mr. Strahl and I, during question period, took great delight in thanking the Prime Minister for answering those questions but also pointing out that they didn't need to use their majority to ram through a change to the rules to get exactly what they wanted. They want a Prime Minister's day on Wednesday and—poof—de facto they got one, with no rules changed, no rights abused, no flexing of political muscle.

None of that took place. All that happened was that the Prime Minister answered the questions. All right? If you want to put a special fancy label on Wednesday, which is normally known as caucus day so that it becomes caucus day and “Prime Minister's question period”, fill your boots. Live it up. It was kind of fun.

The next time, we know that we'll be able to line up questions that are meant to go to prime ministers, because, of course, the questions for today were geared to the usual process in which the prime minister answers the questions of the leaders of the parties, out of respect.... Well, most of them. Yes, there's been a change there, too, which is interesting. It was pointed out in one of the articles today.

That's probably the easiest one he's ever going to have, because it was one that we didn't know was coming, but that's a whole other matter. That's fine. That's great. Let the politics of the day take over. If that's what's going to happen on Wednesdays from here on in, then our question period group that makes these decisions in each of our caucuses will take into account that the PM is answering every question today, okay, so our questions will be geared at that level.

It's a very different question if you're asking the prime minister. Even on the same subject, there can be often a difference in the question you would ask the prime minister. It can be a kind of a macro question, whereas a micro question, albeit important, would go to the minister and is sometimes answered by the parliamentary secretary, which is part of our process too.

I thought I would take a minute to point out that while it was very cute and almost clever to have that today, at the end of the day all the government really did was show that with a little co-operation, and sometimes even under the existing rules, they can get what they want. Their first option doesn't have to be the Harper option: “we're going in with a hammer because every discussion is a nail”. That's where we are, yet with a little co-operation, a lot could happen.

Chair, I would now like to shift gears a little and move to a timely piece of correspondence that is 100% relevant to what we're dealing with here today, and it's rather extraordinary. It's not often that you see the House leader of the official opposition and the House leader of the third party sign a joint letter addressing the government. It happens, but not every day. That just goes to show you how important this is and how big this is.

I remind everybody that it wasn't the opposition that made this the 24-7 filibuster that's taking over all of Parliament and looms over everything we're doing. We didn't do that. We were just going to have a nice little filibuster, a kind of respectful filibuster, that you would call a "battle". I think that's fair. That's what we'd have: a little battle. The government is the one that decided, no, that they were going to take this and throw it into the stratosphere, and blow it up as big as they can. They didn't adjourn the committee, and here we are, over two weeks later, with it front and centre in the national media.

We finally got an awful lot of attention from Canadians. Thank you to the government, because it would have taken us months to do that if we were doing it only from 11 to one o'clock twice a week. I think you should be worried over there that maybe there is a spy working in our best interests. While you may have thought it was a clever move, because at the end of the day you have your majority, look where we are. Way to go. I'd like to know what your objective was, because it couldn't have been getting anything done. There must be some other strange Liberal-think about how this advances the Liberal interests and the government's interests in terms of its process. I don't know. At the very least, it does point out another broken promise, and that is the lack of respect for standing committees.

Again, I've said this over and over, and it sometimes breaks my heart to say it, but as you know, reality is reality. When we didn't win the election, which for a long time or for some time looked like it was going to happen.... I've got to tell you: those were great days. That was nice. I'd never been in that situation before.

I was part of the win in 1990, but nobody knew it was going to happen until election night, so there wasn't that anticipation, that "wow, we're ahead" thing. This time, that actually happened. It was wonderful and glorious, the highlight of my federal time here. It didn't work out in the end as well as I thought it might, and as well as it felt, but you know what, that's democracy, right? You win some and you lose them all. I don't know.

**Voices:** Oh, oh!

**Mr. David Christopherson:** When it comes to government, at least we're consistent. We've never failed to not form a government yet.

**Mr. Jamie Schmale:** That's the NDP way.

**Mr. David Christopherson:** Well, so far.

It's not deliberate, I want my friend to know. It's not deliberate, Mr. Doherty. It's not the way we'd like it.

Anyway, there we were, chugging along nicely and thinking, "Gee, we have a real shot at forming a government here." That didn't happen. At least the second-best thing happened, and that was that the Liberals won. There were only two parties that were likely to

form a government. The polls showed for a number of months leading into the election and halfway through the election that we were going to form it. It didn't quite happen that way, but we did end up with a change. If it couldn't be us, then certainly in my heart I wanted the Liberals to win. Yes, I know. It's hard to say, but there you are.

**Some hon. members:** Shame.

**Mr. David Christopherson:** I did, because we couldn't continue with what was going on before. That had to come to an end. I guess a minority would have been even better than the current one, for obvious reasons. Anyway, I won't get too much into what could have been. Those tears are gone.

I will talk about what did happen, and that was that a party got elected that said they were going to respect committees once again, because Parliament used to have respect for its committees. Of everything we do here on the Hill, I consider committee work to be my favourite part. My top thing, of course, is being in my riding, which is same for all of us, but here, I love committee work. This is where stuff happens. It moves quickly. You get a chance to be far more personal in interactions and to work together.

We still have our battles from time to time, but the whole idea was that committees would now be respected and that we wouldn't see this business of moving in camera, with vicious stuff happening in camera, and then having to come back out and not being able to say anything because the rules tie your hands. We were going to have transparency and respect. I was really looking forward to that.

In some ways and in some areas, they've delivered, but right from the get-go on this committee, the first thing I had to do—I think it was even at the first meeting we had—was to mount a mini-campaign of my own to get the parliamentary secretary off the committee, whereas the government had promised that the parliamentary secretary wasn't going to be there in the first place. You can talk about a voting member but where is he now? I haven't seen him for a long time, so it looks like message received.

You know what, Chair? The government members of the day argued. They were so incensed when I accused them of needing him to ride shotgun.

Of course, I was baiting all of you and you all rose, as I would have, too, and responded with—I'm paraphrasing, no names—"Hey, I can make my own decisions, I'm an MP." That's fair enough. Mr. Graham talked about being here before too and how that was all insulting. Anyway, we got through all of that, and lo and behold, look around: we don't have a parliamentary secretary anywhere within earshot of this committee. But they had to be chased. That was a little disappointing.

I was hoping that it was a one-off, because they have done some other things that are important. They have increased the resources for the committee, which is the first thing. Of course, the previous government was slowly strangling the ability of committees to do their work. Certainly, they never left Parliament Hill, except on the rarest of occasions. Heaven forbid that Canadians would actually get a hands-on opportunity to talk to their own government.

Mostly it was going to be about tone and respect, and then you'll remember, Chair—it wasn't that long ago—that we went through the issue of the report from the Chief Electoral Officer regarding changes that he would recommend we make to the election laws, having reviewed and learned lessons from the election we had just had in 2015. It's a regular undertaking. We do it every year.

We were actually working very well together under your leadership, Chair. It's an in camera exercise, so I can't speak in too much detail, but it's certainly fair to say that we had a great esprit de corps and that we recognized that the election laws don't belong to the government, or the official opposition, or the third party, or independents. The election laws belong to everybody.

We were working our way through it. We were following a process that we've used before here, starting in other Parliaments. You can call it the “low-lying fruit process”. All it means is that where we can agree on things readily or with a minor change to wording, we would include that in a report and move on to the next item. We would go through those as quickly as we could. As soon as we got to an item where one of the caucuses or even one of the members said that they had a real problem with an item and it was going to give them real pause for concern, we would take that signal as meaning that it was not low-lying fruit and not easily agreeable, so we needed to set it aside. We had that second track.

It meant that when we got to those, a lot of the political give and take was yet to happen, but it's amazing how many things we could agree on that would then allow us to give an interim report to the House, which would then allow the government to consider the opinion of this committee on the changes recommended by the Chief Electoral Officer.

With the government having promised that they were going to treat committees with respect and give their work serious consideration in the development of policy and legislation, everything seemed to be going fine. Then I walked in one morning—I think it was a Thursday—at 11 o'clock, and within that hour, because the House usually starts at 10 o'clock, the government had dropped Bill C-33 on the floor. Now, Bill C-33 was about election laws. In and of itself, it's not a huge issue, other than the fact that some of the changes they wanted to make in Bill C-33 were items that either we were currently seized of or hadn't dealt with yet but were on our agenda to do.

Let's wait a minute. Let's have a look at this picture. The government says they're going to respect the work of committees. They're going to consider their work important input in the development of government policy.

Oh, I've just been advised that it's scheduled for debate in the House next Thursday. That should be fun.

Take the work we're doing. The government says they're going to listen to us, and then they drop this bill, which by its very existence is insulting to this committee, and they break their promise. How can you say on the one hand that you're going to respect what committees have to say and consider what they have to say in the development of policy and legislation and then turn around and drop a bill on the floor that deals with those very issues? The committee

has not even finished with it and, in some cases, hasn't even started on it. Where's the respect in that?

To some of us, that was such an egregious action that it seized up the work of the committee. At that moment, we stopped reviewing the Chief Electoral Officer's recommendations, and for this simple reason: why bother? It would seem that, foolishly, all of us, including me, members of the Conservatives, the government members, anybody else who came by, independents who dropped by the committee, the Greens—I'll give you your Greens, Madam—the Bloc, the other independents—

**Ms. Elizabeth May:** They were nice.

**Mr. David Christopherson:** Don't confuse me. It's easily done.

They would come by and have input. We believed that it was meaningful, like it mattered that we would take the time. We struggled. We don't just agree with everything automatically. Usually it takes some kind of change, but really, with such positive work and a good combination of veterans and new members, so that we had a good mix, we were doing good work. I think every one of us would say that we were doing good work on behalf of Parliament and on behalf of Canadians.

Then, when they dropped Bill C-33 on the floor of the House, it was as if it was all a ruse, just a joke, a make-work project to keep us busy, or it was pro forma.

I just went through 10 years of that, of a government that looked at committee work that way, and I was really looking forward to getting back to a world where committees mattered, to the important work that the mother of Parliaments perceived when this kind of Westminster parliamentary system was put in place. The whole idea was that the real work would happen at committee. That's why we're a little looser with the rules. That's why we can call each other by our names and not just our ridings.

That's why at committee you can speak until you're done, so that if we're going to talk about water quality and my riding represents a good part of the Hamilton Harbour waterfront, I'm going to have a lot to say about it, or I may have a lot to say. The one nice thing at committee is that once you take the floor, you can go until you're done. That doesn't mean that everything is a filibuster, but it means that if you want to take your time and spell out an issue that affects your constituents as it relates to the matter in front of you, if you're going to build that case, it's complex, and you want to break it down so it's understandable, that may take 20 or 30 minutes or maybe an hour, or maybe a little longer depending on the subject matter.

That's one of the beauties of committee, and we don't have that time in the House. Remember that we come here believing that our main priority objective is to reflect the wishes and interests of our constituents. Because there is so much going on in the House, we all accept that there are going to be time constraints, as difficult as that is.

If I may say so, though, Mr. Chair, at least in the House in the early part of a new bill or motion, you at least get 20 minutes plus 10 minutes of questions and answers with colleagues, for a total of 30 minutes that you have to deal with an issue that your constituents consider important. I want to point out that under one of the proposals the government would make, that would be eliminated. That whole idea dies here: at committee, you get 10 minutes at a time. It doesn't matter how complex the issue is. It doesn't matter how much you need to break a whole lot of.... Nothing matters except that time limit, and now it starts to become a very different creature.

I again want to express how disappointing it is at that level that we're here. I'm trying to be fair-minded, but on balance I couldn't even give the government a fifty-fifty to say that they've honoured 50% of the commitments they made to committees. They've made some. They did honour some, but I have to tell you that when the rubber hits the road, when real politics start to take over and we have real issues in front of us and the government is feeling the pressure, whether it's from entities or the clock, they're acting more and more like the previous Harper government in terms of their lack of—

**An hon. member:** No, no.

**Mr. David Christopherson:** You know, Maj, the best thing you can do is just stay quiet there.

**Voices:** Oh, oh!

**Mr. David Christopherson:** I'm just giving you some advice. If you'll notice, your veteran colleagues, whenever I do that, just fade back and say nothing. Having been a former government member, I can tell you that discretion is sometimes the better part of valour. Just sit back—

**An hon. member:** I've been able to let that go.

**Mr. David Christopherson:** My friend would like me to let go of almost 10 years.

**Mr. Todd Doherty:** They're the real bad guys.

**Mr. Jamie Schmale:** Aim your guns that way.

**Mr. David Christopherson:** I know. I understand, but just because you, my Conservative colleagues, weren't here doesn't mean that you don't have to carry some responsibility for what your party did before. You like to brag when there are things you think were good, so you have to take the bad with the good.

**An hon. member:** There was a lot of good stuff.

**Mr. David Christopherson:** Again, my best advice would be to watch what your veteran colleagues are doing. As soon as one of us starts saying anything about the Harper government, suddenly they have very important documents that they must look at incredibly closely. Just let it go by, because it won't last, but it's going to be there. Anyway, that's advice to you, my friend, and it's worth what you paid for it.

I just point out that as we get into the detail of why we're here I again want to express how overall disappointing it is. The government started with a lot of optimism. The other thing is that this file itself, electoral reform or anything to do with rules and

democracy, is not exactly a strong suit for the government right now. They might recall a slight U-turn that the government recently took vis-à-vis one of their biggest promises to change.... I believe there were words to the effect that the 2015 election would be the very last one that Canada would conduct under first past the post.

They made that promise over and over again. The Prime Minister personally owned that promise: the 2015 federal election would be the last one ever conducted under first past the post. What's going to happen in October 2019? We're going to have a federal election and it's going to be first past the post.

**Mr. Todd Doherty:** Hear, hear!

**Mr. David Christopherson:** Government members, do you see how happy you've made the Conservatives by doing that? Maybe you thought the heartbreak it caused us would be worth it, but I have to tell you that the Cons got the best of that whole deal: status quo, don't change, and leave it the way it is. That's what you gave them, but you promised to do something different. You broke that and then you promised to show respect to committees, and you're in the process of breaking that too. Way to go.

Now that I'm warmed up, Chair, I can move to some of my prepared remarks.

**Mr. David de Burgh Graham:** David, we have bells in 10 minutes.

**Mr. David Christopherson:** That's what I'm banking on. There are no secrets over here. This is it, man. There are no big secrets.

I was just in the midst of reading a very important letter into the record, Chair, which I mentioned to you just briefly and was issued publicly. It's signed by Candice Bergen, the official opposition House leader, and Murray Rankin, the NDP House leader. It is addressed to Madam Chagger in her capacity as the Leader of the Government in the House of Commons. It reads as follows:

Dear Minister:

With the Procedure and House Affairs committee set to resume its tainted and unproductive meeting to deal with the government's plan to unilaterally re-write the rules of Parliament, we, the Opposition House Leaders, are reaching out to offer a reasonable alternative to the current fruitless standoff.

We remain committed to the Canadian parliamentary tradition—dating back to the original drafting of our Standing Orders in 1867—of having all-party support for overhauling the rules of the House. Without your clear commitment to respect that tradition, a good-faith study is impossible. As an alternative, we would like to propose the model used by the Chretien Government.

Mr. Chretien's government created the Special Committee on the Modernization and Improvement of the Procedures of the House of Commons that sat from 2001—2003. The motion that established that committee is attached.

Lest the government be worried, I will of course be reading that too. To pick up again from the letter:

The membership of the committee was made up of the Deputy Speaker and one member from each of the recognized parties. The committee operated by all-party consensus and managed to present six reports to the House.

Six reports: a previous Liberal government did that. What headway are we making here? None. Why? Because of the government's power grab.

To pick up again:



We are always open to thoughtful discussions about improving the way the House of Commons operates. That being said, we also recognize the strong historical precedent that has been established for making significant changes to the Standing Orders. As you know, history has demonstrated that the overwhelming majority of substantial Standing Order changes only occurred after receiving consent from all parties.

We believe that a consensus-based approach to modernizing the House of Commons, along the lines of the Chretien model, would respect the time honoured tradition of this Parliament, and be more fruitful and productive.

Your attention to this matter is appreciated.

Again, it is signed “Sincerely”, by Madam Bergen and Mr. Rankin.

Now, the motion referenced in the letter is attached to the letter and forms a part of it. It's headed “2001 Motion to Create the Special Committee on the Modernization and Improvement of the Procedures of the House of Commons”.

It's not that long, Chair. It's in bullet point form and states:

That a special committee of the House be appointed to consider and make recommendations on the modernization and improvement of the procedures of the House of Commons;

That the Members of the committee shall be the Deputy Speaker and the House Leaders of each of the officially recognized parties, provided that substitutions may be made from time to time, if required, in the manner provided for in Standing Order 114(2);

That, notwithstanding any Standing Order, the Chair of the committee shall be the Deputy Speaker and the Vice-Chairs shall be the Leader of the Government in the House of Commons and the House Leader of the Official Opposition;

That the committee shall have all of the powers granted to standing committees in Standing Order 108....

If I may, Mr. Chair, do you see how important it is that the Standing Orders are referenced? Whenever we're taking action, it's the Standing Orders that provide the process we would follow. That's why you're seeing here these references to Standing Orders, and that's why this whole battle and war is under way: because the government wants the right to change these Standing Orders using their majority vote only.

This is why it's so important to us that it not happen. It's not just one ideological principle of whether as the opposition we agree with the government or not on a particular point. It's talking about how we make laws. When there's a reference here to Standing Order 108, there's usually an impression that the Standing Orders are something we all agree on. Why? Because we all had input and agreed that they would become the Standing Orders.

It's when we take certain Standing Orders and make them the domain of the majority government that we see the House starting to come loose. The foundations that hold us together are these Standing Orders, so that every time we want to do anything at all, how it's done in a way that we all accept as fair is nice and easily referenced by saying, “So we'll do that, Chair, in the same way that we do it in Standing Order 108.” The assumption is that when you look at it, whatever Standing Order 108 is, it's something we all agree on and it provides the detail we all agree on. Otherwise, you'd have to go through each of those details on each of these points and decide whether or not we agree on—wait for it—the rules of engagement.

From the fact that I'm making references to Standing Orders consistently as we are passing a motion of action to create an entity that's going to do something, you can see that the importance of all

of us having faith and of standing by the fairness of the Standing Orders is crucial. Otherwise, we'd never get anywhere.

I will not repeat myself but I will make reference to the fact that I talked about how as kids we played pick-up games of scrub in the alleyway—at least in my own case—and we would end up spending more than half the time fighting about what the rules were going to be than we did actually playing the game. But even as kids we knew that you have to decide what the rules are and everybody has to agree. Otherwise, what happens is that you don't play.

**The Chair:** Mr. Christopherson—

**Mr. David Christopherson:** What's this, Chair?

**The Chair:** It's a point of order.

Mr. Reid.

**Mr. Scott Reid:** I just wanted to say that this whole thing about arguing over the rules for that length of time when you're playing scrub baseball is a confirmed sign of a future labour negotiator.

**Voices:** Oh, oh!

**The Chair:** That's not really a point of order, but it's entertaining.

Mr. Christopherson.

**Mr. David Christopherson:** Who knew?

Thank you, Chair.

I have to tell you that there were probably a lot of things that happened in that alleyway that come in handy around here sometimes when it's necessary to get some elbows up.

All joking aside, I think the point is a fair one. I do believe that it's important to show that every time we want to do something we make a reference to the standing order. That provides a whole flood of details and procedures that we don't have to bother reinventing each and every time, because we've decided, when we set out on a certain course of action, “here are the rules of engagement and here's what's fair”, and if they don't cover it, then you make sure you have some special rules that you agree on.

We don't need to have that fight over and over. Once we've agreed on what the Standing Orders are going to be, not only are they enforceable by the Speaker but, more importantly in a Parliament, each of us accepts them as the rules. We accept that they're fair on balance, and that they're meant to be fair.

That can also affect Speakers' rulings on things, because if the government has no intention of being fair when they change the Standing Orders and implement them, that means that at some point some of us are going to be on our feet on a point of order trying to get the Speaker to say that the standing order shouldn't be applied because it's not fair. All of that is eliminated—

**The Chair:** There go the bells.

**Mr. David Christopherson:** I see colleagues pointing to.... Does that mean I have to stop?

**The Chair:** You can come back. Don't worry.

**Mr. David Christopherson:** All right. I still have a couple of things to say.

**The Chair:** We're suspended until after the vote.

• (1725)

(Pause)

• (1840)

**The Chair:** We are “unsuspended”. We'll carry on where we left off with Mr. Christopherson. We're glad to have a good audience here to hear this.

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

I appreciate that, but I do want to say again that my preference would be that we would be doing some work. My preference would be that we be engaged in doing the work we've been asked to do.

Picking up where I think I left off—I stand to be corrected by you, Mr. Chair—I do believe I had mentioned the point in the 2001 motion that the Chrétien government brought in to deal with a very similar situation, which was done in a far more co-operative way, even though Mr. Chrétien was known from time to time to be a little autocratic himself, as we all know. On this issue, Mr. Chrétien felt it was important that any changes to the Standing Orders have the agreement and buy-in of everyone. That's why he presented this.

I was in the process of reading into the record the mandate that was given to that committee at that time, given the fact that it is that model that my House Leader, Mr. Rankin, and the Conservative official opposition House leader, Madam Bergen, have both recommended as a way to get us off the....

Do you know what's interesting, Mr. Chair? So far, the only people who have brought new ideas to get us out of this mess is the opposition. The government seems to be quite content to have us in the ditch and stay in the ditch. It's their way or the highway. It's us, interestingly enough, who have consistently, since this began, been putting formal ideas on the table. I can't tell you how many side meetings we've had with Mr. Simms, Mr. Richards, and myself to try to put forward ideas. All those ideas, I want you to know, except for the one.... The government has come up with this one thing. I'm assuming they've made it public—if not, so what—that, oh, they're willing to move off the June 2 dime and make it the fall.

Really, what does that change? Whether you get your political head chopped off on a Tuesday or on the following Thursday doesn't change things too much: your head is coming off. Whether the government held off using their majority until the fall deadline as opposed to the June 2 deadline really doesn't make much difference to us except as days on the calendar.

Again, why the government thought that was going to do anything is beyond me. It's not a question of time, per se, although, Mr. Chair, they do have a bit of a time problem. If I might just say parenthetically, one of the problems they have is that once we get past this we still have a myriad of problems to deal with, not the least of which is that it was the new Minister of Democratic....

I don't think they're called “democratic reform” anymore, we kind of threw that....

Is it still democratic reform?

**Mr. Arnold Chan:** Democratic institutions.

**Mr. David Christopherson:** Was it always, or was it “reform”?

**Mr. Arnold Chan:** It was always “institutions”.

**Mr. David Christopherson:** Okay. Fair enough.

The new minister of democratic reform...or Minister of Democratic Institutions....

We're the opposition. If the government says something, we go the other way. It's just a natural reflex.

**Voices:** Oh, oh!

**Mr. David Christopherson:** This is the second minister, by the way. We burned through the first one pretty quickly, which was too bad. I have to say, that really wasn't her fault. She was a brand new member. She came across very effectively, but the marching orders were coming out of the PMO. I feel very sorry for that MP, because they just drove that member right into the wall. She had no chance, absolutely none, given the way it was playing out.

Anyway, we have a brand new minister, and I'm actually quite proud of the fact that she is from Burlington, which is the neck of the woods that Madam Tassi and I hail from in this great country. Notwithstanding that she is a Liberal, it's still very good to see someone local. It's not quite what we would call a regional minister—if someone is going to be a regional minister for Hamilton, they ought to come from Hamilton—but it's a step up from where we were before. I've already had a couple of meetings with the minister, and I must say I'm very impressed, talking about both her file and some local matters and the doors she opened. That was a great move.

My colleague right across the way, Madam Tassi, the newest or one of the newest members on this committee, has been promoted to deputy whip. I'm very proud to see any Hamiltonian doing well, particularly this member, who is very honourable and has done a great job. I know that in her current position it will be easier for her to do her job, but also having the minister in Burlington is going to make it lot easier for Ms. Tassi, who is our go-to person in the committee. You would think it might be the former mayor member, but it's not.

I won't go any further on that, except to say that everybody in Hamilton knew that if you seriously wanted to talk to the government, prior to our having a regional minister, it was Madam Tassi you went to. I have complimented her publicly at events in Hamilton for the role she has played. There are lots of things for us to fight about, and we'll do that on the issues, but on some of these overarching personal matters I think it makes a difference in terms of how we relate in this place to be complimentary to a colleague from another party who has done well, or who has been given a great promotion, and to give them all the encouragement in the world.

The worst thing in the world now would be for that shiny new minister to fail, although I guess it might open up an opportunity for Madam Tassi, who is sort of on the warm-up mat for cabinet. Nonetheless, it's not very good for us when we lose someone who gets up on the issues....

Did I embarrass you? I didn't mean to, Madam. It was a compliment, and I hope you take it as such, meaning that you are clearly, from the viewpoint of the opposition benches, on your way to cabinet. The first move is the one you've made, and I expect it's only a matter of time before I will be addressing my friend Filomena as Madam Minister, but for now she remains in her otherwise still important position as the deputy whip, and that's all to the good.

The point I was making, Chair, was that this minister came in and attempted to unravel the ball of mess that the previous minister's orders—I won't say “her”, but her “orders”—had left. She asked us to accelerate some of our work on the Chief Electoral Officer's report, which I mentioned earlier, making recommendations on changes to the election laws following the last election. She asked us because she committed, as much as you could expect without an absolute oath, that the disrespect shown to this committee would stop, particularly as it relates to issues around the election laws.

She came in and asked if we would take a look at certain issues that we hadn't yet gotten to—whether we would pull that forward and take a look at it, and try to have a report for her by May 19. That was a tight deadline, and most of us were frantically thinking, “How the heck are we going to do that?” The point I'm making is that because of the way the request was made, because it was in our common interest, and because there was respect shown for the committee, our initial response wasn't, “Oh, great, we can make life tough for the minister.” Our first reaction was, “Okay, how can we accommodate this? How is that doable?”

I have to say to you, Chair, notwithstanding the weeks and days we have lost here, I didn't know how we were going to do it then. I have no idea how we're going to do it now—more important work that is not being done as a result of the government's actions.

They have now moved this report to the fall. That's fair enough, but when you look at what started all this, let's remember the components that made up the issue. The original motion—as far as I know, until we deem differently that motion still stands, because it has not yet been amended—requests that we be done by June 2.

Is that correct, June 2, or is it June 9? It is June 2.

We had May 19 and we didn't know how we were going to do that; now we're all blown up and not meeting at all. Then they come in, and the issue that has us all blown up has a deadline of June 2.

All the goodwill in the world can't create weeks and months that don't exist. We have a mess on top of a mess on top of a mess. It's layers of onion here, and every time you peel back one of the layers, you have another layer. That's our problem.

I believe I left off making reference to the bullet point that said that the committee shall have all the powers granted to standing committees in Standing Order 108. Then I talked about S.O. 108.

I know that if I attempt to revisit those arguments you're going to lower the boom on me, Chair, for repeating myself, so I won't even force you to do that; I'll just move right along knowing that you wouldn't allow it.

Let me continue, then, Chair, with another bullet point from the motion that is meant to be the example that our two House leaders, the official opposition House leader and the third party House leader

—respectively Madam Bergen and Monsieur Rankin—have proposed as a way out of this.

Again I would underscore that here is the opposition trying to help the government get out of the mess that they created. You'd think at some point the government might have put something on the....

I mean, you suspended, Chair, and gave the government enough time. You gave them all of last week, the last couple of days, and all I know is that there were a couple of small meetings. Other than that, what the heck did the government do with the time they had?

When you suspended us on, I think, the Friday before the constituency week, the Friday or the Saturday, most of us on this side expected that the government would use that week—a whole week—to get some work done. In this case, the work being done would be to ask how do we get out of the mess we're in at PROC? What's our off-ramp? What's our exit strategy? What's our alternative to the government? What are we going to do to get us out of here?

You'd think they would have taken the week. Mr. Doherty beside me here is perplexed, wondering what you did with a whole week. On arguably the biggest issue, at least in terms of what's happening in this place, the government seems to have done nothing.

We came back here on Monday. I was all set to go. The next thing I knew, as I was taking my breath to start, you took a breath, Chair, and said we were suspended again until Wednesday at four o'clock. You didn't give any explanation, sir, but most of us assumed that four o'clock on a Wednesday, which is an unusual kind of time to start a meeting, was meant to provide the parties with not only the time to cut a deal but time to take it to their respective caucuses, have it approved, come back here Wednesday at 4:01, and we would be on the path to getting out of this mess. At least, that's what I presumed was on your mind when you picked that rather unusual time and provided another two full days.

I wasn't at the meeting with the House leaders, but I certainly had a detailed debriefing. I can't go into any great detail, but I'll tell you, there aren't many details to go into. It doesn't seem as though a whole lot happened. They had some discussions, but nothing positive, nothing that even entailed meeting further. It was just, okay, I guess we are where we are.

Again, it's so strange, given that the government is the one who's driving this whole thing. They drove the discussion paper, we believe, although Mr. Simms says different. I respect Mr. Simms, but we still hold that the direction in that motion did come from the PMO. It certainly had their sanction. We believe that.

Basically, where we are is by the design of the government, so you would think, when they were given free time to think about things, that they would have put at least as much time into getting out of this mess as they seemed to have put into getting us into this mess.

I don't believe for one minute that springing this meeting, the filibuster 24-7, which was the government's decision, was done by Mr. Simms or the members of this committee alone. I was part of a government, so I get this. I served two years on the backbenches before I was a cabinet minister, so I get all the dynamics. The government is the one calling the shots. In this case, it's hard to say they're calling shots when there aren't any shots.

It's almost like they're.... I don't know. Are they behind closed doors, clicking their heels three times and hoping magic happens? Are they hoping that suddenly Mr. Reid, Mr. Doherty, Mr. Nater, and I are all just going to fold, and say, "Oh, you know what? You were right. The government's right. We were wrong."

What did they think was going to happen? If they didn't take the time last week to do it, then they're going to have to take the time going forward. Why they also allow a brand new channel on TV, the "beat up the Liberal" channel, to be aired 24-7 is beyond me, but so be it. I mean, we chased them long enough when we were back in room 112 north.

I have absolutely no doubt in my mind that the previous government would never have done anything like that. Once they decided they were going to be bloody-minded, at least they were consistent. They stayed bloody-minded at every single step along the way. They ultimately paid a price for that, which is why I'm looking at Liberals instead of Conservatives from this side, but that's what they did.

Here, we kept pressing them to take us to a room that has TV cameras so people can watch it, and they kept saying "no". So we, of course, as you would expect, kept asking, because it's embarrassing for the government, "Why can't we be in public?" The government just said "no".

**Mr. Todd Doherty:** They don't want anybody to know.

**Mr. David Christopherson:** Those were the arguments that were made. Mr. Doherty is saying they didn't want anybody to know. That was the argument we gave, making it very difficult for them—as difficult as we could—to stay in a room in which audio was available but not cameras.

Actually, as it unfolded—I stand to be corrected—I think early in the morning I again, just as a matter of routine, raised a point of order and requested that we come to this room so that we would have the cameras and Canadians could watch this proceeding, given its importance. They did what they usually do and said "no", which is what I fully expected, because they have been saying that for the last three days anyway.

Then my friend—I think it was Mr. Richards—requested the same thing a couple of hours later, or maybe three or four hours later, and they said "yes". I was thrilled. I am so glad we're not in a basement room or like a tree in the forest, and if nobody is there to hear it, did it really fall? We're into that kind of world.

Instead, we're in this nice spacious room with all the cameras to allow people to watch; there are lots of members of the public. If anybody wants to come by, there are lots of chairs here, and we have coffee. We make it as civilized as possible.

I point this out just to indicate that this makes you wonder where the grown-ups are. Where are the people who should be thinking this through? It's a bit like the stunt today with the Prime Minister. Again, I can only go so far, because you're going to nail me on repeating myself, but I can at least refer to it as a "thing" without doing the "thing".

Again, what was missing? Thinking it through. They thought to a certain point, and that's great, but they didn't take it the next step.

Around here, my experience is that those who succeed in politics are those who can see the furthest the clearest. That's why you hire smart people. That's why I have Tyler Crosby. I make sure I have really, really smart people around me to give me advice. When I was a cabinet minister, I had Michele Noble as my deputy minister and Darlene Lawson as my chief of staff. They were incredibly smart people. When we quickly ran to the limit of my thinking, I could turn to them and ask what they thought, and there were lots of great ideas. If we needed to, we could reach further into other offices—in my case it was the premier's office—and ask for that kind of input so that we had all the thinking.

This was a big deal. The second biggest government in Canada is the Government of Ontario. Like the Liberals, we had a majority government. If you get into certain situations or you want to take an initiative, there are lots of things to factor in. Governing is not easy. Governing Canada in particular is difficult. It's not an easy country to govern. It's governing a big chunk of a continent. We're a little bit like a somewhat smaller version of the European Union. We have so many interests backed with common cause, but that common cause is rooted in a different outlook—say in terms of the manufacturing sector—from my hometown of Hamilton versus that, maybe, from Banff or one of the coasts. The coastal aspect affects a lot of Canadians, but quite frankly, coastal fishing, except at the consumer point, is not something that affects my riding in downtown Hamilton nearly as much as, say, cleaning up inland waters, given that Hamilton harbour is right there.

I'm raising all this because I'm wondering, Chair, where the grown-ups in the PMO are on this file. It's starting to feel rudderless.

I have a couple of minutes; I could speculate a little on some stuff, and I think I'll do that. As I look at this, notwithstanding the good suggestions that I think we've made along the way—the very good suggestion in front of us, which I have yet to complete—here we sit, with no clear direction. It seems to me that at this point, if the government is not interested in....

Maybe they'll pick up on this idea. We're still hoping for a resolution. But if not—and let's assume there are no grown-ups over there, or at least that they're not on this file—that means that the government could completely fold on everything. That's not very likely. It could happen, but wow, it would be the second-biggest blunder they made since backing away from their commitment on electoral reform.

I think, though, that if it's not a capitulation by the government that we're heading towards, then the only thing left for them to do, if they can't find a resolution at this committee and a process that we can all live by, is to bring in a motion in the House that contains the things they absolutely have to have and use their majority there to ram through the changes. But wow, what a cost. What a price to pay. You'd have to want those changes really badly, because this is not only angering the opposition and angering people in the community. It's also leaving a lot of people perplexed as to why they're damaging their brand. The whole brand—I won't go off on it, but it's a reference to “sunny ways”, accountability, transparency—was the brand Canadians wanted, because it was such a breath of fresh air compared with what we'd had for 10 years.

I don't understand why they mess around on this file. It's like identifying a bruise on your leg and then going out of your way to have another family member give it another good kick so that they can do as much damage as possible. You got bruised badly on the electoral reform; it's done a lot of harm. That hurt the brand. There were many people who voted on that issue, but even those who didn't consider it a central issue in their support for the Liberals saw the idea of making that kind of promise for that kind of change as pretty big. Many people feel betrayed, because they moved from their regular party—in many cases, us—and other parties to go to the Liberals on that issue.

You'd be surprised by the demographics of those who recognize first past the post as not a fair system. We shouldn't be going through all of this threat from the power of a majority government that got less percentage of the popular vote than Stephen Harper had. The government didn't even get 40%. It was 39.8% and 39.6%, in around there; there were a couple of points of difference. This government, the current Liberal government, even though they have all those seats—that's part of the screwiness of our first past the post—did not get as big a percentage of the popular vote as the previous Harper government had.

We know that they tried to jig that system. They had their preferred...The thing was so poorly handled, and what it felt like was so similar: it felt rudderless. Normally after a while, once a government makes a couple of moves, just like the government watching the opposition, it's like a chess game: once you see a couple of moves made, if you have thought it through you begin to see which one of the identifiable attacks is under way and you're attempting to respond and defend in kind. As well, you have your own aggression plan in your mind, which you're trying to get to without your opponent seeing it.

That's not happening here. I've been around a long time; when things are obvious, I get it. There's nothing obvious about what the government is doing. It doesn't make any sense. It particularly doesn't make sense that they would do it on anything to do with rules or election or electoral reform or changing the way we do things—it's all the same thing—and they've done more damage to themselves on that one file since they've been here, arguably, than on any other, at least in one fell swoop.

For this, by the way, the Prime Minister took personal responsibility. The Prime Minister is saying it was his decision to make, and he made it, and so that promise is broken, as decreed by him, the same guy who made the promise.

The government knew they were going to pay a big price for that. They did their political calculations and figured it was worth it, but before they even got a chance to move on to another big issue, some other shiny object we could all be focusing on, they came along and did this nonsense—more heavy-handed, anti-democratic, Harper-like manoeuvres—on the issue of changing the rules. You would think if they were going to do that and light that fuse, they would have some idea of what the boom was at the end. So far, the only boom at the end of lighting their fuse is the sound of them falling on their collective rear ends and making a mess of this.

I emphasize again that the parties that have spent the most effort and the most time making suggestions for a way out are the opposition benches. Mr. Richards and I have sat back and tried to find out what else we can propose to the government that would get us all off this, because remember, the work that's being held up at the end of the day, the most important work in all of this, is not really our rules. That's not the most important thing. The most important thing is the bloody study of the Chief Electoral Officer's report on changes to our electoral system. We're nowhere near that. That's a number of layers in the onion down. We have all these other things.

It kind of reminds me, Chair, of back in the days when I was a negotiator. The same thing can be said on both sides, but in my case, it was a human resources director who didn't know how to negotiate, who did not understand the signals and nuances and indicators, the kinds of things that keep you from a strike. It was a short one, but we ended up in a short strike that need not have happened. It was a real lesson for me, a lesson I passed on to other union negotiators to make sure they weren't that, going forward.

I could name the negotiations, I could name the company, and I could name the person. I'm not naming the person, but it was the incompetence of the human resources director who was leading the company negotiations that caused us to strike.

The strike then focused the mind and got the company to see exactly where they had gone wrong. In short order, once we sat down and were focused in the right way, guess what? We solved the strike, got a collective agreement, and were back at work in no time, but that work stoppage happened because we had a counterpart on the other side who didn't know what they were doing, who didn't listen, who didn't read the signs, because negotiations for collective agreements are a lot like politics. It's the art of the possible.

Just for the record, I've also sat on the other side, when I was president of the local union. We had staff, and when we had negotiations with the staff, I was on what I considered to be the wrong side of the table, so I get this from both sides. I'm just pointing out that the ones who have the upper hand usually are the ones who have the better game plan. They are better resourced. They have more time. You're constantly trying to weave your way around and through a well-thought-out plan that's been digested and laid out by the other side.

In this case, with something this big and this important, particularly when it speaks to anything to do with electoral reform or reforming anything with rules, you would think they would be so cautious as to recognize that serious damage has already been done on this file.

Why would you do that? If you were going to do it, you would make sure you had thought it through to the nth degree, because the very last thing you want to see happen, if you're the government and you just screwed up your electoral reform file as badly as this government has, is exactly what we're doing now. For the government to have this committee where it is right now takes a really short meeting. It doesn't take much thought. That looks like what happened.

I'll try to give them some credit, Mr. Chair. The only thing I can think of—again, wrong assumptions are often where the problem lies—is that, if you recall, this started on a Tuesday, and lo and behold, the very next day there was a little thing called the budget. We were downstairs in room 112 north, with no cameras. We were not on the main level; unless you knew we were there and had a reason to go there, you wouldn't have even known we were talking—or not talking. You wouldn't know.

In order to get us to this stage, which is a full-blown parliamentary crisis—we're in the grown-up room, we have the cameras, and we're ripping the government, legitimately, on this whole approach—the only thing I can think of that makes any sense is that although it's a bad plan, there had to be something: they thought, with the budget coming, no one would pay any attention on the Tuesday and the Wednesday. That was accurate, because for the most part, nobody did. We were kind of doing our thing in silence.

We weren't actually into it all that long, to be fair, Chair. I think you suspended, and we participated in the reading of the budget and things. To be fair, then, we hadn't been here that long.

The only thing I can think is that they saw the budget coming. They thought this would get no attention. When it did get the attention of the media, they would immediately conclude that we were being obstructionist for the sole purpose of opposing and that we were causing all this grief. The combination of two and a half days of having to keep going 24-7 and getting very little attention because the budget soaked up all the media attention and all the oxygen in the room...and when the media did turn their attention to us, they would conclude that this was just being obstructionist, and maybe by the following Monday or Tuesday, in exhaustion and defeat, we would have folded and the government would have retained the right to change the rules unilaterally using their majority. We would have had these phony negotiations or discussions where it's nice when we all agreed, but not necessary to have agreement for something to be in the report, because the government would just slam through what they wanted.

Even if the two opposition parties have dissenting reports, we all know that no government minister holds up the report of a committee and says, "What we're doing is adhering to almost all the recommendations that came from the committee that studied this matter, and so we're being consistent with our promise to respect committees and to listen to what they say and consider their input", and then adds, after that, "Oh, and by the way, both opposition

parties submitted dissenting reports, and the majority report only actually represents the government members."

That's why it matters who controls what goes into the report.

I'm going to be referencing something, Chair. I did this in the House the other day, but I didn't do it in the committee, so I'm allowed by the rules to revisit it. I'm going to talk about the report we did, our eleventh report, which we were dealing with on Monday, and talk about the process and how we went through it. That report is one concerning which the government could stand up—any minister, or the Prime Minister—and say, "We have the eleventh report of the Standing Committee on Procedure and House Affairs, and they've recommended a number of measures, and we're going to act on them."

Chair, that would start indicating to people that the legislation is likely going to go through fairly quickly. Why? Because the eleventh report is the "Interim Report on Moving Toward a Modern, Efficient, Inclusive and Family-Friendly Parliament". Again, it's related work and a completely different process. I'll talk about that difference. Right now I am showing the difference between having a report that all the parties agreed to versus one that has government support.

You know, Chair, better than anyone in this room, because you're a chair, that at end of the day, a majority of the members control what the report says. If that happens to be the government, then normally the opposition parties, if they're opposed and feel seriously enough and have good reasons for opposing it, will issue a—

**The Chair:** Dissenting report.

**Mr. David Christopherson:** —thank you—a minority report, a dissenting report. Those are actually two different things, but for the purposes of this we'll call it as one.

When you say "the Committee recommends" in the eleventh report, I'm going to agree. I was part of this report, from beginning to end, and everything that's in here.... This is not inconclusive. This is 10 and a half pages of recommendations.

I'm going to point out later, Chair, that where they couldn't come to an agreement, because there was such good will they said, "But we're going to look at this further. There are some other things we want to consider. We're going to come back to this. This is still an important issue." What that meant was that there wasn't all-party agreement. It could be one opposition party or both, but the fact that there wasn't agreement meant it wasn't going in this report. That's how we agreed to approach it.

This report—which you chaired, Chair, and presented to the House, where it was accepted—will likely, and has already started to, effect change in the House. But it starts with everybody's agreement. That's a whole lot different from things we disagree on, which is most things. When we do agree, it's kind of given that we move it along. If we don't have any disagreement, let's move it along and get it implemented. We're all in agreement.

But what the government wants is for us to just set aside the fact that in the past, on these kinds of reviews, it was only when everyone agreed. They wanted us to set that aside and start having discussions. As we have discussions, there would be some things we agree on that would go in the report, and it would start to look like this one. If it ended there, and if that was all they were going to do—if they said, “We're not going to deal with these issues; we're not controversial,” or whatever, and they just carved those out in a way that we all agreed with—then again you would have a report that contained the recommendations of everyone.

But what the government wants is that, when we have a vote on a recommendation, if the motion carries.... The government has the majority of members on the committee. As long as they support a motion, it carries, 10 times out of 10. We don't have the numbers. The math is not there. In minority, it was a different world. A majority would be reached by different permutations of the parties and the members. But in this case, what the government wants is that this committee review everything and make decisions wherein the government majority wins 10 times out of 10. They win every single vote. No matter how good our arguments are, they win the vote, and that's the only thing that goes in the report. If the Conservatives move a motion and it fails, it's not in the report. If I move a motion, no matter how good my arguments are, if the government decides they don't want it, it's not in the report.

At the end of the day, it's called “the committee report”, because majority rules—basic democracy. But given the fact that we are in our various camps here, it's not just one against another to reach a majority; it's actually groups of us in our caucuses. We would end up with a report that the official opposition doesn't support and that the third party doesn't support. Only the government does. Yet the government would have the ability to hold up that report and say on their legislation, if it followed the recommendations—which it would, because why would the government members vote against something that wasn't going to find its way to legislation...? The government is controlling both procedures, the procedures of creating legislation and what happens here at the committee, which they also promised they weren't going to do. Members were going to be independent.

Let me tell you, I'm not going to name names, but if there were independent votes of the Liberal backbenches, I'm not so sure we'd be where we are in the process. That, however, is speculation on my part.

The ability to hold that report up matters. When the average citizen hears a government say that it respects committees and gives committees more resources to do work, and says that it is going to consider the work of committees important and that their input is considered by government, that citizen is going to consider the promise kept. The government holds up the report and says that the report says such-and-such, and look at that, our legislation says

almost the same thing. Isn't that wonderful? Parliament is working so well. We have a majority report out of the committee, they did what we wanted them to do, they did it by the deadline we wanted them to meet, and we managed to pay so much respect and attention to their report that, lo and behold, if you look at our legislation, it reflects the hard work of that committee.

The problem is that such a procedure leaves the impression that we all agreed. Nobody then says, oh, sorry, I do have to say that there were two dissenting reports from the two opposition parties, that really the only people who supported the report were Liberals, but we just thought that, to be fair-minded, we would say that.

That's not going to happen. I didn't do it when I was a minister; I don't expect anybody else to. If I got a committee report that supported what I wanted to do, that's all I needed. As to the details of how it got there and who voted for it, when I'm a minister that's not my concern. My concern is that I need to have a committee report. I get one, and it says exactly what I was hoping it would say: surprise, surprise when you're in a big majority government.

I get this, and that's why it matters. The government could claim after the fact, when they're justifying stuff they have put into legislation, that it goes all the way back to the hard, non-partisan work that the committee did and that this just reflects their work, and they're so proud that they made committees relevant and were able to turn that into legislation. The impression, without the government having to spin anything, is that the opposition is onside with these changes, because there's a majority report that says the committee believes such-and-such.

That's why it matters. That's why I suspect, Chair, that the only way they're going to get out of this mess...unless they're smart enough to take up the opposition on this idea or some other process that provides an off-ramp, that is not an off-ramp to surrender for the government but rather an off-ramp that leads to a process that will ultimately give them the deliberations, if not the answers, they were looking for. *Ergo*, while we still have the right to hold up the government through filibuster, that's why. I emphasize again, we're doing this 24-7, not because the opposition has set it up that way, but because the government made this a 24-7 filibuster. As a result of that, everything that happens in the House, and if things find their way into other committees, is all a result of the government.

But if they have to bring that final motion in...let's say they withdraw everything here and just throw their arms in the air and say we're going to the House, we're going to bring in a motion, and we're going to pick the things we really want.

You got that Wednesday thing, by the way, without a rule change. That needs to be emphasized. You got exactly what you wanted. You wanted a Wednesday Prime Minister question period. Your Prime Minister was clever enough to answer all the questions, therefore de facto creating a Wednesday Prime Minister's question period. We didn't have to change a single rule, and you didn't have to ram through a single change.

**Mr. Todd Doherty:** That's amazing.

**Mr. David Christopherson:** It's very amazing, Mr. Doherty.

It again speaks to thinking it through, but make sure you go all the way, because that one was only half thought through.

At any rate, if they ultimately have to withdraw everything and just go straight to a motion in the House, that's not going to be pretty either; obviously we will make that as difficult as we can and draw attention to it. As my passed-away friend Jack Layton used to say, it circles the stain. So that motion—you still don't have all the things you want. We still have some rights, and before those changes are made, we get to use the rights we currently have vis-à-vis applying them to the process of change. It will be the last hurrah for some of those rights that we have, but we will use them.

My point is that this seems to be the only endgame available if the government doesn't find a positive, co-operative way to deal with these issues, and that is a loser. You can just imagine what the speeches are going to be. This is all fodder for that.

Speaking further to the letter and to the model that was used in 2001 by former Prime Minister Chrétien, which is where I picked up at the beginning—I believe I ended with Standing Order 108—it says:

That the committee shall not adopt any report without the unanimous agreement of all the Members of the committee;

You'd almost think it was a misprint. How could that be? How could we have Liberal Prime Minister Chrétien, known for his sometimes unorthodox ways of creating efficiencies in his life, versus Prime Minister Justin Trudeau, who promised to respect committees and to listen to their work and take their work seriously? You'd almost think there was a misprint and that the name on the top of this motion in 2001 were actually to be that of this government. The kinds of things the Liberals are trying to do now would be more akin to some of the characteristics Canadians might apply to Monsieur Chrétien, given his combative style. That is not, however, the case, and *ergo* the dilemma for us in terms of trying frantically to understand what the government is doing.

We realize they want everything. They want everything their way. Okay, every government starts that way. But where's the thought into this? You seem to have thought real well on the substantive parts of the rules that the government wants so that they can control things—recognizing that this is already one of the most controlled Parliaments in the world—but zero thought went into the politics.

In the past, the accusation against the Liberals was that they used to be great at politics and lousy at substance. It amazes me, as well as angering and perplexing me. I almost wish I could flip to the back of the book to get a sense of how this ends, to kind of cheat, in a way. I have to know: how does this end up? Right now, I can't figure it, other than “complete white flag”, which I doubt. The only real

alternative after that is to ram stuff through. It seems to me it would be worth their while, given the sensitivity around these kinds of files, to be turning themselves, not us, inside out to find the off-ramp. It's just that we actually think the work that's not being done is important to Canadians. I'm not really factoring it into the government, per se. We're listening to the government framework around the matter, but the issue at hand is the work of the Chief Electoral Officer, which is under the domain of no party. He's hired by Parliament, can only be fired by Parliament, and is answerable to Parliament through this committee.

As to how that ends well, I can't begin to say. You'd have to change so much: the national dialogue, the media coverage, and the understanding that Canadians are now having as to what you're doing. So much of that would have to change, and I don't know how you'd do it, if you were going to somehow come out of the end of ramming through the changes in the House by using your less-than-Harper's-majority to do so. How does that end well for the government? It's bloody-minded, it gives you what you want at the end of the day, but it leaves a lot of dead political processes in its wake. I can't imagine how much negative coverage there will be through that whole process.

As I say, you know that we're not going to make it easy. The government should be worried, because the official opposition Conservatives and the opposition New Democrats, believe it or not, are finding out how easy it is to work together when it comes to dealing with this government. I don't need to say beware, but beware. If you bring that motion in, it's going to make this look like the easy part. It's just going to get uglier.

Maybe one can only hope that as we speak now, they may have actually pulled together a group of grown-ups in the PMO who are going to look at this and start thinking through how they get out of it and whether there's a way they can do it without taking any more hits. That would be my starting point.

If you aren't approaching it that way and the only thing being looked at is how to get bloody-minded, what the steps are, what the research is, what the precedents are, and if that's the only thing being looked at, then there really isn't an awful lot of difference between the way this government treats Parliament and the way former prime minister Harper and his gang treated Parliament. The best-case scenario is that you look as ruthless as Harper without being nearly as efficient at it.

What a great victory. Let's see you run on that. I'd like to see you turn that one into an ad.

I don't know; for a while, when you guys first came out of the gate, it was looking like, wow, for at least the initial times, they have some magic touch over there. It was going good. Even when you had negative stuff, it didn't seem to stick, because everything else was going so well. No matter what's going on, there's always a good picture of the Prime Minister to go along with the article. You always seemed to do just fine in the early days. You always came out smelling like roses.



What happened? I realize that the realities of governing sink in, and that can be shocking, but some of you have been around for a while. One can only hope that as we read these things out and as we reiterate at least the problems the government is having, it may somehow be helpful in providing a way out of this.

I've pretty much exhausted everything I can think of, which I've shared with Mr. Simms. Mr. Simms has been kind enough to make himself available to Mr. Richards and me, as the two vice-chairs of this committee. Even during the break week, Mr. Simms reached out and talked to me on the Wednesday. One was a bit of a heads-up as to some stuff, and another was just to chat and make sure about the lines of communication. He's been great that way.

I have to tell you, though, that I'm getting a little bit exhausted being one half of the team over on the opposition benches that is coming up with ways of getting out of this mess and finding an exit strategy, when all the government does is continually put up roadblocks and refuse to budge even an inch. You can tell I'm getting old by "budge an inch"; let's say "centimetre". I still look at centimetres and figure out what it means in inches. That's what happens. It's the same thing with kilometres and mileage.

If I may, Chair, this will take just 60 seconds. When that system came out, my mom said at the time, "I'm not doing it. I'm not doing it." There was enough of a layover in the transition period that she hasn't had to. She has pretty much been able to stay with what she's comfortable with. My daughter, on the other hand, went through school when it was taught. I look at some of my colleagues here, and they have to give a thought to what the heck an inch is again, or a yard. What the heck is a yard? She was free and clear, because she was brought up and taught in the new world. Half the time she's looking at me, when I come up with my expressions, and asking, "And that's what, again, Dad?", as I reinterpret English back into English.

But us, we got stuck in the middle. Some of us weren't real good at or didn't have an aptitude for making conversions. It's not that I'm looking for any sympathy. I'm sure there are many other boomers who realize that having to make that translation and formula adjustment in your head slows down talk.

Thank you, Chair. You're indicating to me that I need to talk about the subject matter, so I will.

The next point is:

That the committee may recommend to the House texts of new or amended Standing Orders;

Not only were they asked and willing to come up with some of the concepts, but also they were asked, if they wanted, to provide actual language; that's how much they were trusted. That's the kind of work they expected them to do and that they did.

The next point states:

That the committee may make recommendations for changes to relevant statutes and, if it does so, such recommendations shall be deemed to have been made pursuant to an Order adopted pursuant to Standing Order 68(4); and

Again, this speaks to the importance of the Standing Orders as a tool that we use in everything we do. The final point states:

That the committee shall present its final report no later than Friday, June 1, 2001.

Chair, I've introduced this by way of ensuring that our record of debate reflects everything that's happening on the issue in front of us. The letter, which I've read in its entirety, both sides, signed by the two opposition House leaders, outlining once again an off-ramp strategy for the government.

**Mr. John Nater:** I have a point of order, Mr. Chair.

**The Chair:** I'll hear the point of order.

**Mr. John Nater:** Thank you.

I've actually quite enjoyed Mr. Christopherson's comments, and he can probably teach me a little about yards and inches and stuff a little later. I did grow up with the metric system, so it's somewhat foreign to me in some ways, but I still measure things in—

**An hon. member:** He could enlighten you.

**Mr. John Nater:** I could be deeply enlightened.

I was wondering whether, for the benefit of the committee, we might be able to have that letter circulated in both official languages. It's been shared through social media, I know, but it might be something worthwhile to table for the committee as part of our deliberations and conversations here, if that's the will of the committee.

**The Chair:** Does anyone object? No?

Yes, we'll do that.

Thank you.

**Mr. John Nater:** Thank you, Mr. Chair.

**The Chair:** Thank you for a real point of order.

Okay, Mr. Christopherson, you're on.

**Mr. David Christopherson:** Thank you. They do happen, those real points of order.

I believe I was making a final summary reference to this document. My friend has now asked that it be circulated to all members.

We forget how many people there are who follow these things and who care very much about these matters. They would want access, so I would hope that we could make that available if we get any public requests, given that we're in this unusual situation, Chair, and that if somebody did happen to contact the clerk of the committee you might feel comfortable in ensuring that a copy goes out, or at the very least, that it be.... Of course, they could always call any one of our caucuses, the House leaders for our caucuses, our caucus chairs. Any member, actually, would eventually find them a copy of it.

Again, I want to leave this subject on this one important point, that is, this at least represents the opposition benches trying to do something. Where's the government's suggestion?

The only thing we've heard, and it's not even formal—there's nothing on paper—is that there might be some consideration to move the deadline from June to sometime in the fall, but as I've said, without changing the fact that the government wants the unilateral right to ram through anything we can't agree on by consensus, it matters not to us whether that guillotine flies in June, October, November, or December. It's not the time of doing it that's the problem—it's the doing of it that's the problem.

To shift gears out of first, I would like to spend a little time talking about the report that was tabled the other night. Most importantly, this is a report from this committee, not one in the past, but this committee, meaning just PROC, in this Parliament, with this makeup of almost the same members. We haven't had too much change here.

You, Chair, have been the chair from the beginning, and the two vice-chairs have been in place from the beginning. That's important. This committee needs stability, because a lot of decisions made in the early part of the year can have implications later on, having set precedents for going forward later on in the year.

What's most edifying here is that the parallels aren't hard to find. It doesn't take a stretch to go from what this report is about to what we're talking about here, which is why the Speaker in the House last night allowed it to be discussed as a relevant part of the motion that was on the floor.

This report is the eleventh report of the Standing Committee on Procedure and House Affairs. That's us.

I might mention, Chair, just to give you fair warning, that later on tonight—much later—I'll be making a reference to the twenty-third report of this committee, which also is our interim report. I see you nodding your head. You know what it is; you presented it in the House. It's the interim report response. It was our first go-around of the low-lying fruit exercise that we had done, so I will be making some reference to that also.

Again, to summarize at the beginning where I'm about to go, I'm about to show that when this committee actually does work together, which we want to do and have a history of doing, we do good work. It's usually a little dangerous for politicians in a non-election period to be bragging, but I've been on a lot of committees in 30 plus years, and it's a good committee, and you're a good chair and we've done some good work. I think we could have done more good work. We were doing good work on the chief electoral report, which is exactly what this is about.

Here's what I want to speak to, Chair. I won't task you to separate where I might be crossing over and repeating things between two reports. I'm going to be talking about two distinct processes, and how one worked and how one is not. I won't go beyond that into any great detail on the one that is, except sufficiently to make the case that I'm doing. I won't go into that level of detail. If I start to slide in that direction, I know that I'll hear from you, sir.

As for that process, unlike this process, the other one started with respect. It started with an element of co-operation, Chair. You don't miss very many meetings, and I'm pretty sure you were here for that. If not, you would certainly be aware that not long into the new year, on January 28, 2016, the then House leader, Mr. LeBlanc.... Again, at committee we have a little more latitude. That's why committee

work is important. That's why it matters whether or not we have the right to talk until we're done on this committee. I've known Dom—Mr. LeBlanc—for a long time. He was here when I got here. Like a lot of us, he's part of the furniture. He's been around a long time. He's respected, liked, and well known. No one was surprised when he ended up in a senior position as the government House leader.

He was kind enough to come to the meeting. He sat downstairs in room 112, in that general location, and he asked us—I would even go so far as to say he asked nicely—with a lot of respect, to please, as part of the parliamentary process, undertake a review of how we do things. I'm paraphrasing. He asked us to take a look at how we do things here, such as committee work, caucus work, work in the House, and travelling between our offices. He asked us to take a look at all of that and make suggestions that would make this Parliament more family friendly. It's a big undertaking, one that you would think couldn't work, really, unless you had co-operation.

Those of us who have been on the opposition benches for many years very much appreciated that the government House leader was asking this committee in exactly the way that was consistent with the election. This is my opinion now: it was consistent with what the government promised in the election, which was to show respect for committees, to listen to what the committees have to say, and to use the committees more as an integral part of Parliament, the real workhorse, rather than the view that the previous government seemed to have, which was that committees are mostly a nuisance, much in the way that they ultimately viewed Parliament.

Mr. LeBlanc's request was taken so seriously and co-operatively by this committee that while he came to see us on January 28, on February 2 we started our work. There was no acrimony. There were no accusations, no troublemaking, and no filibusters. We started working.

We worked on the principle that if we didn't all agree, it wouldn't go in the report. That does make for tougher work down the road, because the easy stuff will have been done and you're left with the tough stuff, but it did allow us to generate this report. It was amazing how often we did agree.

I'm getting a little bit ahead of myself, because this report is worth considering.

To recap, on January 28 the newish government House leader came in for his first meeting with us. He asked us to co-operate to meet their objectives and their electoral platform. The first thing we said was “yes”. We respected the fact they had won the election and that they were a few months old. They had a mandate to do these kinds of things. There was a strong feeling in the House of members who wanted change, especially newer members, like those with young families. Unlike in the past, when that would almost always mean women, in this case right away it affected my new colleague Mr. Schmale, who is the father of a couple of young children and has a modern family. My sense is that, as much as his job allows, he is a hands-on dad, as much as he possibly can be, and he had as much interest in this subject as anyone else in the past, who might always have been women.

It wasn't gender-specific. There was a general sense in the House that we could do this better. We could make some changes that would make it easier for people with families, or, on the other end, for people who have some disabilities, or people who are older and can't go as long. There are lighting issues around danger, and distances. We still haven't dealt with a lot of that.

Just to give an example, Chair, I had a temporary problem with sciatica over the last few weeks. Anybody who has had sciatica knows how painful that is. I forget what I was doing, but it might have been one of these committees or something, and it was late. The buses only run until an hour after the House is sitting, no matter what else is going on. I walked out the door and it was really cold. I've learned that extreme cold adversely affects sciatica. All I could think was how I was not going to enjoy that walk. My office is at the justice building and my vehicle was parked beside the Supreme Court. That is an awfully long way to go. If I had any options, I normally wouldn't walk that far because of the damage it does.

I was so lucky that night. When I came out, one of the buses was there. Really, I thought I had won the lottery.

**The Chair:** On a point of order, while you're on that topic, I forgot to tell people that the buses will be here tonight until half an hour after our meeting. If you want a bus, take it. Get down there within half an hour after we conclude.

**Mr. David Christopherson:** Great. Thanks, Chair. That's usually a little longer than the House, because the House normally adjourns around 6:30 or so and they stay an hour after.

But here's the dilemma, Chair: not everybody is done with their work at this place at 9 o'clock. I've often been here, as I'm sure every single member has—I see some members nodding their heads—well past 9 o'clock. Now, what if, instead of having a temporary mini-crisis and short-term disability over my leg and my sciatica, I had a permanent minor disability that made walking long distances incredibly difficult, let alone in the weather and snow and the ice? Our folks are really good at keeping it as clear as they can, but when you get those storms around here, it doesn't take too long.

More important than me and my woes, what about the staff? As long as there's one member here working well past the buses, there's some staffer in this building supporting them who has that problem, whether it's Tyler cleaning up last-minute stuff, making sure that I'm ready to go again the next morning full tilt, or whether it's our bus drivers who are here and our other support staff and our security

people. What about them? Those parking lots are an awfully long way. I really wonder, how do those who have any kind of disability—and it doesn't take much, given the long distances and the weather—do that? We still don't have it right.

There was a non-partisan sense of, look, we're all members of Parliament. We all come from our respective ridings. We all got here the same way. Our purpose is, in macro, the same—to make Canada as strong as it can be and better than when we got here. In general terms, regardless of what party you belong to, that's why we're here.

These issues came up from that kind of human element, and not one that I expect the public to care much about. It's just like when you think about world famous people, you don't think about them as people, with the regular challenges we all have and the aches and pains and the problems at home, all that stuff. You don't normally do that.

I'm not seeking any sympathy for that. We all worked awfully hard to get here. You take the little bit of bad that comes with the good that comes from being a member of the Canadian Parliament.

These were issues that we all cared about as people. It didn't matter; whether we were looking at each other as humans, as fellow citizens, as fellow workers here, or whether we were looking at the staff who support the work that we do, we knew that this place was not making people's lives as good as it could. In fact, it was hurting people's lives.

There was that general desire to make things better for everybody who works here, and the government had decided that this was a priority for them as well. There were those two interests. Does it start to sound familiar? Standing orders, election laws: we have these common interests, and how you approach it makes a difference. Does it start to sound familiar?

So we approach this before the House leader even—

**The Chair:** Mr. Arnold on a point of order.

**Mr. Mel Arnold:** On a point of order, Mr. Chair, there are a few conversations going on around the room. While a little bit of side chatter is quite acceptable and understandable, especially when we're in a long session like this, some of the volume is getting to be rather annoying. It's making it very difficult to hear the member who has the floor.

I would just ask that all members show a little more respect and either keep their conversations quiet or take them away from the discussion tables here.

Thank you, Mr. Chair.

**The Chair:** Thank you.

**Mr. Scott Simms:** Mr. Chair, I'd like to make the point that I consider myself to be the principal culprit during that little episode. I would like to apologize to Mr. Christopherson and to everyone on the committee—and you too.

Thank you.

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

Mr. Christopherson, you're on.

**Mr. David Christopherson:** I want to thank Mr. Arnold for representing my interests.

I have to tell you that I'm shattered that you weren't just hanging off my every word anyway. I'm going to have to get over that. Mr. Doherty advises me that he was, and so was....

Okay. I'm feeling better now. I was really feeling hurt there, Chair. I thought they were hanging off my every word. There are other discussions going on? Really? I guess I was happier before. Ignorance is bliss.

Anyway, thanks very much for allowing me to have the floor, which under the current rules I am still entitled to.

As I was saying, that general environment of all of us wanting, for non-partisan and non-MP reasons, to take a look at this subject and the merging of that with the government desire to make that one of the first things they moved on, led to Mr. LeBlanc coming here, in a very friendly, respectful exercise of dialogue about what the government would appreciate the committee doing vis-à-vis priorities they had identified for their term.

As I said, that was on January 28. By February 2 we had completely reoriented whatever we were doing. We said, yes, that made a great deal of sense, and there would be no reason for us to be opposed. If we had been opposed in any way, then that would be obstructionist, because there would be no reason for it. That's why I'm not hearing too much claimed, even by the current government, although I expect over time cries of obstructionism will increase, that we're just trying to hold things up. If that's all we were about, Mr. LeBlanc gave us a perfect opportunity to go in camera on this subject, and, quite frankly, if we wanted to, we'd still not be re-emerging. We could keep it going that long, because remember, the agreement was that it was only things we agreed on.

Again, there was a desire on the part of members to do something and a desire on the part of the government to make it a priority. The minister of the day came to the committee and respectfully asked us to consider making this a priority project for our work plan, which we then, in a matter of days—it looks to me as if it might even have been the next meeting—but within two meetings, we were on it. If we were all about obstructionism and getting in the way of the government's victory dance at winning, we had all the opportunity in the world. It didn't happen. It could have, but it didn't, Chair, and that's why I say this is a very good committee.

It has a good mix of all that we need, especially veterans and new members, and that combination, I find, is the best. If you get too many veterans you get lost in the way things ought to be and the way they used to be, and if you get all new members, they really have no context and no corporate history as to what's gone on, what's worked and why, and why you approach certain things this way as opposed to that way. A good combination gives you that mix.

Then the last ingredient you need is a great chair, and we have that. We have this mix of new members and older veterans. Collectively we started working together as a team. I remember this

review. Chair, I stand to be corrected, and you could correct me, or colleagues, but I don't recall our going into the ditch even once, where any of these issues became partisan. I'm going by memory. I could be wrong, but it seems to me that on every single one, if we had any disagreement, it was just a respectful disagreement on a different view, a different perspective, a different idea. Chair, how many times have you heard...? For instance—I'll use members who are here—Mr. Graham would give a thought on something. Then one of the opposition benches would say they thought that was a great idea, they hadn't thought of it that way. Then somebody else would jump in, and sometimes we'd get lost in it.

Then you, as Mr. Preston did, would keep an eye on where that discussion was, and then just at the right time, when we were getting ourselves lost because we were getting off on these ideas—all positive, but we were getting away—you'd bring us around. It was never the heavy-handed “thou shalt” and “you will” and “you won't” and “stop doing this” and “you're not on the point”. There was none of that. You knew that you had a group of people who were working together, and that all they needed was a bit of leadership to make sure the discussion stayed focused.

It's just like you do with me. You make sure we stay focused on the main points, and that everything is germane. I say that lightheartedly, but it's true nonetheless, and I've been around to see. When you have a bad chair, you can't even agree on an adjournment time.

So we had all the ingredients. The only thing that could have disrupted that committee meeting, in my view, would have been if one member, just one, had started dragging in partisanship and started talking like a New Democrat instead of a member of the committee, talking like a Conservative or a Liberal rather than a member of the committee. Every one of us saw that the second we sat down in this chair....

There are always some elements of partisanship. Don't get me wrong. I'm not trying to describe some kind of fairyland. It's only an instant away. In the multiverse the brains are very thin, and we're very close to that universe where we're fighting. But we got into the universe of working together, and we stayed there through this whole report.

Mr. LeBlanc read his mandate, Mr. Chair, and we put it in the report. With your indulgence, this is from our report. It says:

Mr. LeBlanc's mandate letter contains the following instruction:

Work with Opposition House Leaders to examine ways to make the House of Commons more family-friendly for Members of Parliament.

It doesn't say “Liberal” members of Parliament. It doesn't say to make it more family friendly for “Liberal” members of Parliament and the heck with everybody else. It doesn't say that.

That wasn't the approach of the minister. He didn't come in and say you're going to do this, you're going to do that, you're going to do it by this deadline, and I don't want to hear any problems.

That's a bit of an exaggeration—

**Mr. Todd Doherty:** Not by much.

**Mr. David Christopherson:** —but that would be the opposite of what he did.

He didn't do that. He came in and was very respectful. What I am pointing out, Chair, over and over, because it is so important, is that at the cornerstone of everything here is respect. It's respect for the tradition of how we've done things in this place. It's respect for what those who came before us went through and how they dealt with these kinds of changes. More than anything, it's respect for each other as members of Parliament, worthy of having an equal say in the rules as to how we make laws in this great country.

And we were treated that way. It didn't say for the “Liberal” members, although it benefited Liberals. It also benefited Conservatives and New Democrats. More importantly, it benefited the multitude of people around us, aside from our personal staff, who don't have a partisanship. Their job is just to help us do what we do, even when we do silly things like this.

In the very next paragraph, Chair, after the reference to Mr. LeBlanc's mandate letter, it says this—and these are our words, all of us. Again, this is the committee report. It could easily be just the government, with two dissenting reports attached, and I would still be correct in saying “the committee report”, but in this case I am emphasizing the fact that it is a unanimous consensus report that we all agree on and we all supported.

Doesn't that sound like a better world to be in than the one we're in here? This is more where I was in 2012, 2013, 2014, leading up to the election in 2015.

Here's what we said in our report, Chair, after we referenced Mr. LeBlanc's mandate:

In its approach to this study, the Committee attached importance to reporting back to the House in a timely manner any findings and recommendations that could result in improvements to the inclusivity and work-life balance for members, along with seeking improvements to the predictability, efficiency and modernization of the institution, all while taking into consideration the impact of changes on members' constituents.

Now, what I find particularly interesting is that we as a committee chose to make a reference to “improvements to the predictability, efficiency and modernization of the institution”. That's exactly what the government says when it talks about its discussion paper, that it's all about predictability, efficiency and modernization, which are some of its favourite buzzwords. In the election, it used to be “accountability”, but not so much anymore.

I find so interesting the parallels of what we were asked to do, how we did it, what our end product was, looking at the eleventh report, versus what we have now. Again, I can't go into it, because I would be repeating, but it is fair for me to make a reference that this process, unlike the other one in which a discussion paper was dropped in the public domain towards the end of a constituency week with no fanfare, no attachment, and not even a heads-up to the other House leaders that it was coming or a follow-up discussion about what it means, followed—I believe Mr. Reid has done the math—within a couple of hours, by Mr. Simms, in the same fashion, dropping his motion into the public domain.

When we get to committee, obviously the first thing we want to do is establish how the decisions are going to be made. We're back to the alleyway to playing scrub again. How are we going to pick the teams?

The government has one file with a number of different pieces and two completely different processes. When the government follows the process that's consistent with what they ran on, and they treat the committee with the respect that they said they would, what happens? What usually happens when you offer respect? You get it back. And that's what happened. Mr. LeBlanc came in, read his mandate, asked us to undertake certain work, very respectfully, and within a matter of days we were on it.

In this process, however, we had something dropped in the middle of a constituency week without any context, with a motion from a committee member a couple of hours later indicating, all but dictating, what the government wanted to do with the discussion paper. The first thing that Mr. Reid does, as the critic for the official opposition, given the opportunity to have the floor, is put a motion that says, hey, before we do anything, we'd like a guarantee from the government that we're only going to do this by all-party agreement, that it will be by consensus, that we will agree to that.

It should have taken 60 seconds for the government to say, yes, of course that's how we're going to do it. We'd have had a quick vote. It would have been done and recorded. We'd have moved on, and be working toward a final product, just as this same committee did with the eleventh report.

Not only that, but as Mr. Reid began to get the idea that the government wasn't going to support this, he started to settle in to fill out the balance of the meeting with what we call, and I've referenced this before, “running the clock”, which means exactly what it does in sports. You just keep doing what you're doing so the clock runs out and others can't do anything else in that time: run the clock.

That's what Mr. Reid thought he now had to do. That was bad enough, having now realized that the government was not going to agree that, as in the past, it would be by consensus, but when the allotted one o'clock adjournment of the meeting came along, lo and behold, Mr. Reid found out that the government had a further surprise for us—a sneak attack. Mr. Reid may have been ready for up to two hours of time to talk in order to have one of those little battles I talked about at committee that happen from time to time, and that don't impact everything else that's going on. That's what we thought was going on there.

Then we got to one or two minutes after one o'clock. Somebody asked you, Chair, if we shouldn't be adjourned, to which you indicated there was not majority support for rising, and therefore the meeting would continue. That was two weeks ago Tuesday, and we're still on that date.

All of this has been because the government won't agree to what is the usual practice in a major review of Standing Orders—that is, if we don't all agree, it doesn't go in the report and it doesn't go to the House.

What a difference. It's the same government, but a different House leader. I was a House leader once for the third party at Queen's Park. You get to make a lot of decisions when you're the House leader, but if there are some decisions with your political life to make on your own, you'd better be checking from on high before you go telling the government House leader what deal you're about to cut. I get that it's not just the personality, and I'm not trying to make it about that, but I am pointing to the difference in what happened and the approach. I can't go too far on this, because we were not only in camera, we were, like, pens down. We were having a totally 100% informal, set this aside....

We had the minister in here the other day, and a few of us thought, okay, here's our chance, we have the minister in here. Do you remember how it unfolded, Chair? You'll stop me if I'm telling tales out of school that I shouldn't be from a confidential meeting, but we agreed to just set everything down and have a quick chat with the minister to see if she could help, because she was in a position to do something that could get us out of the logjam.

I cannot go into the cut and thrust. I won't attempt to. I won't play any games like that. I'll just say that it was not productive. I only say that—and that's all I'm going to say about it—as a comparison to what happened when Mr. LeBlanc came in when he was in public and we could have done anything we wanted to embarrass him. We had the cameras going. It was all there to us. But we didn't do that. That's not what we did.

I am so glad that we have this report to point to, to show the Canadian people the difference between how we deal with two parts of the same subject, one with respect and collegiality, which is what they ran on, and the other was just borderline political thuggery. We're still in the middle of that fight. What the heck happened? What happened in such a short period of time?

Maybe it's time to bring Mr. LeBlanc back, at least into the discussions at the House leader's office or something, because this is nuts. This is not where we need to be. This is not where we were the last time. For the life of me, I really don't know why we're here and why we aren't sitting down and finding a way out of this that we can all respect, because they are our collective rules of the House, not the government's. You can run on something, but that doesn't necessarily mean that word for word.... I mean, would you run on a platform that said, "MPs will never be able to speak again after we form government"? If you somehow still formed government, do you think you'd have the right to implement that? It would be an interesting debate. It would probably get about as far as this thing's going, I don't know.

I know that's silly, but this whole thing is so silly, it really is, and non-productive. I don't get where it goes. This is the underlying thing. I usually can figure out to some degree what the heck is going on. I have no idea, except I know that the government wants their way or the highway. We know from past experience how well that works, we know what kind of Parliament we end up with, and we know how Canadians feel about that.

Moving on, Chair, under discussion on page 2 in that report, we state—remember that “we” when I read this, because this is our report that we issued to the House—the following:

The right of the House to establish its own rules and manage its internal affairs is among the most important rights claimed over centuries of parliamentary tradition and possessed by the House of Commons. The House can set and change its work practices, rules and procedures, along with the resources and benefits provided to members, in order to ensure that these retain as their purpose to enable and support members in carrying out their functions as representatives and legislators.

That was us describing our collective ownership of our rules and procedures.

We didn't say in our report—

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

**Mr. Scott Simms:** I've got problems with Diefenbaker.

**Mr. David Christopherson:** There you go. Mr. Simms is saying he still has a bit of a grudge with Mr. Diefenbaker for some of the things he did. It is hard to get over those things. They don't all go by you easily.

Anyway, I make light of something that really is important, because in effect what they are saying is, look, there are some things that we would like to have agreed on. We know we need a change. We agree there should be a change, but we couldn't come to agreement on the language.

At that point they did not say they would give up and let the government use their majority to ram through whatever language they preferred. That wasn't the answer then and it wasn't the answer for us when we did our report, the eleventh report that we just dealt with in the House the other day.

The government has often said, well, you know, we may not get agreement on many things if it has to be by all-party agreement. Possibly, but we did pretty good in dealing with these things. However, when it came to the Friday, we couldn't come to an agreement. The government was keen that they wanted to change the sittings of the House and eliminate sittings on Friday, but the official opposition and we in the NDP disagreed. We disagreed so strongly that it was clear that we weren't going to come to a consensus; we were just that far apart.

It was not unlike our colleagues in 2003, who went through the same thing. Did they say that because they couldn't come to an agreement on things that they all agreed needed to be changed, or on what that exact change should be, that one of the three, four, or five parties should be the one that carried the day and ultimately decided on the language they wanted, and the direction they wanted, and the rest would just have to eat it?

No. They didn't do that in 2003. If it bothers you because it's not today, know that it's not what we did in this committee the very last time the government asked us to address some of these issues. Our colleagues in the past didn't feel that they had failed, even though I'm sure it felt like it, especially if they did agree that they had to make a change. It must have been really frustrating to agree that something had to change, but no matter how hard they worked at it, no matter how much the excellence of the analysts, who came up with incredibly creative language that would have let them try to address it, they just couldn't do it.

It seems to me that we were about the same way on the Friday. There was a lot of emotion in that discussion. The government felt strongly about it. The opposition benches felt strongly too, and in the end we couldn't find agreement.

The government's approach now, unlike what it was a year ago, is that if you can't agree on it, then we obviously have the de facto residual right to make that decision.

No. That's not what our predecessors told us. In fact, our predecessors went out of their way to say to us in that situation that even where you agree you should make a change but you can't agree on the language or the detail of that change, it ought not to happen, and that it is in the best interest of the Parliament we serve.

How come that's not good enough now? It was good enough for the Parliament of 2003. It was good enough for this very committee in this Parliament, the 42nd Parliament, my fifth Parliament here—I did three at Queen's Park—but now we're going to do it differently, and differently from what we just did a year ago.

What it speaks to, Chair, is that in this report they were prepared to do what we had done in the past. The report that we collectively agreed on and sent to the House is just like the report in 2003. It had all their agreement. Therefore, it meant that those changes were solid changes and that no one needed to worry that someone wasn't in agreement. Everybody bought in. We had found consensus.

Our predecessors were telling us that we are better to leave Parliament with rules that everyone agrees on, even if they are inadequate to the task, rather than to find a solution that is only acceptable to the government. That's what the Parliament in 2003 was telling us in the future.

The Liberal government can't accept that. They can't accept that they don't get Fridays the way they want them to be.

I hear one of my colleagues saying “constituency day”. I suppose, if that's the only thing that mattered, why don't we just video-conference Parliament and never leave our ridings? The honourable member throws out a quip, and it's meant to be either helpful or hurtful. It doesn't do either. It's mostly just noise, but he's entitled to make that noise if he wants and I'm entitled to respond to it, if I want. We'll just leave that and see what happens.

I am sure there were government members who....

Tyler, would you just do me a favour and check to see what parliament number it was in June of 2003? Thanks.

I'm sure those members felt just as strongly about the things they couldn't agree on, and I'll bet you a good number of the changes were probably led by the government.

● 20040)

**Mr. David de Burgh Graham:** The 37th.

**Mr. David Christopherson:** The 37th Parliament?

**Mr. David de Burgh Graham:** Yes. I'm not Tyler, but it works.

**Mr. David Christopherson:** Are you trying to make him look bad?

**Mr. David de Burgh Graham:** No. He agrees.

**Mr. David Christopherson:** Careful. He's a resourceful guy.

**Mr. David de Burgh Graham:** He is.

**Mr. David Christopherson:** And he's a friend of yours, I know.

At any rate, I'll take your word for it. You would never lead me wrong, I'm sure, David.

**Mr. David de Burgh Graham:** He whispered 37th at the same time I figured it out.

I rest Tyler's case.

**Mr. David Christopherson:** This will take 30 seconds, Chair. I'll just tell you what I was thinking.

The way I remember it is that I was 35 years old and I entered the 35th Parliament at Queen's Park. If you like numbers, this is kind of cool. I think it is, at least, and my family thinks it is. Nobody else does, I'm sure, but I have to fill time here. So I got there for the 35th Parliament when I was 35 years old. I served in the 35th, 36th, and 37th parliaments. When I got elected federally, because they're not always in sync, I actually got here for the 38th Parliament.

That's nice and easy, and the only way I can remember. It was the 35th, 36th, and 37th parliaments at Queen's Park, and the 38th, 39th, 40th, 41st, and 42nd parliaments.

**Mr. David de Burgh Graham:** Could I just make a point on that? The 42nd Parliament is the most important of all, because we know that's the answer to life, the universe, and everything.

**Mr. David Christopherson:** It's the what?

**Mr. David de Burgh Graham:** It's the answer to life, the universe, and everything. It's 42.

**Mr. Lloyd Longfield (Guelph, Lib.):** That's right. It's 42: Ford Prefect.

**The Chair:** Mr. Arnold.

**Mr. Mel Arnold:** On a point of order, Mr. Chair, I appreciate that we can have some casual conversation across the table, but in committee I believe we typically speak through the chair. When someone has the floor, they have the floor.

Mr. Christopherson has been doing a great job here of explaining what's taking place in this committee, what has taken place in the past, and so on. Every once in a while, he seems to get a little bit distracted. I would like to make sure that we try to stay on track here.

With this point of order, I'd respectfully draw to your attention, and the committee's attention, to respect, please, our Standing Orders and our procedural process in these meetings.

**Mr. Scott Simms:** I agree.

**Mr. Mel Arnold:** Through the chair.

**The Chair:** Thanks for that suggestion. This is the first time you've been here, but we're a little bit relaxed in this committee. Occasionally we allow different people to comment on something that's going on.

Mr. Christopherson, back to you.

**Mr. David Christopherson:** Yes, unless somebody else wants to jump in.

**Voices:** Oh, oh!

**Mr. David Christopherson:** Feel free. I wouldn't want to cut anybody off. I don't want to hog the mike. Even I can't deliver that with a straight face.

I believe I was making the point that I suspect that back in the 37th Parliament, when they were doing the 2003 report, there were members and caucuses that felt strongly about things. I was suggesting that, the same as now, it's likely that much of the thrust was coming from the government. The government is the one that has to deliver. The government is the one that has to run on its record, and governments always want more control than what they have. It doesn't matter what the government is. Mine was no different. You'd like to have more control, especially when you start to see....

There was one thing that surprised me when I first got elected. I didn't expect us to form government. I thought I'd be in the back row of the third party underneath a burned-out lightbulb. Instead, there we were in government, and two years later I was a minister. Woo-hoo! However, I found myself on the House management committee. I had served on city and regional councils, so I understood council politics, but I really didn't know much about parliamentary politics. One of the things I learned is that one of the most precious commodities is House time, particularly government House time, because by the time you go through supply days, special days, all the things you're taught, you start to realize that there's a fairly narrow window of opportunity, given that bills rightfully don't just whiz through here, that they take some time.

So I get it. I get the idea that the government wants more control. I have no doubt that in 2003, in the 37th Parliament, there were government members who felt strongly, or were given orders from on high to feel strongly, about some important matters. However, as they told us in their report, their philosophy was that to maintain the respected House that we have, Parliament—not the government, not even us, in our time, but that which is bigger than us, Parliament—was best served when rule changes only happened when there was complete agreement. They recognized that. Is that the most efficient? No. Does it make it difficult and leave the government with some

problems? Yes, it might. Does it mean that you actually didn't make changes that you could have because you couldn't come to agreement on words? Yes.

We have the benefit, in this 150th year, of celebrating how lucky we are to be in Canada, that Canada has been around that long, and we're facing that moral dilemma because it's a fair question: is it more important that the House operate efficiently or that there be buy-in for the rules that decide those things? Our predecessors consistently, being in exactly the same shoes as we are, concluded time after time, in different parliaments, in different decades, in different centuries, in the consistent analysis of thoughtful parliamentarians, that when it comes to changing the rules of the House, the only acceptable, positive way to bring change is to ensure that everyone has buy-in.

The Fridays that the government wants to change are absolutely no different than the issues that were dealt with by previous committees in previous reports. Many of those rules, Chair, are there now, as I speak, and we use them.

There have been exceptions. These things are never clear, crystal clear, black and white. There have been exceptions, but in the main, and where there has been thoughtful reflection on the dilemma, parliaments have consistently said that the element of agreement is crucial. What's really weird is that for the first half of the time the Liberals have been in power, they agreed. Guess what? It worked. We did good work. We brought in changes that made things better. We didn't have a big squabble over those changes because the only ones we recommended were those we could agree on.

Chair, you'll remember that we went out of our way to find that language. Luckily we have some of the best analysts you could possibly ask for, and they scoured the planet. They were there as our wordsmiths, listening to us, grabbing our ideas, reframing them. You know how we do this. A couple of words, and it's still not working. Sometimes we stand back and say, okay, let's try it from a different approach. Rather than saying it in the positive, let's see if we can do it in the negative, that type of thing—anything at all that would allow us, collectively, to get to a place, having different perspectives, that we could all live with.

That's not unfair to me. It's not unfair to anyone else I can see. It's not unfair to the government. If everybody kind of puts a little water in their wine, you get to agreement. That's how we got a houseful of rules that for the most part we accept as being "the rules". You don't hear too often—now and then, but not too often—that members stand up and challenge the fairness of a rule. If they do, it happens to be with the instant case and how it's being applied in a given situation, as opposed to saying a rule is inherently unfair.



We don't have that. All that squabbling that I told you we did in the alleyway as we got our game of scrub going: we don't have that. We start with bills and motions that come into the House. We know the rules. Most of the rules advantage the government; not just the Liberals but the government, particularly in a majority, particularly in a massive majority.

But what it does consistently, Chair...and I've been lucky enough to be here in minority governments and in majority, as have you. I believe you were here for minorities. You will know that the rules, for the most part, are the same. Yes, the government often gets frustrated because they think the opposition is being obstructionist and irresponsible and just delaying things and don't really care about getting anything done and just want to score points on the government. We have that kind of thing.

I can tell you that in every single opposition caucus that I've sat on, and federally that's all of them, many times we're crying over the fact that there's nothing we can do in a given situation because the bloody government has all the power and all the votes and all the control. But that's kind of what makes it work, that we have enough rights....

We have fewer than most parliamentary democracies, by the way, if you look at it worldwide. We are on the tight end of what a majority government can do with a Parliament. But a few things are available to us that allow us to, at the very least...because you're never going to completely stop a government that has decided to do something. The rules are there. They can win this fight. If the only thing that matters is winning this fight, all they have to do is craft a motion, bring it into the House, get it through the system, and they'll have it.

When we have a vote, guess what? The government wins 10 times out of 10.

My friend Mr. Doherty is reflecting on...and he's right. Every now and then things go a little democratic on them, and it's a bit rough. But in the main, as a structure and as an approach, government House leaders....

That was on private members' business, by the way. On full-up business it's very, very unusual. It does happen, but for the most part, a majority government, a big majority government, wins 10 times out of 10. They win the votes. This is why we are trying to delay a vote on Mr. Reid's motion, because we know it is going to lose. That's the motion that says you can do this only if we all agree. They want to kill that motion to leave themselves the right to ram these things through.

Coming back full circle, Chair, I pointed out in the report that I've been focusing on for the last little while that one of the things we could not come to agreement on was the issue of eliminating Friday sittings. That didn't stop us from putting it in our report and acknowledging it. As I'm going to show later, in many cases we actually commit that we'll come back to it, that we're not done our struggle, but it's not going in this report because we're not there yet.

So it's exactly the same issue applied two different ways by two different parliaments, and by one government two different ways within the same parliament.

This was interesting. This said—and it doesn't matter what the time point was, I'm just making a point—the following:

At this time, the Committee does not have any recommendations to make regarding implementing a parallel debating chamber for the House; it may revisit this topic in a future study.

Chair, I think you'll recall that when we started talking about it, I was one of those who said, "What? A parallel debating chamber?" I did not know, and I don't mind admitting that, because I don't think anybody else on the committee did either. We did not know that.

It's an interesting concept, which I don't understand fully, because we didn't go too far down there. We didn't see enough relevance to push on it, but we did say we might revisit it because we had enough ideas, and it was an interesting concept. Basically, it creates a recognized second chamber in which some of the business of the House is allowed to take place, and it runs parallel to the House. There would be this other place.... The Senate would be a great place to have a House of Commons parallel debate format, but I will leave that for a future discussion. It's just like in Quebec. They turned their former senate into the most magnificent, beautiful committee room in probably all of parliamentary history. It's a stunning room. It used to be a senate. Now it's useful. It's wonderful. I do love—

**Mr. Vance Badawey (Niagara Centre, Lib.):** On a point of order, Mr. Chair, can I ask for the committee's consent to speak, please?

**Mr. David Christopherson:** [*Inaudible—Editor*]

**Voices:** Oh, oh!

**Mr. David Christopherson:** I obviously say that tongue-in-cheek—

**Mr. Vance Badawey:** David, I think you need a drink, and maybe a possible rest.

**Mr. David Christopherson:** Well, if you're being helpful—

**Mr. Vance Badawey:** Yes, I'm trying to be helpful, David.

**Mr. David Christopherson:** —it's uncharacteristic so far from the government benches, but I'll take you at your word, Vance.

**Mr. Vance Badawey:** Yes. By all means.

**Mr. David Christopherson:** Sure, please go ahead.

But I have the right to yank it back if he jerks me around.

**Voices:** Oh, oh!

**Mr. Todd Doherty:** But he won't, I'm sure.

**The Chair:** Mr. Badawey.

**Mr. Vance Badawey:** Thank you, David, and thank you, Mr. Chairman.

I just want to say a few words. It was me who spoke earlier about the constituency and, of course, the work that's so important. Quite frankly, I've always been a great believer that most of our work, if not all of our work, is most important when we're actually working in our constituencies.

I know that Friday coming, for example, if I have the opportunity, which it doesn't look like I will have, to go back to my constituency, I would have a schedule between eight in the morning until 10 at night. I would have everything from meeting with a constituent at nine o'clock in the morning, to meeting with the Niagara cricket organization at 10 o'clock in the morning, to meeting with Hockey Canada at 11 o'clock in the morning, to meeting with the retirement association, CARP, to talk about health care and to talk about different issues that they're dealing with on a regular basis at noon, to meeting with government relations officers from different organizations at 1 p.m., to meeting with Tommy Frew.

You have to hear this, David. This is really neat. Tommy Frew wants to be the youngest rookie to play in the NHL. He's older. He went through some challenging times health-wise when he was a teenager. Now Tommy is looking at being the youngest rookie to play in the NHL. He wants to raise money but also awareness for those who are playing sports who might run into a health problem early on, and from there they could get support, whether it be from the NHL, Major League Baseball, the NFL, and different sports organizations. I have to give Tommy a shout-out because we're hoping that he does accomplish what he's set out to do.

Then, of course, I lead into the evening, when I would be giving out awards to local sports organizations in Welland and possibly other communities.

How important it is, working with you folks as well, to look at the opportunity to get back to our constituencies at least one day a week, besides the one week a month that we get. Once again, I personally feel, as I'm sure many do throughout the House, that it's important to get back to our constituencies as much as we can to do the work that we're best at doing.

I also have to say to the committee, and it was mentioned earlier by David, that it was something that we campaigned on. There's no question that we campaigned on giving Canadians a voice in Ottawa. This is exactly what we're trying to do, give them a voice in Ottawa by getting back to our constituencies, listening, learning, and hopefully reacting accordingly, working together, as we mentioned, from the onset, working together with three or five parties to really get some of these changes made. Of course, how palatable it would be—not just for us—ultimately all boils down to the resident, the citizen, the people we represent on a regular basis.

I have to say this. Today was a perfect example in the House when we listened to the Prime Minister speak and answer every question. This is something we want to institute in Standing Orders, because although it may be a habit that we can get into during this session, we want to ensure that in future sessions down the road—it could be 10, 15, 20 years down the road—our future prime ministers also hold to that Standing Order as well, and that they take the time, not only to spend days in the House, every day answering questions, but at least one day to answer every question given to them. We think that's important as well.

Not to be repetitive, Mr. Christopherson wanted to mention it, and it was me who threw it out earlier about the constituencies. Like I said, and not to be repetitive, I'm a first-time MP. I'm a former mayor, and being a mayor, you're in the grocery store, you're at the hockey arena, you're at the ball fields, you're walking down the sidewalks, and you see people every day. Every day you see people, and they tell you about their problems, the potholes in the streets, the sidewalks, the soccer fields, the challenges that they're having on a daily basis.

Being up in Ottawa now as a rookie MP, I don't get that, because we're up here in Ottawa a lot. It's nice to get back and hear what I used to hear when I was a mayor for those 14 years—actually 17, as I was on council as a city councillor as well. It was nice to hear those thoughts again, to hear what Canadians have to say, and bringing their voices back here is imperative.

As one idea, get back to our constituencies at least that one day a week so we can spend that eight in the morning until 10 at night, yes, at events, but quite frankly listening to folks speak and ensuring that we can bring their voices back here.

If I may, Mr. Arnold, as you mentioned earlier, to take advantage of that courtesy that this committee allows our members—and to Mr. Doherty, too—I have to give you my full appreciation for that courtesy. I do make those comments. I would hope that while we're moving forward, we'll keep those in mind.

Thank you.

**The Chair:** Do you want to comment on B.C.?

**Mr. Todd Doherty:** Yes, Mr. Chair.

You know, I respect all of our colleagues' comments and feedback. While I can't speak for other MPs, I can tell you that I have, without a doubt, probably one of the longest travel schedules. I still am here on Fridays. I do my very best to be here for afternoons and QP, and then I do head home. I'm home Fridays. I leave earlier if I have an event on a Friday evening.

I'll put this in B.C. time, because that's ultimately what I'm going back to. I leave my apartment at 3 a.m. I'm on the plane at 6 a.m. I arrive back into my constituency anytime between 2 p.m. to 4 p.m. on Friday. This is all B.C. time. Then I go to my events for the evening and spend Saturdays in my riding.

Again, forgive me, Mr. Chair, because I don't mean to put alternate facts out there, but I think I probably have one of the largest ridings as well. It may not be the largest riding, but I can go 1,700 kilometres for one meeting. To give you an example, last riding week I put anywhere from 2,800 kilometres to what have you on my truck. Last year I put in over 200,000 air miles.

To Mr. Badawey's comments, I think it's very important that we are the voice of our constituents. I've had the opportunity to travel with Mr. Badawey. I really respect what he's saying. I think all levels of government, all levels of elected officials, have value, and I think we all do valuable work. But to that point, I think we know what we're getting into when we put our name forward.

I know that western MPs have the highest level of divorce in Parliament. Therefore, I've always maintained that my wife, or, when I can, my children, will come out and spend time with me. I think we have an incredibly valuable program here within Parliament, which is the parliamentary spouses program. Our spouses have an opportunity to actually be part of our journey and part of the process. My wife, Kelly, comes out here with me.

I get emotional just thinking about it. I'm a softie.

**Mrs. Alexandra Mendès:** We know.

**Mr. Todd Doherty:** Even if it's just a matter of 10 minutes in the evening, I have an opportunity to just say hello to my wife and see how things are, even if it's just as I get into my apartment at 11 o'clock at night.

I think we talked about this on the last trip, Mr. Chair, so I'll indulge you.

I'm a workaholic by nature. That's just what I do, whether it's this job or the previous jobs I've been in. It's just the way I'm wired. I don't sleep much at night. I'm in my office. Mr. Arnold can attest that he gets emails from me. My staff, who are listening in, get emails from me at all hours of the night. It's just who I am and the way I am. I'm in my office usually no later than seven o'clock, regardless of what time I got in. Usually it's actually quite a bit earlier than that. Usually I leave my office late in the evening because, again, when the House adjourns it's still business hours back in British Columbia. We find a way to adapt our schedule here.

While I appreciate the comments about being in the soccer fields, the baseball fields, and the grocery stores, the point I'm offering in this brief intervention is that I still manage to do that. I'm still a valuable member of our community. I think my community sees me.... Well, they see me every weekend. I'm still able to manage to celebrate successes, mourn the loss of family members, take in the events that matter the most, and still be present to hear our constituents.

The point I'm trying to make through this intervention is that we knew what we were getting into. We know there's a sacrifice. The greatest honour we have is serving our country. When I signed the book when we were sworn in, when I was given the pin, and knowing the volunteers who put in the hours to get me where I was, the sacrifices of those who came before us in these halls, and the honour to sit in the House with the 337 other members of Parliament....

There are always times we have a debate, argue, and heckle back and forth. It's always good-natured. I always tell people—and this might even be your quote, Mr. Badawey—that politics are for QP and elections. What people see on QP isn't really what happens all the time. We work very collegially and collaboratively behind the scenes.

Again, going back to what I was saying, it is a great honour to be a member of Parliament. We know that with honour comes sacrifice. It's our duty to do whatever we can to still manage to be the loudest voice of our constituents that we can, and represent them as truly and as strongly as we can. Where do we do that? We do that here in Ottawa. That's what my constituents expect of me. They work Monday to Friday and they work 60 to 80 hours a week. It sends the wrong message if.... They still know that we travel. We still have to travel, but if we took a Friday off, I'm still travelling. I'd have to leave Thursday instead, which means I'm here for three days.

My intervention is obviously about me, but I'm just using that as an example about my travel schedule. It is a 12- to 15-hour day on top of what we put in when we're here. I'm not complaining. I love every single minute of what we do. Are there frustrating times? Absolutely. Is this part of it, where we...?

The strongest message that we as parliamentarians have given over the last while since we've been in here, honestly, is the votes on the private members' bills, and mine was one of them where we stood at 284; and what we did today—283, 284—when we stood together, and when we saw the backbench from the government stand up, vote their conscience, and vote what was right. It sent a message to Canadians. If we can do that more often, we don't need electoral reform. I'm telling you, we have the voice of our constituents. We're doing it.

Mr. Chair, you're signalling me to wrap up, so I'll keep it at that. My point with Mr. Badawey is that, as western MPs, we have that travel anyway. I knew exactly what I was going to be in for. I adjusted. I never let my personal life interfere with my business life, and when I'm not at work, I invest in my family.

It took me a long time to learn that. I'm not perfect, but I'm doing everything in my power to make sure that my family is part of this. I think we all need to do that. I think it sends the wrong message when we talk about Fridays and taking Fridays off.

I'll leave the rest of that to when I hopefully get a chance to speak. Respectfully, I just wanted to comment on that.

**The Chair:** I think Ms. Mendès wanted to....

David, is that okay with you?

**Mr. David Christopherson:** Oh, absolutely.

**The Chair:** Are you getting too much rest?

**Voices:** Oh, oh!

**Mr. David Christopherson:** Don't worry about me.

**The Chair:** Ms. Mendès.

**Mrs. Alexandra Mendès:** Thank you so much.

Get your earpieces on, because I'm going to speak French. Apparently nobody else is, so I will do a little bit of French to get our interpreters some work.

[*Translation*]

First of all, thank you for the opportunity to share my view, Mr. Chair.

I would actually like to expand on Mr. Doherty's comments.

Indeed, I think we all know what we're getting into when we enter federal politics. At least, I hope we all have some vague idea. It is quite different from politics at the municipal, school, or even provincial level. I'm one of the lucky members, because my riding is just two hours away. A two-hour drive and I'm home. I really have nothing to complain about, so my situation shouldn't serve as the reference point.

Instead, I want to echo the sentiments expressed by my colleague about what an honour it is to be elected and to work here, in the House. I consider our work as lawmakers extremely important. It is just as important as the work we do with our constituents, if not more. We bear the enormous responsibility of passing legislation for the entire country, and I believe that has to happen here, in the seat of our federal Parliament. That is not something we could ever do from our ridings. In that sense, I don't entirely agree with my colleagues. That said, I think we play a very important role.

Is there a way to fulfill that role in a more productive manner? Absolutely, I believe so. Many of the suggestions put forward by the Leader of the Government in the House of Commons are therefore worthy of serious consideration. In fact, I think they will make our lives easier and improve our experience in Parliament. I would not stop with the measure that deals with Friday sittings. Many other proposals are worth considering, in my view. We should not stop with the Friday measure.

I would like to conclude by saying that being a parliamentarian is a tremendous honour, one I hope to have for some time to come.

Thank you very much.

[English]

**The Chair:** Vance.

**Mr. Vance Badawey:** I just have a quick question. This is my first meeting at PROC here, and I have to give a lot of credit to all the speakers.

David, some of the points you were making were bang on, and Todd, you as well. Fantastic. Why can't we continue having this discussion this way? Why can't we continue having this discussion to deal with a lot of the issues and a lot of what we're trying to do here? This is a great discussion we're having here. Why can't we just start from here and start having a discussion, as we should, based on what was put on the table, I believe, a couple of weeks ago? This is a very, very good discussion.

I'm not a part of this committee. I'm going to be here today and probably in the future if this continues, but ultimately, going to Todd's points, a lot of good points were made. May I suggest that we bring this out, as three parties, and bring to an end a lot of what's going on here? Let's just deal with the issue that we're tasked with.

Thank you, Mr. Chairman.

**The Chair:** Ms. Tassi.

**Ms. Filomena Tassi:** Is that okay, Mr. Christopherson?

**Mr. David Christopherson:** Yes.

**Ms. Filomena Tassi:** I appreciate your consenting to my intervention.

I think you're aware that I spoke about this in the House. I listened to Mr. Doherty's point.

You've mentioned in the House of Commons that you're a workaholic, and I can appreciate that. To be honest, I think most MPs are working extremely hard. Even though I'd spent my whole life in the background in politics, I didn't really appreciate the amount of commitment and work that MPs put in.

I think that's exactly why we need the discussion. Coming from someone new to politics in terms of being an MP, and seeing how hard we work, there are clear things, in my mind, that we can do better. That's why we need the discussion.

The example I gave in the House of Commons is the committee work. We're in committees. We have people who are giving testimony, who have travelled to be there. The bells go, and everything has to stop. We go back and do our votes. For 30 minutes, the bells are going. You can't speak while the bells are going. Oftentimes you don't even get back to the committee. Those people go home. They are experts. Taxpayers have paid for them.

That's one example of how we can do things better. This isn't about not working hard. Everyone is working hard, but it's how we can be better at what we're doing. To be honest, it's what I promised my constituents. When I was knocking on doors, I had people who didn't want to talk to me because I was a politician. When I engaged them in conversation, I made the promise to them that when I got here, I would do this better. I can tell you in all honesty that there are things that we need to do a lot better in terms of the way we do them in order to be more efficient. It's not about working harder but working smarter.

The other thing I want to add to this discussion here at the table—and it's something that I'm challenged by, that I find difficult—is that we have made certain suggestions, but I actually feel as though they're being unfairly spun. We're not talking about taking Fridays off; we're talking about making Fridays as meaningful as we possibly can. If that means working a full day, then work the full day. If it means that Fridays become an extra Tuesday or Wednesday during the week and we put that time in, in the discussion paper it says that. It's about extending. We could extend the time that we sit, start earlier in the year, end later in the year, all those things.

Even in regard to QP, it's frustrating for me to hear opposition criticizing a Prime Minister who goes across the country answering questions at an open mike; who, in QP, answers questions, who today answered every question during question period. I appreciate that he can do that all the time and I appreciate that you don't have to change the rules to do that, but he did that today.

It isn't about avoiding responsibility and accountability; it's about making ourselves more accountable. Even in QP, as the Prime Minister did today, we want to have him, together with cabinet ministers, accountable to Canadians. We want them to see that.

Why can we not now start calling in witnesses? We could bring them here, have a discussion with them, enter the dialogue, and then move forward, making decisions on best practices, on the evidence we've seen, and on our experiences here on how we can do better, so that at the end of the day we can better serve Canadians. The discussion paper is a starting point. We want to have the discussion. We want to get the evidence before the committee.

Thanks for allowing me to make those comments.

**The Chair:** Mr. Arnold is next.

**Mr. Mel Arnold:** Thank you, Mr. Chair.

Mr. Badawey, I respect that I intervened while you were trying to talk, and I apologize for that. It's definitely a very passionate discussion, and we're actually having a discussion here tonight. I want to touch briefly on the travel schedule and the Friday issue.

The local MPs can get home on a Friday. As Mr. Doherty discussed, if we extend Thursday sittings, I can't get out on a Thursday night so it means I have to get up at about 3 a.m. or 4 a.m. Ottawa time. The plane might touch down by 11 a.m.

I don't get back to my riding.... The plane might touch down by 11 a.m., which is already 2 p.m. Ottawa time, after a 4 a.m. start. Really, I have a few hours on a Friday afternoon, and that's it for business hours.

If I were expected to do that every week the House is sitting.... We have Fridays off. That's what the public will see.

My suggestion is that if we're going to change this, let's change the number of sitting weeks. Let's sit for some longer hours in the weeks we're here so that we have fewer sitting weeks and we can truly be home in our constituencies.

I represent one of the largest ridings in British Columbia, not as large as Mr. Doherty's or Mr. Zimmer's. Corner to corner across my riding is probably between an eight- and 12-hour drive. I've never done it yet, corner to corner. But it's eight to 12 hours. I've talked to members who have a 20-minute drive, corner to corner, across their riding.

I represent nine municipalities, four different MLAs, and about 15 regional districts. I can't do that on a Friday afternoon. If we have extra sitting hours and fewer sitting weeks, I'd be able to do this more often.

We can't get to a discussion on this because we can't agree to do these changes with unanimous consent. That's what this discussion has become about. If we could sit and discuss all of these issues and reach unanimous consent on whatever those issues are, I'm certain this committee could move forward in a much quicker manner.

We've had much discussion among the committee members, but I don't think it's the committee members sitting here who are making the decisions on this. I think that if they were, we would really look at why we're here. It's to make constructive changes. If those constructive changes were agreed to through unanimous consent, I think we wouldn't find ourselves sitting here until 9:30 tonight, or midnight, or whatever it might be. I understand you were here until 3:45 a.m. That's incredible dedication, and that's very evident around the room and given the number of people who are here.

We need to have an open discussion and we need to have the end result be a unanimous decision. The rules are put in place not for the leaders in the game. Rules are put in place, in any game, to make it fair for all, even the underdogs. They make it fair for all. If we're going to change the rules to what the current majority wants, then all of the players in the game are going to suffer.

Thank you.

Mr. Chair, I would just like to mention my appreciation for Mr. Christopherson's leniency towards these lengthy interventions.

**The Chair:** Mr. Doherty.

**Mr. Todd Doherty:** I have a really quick answer to Mr. Badawey's comment or question as to why we can't continue this discussion. The number one reason is trust. Trust is earned; it's not just given. If you burn me once, shame on you.

**Mr. Vance Badawey:** You're right.

**Mr. Todd Doherty:** If you burn me twice, shame on me.

Right now, the opposition does not trust that the government is going to have a meaningful debate or a meaningful discussion. This is why everything has gone on in the House, whether in the discussion or with the challenges during QP, to ask whether it is going to allow the opposition and all members of Parliament to have a say and to vote whether we're going to change.

I think Mr. Christopherson has mentioned that the Standing Orders are our guiding principles, the rules we follow. I think other members of the committee—and I too am just sitting in—have mentioned that these are the rules. We should all have to agree, if we're going to change them arbitrarily, whether that is to make them better. We have to trust that's the idea, that the full intent is it's going to make life better for all MPs and not for one side over the other.

I don't have the benefit of having been here in the previous Parliament. I'm not going to sit here and say that we did things right or others did things wrong. I'm going to say that this type of conversation we're having today is probably what Canadians and what the rest of Parliament want to see, a civilized conversation back and forth. That's what we were elected to do, to have a healthy debate and to be able to come to some form of consensus that we can all agree on.

Mr. Christopherson, in his intervention, has mentioned the report, which I've had the opportunity to read, that was tabled by the chair. There are good comments in there. There are a lot of things in this motion that were discussed in here, but no consensus could be found. They said they chose not to put forth any recommendations at that time on some of the very things that are in this motion.

If we could trust that the motion and the discussion paper put forth were not going to be, as has been said before, rammed down our throats, and that everyone would have a say, then I think a healthy debate could continue, whether it's today or the next day. We've asked a number of times. The opposition—whether it's us, or whether it's our House leaders of our party, whether it's the leadership of our party, whether it's members of our bench, or other members of the parties—has asked repeatedly, and we've not had an answer saying, yes, we will allow that to happen. As a matter of fact, quite the contrary, we haven't.

Perhaps the takeaway is that we need to have that discussion, and that trust has to be rebuilt.

I'll leave it at that. The bottom line is that we can't have that discussion until trust is earned.

**The Chair:** Thank you.

**Mr. Scott Simms:** Mr. Chair, I have one final intervention.

Before we go to Mr. Christopherson—I think he's ready—I just want Mr. Doherty to know that.... I'm not saying he was insinuating this, but we do not disagree with or want to fight against the idea of a filibuster. I think in the past 45 minutes, we've actually contributed to it. We've actually come up with a term called “counter-busting”, which I'm not sure exists. Perhaps Mr. Nater will tell us in the future.

Nevertheless, I'd like to go back to Mr. Christopherson because I think he's, as usual, just, as we say at home, “rarin' to go”.

**The Chair:** Thank you. I'd just like to thank Mr. Christopherson for offering to take a rest.

**Mr. Scott Simms:** Thank you.

**The Chair:** I thought the point of order was going to be that there's a bit of a tradition not to mention the other place here, but that wasn't it, so we'll let you carry on.

**Mr. David Christopherson:** I think you're right. As long as you say the other place, you're okay.

**Mr. David de Burgh Graham:** Which other place?

**Mr. David Christopherson:** You're right. I appreciate that. People should know. That was done deliberately by colleagues who are not part of my caucus here, just making sure we can make this as humane as possible for one another. That does speak to the camaraderie that exists. It's a decent thing to do, and I appreciated that. It allowed me to clear my throat, have a quick chat with Tyler, get my fluids refilled, and check a couple of emails, so thank you. I appreciate that.

I want to address Mr. Badawey directly, because he was the one who generously did it, for exactly that reason, and made that clear. I wanted to say how impressed I was, in response to Mr. Badawey, because first of all he kept his word to me. He wasn't going to jerk around, grab the floor, and do things with it that we don't normally do when we don't have the floor in our own right. He kept his word to me.

Then, Mr. Badawey, you managed to get two great hits in about local, covered off your schedule for the weekend—magnificent stuff—managed to score a government talking point on the way, and ended up back where you began, talking about the local. When I heard you were a mayor, it suddenly made a whole lot of sense. You're going to do really well here.

**Some hon. members:** Hear, hear!

**Mr. David Christopherson:** I thank you for that. That was a tour de force. That is how you do this sort of thing, and I admire that. I'm glad I got a chance to get to know you a little better.

I would just say in seriousness that I thought your last comment was heartfelt and not in any way tongue-in-cheek, when you said, “This was a good discussion. Why can't we keep doing that?” I

would like to say to you, through the Chair, that that's the kind of work we've been doing. When I pointed to that report, the one I've been waving around all night, that's how we got there. When I said we did good work, I didn't just mean we pulled together a report. It's like public accounts. We have a great dynamic at public accounts. I'm so blessed. Those are the two committees I sit on, and that is the way we work.

But Mr. Doherty is correct. The only thing stopping us, Mr. Badawey, from getting to that point is asking the government to withdraw its residual desire to make a decision alone. If that nice discussion, and enjoyable discussion, and positive discussion that you were part of fails, then under the rules we've been following regarding consensus, there would be a report that says something like this.

Given the lack of consensus the committee has heard regarding whether potential benefits of eliminating Friday sittings outweigh the potential drawbacks, the committee does not intend to propose a recommendation regarding this matter. In other words, we couldn't come to agreement.

Some will say, well, therefore, that makes this inefficient and ineffective, and yet I've pointed to other reports in the past, particularly the one from the 37th Parliament in 2003, that went out of their way to say to us that in their opinion—my words—Parliament is better served by not having rules that not everyone agrees to, than by resolving a problem.

Put another way, we all agree that there's a problem. We can all agree that Fridays could be used better. The question is, what is that “better”? We may or may not be able to come up with a consensus. If we do, it's in the report. If we don't, then it goes in the way this does, which shows that we took a shot at it. We tried.

I'm going to be making references to other decisions like this, where we actually say that this is important and we want to come back to it. We don't have a consensus yet, but we are putting ourselves on notice that we want to come back and work at this, because it's important for us to try to find agreement in some of these areas where we believe change should happen but we just can't agree on the details of that change.

That, Mr. Badawey, is respect. Then, when I'm listening to your opinion—I'm listening to Vance Badawey give me his opinion as a member of Parliament on behalf of his constituents—and your own life experience, and what you believe is in the best interest of this committee, I will listen to you, and I'll do my best to try to understand your perspective, especially if it's different from mine. But it is very difficult for me to do that if you reserve the right to use the power of all your buddies to overwhelm all of us, so that whether you win the argument by debate or not, you win because might makes right.

That's the problem. We have not had that.

I'm about to make reference to another report we did, which was on the Chief Electoral Officer's report. We, this committee, in this Parliament, since you've been here, did this for the second time.

This committee brags about the fact that everything in here is by consensus. That's the difference, sir. If you remove the threat that your government wants the right to use your majority to carry the day, when your arguments to me don't convince me, we can't have the same kind of discussion. We can't have the kind of discussion that got us these two reports.

That's what my friend Mr. Doherty was referring to when he talked about a lack of trust. It's hard to have a debate with someone when they say that no matter how this goes, my way will prevail; if I have to, I will use political force to make it happen; and now, as long as you clearly understand that, let's have a nice, free, fair give-and-take discussion about how this should be resolved.

That becomes impossible. That is our whole point. It's on that one issue. It's not whether we agree on Fridays, or Wednesdays, or all the other issues. At this point, it is a political fight. It is a war. Your government made a war by pushing it into 24-7. We are 100% prepared to stand down from it the second the government indicates that it's no longer trying to get the upper hand that it hasn't had even in this Parliament, let alone in previous Parliaments. The second that happens, we're into that discussion. You would be, any time you're here, a positive contribution to that, because the kind of discussion you saw happen here....

These mostly aren't even the full-time members of the committee. This is the kind of culture we've created. This is the kind of environment our chair creates. He provides a lot of latitude. He does have his limits. That's why I always keep an eye on him, out of the corner of my eye. At some point he decides his limit has been reached.

But that's the kind of culture we have. We do work together. I think you'd find it very stimulating. You obviously have a lot of experience in "hand on the ground" local politics, where it's real. We're not that far apart in our desires. You're probably getting to be a bit like me in that you've been around long enough in politics that the adversarial stuff really starts to get stale. What really can excite you is trying to bridge the difference when we have a common cause. We just have to figure out the details of how to get there, and then we all work together as a team.

That's stimulating. It's enjoyable. It's good work. It leads to reports that are accepted by the House, with recommendations that all members feel have been fairly considered. While it may not be everything they want, they can live with that rule, because it's fair-minded and it came from a place where fair-mindedness was the order of the day.

Right now you have managed to focus, with pinpoint accuracy, on what the problem is. It's not our lack of ability to talk. It's not our lack of ability to be respectful. It's not our lack of ability to work together. It's a lack of rules that allow us to do that where we're treated equally to you. I'd love to be having a debate with you, knowing in the back of my mind that if your argument doesn't convince me, I can force you to accept my way. That's a very different debate to have that tucked away in the back of my mind rather than the only way we'll get any change is that Mr. Badawey and I have to find some common cause here. We have to find that language.

That's where we start getting help. Our staff start helping. Our analysts help. Our chair helps. Then we get to two good reports: the 23rd report and the 11th report of this committee. In this Parliament, since you've been here, we've done that kind of work.

In fact, sir, colleague, this is virtually the exception. I can ask Tyler or anybody around me to remind me differently, but I can't think of anywhere else on this committee that we got so seriously in the ditch that the work we were expected to do was in jeopardy.

I don't think we've ever gotten to that on this one issue other than now, on the one motion where the government is refusing to agree that the only things that will go in the report are things we all agree on. That alone was going to be enough, and it did seize up the work of the committee and created all this problem. The government then of course launched—I focus on this a lot, because a lot of filibusters happen in committee and people don't even know they happen. Sometimes they happen for only 10 or 15 minutes, and the fact that one is about to happen causes someone to say that the last thing they want to do is listen to Christopherson going off. There have to be some words they can use to get past this. There have to be. I exaggerate a little, but that dynamic has a place.

Under one of the proposals you want, sir, and if you retain the right to pass it with just your vote, you will force it down our throats. Whereas right now as a local member, if you need 20, 30, or 40 minutes to explain an issue.... And obviously you know your constituency well. You're a long-serving mayor who leveraged that into a federal seat. You're obviously trusted and respected in your community. I don't know about you, but my community is complex, and very few issues aren't.

I need the time, because of who I am—and I talk a lot—to break it down into the components that I think are best reflecting where my constituents are coming from and why, and why this is either a good idea or a bad idea for my beloved Hamilton. Right now, in my entire time, whether at Queen's Park or here—let's leave it at my time here, I don't have to worry that—tick, tick, tick—I have to get that covered too as we do in the House.

By the way, the limitation in the House on the early debates is 20 minutes with a 10-minute Q and A. Under the proposal you put forward, it would be 10 minutes. You'd go from being able to take as long as you want to convey your point of view reflecting your constituency—which is just as important as mine, and just as important as the Prime Minister's, and just as important as Ms. Mendès—and you take that time. That's why we have committee work. That's why the rules at committee are different from those in the House, because the House time is different. We're handcuffed with the times that are there. When we get to committee, we deliberately loosen up the rules a little. We call each other by our names sometimes. At least it's not out of order to do so. Most importantly, we can take the time.

The unlimited time is not just a weapon for the opposition to threaten to start a filibuster or to continue one, although that's an important element of it. It's also just the ability to come to a committee meeting and explain something in a way that can't be done in the House. If I can't do it at committee, that means I leave the Hill not feeling that I've fully represented my constituents, because nowhere did I have time to spell it all out. It all had to fit into somebody's preconceived idea of a fair amount of time. Since we accept that in the House but we don't like it, we try to make up for it by creating a lot more latitude. Those of us who have chaired committees know that the parameters of where you allow a member to go are much looser; they're not totally loose, which is why the chair still tells me to get back to the point, but there's a lot more latitude and certainly not the time constraint.

We can have a respectful, stimulating discussion about that, but we can't do it if you and your colleagues on the government side believe that no matter what happens, at the end of that discussion it's your way or the highway, might makes right, and you can use your majority and roll over us. You don't have to be on this side for too long to realize how that would make you feel and what you might do to prevent it. Ergo, *maintenant*, that's why we're here. That's what all this is about. All this, whatever you want to call it, is all about whether or not we're going to continue to respect each other the way we already have in this Parliament or whether we're going to completely shift and go 180 degrees in a different direction with a different culture and a different attitude that reflects far more the regime we just left than the one that you promised to bring in.

I feel confident enough in the righteousness of that position. Having been in both government and opposition, and identifying committee work as my favourite part of being here on the Hill, I am 100% resolute that it is not in the best interest of our beloved Parliament to go against the advice of our predecessors and to go against the practice of this very committee in this very Parliament. That's the issue.

I have so many places to go, I don't know which one to choose next. I think I'm going to go to this one.

I want to introduce something new. You'll like new. I know when I do something new, you like that, because it's pretty much guaranteed to be non-repetitive, one would think, by definition.

Chair, it is more of a walk down memory lane for you. I stand to be corrected, but I believe it was on March 6 that you tabled on our behalf the 23rd report of this committee. We've issued a lot of

reports. We've done a lot of work, good work, co-operative work, work that we all agree on.

This report looks just like the other one. You have to understand the similarities in what we've done before versus where we are now. Literally, those are the two reports. This is the one that I'm making reference to now; and that's the one that I've been making reference to all this evening. They're the same. It's the same work, the same product, the same template. The only thing different is the subject matter.

The other commonality is the issue of consensus. I've already read to you from this report ad nauseam, and I'll forewarn you that I'll have to make reference to it again in the future, but only as a reference, not as a speech. It's a whole new report.

Colleagues, you'll recall that I mentioned earlier—

**Mrs. Alexandra Mendès:** Are there copies?

**Mr. David Christopherson:** If you wish, we could suspend, make copies, and hand them out.

**Mrs. Alexandra Mendès:** I actually would.

**Mr. David Christopherson:** I'm open to that.

**Mr. David de Burgh Graham:** You could always give up the floor.

**Mr. David Christopherson:** Yes, I could, and you know how much chance there is of that right now. I will give up the floor, though. I do intend to.

**Mr. David de Burgh Graham:** I'm next.

**Mr. David Christopherson:** There is an end to this; it's just not foreseeable really soon.

So, returning to the 23rd report, on March 6, Chair, you rose in the House and you presented this report—proudly, I would assume—on our behalf, just as you did the 11th report, proudly, I would assume, which we.... I have spelled out that we have said in here that this was all done by consensus. You'll recall the wording: in this approach to the study, the committee attached importance to reporting back to blah, blah, blah, and taking into account, and that we would only do it by consensus. I can search for the exact words if you want, but you know they're there.

Turning to the new report, I had been making some reference to the good work we were doing on the Chief Electoral Officer's lengthy report. I think it would take something like 30, 40, or 50 meetings to actually go through that entire report and create our own report. It's a big undertaking. I've done it before in previous parliaments. For the most part, it's just been hard work, not controversial in terms of how we did that work. That was with Mr. Lukiwski, who spent a lot of time on this committee.



Again, you'll recall, Chair, that I had referenced that we have what we call the low-hanging fruit process, that we were doing it in sections. There was some methodology to our approach: we were doing it in sections. The goal was that at the conclusion of each section, we would do an interim report to the House, so that the work we were doing could be fed into the.... Hopefully, ostensibly, the government would take into account what was said here, notwithstanding the uh-oh around Bill C-33. I think we got around that one. Notwithstanding that little bump in the road—put that over here—for the most part, the whole idea was that we would issue reports, I think at least three, in sections, and we decided internally that we would approach those things that we could possibly, somehow, humanly find agreement on, and put those in the report.

Those things that clearly didn't lend themselves to an obvious readily available consensus we put aside and put in another pile, to take a shot at on another day. This, I think, is the first one. Whether it was first or second, I can't recall. I don't know if you can recall, Chair. Anyway, this was the first or second one.

I see the analyst offering something. Was it the first one? Thank you very much. That confirms that this was the first of at least three, probably four, reports by the time they did a separate one trying to tackle the issues that were going to be tougher. Probably they'd be thinner reports, but there would have been at least four in total. This was the first one.

This is also, again, part of the problem with the timing, such that the minister came in and asked us to do some selective work on the rest of the report, and report to her by May 19, and then this other thing landed in front of us, and originally they wanted it done by June 2.

I mean, really, who's thinking over there, or supposed to be?

Anyway, that remains a problem. It would be nice to get at it, because it would mean we've dealt with this problem. The only way this goes away is if we, the opposition, get our rights.

As per the format of the last one, you'll recall that it was pretty much the same report that “The Standing Committee on Procedure and House Affairs has the honour to present....” It was the 11th there; it's the 23rd here. This was an “Interim Report on Moving Toward a Modern, Efficient, Inclusive and Family-Friendly Parliament”. This is “An Interim Report in Response to the Chief Electoral Officer's Recommendations for Legislative Reforms Following the 42nd General Election”. Neither one is little stuff. This is all deep, complex things, and yet look: Mr. Badawey was talking about how much he enjoyed that discussion. That's because once you get into that kind of respectful give and take where you're not trying to beat each other up and you're not trying to get one better on the other party, where you're actually working together, that's where it's not only enjoyable but productive; unlike this, which is non-productive, other than it's us defending ourselves.

On the second page, we, all of us, government members, chair, vice-chairs, members, all of us said this in doing our report. Remember, this is us, the same committee, the government members, the very same people:

In conducting its work, the Committee attached importance to completing its study of the first two chapters of the CEO's report and providing the House with its assessment of the CEO's recommendations in a timely manner.

Again, I want to point out how co-operatively we are working with the government. “Timely manner”—the only thing that's timely, in terms of the government and its agenda for bringing legislation, is getting our feedback, and, if it's true to its word, taking into account what we've had to say and factoring that in to help inform its decision. That's respect.

We could have caused the government some grief if we collectively said, “You know what? We have a great chance here. We have this report that's going to take 50 meetings anyway, so what do you say we stretch it and make it 75 and really make it hard for them to get anything done?” We didn't do that. We did nothing remotely like that. It was not even suggested, not even as a joke. We all take this work seriously.

This committee is, in some ways, like the steering committee of the House. This is the only committee that meets at the same time every week. The only committee. Every other committee rotates, but we don't. Every other committee actually gets created only when we generate a report that says it should be. I'm not trying to pretend that we're making all the decisions around here; it's the makeup of the committee, and it comes from the caucuses and the whips.

But my point is that this is unlike any other committee. Everybody on here, from the newest rookie to the oldest veteran—

**Mrs. Alexandra Mendès:** That's you.

**Mr. David Christopherson:** It's probably me. I'd rather not think about it, but I'm pretty sure it's me. We all take our work seriously. This stuff matters. We weren't going to play games with our election laws, and we didn't play games with them.

The dynamic that Mr. Badawey saw, I would say, was about kind of a normal discussion. Sometimes it's not as good. It can get a little bumpy and stuff, but other times—I have to tell you—we're firing on all cylinders, and everybody has ideas, and it's all the chair can do to manage everybody and to keep their ideas alive but to hang on to it.

It's really like us, Alexandra, when we're working on a report at public accounts. We have a common goal. We are holding the bureaucracy to account in implementing the government's policies. It doesn't matter who the government was when the policy was made or when it was implemented; our focus is on the Auditor General's report that analyzed how well the bureaucracy implemented and carried out the procedures they it should in carrying out the policies of the government of the day. We take that seriously. We work together as one unit. If you walked into our committee room and we were sitting in different chairs, I think you'd have trouble telling which one of the members were government and which ones were opposition. To me, that's the purest sign of an effective public accounts committee.

Alexandra, Madam Mendès, you know exactly the kind of culture I'm talking about, and how stimulating it can be to work together as a group. As a rule, parliamentarians are—I make myself the exception—interesting people. MPs are interesting people. They have interesting lives. They're usually very good communicators. That's how they got elected. They usually have a great sense of humour.

When we're in camera and working together, it really is enjoyable. You have a lot of smart people who are there for the same reason. Nobody is the boss. Everybody is kind of sovereign in their own right. We have a common cause. We have great coffee, great staff, all the brains we need to get us through the exercise, and hopefully we pull our political ability and bring it all together. It is actually very stimulating, and I enjoy it far more than screaming, hollering, and yelling at the government, which I have done a lot of and still have to do from time to time, but it's not my favourite.

**The Chair:** It's definitely not.

**Mr. David Christopherson:** Again, Chair, we said this. We wanted to do it in a timely manner. That's respect for the government that got a majority. I don't like the fact that it got a majority. I would have been much happier if it were a minority, and much happier if it were us. I know I keep saying that. I'm trying to get over it. It's hard. I've never been there before.

**An hon. member:** Just breathe.

**Mr. David Christopherson:** Just breathe deeply.

It's okay, Dave. You still won your seat. It's all right.

It really matters. When the Chief Electoral Officer came in there was no partisanship to it at all. Why? Because the Chief Electoral Officer hopefully, and blessedly for us, is completely 100% honest, has not a biased bone in his body, and his goal is to give us, as participants and Canadian citizens who own it, an election process that, as much as first past the post allows, reflects the political will of the nation. That's important stuff. It doesn't get much bigger. It's deciding who gets to run a G7 country with the second-highest oil reserves in the world to boot. This matters. We took it that way, and we did report in a timely manner and structured our work in a way that was timely. I'm not going to get any benefit out of it except maybe an improved electoral process. The government's the one that's going to get the credit, quite frankly, because it's the one that's going to take the Chief Electoral Officer's recommendations, which find themselves as part of our report. It's going to take that report and form legislation, and it's going to come in and say, look how wonderful we are. We're doing all this great stuff. And we're going to have to sit there and say, yes, a lot of that is my work and you're getting the credit for it. But, do you know what? That's just the way it goes. That in no way negates or lessens the responsibility I feel to be respectful of colleagues who are approaching this important matter in exactly the same way.

The first thing we said was that we were going to do this in a timely manner, out of respect for, quite frankly, Canadians. In the same paragraph, the next sentence reads: "The Committee, therefore, considers this report to be an interim report."

So again, to Mr. Badawey, where we were able to find agreement as quickly as possible or with a focused discussion and wordsmithing and approaches, then we were able to bring in this report. We're recognizing that we still have more work to do and some of the tougher stuff is still coming, but we're trying to do the best we can. We want to move this as quickly as we can, and we want these things to form part of the rules for the next election. The best way we can do that is to get our report in the hands of the minister responsible so that she can then formulate legislation, get it to cabinet, get it in front

of the House, and make the changes so the next election is even fairer and better than the one we just had. That's the process.

We considered this, and still do an interim report. In preparing its interim report, the committee.... Remember, this is unanimous. The government members, the very same members, most of whom are here now, at different times.... In other words, they were members of the committee then; they're members of the committee now, even though they may or may not be present at this exact moment. They were members of the committee then and they are members now. We collectively said, "the Committee placed a priority on striving to achieve consensus among viewpoints; the recommendations made in this interim report were agreed to unanimously by members of the Committee", and we were proud of it.

Now, hardly a parliamentary heartbeat later, everything's changed. It's back to the future.

I'm trying, guys, to be as reasonable here as I can. I'm leaving stuff out.

**Mr. Todd Doherty:** Move on. There's nothing stopping you.

**Mr. David Christopherson:** I think they actually said that at one point.

**Mr. Todd Doherty:** I think you're right.

**Mr. David Christopherson:** To be serious, this is a report, by the same group, the same committee, on the same subject matter, at least in terms of the rules for election, rules for making laws.... They're all about rules that we collectively work under that are not meant to be partisan. If they are partisan in some way, something has gone wrong, because they're meant to be fair to everybody.

All Mr. Reid—I'm going to put words into his mouth—wanted to achieve with his motion, to the best of my knowledge, was to reaffirm what we'd already done. Nothing radical, nothing new, nothing undemocratic—just reaffirm the process that made us proud to table the 11th report dealing with exactly these issues. You even have your favourite words in there "modern" and "efficient".

We used the same process for the 23rd report, which, by the way, is a report that we are still seized of and a process that we are still in the middle of. Somewhere in one of the layers of the onion, once you get past all the other stuff, somewhere in there you will find that our prima facie purpose right now is this report, because, whether the government is thinking about that or not—and it looks as though maybe they're thinking about it too much—October 19, 2019 is coming. We would like to see some improvements that the Chief Electoral Officer has identified. And make no bones about it: there is great common cause between me and the Liberal benches in terms of some of the stuff that came from Bill C-23. We feel we have to get the heck out of there, and the only way it can get done is by having timely reports go to the government, to the minister responsible, who generates legislation, who brings it to the House that gives the orders to the Chief Electoral Officer about how the next election will be conducted and under what rule. I still consider it important. I consider this kind of an aberration. I'll be glad when this is done.

Yes, I like to talk. Everybody knows that. I make as much fun with this process as I can just because that's what I do. But I have to tell you, I'd much prefer to get back to work. It's a lot more satisfying. The fun of this kind of wears off after hour three, hour four, or hour five. Back in the last Parliament, I went to hour eleven. That's not nearly as much fun as having a stimulating discussion with Mr. Badawey about how we ought to conduct ourselves, the relationship between passing laws here and representing Canadians in a G7 country, and also focusing on our ridings, which is the *raison d'être* at the end of the day for all of us. At the end of the day, the absolute top priority is always our constituents.

I want to have that discussion. I think there are maybe some new ideas about what we could or couldn't do with a Friday. Certainly Madam May came up with some new ideas, just fresh thinking, a different way to look at things.

I want to underscore again, and I don't expect you to respond, and I say this rhetorically, Mr. Badawey. I ask how you would feel about engaging in the discussion you were just having that you enjoyed so much if you knew at the end of the day that, whether I agree with you or not, I could make you eat and live with what I wanted. At some point it's not even as much convincing as it is ordering. That takes away, and here's the thing I want to say. By having that sword of Damocles hanging over us all the time.... Mr. Doherty focuses on the word "trust", and he's absolutely right, because that is what this is about, trusting each other. You leave that in place, and the dynamic that Mr. Badawey enjoyed, I suggest, vaporizes. I'm going to take that differently from the government when it starts to get a full head of steam and starts arguing its point.

In the back of my mind, I'm not spending as much time thinking about where the flaws are in their arguments as wondering when they are going to lower the boom and just run me right over on this thing, and it doesn't matter what I say. Really, what I should do now is not deal with the substance of the matter; I should be laying down the groundwork to deal with the politics of him running over me.

That is very different. It's 180 degrees from all of us focusing on the same issue and trying to find a common cause solution. It's completely different. In my opinion, most of the government members, in their hearts, get that, the ones who are having to sit here and look us in the eye, who were part of two previous reports for which we proudly said we did this by consensus, only to find ourselves now not willing to go by consensus. We'd be under the threat constantly, in every debate, every discussion, once the government allowed everybody to have their say.

It's amazing. I've been around enough committee meetings to know, and Mr. Chair, you've chaired enough meetings to know, that when you do get entrenched, let's say, go out of this committee and into a committee where you're dealing with a particular bill such as one on transportation, a government bill, you can tell when the government has made up its mind what it's going to do. For the most part, it usually stops talking, because the only way you can move to a vote on committee is if everybody who wants to speak has done so and there are no more speakers. That's the only way to end debate, which, by the way, is also something that the government wants to get rid of and we would lose that. You'd be 10 minutes, 10 minutes. I don't understand fully how many times I'm supposed to take the floor

on the 10 minutes. All I know is that there wouldn't be the right to take the floor and speak for your time. That would be gone.

All I'm saying is that you cannot expect that, all of a sudden, when we have done all this goodwill. I think we deserve some credit: we have not played politics with any of this. There's no evidence of it anywhere. I'd defy anybody to point to anything that either we or the Conservatives have done that was obstructionist or in any way meant to derail or delay the important work of this committee. I don't think that evidence exists, because that attitude didn't exist. We all agreed that the only things going into the report were things that we agreed on. Therefore, if you want to get a change in the report, what's your approach? You respectfully respond to your colleague, giving credit where credit is due to the points they're making, and then respectfully make a counterpoint and hope that they aren't just closing their mind and waiting until you're finished so they can talk but that they're actually listening.

My point to Mr. Badawey is that this is what we do. That's how we're able to get these reports on exactly the same kinds of issues we're dealing with today. It's not just a question of whether it's fair or not; it isn't. It's not just a question of whether this is consistent with what we have done in previous parliaments; it isn't. It's not even consistent with the way that we have worked in this Parliament, where we took pride in our reports being supported by everybody who was on the committee.

Look, one of the arguments the government makes is that when it's a matter of consensus, nothing gets agreed on, nothing ever gets done, nothing changes. There are two things: number one, we had a previous Parliament that got into this deeply. They did a deep dive, as they call it now, into this subject.

They're the ones who came back and said, look, we didn't get to agree on all the things we wanted to change; in fact, there were some things we thought should change but we couldn't recommend change because we can't agree on the language, but we still believe we are better off keeping that out of the report than jamming it in there and damaging how Parliament works. The government of the day forcing rule changes is not consistent with that harmonious approach.

We believed that right up until this thing happened three weeks ago. Then all of a sudden it's as if it's full stop, a back turn, and we're going that way now: "We don't need consensus."

Batcar did it better; the Batmobile did it better, Scotty. We won't argue about 007; his was a great car too. Nothing, though, did a turn like the Batmobile. I mean, there's nothing like a bat turn—

**Mr. Scott Simms:** On division.

**Mr. David Christopherson:** On division? Okay, that means we respectfully disagree but will let it go forward. We'll let it go, then, but I'm right. I'm right in recognizing your point. How's that?

That, then, is pretty much what happened. It was like a bat turn. In the beginning—this is the thing that really boggles the mind—the first two reports were entirely consistent with the approach the government promised. That's why I have not been able to say to them, “you haven't kept a single promise when it came to standing committees”, because it's not true; they did keep some. Sometimes we had to push them a little to do so, but it was nothing like this.

I don't know whether it's right or not, but the cold calculation has to be that it's worth taking the heat now.

I've sat on house management committees in government. You go to the next election, and you work backwards. This is not a big secret; every cabinet does it. You start at some point, once you are settled in and have dealt with the crises and the big things and get a little bit of breathing time. The first thing you start doing early on is identifying that here is “E” day and here's today, and you ask, “what do we want to achieve and where do we want to be by E day? What are the things we want to run on by way of showing Canadians that we kept our promises and that doing so has made their lives better and our country stronger?” Fill in the blanks for provinces, territories, or cities, but pretty much that's the game plan.

The government calculation seems to be that it is worth taking whatever comes; that all of this and all the negative stuff is worth it, just as with the calculation around turning their back on their promise for electoral reform—“This is the last election we'll ever have under first past the post.” That's going to be a running Canadian gag for...how long?

Then they come on, and all of a sudden....

Take the Friday thing as an example, because it's so stark. The government has been burbling about Friday. They have this thing about Friday. I don't know exactly what it is, but they are really fixated on Friday.

We dealt with it. They knew it was coming. It was one of their big issues. They knew we were going to deal with it in the 11th report, and—pardon me, it was in the 23rd report—and we said we can't agree. Our report—

Actually it was, I think, the 11th report. Thanks.

Do you see the new friends? You're doing a good thing: you are making new friends of old enemies—on the other side of the House, but measure these things as you will. Thank you very much, Todd. I appreciate that.

It says:

Given the lack of consensus the Committee has heard regarding whether the potential benefits of eliminating Friday sittings outweigh the potential drawbacks, the Committee does not intend to propose a recommendation regarding this matter.

Previous parliaments have told us that you, the future parliaments, are in our opinion better off to not bring in a change that is supported by everyone than to bring in a change that, even if in some ways

makes it better, does not have buy-in from everybody on the committee. You are doing Parliament a bigger....

Remember, this is not partisan stuff. They are talking parliaments to parliaments. They are talking to us from the past into the future and saying you're better off only implementing things you all agree on rather than following the efficient process of letting the government dictate what the rules are. That's what they told us, and that's the advice we took for two previous reports in this same Parliament, in this same committee, on the same subject. It's maddening.

It's maddening because it doesn't make any sense. That calculation, again, to finish the thought, was that whatever the damage now, it's worth doing because it gives us the ability to have the deliverables we want for the next election.

**Ms. Ruby Sahota:** May I ask a question?

**Mr. David Christopherson:** Sure, as long as you talk slowly.

**Ms. Ruby Sahota:** A little while back, you quoted the internal report on the rules, under which we had entered into that study. Could you repeat those for me?

**Mr. David Christopherson:** Yes, sure. Do you mean on the new report I just raised?

**Ms. Ruby Sahota:** I mean on the interim report that we had done as a committee together previously.

**Mr. David Christopherson:** Both of them are ours, and there were two reports. One I was referring to at great length. I think you're referring to the one that we did, the 23rd, on the Chief Electoral.... I'll read the report if you want.

**Ms. Ruby Sahota:** No, I mean the modernizing and the family-friendly one that was....

**Mr. David Christopherson:** All right, and you wanted my reference on—

**Ms. Ruby Sahota:** You said that we had entered into that study.

**Mr. David Christopherson:** No, that would have been this one, I think. Let me read it and see if this is the one. If it isn't, I'll hunt for it. I'm not going anywhere. You're a smart person. I take the question.

In conducting its work, the Committee attached importance to completing its study of the first two chapters of the CEO's report and providing the House with its assessment of the CEO's recommendations in a timely manner. The Committee, therefore, considers this report to be an interim report. In preparing its interim report, the Committee placed a priority on striving to achieve consensus among viewpoints; the recommendations made in this interim report were agreed to unanimously by members of the Committee.

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**Ms. Ruby Sahota:** Okay, so for that report we did, we placed a priority on coming to consensus, but it wasn't mandatory, so we tried to do the low-hanging fruit, as you referred to it.

In the other interim report that we had previously done on modernizing Parliament, we also didn't return to any kind of agreement ahead of time that said it had to be with all-party consensus.

**Mr. David Christopherson:** Can I read....

**Ms. Ruby Sahota:** We had informally—

**Mr. David Christopherson:** No.

**Ms. Ruby Sahota:** We had started the study, and, informally, as a committee, we had decided that we would once again discuss the low-hanging fruit and to try to get all those ideas and thoughts together that we could have consensus on, put those out, and then get back to the hard stuff. That's what I recall working on.

I was disappointed with that interim report, because I was very passionate on a lot of issues. I thought there were so many good ideas that had been brought up in committee by experts, but they never made it into that report because we had decided at that time that we'd just do the low-hanging stuff that we could agree on.

We had never restricted ourselves and locked ourselves into talking about only the things we had unanimous consent on. We also thought we were going to come back to that study and after putting out the low-hanging fruit, we'd come back to the hard stuff.

This study that we're being asked to undertake through Mr. Simms' motion would just be a continuation of the Standing Orders debate, of that first interim report that we had put out, because we had talked about a lot of these things with the witnesses we had before us. Of course, we'd have to strive towards having all-party consensus. Nothing would seem better than being able to present a report to the House that we had consensus on. But how are we ever going to get to the hard stuff if we're always only going to agree on the easy stuff? We already put the easy stuff out. We did it. We talked about it being great, but what were the recommendations that came out of that? It's great that in the votes after QP, the government, the House leaders I guess, have already come to an agreement. Whenever they can come to an agreement, it's great that they do so and move the votes up.

That was something like a pilot project that the House leaders just started doing. We sat back, and we thought that this was a great improvement. Everyone was able to try it out a bit. Then after trying it out, we realized that this was accepted and efficient, and we didn't have to run back to our offices, have half a meeting, open up a book, close it five minutes later, and run back to the House again for a vote. This is effective, so this is a good idea. Trying things out sometimes can cause us to have that all-party support on a lot of things. I think that's an ideal.

However, we should still talk about things that maybe we don't have all-party support on. There's no harm in getting that discussion started. We had started it before, and I was disappointed after our interim report came out, because I had hoped for so much more to be in there. There were a lot of things that we needed to come back to and iron out the wrinkles a little more on. Maybe we could have even gotten all-party support, but maybe not. Maybe we could have a majority in the committee, and then we could have dissenting ideas. It could be put to the House. Maybe there could be an opportunity to try to see if we could have more than just a majority in the House on these rules. These are things that we could talk about going forward. They're options, but right now we are really limiting ourselves by not exploring those options.

That's my recollection. I know you're very proud of the work that we did before. I am proud of what we engaged in, the conversations, the discussions, and the witnesses we had before us. I bumped into some of those witnesses recently, especially the ones from Equal Voice. They are also very excited to hear that we're going to be

revisiting this topic, and that perhaps some of the recommendations that they made before this very committee might be taken into consideration this time and find their way into a recommendation. Because at that time, that low-hanging fruit was really low-hanging fruit; it was rotting fruit. We had put it out there, and it was stuff that we had already been doing. The buses are a great thing. I know that you're very passionate about the buses, David, but that's not the hard stuff. The stuff that we put out was extremely easy. It wasn't earth-shattering. It didn't move. It didn't create for a modern, new way of doing things here in the House of Commons.

I think one of the recommendations was also, "oh, well, the House of Commons has also implemented a nanny service." They've already done so, so let's continue with that program. We can put an endorsement, our seal of approval, that members of Parliament can pay for nanny service and have them on call, which would be done through the House of Commons. Once again, that's something that was already being piloted.

A lot of what we just did in that interim report was to just put our seal of approval on things. We didn't even scratch the surface of actually modernizing and making our time more efficient and effective here and in our ridings. As many of my colleagues have said, I'd love to get back to that. It's not a final report; it's an interim report.

We never made those types of conditions before when we started studying it. I know we keep talking about when the previous House leader came. I remember the House leader sitting here and talking about his mandate letter and the things he wanted to change. At that time we never said we were not going to engage in this conversation unless we had all-party support or unanimous support. We got to work.

We started talking about it. Within the committee we agreed to do the stuff that we could agree on right away and to get that out to the House. We were going to get our ideas on paper and then come back later.

That's really all I request, that we get back to it. Let's discuss something that's not the rotted fruit on the ground.

Thank you.

**The Chair:** Mr. Doherty.

**Mr. Todd Doherty:** With all due respect to Ms. Sahota, she started off her intervention by saying that we never agreed to unanimous support. Mr. Chair, we're talking about changing the Standing Orders under the guise of making life better for parliamentarians and making us more efficient. The reality is that, and I'll go back to it again, the Standing Orders are the rules by which we all play the parliamentary game. When you are about to change these rules, with all due respect, you should have, if the government is truly about making things better, or making life better for parliamentarians, unanimous support in how we're moving forward.

For Ms. Sahota to say that with all due respect, Mr. Christopherson, we never promised that we needed to have unanimous support, I think it just kind of flies in the face of the conversation that we've been having tonight. Again, going back to Mr. Badawey, and to some of the discussion we've been having earlier on, including an intervention by Mr. Arnold, Ms. Mendès, and me, I think we've had a respectful conversation tonight.

I have listened to some of the discussions before in this committee. It goes to why we're standing up and speaking the voice of Canadians, the people who elected us. Can the government, whether through this motion or whether through this discussion paper, through the things mentioned in here and in other ways, make what we do here in Ottawa more efficient?

I challenge you to just ask Mr. Simms about our fisheries committee. I came in like a bull in a china shop because of the things that I'd heard about our fisheries committee previously. I think we've done some incredible work. We work collaboratively. Do we agree on everything? No, but we find a way to work collaboratively.

I think that's all this is about. It's about trying to build that trust. Again, that trust has to come from us to the government. The government has to show that it is moving forward truthfully and that it has no ulterior motives. Right now, we don't see that.

With all due respect, Ruby, the comment you made, that we never promised or we never said that there had to be unanimous support, flies in the face of everything we're talking about tonight. It flies in the face of what Mr. Badawey asked, about why we couldn't have this respectful conversation right now, with dialogue going two ways, not just one way. As Mr. Simms said, it could be a "counter-buster".

It should be aspirational that we have unanimous support; we should try to find a way to that unanimous support and not just have it hammered down our throats. Right now the fear is that if this motion is studied, and when it's studied with this paper that is here.... I think Mr. Christopherson mentioned the timeliness of both those documents being delivered. Mr. Simms stood in the House and truthfully talked about the timing of the paper versus the timing of his motion. That just leads the opposition—and in truth, Canadians—to fear. You just have to look at the media reports on this to see that you're not to be trusted. The government is not to be trusted.

**Ms. Ruby Sahota:** Can I respond to that?

**Mr. Todd Doherty:** Absolutely.

**Ms. Ruby Sahota:** I know that Mr. Christopherson's...but he's busy.

That word you just used, Mr. Doherty, I think is an excellent word, trust, but trust goes both ways. Maybe that's why it's taking us awhile to get anywhere. I also feel a lack of trust, having gone through that first study as well. There were many comments made by opposition members online and offline about wanting some of these changes but not having the ability to actually put that comment on the record—internally wanting it, but because of the politics of it, not wanting to admit to wanting these changes. There's a lack of trust that I now have with certain people because I have heard some things offline and other things online. Trust is important to coming to any kind of

resolution in negotiation, and I think that trust is lost on both sides. It doesn't go just one way.

I know the government has to be trusted, and I agree with what you're saying, but there's a lack of trust for me as well—I can speak for myself, but maybe not for my colleagues on this side—because I feel that, although you may want certain changes, if we were to get to that process of the study, you would not allow those changes. You would not go on the record stating that you want those changes, just to be obstructionist.

That's just how I feel, so I'm putting it out there.

**Mr. Todd Doherty:** I'll be very quick, Mr. Chair.

You have the right to your opinion and your feelings. I'm respectful of that, but I'm telling you today that the opposition House leaders have all asked, and MPs have all asked repeatedly if we can have this debate, if we can have this discussion, and if our voices would be heard. Time and again we've been told that we will not have a veto, we will not have a say. That's why we're here tonight. That's why we've been here for how long—two weeks?

**Mr. David Christopherson:** Yes.

**Mr. Todd Doherty:** It's to make sure. Maybe it does start. Trust has to start at some point, right? That conversation, healthy debate, and healthy discussion have to start at one point.

I can tell you that, if it truly were for the betterment.... I can only speak for myself. I can't speak for others. By now, most people in the House know that, if I believe with conviction in something, I stand and talk about it. Whether I'm going to take heat or not, I just speak my mind, whether it's politically correct or not. If I believe in something, if I believe it's going to make Parliament better and more efficient, I'm going to say it. I can tell you that we're all committed to this process here. It's why you have a lineup of speakers that is I don't know how long. It's not just to keep you guys here and the government here till all hours of the night; it's to make sure you hear our voices and our constituents' voices.

**Mr. Mel Arnold:** And that they continue to be heard.

**Mr. Todd Doherty:** Yes, and that they continue to be heard—that's the biggest part of it right there. We are elected to be the voice of our riding, our constituents, and Canadians. The fear is that right now, with the motions that are in place and the discussion paper, that voice will be lessened somehow—

**A voice:** Or lost.

**Mr. Todd Doherty:** —or lost all together.

**The Chair:** Thank you.

Mr. Christopherson, your rest is over.

**Mr. David Christopherson:** Yes, well it was unexpected, so much appreciated, and incredibly helpful. Thank you.

This is an interesting discussion. I will respond to Madam Sahota, who made some good points. That's why I listened carefully, because I knew she would.

First of all, I would take a little exception. I'm not sure how many of the changes we recommended you could call rotted fruit, but I'm probably splitting hairs here. It is true to say that they were the things that we agreed on. I think it's also fair to say that there was some of it that didn't come as easily as you make it sound. We did have to struggle with it. We did have to ask our analysts for help, and we had to work at it.

That speaks to a number of things. It also speaks to the complexity and difficulty. A lot of these rules are not straightforward. That's why we have clerks and a full table in the House to advise the Speaker, because there are so many rules, implications, and precedent settings when circumstances arise that this is complex stuff. I know you don't mean to suggest that we basically did nothing because it was only things that we agreed on, but I would go halfway to meeting you in recognizing, and I think I made some reference to it, that the really hard work was still ahead of us, the things we hadn't agreed on. I will also acknowledge that we did not make a hard and fast rule that, from beginning to end, everything we do has to be in agreement. Neither did we say it wouldn't be. We just jumped in, and I suspect, in your raising that, you were, by comparison, saying that in some ways all you asked for here was an opportunity to go through these things, to see how far we can get, and then see where that takes us.

There are a lot of different answers. The one that comes to mind goes back to the beginning of my remarks tonight, that in both these instances, it was a respectful approach to this committee from the minister directly involved. In the case of the House leader, he personally came, gave us his thoughts, his rationale, and his reasons, and we were comfortable enough that there was nothing going on other than exactly what he said. Within days we started work.

This time, it was very different. There were no phone calls between the House leaders. Normally on something like this—and there is no pro forma process—there would be some kind of contact with the other parties to say they're about to initiate something. They're going to table a discussion paper, and they'll make sure we get it in an hour. I'm just making up courtesies that are extended on a regular basis from different parties that have been in power in different parliaments and legislatures. It's not unusual there. It is a goodwill approach for the government House leader to say, "I'm going to be tabling this thing at 4:00. I'm going to be sending to your office a copy of it at 2:00. This is our intent. Shortly after, you're going to see a motion from one of the members of our committee. Here's what it's going to say. This is what we're hoping to do."

I mean, if the government was being consistent with previous approaches, that would have been the approach. As it was, at best, we didn't know. I'm on this committee, so I paid particular attention when I found out this document that the government had was sort of dropped from on high, a discussion paper. Okay, well, there's not a lot new there. We knew that the government wanted to do things in this area. We'd had this discussion. There was nothing new. I didn't see anything particularly evil in the fact that they just dropped it, but a little alarm bell went off. Then when the motion came out a couple of hours later, all of a sudden it was, "Whoa, wait a minute. What's going on?" Why the sudden change in approach, especially with a motion that includes a timeline that is not a recommendation or a request respectfully made by a cabinet minister but a hard deadline put in by a government member?

**Mr. Todd Doherty:** That's not an aspirational end date.

**Mr. David Christopherson:** Yes, in terms of striking what the mandate was, as my colleagues are saying. I don't think it's too much of a stretch to see how Mr. Reid felt that the first thing we needed to do was to get this clarified, because this looks different from anything we've done before. Room to give the government the benefit of the doubt was evaporated by the process that the government chose, so that's why we wanted the assurance.

Through you, Chair, Madam Sahota mentioned some interesting things. She talked about sunset clauses. If we actually got into a further discussion.... The first round, around the Friday, was sort of "You wanted it; we didn't". It was kind of a big discussion, lopping off big chunks of it that left us clearly miles—or kilometres—apart.

Maybe if we took a second run at it, maybe—and this is the beauty of this kind of give-and-take, and the sort of thing that made Mr. Badawey say "Whoa, that was a fun discussion. I enjoyed that. It was stimulating"—the key ingredient that there be a sunset clause would be enough to allow us to try something, or maybe we could do something else imaginative.

You mentioned a pilot, which is the same sort of thing as a sunset clause. I'm not saying it is. I'm not offering up any negotiation. This is just pure speculation. The next thing you know, there will be a tap on the shoulder from my House leader, going "What are you doing, Dave?" I'm not negotiating the final agreement, but I am saying that it is entirely possible that, as people of goodwill, we'd get closer and closer. It might be that a pilot—and it might not be the pilot you're thinking of—might convince you that there is one aspect you want that we can live with, and we're going to throw a couple of other aspects in and ask you to accept them as a pilot and review at the end.

I don't know. I just know that if there were any chance for that kind of a co-operative approach with no BS, no hidden partisanship, no "gotcha", nothing other than trying to find common cause, we might be able to.... I don't know, we might not, but I know that I would have taken it a lot differently if I had gotten an email from my House leader, saying, "Dave, just a heads-up: I've been contacted by the government House leader. There is a document they're going to put in the public domain. It affects the committee you're on. Here's what they're telling me their intent is. Here's the way we're expecting it will play out at the committee, and hopefully you'll be engaging with your counterparts in the other two caucuses to come to a quick agreement as to how we're going to approach this."

Had something like that happened, could that have gotten us to where we were on the chief electoral reform? I readily acknowledge—there's a reason why you passed the bar—that you make a good point. We did not say that explicitly.

Nor did we say explicitly that the government reserved the right. We all just sort of jumped into it based on...goodwill, the goodwill that your House leader, Mr. LeBlanc, brought to this committee by the tone he raised. We felt comfortable enough and had enough trust that we would enter into a process in which we didn't believe anybody was looking at the endgame and playing a "gotcha" trap. We didn't.

As you know, we had not resolved that. I can tell you that I have had discussions with some government members about what that might look like when the day comes, and I've had some discussion with the official opposition about what that might look like. We hadn't resolved it, but we had enough trust that we went into the process and we didn't even touch it. We just said we were going to do the low-hanging fruit. We were only going to do the things we agreed on, and when we did that, we put it in a report, and we took some pride in the fact that we did it as colleagues, working together across party lines, and that we were all onside. Then we took a deep breath and moved to the next part.

Does that mean we wouldn't have gotten into something like this at some point? It's entirely possible that we would.

I suspect, though, had we followed the same process, it would be a little more muted and a little more focused and we would have been able to keep it within the committee, and by the time it got bounced to the House leaders, they would have found some kind of resolution. But it's still possible we could have ended up exactly where we are: with the matter unresolved. I acknowledge that is fair to say, in what may be the outcome. But I think it's also fair to say that had the government taken a very different approach, Mr. Reid may not have felt the need to ask for that assurance at the beginning. All this is speculation. We are where we are, but I'm just noting. Again, you made some very good points, pointing out the consistencies of the reports, but also what was implied in the approach, and you were correct. But I do think it's fair to point some attention to the approach the government took, and how you got a very different response when you used that old adage, "you catch more flies with honey than with vinegar". The honey got you two reports and the goodwill to keep working. The vinegar got you this mess.

That would be my response to that, being as fair-minded as I can be, accepting that you made some very good points. I hope you'll understand that while it may sound like details, the trust issue was there in those two previous exercises, where we closed the gap between us from the get-go, and it held long enough to get us that far. It might have got us another two reports, and then in the ditch on the last one. I don't know; it could be. But by then, to be fair, that process would have got us feeling pretty good about what we'd achieved. We would have narrowed down what we disagree on and we probably would have found a way to disagree without being disagreeable, unlike now, where we not only disagree but the process is disagreeable. To me, that matters a lot, particularly when it requires us to put down all our weapons and caution in the face of a government that does nothing but think all day about managing its business. That's quite an achievement, that we had enough trust that we didn't ask for this kind of motion in the beginning because we didn't feel threatened. It's amazing the co-operation you can get when you don't threaten.

I thank you for your...yes, please.

**Ms. Ruby Sahota:** May I say one more thing?

**Mr. David Christopherson:** Yes, sure.

**Ms. Ruby Sahota:** Presenting a discussion paper and laying some cards out there and putting ideas on the table—are those things perceived as threats? Or is that being maybe upfront and more transparent as to some of the ideas that might be in the House leader's mind? And could Mr. Simms' motion, some ideas he shares, not be called being transparent?

**Mr. David Christopherson:** Yes. I think I did say to you that things really went a little differently when the motion came out a couple of hours later, again, in the absence of any discussion.

Remember how we got here. I've said this much publicly because it's as far as I can go. I can't go any further. When we were in camera doing the work of the Chief Electoral Officer, and Mr. Simms' motion was there in front of us, and the government said it wanted to move a motion to go public.... We were in camera. I said, can you give us a heads-up as to what's going on? No.

So now we're going out in public. We know this motion is there. All of a sudden, we figure it out that it does look as though this is some kind of an attack. Sure enough, the motion is coming just like that. When we, the official opposition, did put the amendment that it only be by consensus, the next thing we know, you go to the nuclear option and we go from a filibuster contained to a committee twice a week for a total of four hours into 24 hours seven days a week on the brink of a constituency week. That is not the same approach or the same feelings Mr. LeBlanc left us with by the time he was done.

Yes, you could call it transparency. You could have held it off to the Monday and made it all a sneak attack, but you had to cover it with some kind of what could be looked at as fair play. That way you could point to a procedure and say that you were fair-minded, you did this and this, and you.... Boy, to then link that document with the process you've all but foisted on us and say, "aren't we great for transparency?" is a bit of a stretch.

Again, if it had been just a discussion paper, had it come up at the meeting.... Was it a Tuesday? I'm trying to remember. I think it was a Tuesday, the first committee meeting back from the constituency week, and had you said, "look, you know that discussion paper...". Or normally what would happen is that, in many cases, Mr. Chan, who often takes the lead on some of the issues for the government, would quickly be coming before the meeting—or even contacting Tyler—and asking if it could be arranged for him to talk to Dave for 10 minutes before the meeting starts, and the same thing with Mr. Richards. That's pretty common. Arnold would do that regularly.

It's to give us a heads-up so that we wouldn't get our backs up and suddenly go, "wait a minute. What's this?", and start building up whatever defensive walls we have, recognizing that in a battle, we are the weaker partner. We are the weaker participants. It did matter.



What really threw me was when Mr. Chan would not give me the reason why we were going to go public. I'm never opposed to going public unless it's on personnel matters, or all the legal reasons why we should, and what we've agreed on with our own motion here. But when you won't tell us why, and we know there's a discussion paper that was dropped out there and there's a motion that dictates how the report is going to be reviewed and done and puts a deadline on it, and you refuse to even give a simple indication in camera that "we're going to deal with Scotty's motion, Dave", or just.... There was nothing.

He was just looking at me. He was feeling a little bit embarrassed, I think, and would not or could not say a word about why he was making this motion. Let me tell you this. Any time the government makes a motion and doesn't give you the reason why it's making a motion, there's a good reason for the opposition to suddenly get suspicious. Otherwise, they're not doing their job right.

**Mr. Todd Doherty:** Mr. Chair, just to that point....

**The Chair:** Mr. Doherty.

**Mr. Todd Doherty:** Just to that point, Mr. Christopherson, I think the other part for us as well is that if this truly was a discussion paper, which is what it has been touted as, and we were all equals in the House, then why is it released to the media? Why are we having this discussion through the media, and then a couple of days later the motion was—

**Mr. David Christopherson:** It was a couple of hours.

**Mr. Todd Doherty:** A couple of hours later the motion was tabled. That's where the trust factor is. What parliamentary trick or parlour trick are we looking at right now, right? That's what really gets things up in arms. We make this big announcement. We have media, a presser, and everybody is there while we're laying out this discussion paper. It's not really a discussion paper. Essentially, you are laying out the government's position on how you're going to reform the House. Then, hours later, Mr. Simms tables the motion to study it and make recommendations.

**Mr. Mel Arnold:** Which the government has in the committee....

**Mr. Todd Doherty:** Sorry, Chair. I just wanted to give him a break.

**The Chair:** Okay.

Mr. Christopherson.

**Mr. David Christopherson:** I appreciate that, Chair.

I enjoyed the exchange, but I do hope that it makes it a little easier for the member to understand where we're coming from, the process that led us to this point, and then the overreaction on the part of the government when they refused to adjourn. I hadn't seen that since Bill C-23 with Harper, when we thought I was going to do a two-hour filibuster, adjourn, and then come back the next day. They said, "No, you're not leaving." Suddenly, not only was I in a filibuster, but I was in a filibuster that I wasn't even prepared for. It's a real sneak attack by a majority government that has all the marbles anyway to conduct themselves in that fashion, but then, for the government to do exactly that, in only the second time I've ever seen it, whoa.

I want to end in terms of responding to Ruby by saying that it is possible, in a different.... I'm not guaranteeing anything. I'm just saying that I think it is plausible, even possible, that had there been a

different approach, we may still have the same disagreements, but we wouldn't be here at five minutes to eleven on a Wednesday night, spinning our wheels, which is really where we are. It's quite possible, because a different approach got a different result on at least two other occasions, and it wasn't like we didn't do work: we got two good reports. Both of them, I think, were only the first steps. There's more work to be done.

Again, you can take in context what previous parliaments said about this very issue, which was that they couldn't get everything through that they wanted to either, but for everything that they did put in, everyone agreed to it. They said, "It made Parliament work better and we urge you to follow that same sort of model." It's not black and white, but when you add it all up, I don't think it's too difficult to understand how the opposition benches found ourselves where we are now. I would remind the honourable member, in my last comment on this before I return to my prepared remarks, that we could still do it.

The letter that I've spent maybe a couple of hours on is another attempt by the opposition to offer the government an exit strategy from their own mess. The only reason we're bothering is that we care about these things. If it had been a piece of legislation where you were going in a direction that we didn't agree with, whether you ran on it or not, we would just leave you there twisting.

That would be your problem, not ours. We'd say that we don't agree with you ideologically and we're not about to change, and it would be cut, dried, done, and over, but here we are, making a suggestion, and it's not a suggestion loaded in favour of the opposition. It's the process that Mr. Chrétien followed when he wanted to change the rules.

I won't go into the details, Chair—that wouldn't be right—but Mr. Richards and I have had numerous off-line private discussions with Mr. Simms. I think it's fair to say that for the most part we were the ones making recommendations and Mr. Simms was considering them. We would have a little back-and-forth and, at an appropriate time, he would say, "Okay, I hear what's being said." Then he would have to go and talk to the folks who he would have to talk to, just like Mr. Richards and I would have to do before we could conclude a final, absolute agreement.

It's hard to make us out as the ones who are being the most difficult. I'm not saying that I'm not being difficult. I am being difficult.

**An hon. member:** You're not.

**Mr. David Christopherson:** I am, deliberately—

**Voices:** Oh, oh!

**Mr. David Christopherson:** —as opposed to my usual natural character.

**Mr. Mel Arnold:** You have no choice.

**Mr. David Christopherson:** Yes, with no choice.

We'd like to get back on track. Again, I would offer on behalf of my caucus, on behalf of my House leader and leader—I have certain latitudes here—that I am prepared to enter into discussions with the government, as is my House leader, at any time the government would like, to try to find a resolve. We don't want a win, really; we'd rather have a resolve, because a resolve is a win for all of us. It gets us back to where we were. I leave that as a standing request.

Again, how unfair are we being when the letter that both our House leaders signed this afternoon and issued to your government House leader was a proposal to get us out of this mess, a proposal that Mr. Chrétien used? How much more bending over backwards do you want us to do here when we didn't create the problem?

We're still trying to be friendly, but it is maddening when I can't figure out the politics of it, their original politics of getting it through, of them saying, "They'll start to run out of steam after a few days, the media will turn on them, they're obstructionist, and by the time we come back from constituency week it should be over, we'll get what we want, we'll forget about all of this, and that gives us the power to be as ready as we feel we need to be for the October 2019 general election." That might make sense if it worked, but once it didn't work, you'd think somebody would have called it and said, "That didn't work, and in fact things are pretty bad right now, so what are we going to do?"

Again, that's what I thought you were going to do during the constituency week. You had a whole week. We were ready. We were ready to go 24-7. We had our rosters lined up—they still are—our volunteers lined up, our staffing lined up, and our speaking notes lined up. We were ready to go. I won't say we were happy about it, but we were ready, and we were ready to give up our constituency time to do it, which is a heck of a price.

I don't know what they did. They sure didn't think. They had nothing to offer. We rolled around to Monday. On Monday at noon, we reconvened. Again, I took my deep breath, ready to start.

You took a deeper breath and went quicker, Chair, and suspended the meeting. You gave us until Wednesday at 4 o'clock, building in time for negotiations to happen and a deal to be reached, and then for us go to our respective caucuses, come back here for 4 o'clock, and have it all sewn up and done. The very next day, at 11 o'clock on Thursday—which would be tomorrow—we could have been under way. We had one meeting. You took a whole week, did nothing, prepared nothing, thought through nothing, suspended the committee so you could do something, met with the House leaders once, which went south fast, and here we be.

That's what's maddening. I don't get the politics. I do not understand how the government thinks that this serves them well, especially when it's a file.... I'll tell you, Jack would say they have such a big circle around this stain that it's unbelievable that they're doing this. It's true. That's what he used to say. You don't do anything that reflects on something you've done badly. He called it "circling the stain". Not only does this not make any sense, it especially doesn't make sense on this file, of all the files.

Is there a file going worse? I suppose, but you'd have to give it some thought. At best, they might be a tie, because this is acute politics. Believe it or not, there are more and more people who, when

they become aware of this, start to watch and start to follow it because they're curious. This matters. They know this matters. How can that be helpful to the government? When we return tomorrow in another hour, I'm going to start bringing to the attention of government members how well this is playing, how well it's being received, and what is being said. That's not going to be helpful, not one bit.

Anyway, that's my response to those interjections.

I believe that I was still working my way through this document. Yes, I was, because I was talking about the chambers. Again, to refresh all our memories, our report said:

At this time, the Committee does not have any recommendations to make regarding implementing a parallel debating chamber for the House; it may revisit this topic in a future study.

Again, this was an interesting lesson in parliamentary democracy, because this is something the mother ship uses in London. I had no idea, and I don't think very many other members did, until it came up at the committee. First of all, it was surprising. Who ever heard of two chambers? The chamber is sacrosanct. There is only one chamber. You have a lot of other things, but only one chamber.

It turns out that they have two that run parallel. What's it for? Efficiency, so that more things can be done. In particular, Chair, they focused a lot.... I stand to be corrected. We didn't do a lot of study on it, and I did no further independent study because we weren't going any further, but the concept was fascinating.

To the best of my knowledge, a lot of the work they do there is around private members' business. I mentioned earlier how difficult it is to find time in the House; I was on the House management committee. In order to accommodate that, because they have all those members and they have that tiny chamber and they can't all go in there.... There is not even standing room for all the members.

If I remember correctly, when we got that tour, Alexandra, wasn't it Churchill, when they wanted to build a bigger one, who said no, that he wanted it replicated like the old one? It would be the old way. You go there and it's a pretty small chamber. They have some 600 members. They don't all fit in even when they stand.

What is it, Alexandra...?

**Mrs. Alexandra Mendès:** They have 650 and they can seat only 280.

**Mr. David Christopherson:** There you go. She has the numbers right at her fingertips. That's beautiful.

**Mrs. Alexandra Mendès:** I pay attention.

**Mr. David Christopherson:** Yes, you do. I know. That's why you're dangerous. I have to keep an eye on you, you know.

They identified this growing problem that not only could they not physically fit in the House, but that if they had time constraints like ours, they obviously wouldn't have enough time for members. They asked themselves what they could do to change things that they could all agree on, and that would give backbenchers, say, more of an opportunity to talk about the issues, to present things to the House, or to speak longer. They came up with this novel idea of a parallel House.

It has much reduced powers compared to the House, only a shadow of the powers, but it is recognized as "the Chamber", and debate that happens there is considered as formal and as important as anything that happens in the House of Commons. We played with that a bit to see where it got us, but for a whole bunch of reasons, especially since it was a whole new concept, it was clear that we weren't... As for what it would have done, I suspect that we probably could have come up with one or two suggestions in that area to be looked at and thus laid the framework for further discussions for the House leaders to talk about. We would have been very careful about creating a second chamber. We would have erred on the side of caution, but we probably could have found a framework that we could have agreed on. We could have launched it from our dock and sent it off to possibly have life as it was looked at further.

We still might. I don't recall any caucus saying—I can't go too far with this because it was in camera—that it was a horrible idea, that they were formally and ideologically opposed to this, and that they knew they were going to be against any further recommendations. I don't think there was any of that. I think it was a matter of us taking the time it would have taken to learn enough, consider all the variables, and try to come up with some uses that we might agree on, which we would ask our House leaders to reflect further on. It would have taken so much time that it would have affected our timeliness. Remember that at the time we were being very respectful of the government's time frame. I know it sounds shocking that the opposition, especially the likes of me, would be respectful of what the government wanted—

**An hon. member:** Say it isn't so.

**Mr. David Christopherson:** —but we were, because that's what this committee does. That's the kind of work we do. Any approach different from that, in my experience, is not worthy of anyone who has the privilege of taking one of these seats. It wasn't a big discussion. It's not like the opposition wanted a whole lot of thanks for being so open-minded or that we were running.... This was a matter of course. There's a lot of work here. For anybody who's been around for a while, there's more than enough politics. If you want your headline and your clip, you're going to get your chance. Just wait long enough, it'll come. It's like public accounts; you don't need to go searching for stuff. There's enough legitimate work there that you're holding someone to account. That part of it is going to be taken care of. That was not a factor. It was such a different world compared to where we are now.

Again, we said, and it's reflected.... If this report were only the government's, you wouldn't dare say that "it may revisit this". You wouldn't use that kind of language because it wasn't a co-operative report. It would have been written very much as what the government wanted, with no niceties involved anymore. If the

government is using their majority to ram a report through this committee, then it's going to be pretty sterile, and it's probably going to say very starkly exactly what the government means and very clearly what they don't mean. It's going to go boom, boom, boom, and that's it.

Instead, even when we don't agree, even when we've acknowledged that we weren't able to find common cause in the first go-round, we say things like we "may revisit this...in a future study". It's not a throwaway line meant to make it go away. We meant it. I could be wrong, but I think Mr. Graham shared the same sort of keen interest in this idea of a dual chamber. When you start to stand back, again, some of the things the government wants to achieve are very notable.

One of the things they talk about consistently is giving ordinary members, backbenchers—meaning non-cabinet members—an opportunity to have their say, to be more engaged, to be more meaningful. I'm all for that. How do we go about that, though? There may be something still here in this notion of a parallel debating chamber. Maybe, but we're never going to get to it with this attitude, with government there and opposition over here. It's a good thing we've got the "two swords' length".

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

**Mr. David Christopherson:** What's that?

**Mr. David de Burgh Graham:** [*Inaudible—Editor*] meeting chamber?

● 2310)

**Mr. David Christopherson:** Well, I don't know. It's a good thing we don't have to be at bazooka lengths or have to talk or text, but you get my point.

At this committee, like at public accounts, the two swords' length just don't exist. It just happens to be that you sit over there and I sit over here. In fact, I don't think I'm telling too many tales out of school in terms of the trip that you and I and Mr. McColeman went on to London to see how they did things in the mother ship, but we came away with some great ideas and gave them a great idea—something they didn't know.

There's a great approach in that committee room. Anybody who comes in and hasn't been there before says "wow". They say that they haven't been in a room where everybody respects each other and where there are no games, where they're all nice, they all get a chance to have their say, they compliment one another, and they build on each other's ideas. Really, I've talked to people who drop in on the current public accounts committee, leave, and then say, "Wow. Why can't all the committees be like that?"

Ours is very similar. Ours at PROC is even more difficult, because at least in public accounts you're all focused on the report of the Auditor General. That and ancillary issues are pretty much the business. Here, we get virtually everything. Every time the Speaker has a problem, a dilemma, a concern, a question, or is unsure, it's boom, off it goes to PROC. "I'm going to send this to PROC," the Speaker says, "that's my decisive decision, and they're going to figure it out."

**Mr. Todd Doherty:** It's a heavy responsibility.

**Mr. David Christopherson:** It is a heavy responsibility. All the matters of—I'm trying to think of the language, and it's starting to get late—of any wrongdoing, matters like that, and matters and questions of confidence.... We've had people who were alleged to have broken confidence, in camera stuff and things, and if the Speaker of the day finds that there is a bona fide on the basis of it, a facie...what am I reaching for?

**Mrs. Alexandra Mendès:** Prima facie.

**Mr. David Christopherson:** Yes, prima facie. Thank you.

If the Speaker finds a prima facie case, if it looks as though there's enough evidence that there may be something there, it comes to us. Again, for whatever we've been working on, we have to shift gears, because now we're dealing with a colleague, and we always think "that could be me", don't we? You're trying to be fair-minded and still trying to hold people to account, and then suddenly you get something else thrown at you.

As much as possible, it's a busy committee and it's a nimble committee. We deal with a whole lot of issues. For the most part, we very rarely get like this. Up until now, you could say "never". For everything that has been thrown at us, no matter how many gears we had to shift, or how many times we were asked to do two or three things at once, we always accepted it as collectively our responsibility and said, "Let's get at 'er." We would put together a work plan and go to work.

Not now: we can go on making suggestions about how to get off this dime, but that only works if there's a government that wants to get off the dime. Right now, it looks as though the government is more interested in winning at any price, that the Liberal government is so bloody-minded that they want more control. Let's understand, too, that nine times out of ten, more control means that some right that we had somewhere along the line is about to be extinguished, whether it's a time frame, whether it's a "duty to" or a responsibility, or whether it's our ability at committee to speak until we're done.

That's the price to be paid for the government to get what they want. In real negotiations, we'd be tabling a few things that we want. Rather than the nonsense that somehow we should be grateful that maybe the government is only going to take half a loaf from us in terms of the rights we now have rather than the whole loaf, and we should be happy for that, we would rather look at it and say that if they want to take half a loaf away from us, we want to have another half a loaf added, and they can give up some rights.

I think they call that give-and-take. That's what that means. You give a little. We give a little. You have an objective, and we have an objective. Maybe both of us don't like those objectives and we can't come to agreement, but put them together, and maybe we can find a way that we can live with what you want by doing it this way, and you can live with what we want by doing it that way. Lo and behold, we work together and we get a report that we can all agree on.

You know what hasn't been mentioned and needs to be? That's what Canadians want more than anything. We all know how difficult that is in a system designed to be adversarial. Canadians wonder why we can't all work together. Our process, our whole system, is structured around "us" and "them", "them" being the government

that has the power, and "us" over here who don't. To work together only happens when we sincerely want it to happen.

I come back to where Ruby was. There's always the ability—and we've done it—to enter into a process where we really don't know how we're going to resolve the things we don't agree on, but there's enough goodwill, and enough trust and respect, as my friend Mr. Doherty has said, that we're willing to engage in that process, and we'll see where we are on the rest of it.

But that ship has sailed on this one, and now, we in the opposition seem to be the only ones who are trying to find a resolution rather than a victory, because as long as the government indicates that it is going to vote against Mr. Reid's motion, that means that from the get-go the government believes and will reserve the right to use their majority to create a report that only they support. That's what that means.

I can tell you that I spent most of my time here.... When I got here, we were still under a minority Liberal government, but most of the time, prior to this Parliament, I've been here under former prime minister Harper. Instead of this being something extraordinary and unusual, people are asking what's going on with this government: where did all the sunny ways, transparency, and respect go? Instead, this feels like a regular Wednesday in the last regime.

**Mr. Todd Doherty:** Oh no. You were doing so well for so long.

**Voices:** Oh, oh!

**Mr. David Christopherson:** Boy, you guys have to get over it.

**Mr. Todd Doherty:** You have to get over it.

**Mr. David Christopherson:** You already know that's not going to happen, so you have to get over it. Listen, I'm still living down the Rae government. You carry what you have to carry too.

That's the difference. It feels as if we're in that time of "I have to think about every political angle, and I have to think out every move the government makes". You're on the defensive. You have to look at where you can take your shots. That makes Canadians nuts. They like the adversarial system because it does work for us and it's our parliamentary system, but they like it in the Canadian way.

Mr. Chrétien offered up what would seem to be a very Canadian way to deal with this issue. Let's take the deputy speaker, make him or her the chair of the committee, and take the three House leaders and make the government House leader and the official opposition House leader vice-chairs, and they only will pass on the things that they agree on. That was good enough for Mr. Chrétien, and he did pretty well. Three, four.... ? Did he get four? He got three. He could have had four if it weren't for that vicious stuff, but we won't go there. We all have our baggage.

That's what Mr. Chrétien did. I don't know if he ever uttered the words "sunny ways". He might have, but it's not part of his legacy, especially for that guy in the park.

But Mr. Chrétien's way of doing things is not good enough: the government wants more control than a three-time majority prime minister and former government Liberal believed that he was entitled to by way of controlling the House by the throat. If necessary, that option was always available to Mr. Chrétien, as we know. It was the Shawinigan handshake, yes, from the little guy from Shawinigan. We were once here on a tour when I was on city council, and Terry Cooke and I told the driver, "No matter what, even if everybody else goes back to the hotel, you have to take us to drive by to see where Chrétien lives." The little guy from Shawinigan was that successful. When you're first starting out and someone like that is in power, you pay attention to it.

I think it says a lot that Mr. Chrétien thought that was a fair process to deal with this, yet Mr. Respect and Sunny Ways feels that's not good enough, that the government should retain the right to ram through the changes. Mr. Chrétien did not see it that way. You have to acknowledge that we have at least a good case, even if you don't want to admit it's the winning case. I feel sad and disappointed that I'm even talking that way in terms of winning and losing, especially when we're talking about the rules. There shouldn't be any losers on the rules; there just shouldn't be. It's that deep sense of commitment to Parliament and a desire to do a lot of this stuff.

I make no bones about it. A lot of the changes the government wants to make in the election laws, I favour. For a lot of the stuff it wants to remove from Bill C-23, I can't get that out of there fast enough. I make no bones about it. I don't want to see this Parliament go by with that stuff not taken out. We have a majority government with, at the very least, a third party—if not the opposition—that is very supportive of doing real modernization and paying real respect to the Chief Electoral Officer's report. Do you realize that when they brought in Bill C-23, they didn't even consult with the Chief Electoral Officer? That's how bad it was.

I want to get off this dime. It's wrecking all my other stuff. I'm missing the public accounts committee.

**Mr. David de Burgh Graham:** On that note, David, when I was staffing for Scott, you were chairing public accounts.

**Mr. David Christopherson:** Yes, in the good old days.

**Mr. David de Burgh Graham:** You were briefly on that, and I have to compliment you on being the only chair I've ever seen filibustering his own committee.

**Voices:** Oh, oh!

● 2320)

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

**Mrs. Alexandra Mendès:** He didn't have a choice.

**Mr. David Christopherson:** Yes, that's right.

I'm just going to continue—

**Voices:** Oh, oh!

**Mr. David Christopherson:** —because that's the only thing to do.

**Mr. Vance Badawey:** Carry on.

**Mr. David Christopherson:** Yes, exactly.

My point then, before I move on, to summarize, is that not only are we engaged in a battle to the political death, in a war that the government picked and started, but at the end of the day, my priority—and I suspect it's that of the official opposition, but I'll let them speak for themselves—is to get us past this and get back to work. This is screwing up everybody's schedule. It's costing I don't know how much money to keep this place going so that we can have this debate.

Again, had we had a different approach, we might not be here. There are no guarantees and I'm not saying that all would have been wonderful had it gone differently, but I believe there's a really good chance, if you look at the evidence of how we've been working as a committee since we got here, that with a different approach we would be in the midst of reviewing that very document, and probably entertaining some opposition ideas and laying out our time frame. There was a suggestion that we can always meet outside our regular hours. If we were committed enough, we could do that. How much do you think we want to do that if this is going to be the way that we're treated?

Had the government approached this in a way similar to that for similar projects and undertakings, there is every possibility—only a possibility, but a distinct possibility—we'd be in very different place. The proof is that we've already done it. We'll never know. The Liberal government never gave that a chance. They just went straight for the jugular, yet we keep offering options and ideas that are not stacked in our favour, the most recent being, as I said—and I'll stop referring to it now, Chair, and move on, because I'm seeing that look

**An hon. member:** Again.

**Mr. David Christopherson:** Yes, the most recent being, as I've said, Mr. Chrétien's proposal. How could the NDP and the Conservatives pushing a Liberal model for change be us trying to "gotcha" you? I don't know how much more fair-minded we can be than to formally put on the table between the two opposition parties a model of dealing with exactly this issue that was used by a three-time majority Liberal prime minister.

In the eyes of the public, it has to be getting difficult for the government to convince people that we're playing some kind of game, especially given the fact that we didn't start it. Our intent, though, if we're going to turn into that "us and them", is that we'll finish it. If this doesn't get resolved and we keep wasting money and wasting time debating 24-7 because having a filibuster inside the regular committee hours wasn't a good enough fight for this government, and they wanted to have the nuclear war, where you're a 24-7 filibuster or nothing.... The Liberal government did that, not us.

At some point, we're going to stop trying to help you get out of your own mess when you won't even stop digging, because the first rule when you're in a deep hole is to stop digging. You guys keep digging and we keep offering you ways to get out. Eventually, that's going to evaporate. Quite frankly, we're running out of ideas, since we're the only ones who are trying to be creative over here. With the Trudeau Liberals, so far on this issue, it's their way or the highway.

I was working my way through this document. I talked about the parallel debating chamber, and some of the discussions around that, but again, I was pointing out—and I'll leave this now—that because of the goodwill that existed... I remember the discussion we had about this because, again, I had a particular interest in it. We meant it when we said that we may revisit this topic because it has some great ideas, that it may have some potential for giving backbenchers more of an opportunity to play a role. Every one of us agrees with that.

You wouldn't get that in a government-dictated report, because it would be meaningless. You might just as well say that the opposition will do whatever we make them do. Because of the kind of environment we have and the respect that exists, we put in that sort of thing to show that as a group this thing had some potential, and we wouldn't mind revisiting it to see if we can't tease that out a little further and come up with a viable new idea that might provide backbenchers with a greater opportunity to participate than now exists.

Moving on, I would draw another example from this report, Chair:

The Committee has no recommendations to make at this time regarding the implementation of proxy voting or electronic voting; it may revisit this topic in further study.

Again, to go to where Madam Sahota was, that may have led ultimately to a big crash coming, a slow-motion train wreck. We don't know.

As someone who was part of this, I can tell you that when we had the discussion, we exchanged some ideas on it and we said that we'd revisit this thing, because there are implications beyond whether or not you just like the idea. A lot of that has to do with going back to the lessons we learned from talking about the family-friendly Parliament and how it is a huge deal to come here just to vote, because we know one of the standards that we're measured by, unfair as it is, is how often you vote.

By the way, they should be looking at anybody who has a perfect voting record, because it does speak to what they aren't doing. Do they never go anywhere? Do they never do anything else? Is that the only thing that matters so that artificial number looks good?

Nonetheless, that aside, it is a real issue. A lot of people travel a long way and have some good arguments about why there ought to be some form of voting other than physically schlepping across the continent. A lot of us can give good reasons for why it's been like that and why that works, but nonetheless, there were valid points on all sides. Although we couldn't come to an agreement, we were sincere when we said that we may revisit this. If we weren't, we wouldn't have put it in. Nobody was forcing anything down anybody's throat; this wasn't foie gras. This is exactly what it says: that we may revisit it in the future.

I'll continue. This is always interesting:

The Committee has no recommendations to make at this time regarding decorum in the House. It does note, however, that a purpose of this study was to identify and remove barriers to attracting and retaining a broader spectrum of Canadians as members of Parliament. The committee, as such, may revisit this topic in a further study.

Again, that's not about deferring it to some la-la time. We recognized in our work plan, at least notionally, that we were going to come back to this stuff, if for no other reason than the members who cared about a lot of these things and who didn't see recommended changes in here weren't going to go away. They were going to keep advocating, and this is the place where we deal with this issue. We were going to be seized of this again one way or another, but in wording it this way we're being respectful of the fact that there are real issues here.

Again, it wouldn't be worded like that in a government-dictated report. If it were, that kind of thing would have been attacked for making the report resemble something it is not, which is a work of collaboration. In this case, we're all prepared to back up every word in here.

Again, Madam Sahota didn't agree with all of it and wished there were more in there. I understand that, but at the end of the day, I think that's a good sign of compromise. There was stuff in there that I didn't agree with and things that I'd like to have seen changed, but what really mattered was that we were willing to make those recommendations on the matters we did agree on. We put them in a report and we sent it off to the House, so at least where we do agree, we were willing to have it go somewhere and be of some use, as opposed to this.

I won't say anything about this one, but I'm going to read it for you. It's totally self-explanatory. It's from the report:

The Committee is interested in providing flexibility to members who are in the late stages of pregnancy, new mothers or parents, or who serve as primary caregivers. The Committee, however, does not have any recommendations regarding this matter at this time; it intends to revisit this topic in further study.

On that one, I'll just say this. Because of its importance, and because we heard from colleagues who made very sincere and heartfelt presentations to us about it, even though we couldn't come to agreement—yet—we not only used the respectful language that we used earlier in saying that we would revisit this, but we bumped it up to make this part say that the committee “intends to revisit this topic in further study”. Again, this is not the sort of language a government would use in a government-dictated report, because it would be laughable.

In concluding on this report, Chair, I would reference the fifth paragraph from the bottom, just above your signature. It has to do with the travel point system, just to give it context. The travel point system is the “current system” reference here. It reads:

The Committee would appreciate if the Board of Internal Economy could examine possible approaches to amending the current system with a view to encouraging members' spouses and children to make use of travel points to visit their spouse or parent. The Committee suggests the Board consider blending the points allotted to designated travellers with those allotted to dependants. The Board might also consider creating a “family travel point” that could be utilized by a member's whole family, regardless of its size.

You might wonder what would give rise to that kind of recommendation. Again, I won't go into any names or details, but in the real-world politics of where we are, the media, in their capacity of holding us all to account, report every year how much we all spend on travel. There are some members who have bigger families and a greater distance to travel.

I live in Hamilton. There's my wife Denise and me. Our daughter is 25 and off on her own. She just graduated from university, and she's off and living her full life. There are just the two of us, and it's Hamilton. When Denise comes here—it's not that frequent, because she's busy with her job as the CEO of the YWCA in Hamilton—it's not very far, it's not as costly, and there's only her. If it were a spouse with two or three kids who was from one of the far western reaches, the same number of visits would show a much larger dollar figure.

I will tell you this. It was the spouse of a member who made the point that they deliberately don't travel as often as they would like to do to be with the member as a spouse and partner and as a parent because of the politics of the reporting mechanism. I've never had to think about that. Up until recently, Kayla, my daughter, qualified for the travel. Whenever she travelled, I was just thrilled that she had a chance to be here in the capital with Denise and me. I never once had to think about how it was going to look back home, because it was two or three times a year at most.

A plane ticket from here to Hamilton, Filomena, is a very different plane ticket from one from here to Vancouver or Calgary. That's not even talking about those who go west and then north, like our chair, who did not make presentations. None of this is about him, but I think it's fair to say that, if you looked at the life that our chair has to live, this issue could come into play a lot more. If the chair were bringing three or four kids as frequently as many of us do from Toronto, say, or the Niagara Peninsula, where it's a non-issue for us, it would be a huge political issue for him. Once a year, they get this great big number, and of course people start thinking, "Oh yeah, there you go, living high on the hog on my tax dime."

What's unfair is that we don't have to go through it. They might compare my travel to Filomena's, or compare us to David Sweet's or to that of other colleagues in the Hamilton area. That's the worst that it gets. In all my time, in the almost 15 years that I've been here, I don't think any one of us has been out of whack, and from Hamilton it's been a mixture of Liberals, NDP members, and Conservatives since I've been around.

I have to tell you: my heart broke. All I could think of was some five- or six-year-old who wants to be with mom or dad. We provide that means. One of the things that impressed me so much, coming from Queen's Park, was the amount of consideration that was given to family. It was greater than it was at Queen's Park. I appreciated it. Again, it didn't affect me in a big way, because I'm not that far and I don't have a big immediate family, but I appreciated that I was in a place where we have more respect, consideration, and sensitivity around the fact that, in addition to being MPs, we are still people.

When we leave office, we go back to being just people from whence we came. When I heard—in this case, from a mom—that there were deliberate trips when ordinarily they would have come to see dad... Again, very rarely do I have to stay all weekend because of something I do in Ottawa. I'm so close to Hamilton I can usually

get home—not always— and if I'm travelling or speaking, that's different. I know that there are members from the west, the north, and the east who will come here and, just out of self-preservation, stay for weekends.

On Monday morning or Monday afternoon, you can tell in my caucus who's from B.C.—I don't know about the rest of you—because their eyeballs are like this.... A lot of them come in on the red-eye. Not only that, they live in two different time zones. They live in this time zone, but they deal with their constituents, their family, and their office in a completely different time zone. I get all upset when I have to go to Africa and it buggers me up for about 10 days. These folks live like that all the time.

When I heard that, really, all I could think of was that a little five- or six-year-old wanted nothing more than to be with their dad, that we have the rules that provide it, and that they deliberately didn't go because of the reporting mechanism we have. Because of the nature of our dialogue—nobody was standing over us with a hammer saying "we're just about done this" and we were all treated equally—we framed it that way. The reason I know this is that I was the one who made that suggestion. I wanted to see something done. It wasn't right. Never once did my daughter not come to Ottawa because dad had to worry about the politics, yet there are other members whose kids do not come to see their parents because of the politics. That's not right. That's not fair.

We weren't able to completely revise the whole travel system. It's a big undertaking. It's complex. We have public staff whose full-time job is to deal with that one single part of our life, which is the travel we do. Given the fact that we were working together and that we did consider what was being said, we didn't have to worry about the politics of the day.

I'm going from memory, but I think when I threw that suggestion out there, it was one of the Liberal members who said that maybe we could send something to the Board of Internal Economy to bring it to their attention and ask them to take a look at it. I think that's how it unfolded. That's how this got here. That wouldn't have happened if it had been a government-dictated report; I would not have been in that mindset in which I didn't have to worry about the politics of the room. As it was, I could worry about what my colleagues and their families were saying as witnesses. I could take that into my heart. I could work on it and try to find a solution, knowing that I had a government in the majority that was at least willing to entertain these ideas. That's why it worked.

The process we're under now is not going to allow that, and it's unfortunate, because we could very well be in a different place. I'm hoping we still end up in another place, because if this doesn't work.... Really, the only way we can get out of this if we don't find common cause, as in referencing the Chrétien model or a couple of other suggestions that have been sent through Mr. Simms, if we don't find some way to positively segue this committee into some actual positive work, what we're going to end up with is—however this ends ultimately—that the government either has to do a full 100% surrender or turn its guns on us and use 100% of its majority to run right over us. That's where we are.

Our preference, as you can see by the fact that this letter was just made public today.... It's not like I'm talking old politics and new stuff has taken over. It was this afternoon that this letter was drafted and signed by the Conservative House leader and the NDP House leader offering the government.... Imagine that: we're the ones offering the government a solution out of a mess that they made.

That's what this does, and it provides a model that was good enough for Mr. Chrétien, who had his challenges in getting things through the House, as every government does. It's just that not every government is willing to change those rules by unilateral action. It's the last thing we expected from a government that had promised sunny ways, respect, and "meaningful" committee engagement.

This is pretty much the antithesis of that. Again, what's maddening is why. I could see it if there were a path where this was going to work. I could even see how you pulled together the first strategic plan. As vicious as it was, these things happen. I get it. No problem. If that had worked, you'd be okay, but when it failed, you should have.... Again, it failed. That didn't work. By the end of the week, we were starting to get the attention of Canadians, the media, and pundits, and there was a lot of support out there. I'm going to start reflecting that when I reassume the floor tomorrow morning at nine o'clock.

What happened, Chair, was that when you suspended on Friday—and I'm going to leave some parts out because we just don't need them—and said that we would reconvene a week Monday at noon, I thought, okay, the government tried their gambit, and I understand that. I'm angry at what they tried to do, I thought, but at least I understand what they tried to do. It failed, and they can see it turning now, and what they want to do now is give themselves a week to figure out how to get off this position and get this whole thing turned around.

Quite frankly, other than talking to Scotty—on Wednesday, I think, he and I chatted for a while—I really didn't think about this much. If anything, I was expecting maybe a contact from my House leader, who would want to talk to me as we were formulating our plans moving forward. I would have been part of that. Both as a member of this committee and as the chair of our planning and priorities committee, I would have been consulted before anything would be locked in. Other than maybe half expecting that I would hear from Murray, I didn't think about it. I thought, okay, the government tried something, nasty as it was, but it didn't work and they know that. They were smart enough not to live through a week of criticism for no reason when they know that when they come back they're going to be trying to get out of this mess.

It made every good sense to me that the adjournment happened and that the government bought themselves a week. Man, when you're in government, a week to think about something is a gift. That's a gift from heaven. You don't normally get that long, especially when new stuff comes up. You have a lot of time to think about what you thought of, but what's that old saying...? I can't remember the exact context, but it has to do with what it is that trips governments up. The answer is, "Events, my dear boy, events." That's what happens. Eighty per cent of the time you're in government, you're dealing with issues that you never really paid a lot of attention to when you were in opposition, because the problem didn't exist.

Chair, you're either saying "Hi", or I have five minutes.

**The Chair:** No, I don't want to take any time from you—

**Mr. David Christopherson:** Feel free.

**The Chair:** —but if you could stop at five minutes to twelve, I have some committee business for a couple of minutes.

**Mr. David Christopherson:** Okay. Sure.

**The Chair:** You have another five minutes.

**Mr. David Christopherson:** You want to hear from me for five more minutes?

**The Chair:** Yes, I'd love to.

**Mr. David Christopherson:** Yes? Wow. Watch it. Careful. You have a whole country out there going, "What are you doing?"

**Voices:** Oh, oh!

**Mr. David Christopherson:** The whole country...as if, right?

All right. I seek your guidance, Chair. I'm at the end of that thought. I was about to pivot, but if I'm going to end in five, I'm not sure I'm going to give you the eloquence you were hoping for.

**The Chair:** Okay. Maybe we'll do the committee business now. That will probably take us to 12. Is that okay?

**Mr. David Christopherson:** I'll be back up at nine tomorrow morning?

**The Chair:** Yes.

**Mr. David Christopherson:** Very good.

**The Chair:** We'll take a few seconds to go in camera for a piece of committee business that we normally do in camera.

*[Proceedings continue in camera]*

● (2350)

\_\_\_\_\_ (Pause) \_\_\_\_\_

● (0900)

*[Public proceedings resume]*

**The Chair:** I'm going to do some administrative stuff while we're waiting for David.

We're in the 55th meeting of the committee. We are going to meet from 9 o'clock until 1 o'clock today, and then we'll break. The speaker of the Scottish parliament will here for an informal meeting for one hour.

By the way, how many people plan to attend that? Good.

We will still suspend for question period. We'll come back after question period until roughly midnight, until we see the clock at midnight as we did last night.

Tomorrow, we'll go to question period. We'll start at the same time as today.

**Mr. Scott Reid:** So that will be 9 o'clock.



**The Chair:** Yes, it will be until 11 o'clock.

**Mr. Scott Reid:** Then—

**The Chair:** I'm not sure about next week yet. Hopefully we can come to some agreement before then.

**Mr. Scott Reid:** Mr. Chair, we'd be cool starting half an hour after question period, just because we have to get out of there and disengage and all that stuff, as opposed to right at—

**The Chair:** That's fair. Do you mean half an hour after question period today?

**Mr. Scott Reid:** I suppose, given that it's actually Tuesday before last, two weeks from now on Thursday, I recommend that we begin at 3:30.

**The Chair:** Remind me when we get back.

**Mr. Scott Reid:** Yes. Two weeks from now is April 6.

**The Chair:** As I say, about next week, we haven't decided. Hopefully we'll have something resolved by then. My preference is not to meet on Monday, or to meet on Monday after QP, but we haven't decided. We'll wait to see how things go.

**Mr. Scott Reid:** If I might ask, in the event this all gets resolved by that time, could we just go right back into the elections survey? We're a couple weeks behind on that. My sense was that the minister had given us a very realistic timeline as to what she would need. That would be a way of trying to get right back into it without having to resort to evening sittings or something.

**The Chair:** No one would disagree with that, would they? If we come to some resolution, we'll get a meeting as quickly as possible to go back to the Chief Electoral Officer's report.

They will put that in the minutes.

**Mr. David de Burgh Graham:** Maybe a parallel time continuum we could—

**Mr. Scott Reid:** A parallel time continuum is the real trouble, because we could actually be suspending this meeting to have that meeting, except that it involves having two meetings of the same committee on different days. We're certainly able to suspend our disbelief enough to say that we're back in late March, but not that it's late March in the morning and then between 11 o'clock and 1 o'clock it's early April, and then we go back to late March again. That apparently is beyond what is permitted.

**Mr. David de Burgh Graham:** Does anyone know what time it actually is? This meeting started March 21.

**Mr. Scott Reid:** I don't know, but I saw something interesting. Does everyone remember Y2K, or are you too young for that?

**Mr. David de Burgh Graham:** I remember Y2K. I was already in tech by then.

**Mr. Scott Reid:** I can believe that.

The question was what would happen to all these different systems when we got to December 31, 1999. A whole bunch of things didn't happen, but a few things were overlooked by the people who were fixing the bug. One of them was the bank security cameras.

I was living in Australia at the time. About January 7, they did this story on whatever happened to Y2K and what sort of things had

actually gone wrong. They showed the date feed on this bank security camera, which said December 38, 1999.

**Mr. David de Burgh Graham:** Another concern with Y2K is a little-known fact, that anything that uses 32-bit integers to save time will wrap to 1902 on January 4, 2038. This is called the Y2K38 bug.

It's a little-known fact, but it's a real concern, because anybody who bought a legacy system up to maybe 10 years ago and is still using it at the end of the 2030s—which will happen, I guarantee you—will have this perverse problem. We're not finished with the Y2K bug quite yet.

**The Chair:** Okay, we need a little relevance here. We're out of order.

David, we all waited for you, so you are up now.

**Mr. David Christopherson:** Thank you very much, Chair. I thank my colleagues, I really do. That highway's changed somewhere, the road coming in, the parkway.

Thanks, I really do appreciate it. I've been in situations where this wouldn't happen. I won't say that I was always on the right side of how that unfolded, but I appreciate that.

If I can, to jump right in, I will say that this speaks to just the kind of culture we have. Even in the midst of all we're going through, there's still the ability for our colleagues to recognize on a human scale the dynamic of what we do. So thank you very much; I appreciate that element of fairness.

Chair, you'll recall that last night when we left off, one of the points I was making was to try to come to some sense of exactly what the government's up to so we can understand. I had said—and I won't dwell on it, but just to make the reference—that in the beginning, the best that I could surmise was that the government felt that, because it went the nuclear filibuster option the day before the budget, it thought, with all the media being focused on the budget—and, quite frankly, most of the country that was paying any attention to national politics was focusing on the budget. Of course, that always sucks up all the oxygen in the room. Our estimation is that with the government launching its 24-7 filibuster, which is its filibuster in that way, not ours, it thought that because we would get no attention for a couple of days, if necessary it could go into the weekend and it would exhaust us, and the media, when they did finally turn their attention to us, would perceive us to be obstructionist, and therefore we'd start to lose public support. And, of course, in a democracy, the highest power is the public. In this case, again, my sense is that the government hoped that public opinion would turn and that this filibuster would quietly die and go away and leave the road clear for the government to move in with its majority to change the rules at will.

Of course, it didn't happen that way. The first part did, and that was that nobody paid much attention to us downstairs in 112 north. Beavering away, we weren't getting a whole lot of attention. But that started to change once the lack of enthusiasm over the budget, or whatever enthusiasm there was, fizzled and nobody was talking much about the budget, except for maybe the things they pointed out that it didn't do, which seems to be getting more attention than some of the things the government rolled out that it was going to do.

As we headed into last weekend, we found ourselves with a real turning point. We had the government launch its sneak attack on the opposition on the Tuesday; we had the budget on Thursday; and we started to emerge on Thursday and Friday as people realized something else was going on here on the Hill besides the budget, and they looked over there. Another piece that was helpful was the government finally agreeing, to its credit—I give it its due—to take us out of that little corner meeting room downstairs in the basement, where nobody was paying much attention—you'd have to know we were there to find us—and move us up here into one of the two main beautiful committee rooms that we have. That also provides the television infrastructure, which gives Canadians themselves an opportunity to size up what's going on and to draw their own conclusions as to who's representing their interests here and who isn't.

I was pointing that out. That seemed to be the best that at least I could surmise as to why the government went down this road and took this enormous risk. And a huge risk it is, as you can see from where we are now as a result of things not going well for the government.

It took a risk, and it looks as if it's going to be potentially on the losing end of that.

But I will just say parenthetically that we talk about winners and losers. There are no winners here. There's nothing productive being done, unfortunately. Everything we're doing right now is an attempt by the opposition to use what rules we still have, while we still have them, to try to slow down the government, particularly when it's acting undemocratically and in a way that is certainly not consistent with the kind of promises it made and the kind of government it assured Canadians it was going to provide.

As we saw this unfold last week, the media, having finished with the budget, got some sense that, hey, there was something going on here, and followed up. A couple of stalwart media folk, journalists, whose passion is procedure and Parliament and how it functions, who love to get into the minutiae, into the weeds, as we do, had been following it and did a fantastic job. That's a pretty narrow band of the media when we're talking about something as big as public opinion being swayed one way or another on a filibuster, but that provided the groundwork for the rest of the media as they rightfully finished up their work on the budget and turned their attention elsewhere. They began to express their views as to how they saw things.

I think it's fair to say that the flurry of editorials and opinion pieces by opinion leaders in Canada didn't exactly break the way the government had hoped. That's recognizing that it's pretty easy to make these kinds of actions look as though they're obstructionist as opposed to based on a principle, and an important principle. You really need an egregious act on the part of the government, because opposition will throw up resistance. That's what we do. We're the loyal opposition; it's our job to throw up resistance. But not everything is a parliamentary battle and a hill worth dying on. If everything's number one, then nothing is number one.

Anyway, that led to those opinions starting to unfold. Believe me, that made a significant difference, as it does in a pluralistic democracy with free media. I'd like to just draw attention to some of those comments, given that the media play such a key role. By

media, I mean in the broadest sense in terms of all social media now. It's not like in the old days when it was just print, radio, and TV, although I'm talking to Mr. Simms, who is far more of an expert on these things than I am in terms of the airwaves. So when I say media, I mean all the bloggers, the tweeters, the social media, and everybody who's paying attention. There are organizations like Samara and other organizations that are dedicated to this, that are picking up on it.

I stand to be corrected by any learned people like Mr. Reid—who I also want to give a special thank you to this morning, who stepped in as I got stuck in that traffic and made sure that my spot at the beginning of this meeting was preserved, and I thank him for that; he's such an honourable man—but to the best of my knowledge, I don't know, but it might even be old terminology. I find, with a lot of the things I say, that people in their twenties and thirties look at me as if I'm speaking Greek. It's the nature of the generational change.

These days, that divide just seems that much bigger than it ever was in terms of what they know and what we don't know, versus what I thought we knew when we were that age and the generation in front of us.

To the best of my knowledge, I think it's still fair to say that *The Globe and Mail* is the—what's the exact term?—national paper of record. At least that's the term I know. I'm looking for some learned people to give me a nod, one way or another. I'm sure it will get to me.

To the best of my knowledge, that is still the paper of record, meaning that if you wanted to look and see what was happening nationally and get an accurate reflection as a historian—what is it they say about newspapers, “writing history on the fly” or “the first draft of history” or other such things...?

I thought I'd start with *The Globe and Mail*, the national paper of record. It's March 31, nice and fresh, within a week. It's headed up “Globe editorial: The dangers in a Liberal plan to 'fix' Parliament”. I'm quoting from the article now:

The opposition parties in Ottawa are in a panic over a proposal by the Trudeau government to change the rules of Parliament. What the government claims is an honest effort to bring “greater accountability, transparency, and relevance” to the House of Commons is, in the eyes of the opposition, totalitarianism run amok.

I wish I'd said exactly that. It's a great turn of phrase, “totalitarianism run amok”.

Think about it. It's *The Globe and Mail* talking about the Liberals, not some marginalized outfit that attacks everybody and everything and is always over the top—“totalitarianism run amok”. Now, they are saying that it's in the eyes of the opposition. It isn't seeing that, but nonetheless, just see the phrase there.

Let's go on. The very next paragraph has an interesting beginning. It says, “That's not an exaggeration.”

Once again:

What the government claims is an honest effort to bring “greater accountability, transparency, and relevance” to the House of Commons is, in the eyes of the opposition, totalitarianism run amok.

That's not an exaggeration. Interim Conservative Leader Rona Ambrose last week unironically linked the proposed reforms to Prime Minister Justin Trudeau's “admiration” for China's dictatorship and his “bizarre infatuation” with the late Cuban dictator, Fidel Castro.

Is Mr. Trudeau trying to turn Canada into a Communist autocracy?

**Mr. Scott Simms:** Say it's not so.

**Mr. David Christopherson:** Well, let's see what it says. My friend says, "Say it's not so". Let's see what *The Globe* editorial has to say, a national paper of record. They think about these things. This is serious stuff.

If he is, going about it by changing some of the standing orders of the House of Commons is not exactly the sort of fiery revolutionary act one usually associates with these things.

But while we don't endorse the opposition's histrionics....

Fair enough. If anybody deserves that word, I deserve it, especially during this filibuster. So fair enough, fair enough, histrionics.

....we do share its cynicism regarding the government's proposals.

That's a little bit of a smack on the opposition for some of the over-the-top stuff that some of our louder members of caucus tend to do, as we know, and it's self-evident, with lots of *Hansard* to prove the point. Okay, so we take our hit. I knew when I read this that we weren't going to come off completely politically clean here. How can that be? We're in the middle of a pitched political battle. I don't think history ever shows that one side was really entitled to sainthood and the other one was deemed to be considered evil throughout history. However, I'm willing to read the criticisms because it's fair criticism, but it's drilling down to the real issue. Remember, this is *The Globe and Mail*.

It says:

But while we don't endorse the opposition's histrionics, we do share its cynicism regarding the government's proposals. Some of them are clearly designed to make life easier for a majority government. And that is unacceptable.

It's almost like.... Well, we'll leave that. We're not going to go down that road.

It continues:

Any majority government like Mr. Trudeau's controls the House of Commons, which means it holds almost all the parliamentary marbles.

Of course, I would say parenthetically that politically they've lost their marbles because they don't seem to have a plan.

Bear in mind, Chair—and this has been raised before, not by us but by others—that we are already one of the most tightly controlled parliamentary systems in the Commonwealth. Already we're on the tighter side of government control in a parliamentary system, particularly in the face of an overwhelming majority, which, by the way, it managed to get through the unfair first-past-the-post system even though it had less than 40% of the vote. In fact, it got a lower percentage of the popular vote than the previous Harper government had.

By the way, they were the ones who were going to do something about that. What was it again? Oh, yeah, something to the effect that the federal election in 2015 would be the last federal election held in a first-past-the-post system. He got a lot of votes for that. As soon as it started getting tough doing real change, well, then, we're back to what we've seen historically. The Liberals love to run on the left and govern on the right—

**Mr. Scott Simms:** We've heard this before.

**Mr. David Christopherson:**—and promise that they're going to have real change, get as many votes as they can for that particular issue, do their polling, and know it's a winner. Then when they get in power, they find some reason why they're not going to do it.

I know a little bit about full disclosure and not keeping a major promise. The government that I found myself in in 1990—I don't know why I'm doing this to myself, but I try to be as fair-minded as I can, even when it costs me. We didn't do public auto insurance. We had run for quite some time on public auto insurance. I won't get into the dynamics because the chair won't let me, and he'll know that I'm just eating up time, so I won't even try. However, I think it's fair to say that I have some experience with what happens to a majority government that takes one of its major planks and turns its back on it for whatever reason and however valid. Politics is not always fair. This government failed to learn the lesson of previous governments that ran on a platform of major change. This government is about to find out what happens when you promise people that you're.... Remember, it was "real change". It wasn't just "change", because that's what the NDP was saying: "We'll give you change." With the Liberals, it was going to be "real change". It's not really. It's pretty much what we've seen from Liberals in the past. How many times have they promised a national child care system? The only time we ever got close was in the dying days of a minority Liberal government as a last-gasp, desperate effort to stay in power. They cobbled something together. There were at least three, possibly four, platforms, starting with the infamous Red Book that promised a universal child care system. They didn't deliver it the first time, promised it again, didn't deliver it that time, promised it again, didn't deliver it that time, and promised it again. They finally formed a national majority government, and they still didn't bring it in. They did some stuff, and it's an improvement. There was a low bar considering where the Harper government had support for child care.

**Mr. Garnett Genuis:** Point of order.

Just kidding.

**Mr. David Christopherson:** You know, Chair, I keep giving these guys all this advice, and....

My extrapolation is that not long after we didn't follow up on that major platform promise, as I'm indicating to the government, guess what happened? We weren't the government anymore. That's what happened. I had to sit exactly where my friends are, except I couldn't even say I wasn't there; I was in the getaway car.

When the Cons of the day—Mike Harris' Cons, my first experience of that kind of change—

**An hon. member:** Hear, hear!

**Mr. David Christopherson:** Yes, my friend would like that. There is a point at which you and I will honestly separate, and that's why democracy is so wonderful: to allow us to do that.

I had to learn. That's why I'm passing on this free.... I have the scars to show how I learned this. When the new government comes in, for the longest time you're going to be elbowed, you're going to be reminded, because it's the comparison that makes the case. Over time I learned to stop being so sensitive about it, certainly stopped defending every little attack, and stopped owning it. As people took their shots, I wished I'd had a BlackBerry then: it would have been easier to disappear into, but as I said, suddenly there were very important documents that needed very close attention, and that's all I looked at until it was done. I waited until it was done and then I came back.

That's how I got through it. I strongly urge my colleagues to do that in the Conservative caucus, especially those of you who weren't here. Every time you say something, you take a piece of ownership of it. Don't do that. You still have lots of room to take credit for the things you want to brag about that the previous government did and, when there's any criticism flying around, get your head down. There's nothing to gain in defending a majority government that just went down in flames. In this matter I know whereof I speak, truly.

We shall, then, continue.

while we don't endorse the opposition

I keep repeating that part. I keep doing that, and it's not good.

While we don't endorse the opposition's histrionics, we do share its cynicism regarding the government's proposals. Some of them are clearly designed to make life easier for a majority government. And that is unacceptable.

Keep in mind the changes they want to make.

We haven't reached the part where there's a reference to the fact that the changes they want to make, they want to make unilaterally.

Any majority government like Mr. Trudeau's controls the House of Commons, which means it holds almost all the parliamentary marbles. It can pass the bills it wants, and cut off debate when it suits it. It typically also uses its majority to control committees, further ensuring that little gets in the way of its legislative agenda.

Again, Chair, I harken back to the fact that in two instances this committee acquiesced to the request of the government that we focus on something that was important to it. We did so willingly. The first time—and again I won't go to great lengths, but you'll recall—the former government House leader, Dominic LeBlanc, came here and very respectfully laid out his case, laid out what his government was looking for and asked us to join in making it a priority, and spelled out some of the things they were hoping our committee could achieve.

Within days, we were doing that work, resulting in a report that we all supported, which went to the House. You, Chair, presented it to the House on our behalf. That was without the government having to use power once—nothing. It didn't even have to look askance. It didn't even have to hint that if we didn't do what it wanted, there was going to be trouble. There was none of that. I was there.

I've been on this committee in other parliaments. I know the difference, and I know you do, Chair. Normally when a majority government, a new government, especially when it's a big change, comes in, there is some recognition on the part of the opposition that it won the election. We get reminded of that only 60 seconds of every minute.

To hear some of the government members tell it, you would think our purpose in being here is just to disrupt everything they want to do. Yet I can point to consistent evidence that we have done exactly the opposite, that this committee has worked well together even to the point where we're in this pitched battle, and yet Mr. Reid and you and everybody else was doing what they could shuffling around, coughing, looking at their shoes, to give me an opportunity to get in from the traffic and get in my place. That's how much residual goodwill exists in this committee. Even in this kind of environment that decency is still there. It gives you just a little bit of an idea of how effective we can be when we're all working together.

We've done some good work. I asked last night, and I ask again, if anybody can show me where this committee has been anything other than positive and moving forward and trying to work in tandem with the government, other than on Bill C-33 when it dropped that on the floor. I won't revisit that in detail, but you will recall, Chair, that it disrupted all the work we were doing because it was disrespectful of the committee's work. It basically made it a make-work project. It tabled a bill without waiting for our input into it.

This government promised that committees were going to matter, that it was going to respect them, and it was going to respect their input. I can't think of a better example than to reinforce the fact that within days—not motions, and squabbling, and off to the subcommittee, and fighting there, and taking forever, and us not wanting to give the government the benefit of succeeding at implementing its agenda—none of that was there. The evidence is in what we did. I will stand by the evidence that has to be there in *Hansard* to show how we approached this.

That's what the government can achieve just by asking. That's before we even get to the all but omnipotent powers of a majority government in the Canadian parliamentary system.

When *The Globe and Mail* makes reference to it having its majority on committees further ensuring that little gets in the way of its legislative agenda, that's again at the point where it has to actually use that power to force the opposition to follow in a direction it doesn't want to go.

Such was the goodwill on this committee. None of that was needed. In fact, we were quite pleased to do the work, because it did reflect some of the values and priorities coming out of the NDP caucus and, I suspect, also out of the Conservatives. We had lots of good reasons to want to do it, but my point in saying that is to show that when this committee, because of the nature of the work we do, is in non-partisan mode, which is probably 80% to 90% of the time, we do good work.

When *The Globe and Mail* makes reference to the amount of control that a government has at committee, that's before we even get to the part where it can get things done just by asking nicely.

**An hon member:** That's a strategy, asking nicely.

**Mr. David Christopherson:** That would be something new, wouldn't it, asking nicely?

I had pointed out why the new House leader came in with a whole different approach, dropping things out of the blue, followed up by motions related to a discussion paper that virtually tie the hands of the opposition 100%. There was no discussion with House leaders, just the exact opposite. Supposedly going from the old government House leader to the new government House leader was going to be an improvement. I guess in some ways it was to the extent that she didn't bring in M-6. She brought in this, another wolf in sheep's clothing.

It goes on, Mr. Chair.

Afterwards it says,

It typically also uses its majority to control committees, further ensuring that little gets in the way of its legislative agenda.

There is little except its own conscience, and its fear of voters in the next election, to stop a majority government from doing what it wants. Which is where the opposition parties come in.

This is a parliamentary system, not a congressional system.

They can prick the conscience of the Prime Minister and his cabinet in Question Period, which is well covered by the media and will often generate unflattering headlines for the government.

And as legislation moves through Parliament, opposition members can question, delay and filibuster in the House and on committees, and thereby force the government to use its majority to curtail debate in a unilateral fashion, which never looks good to the public.

This is standard procedure in parliaments everywhere. It is not always pretty, but it helps keep governments accountable. Mr. Trudeau, however, thinks it's all a nuisance.

It's not the NDP that said that. It's not even the Progressive—pardon me, the Conservatives. That really was a mistake. It's not the Cons. It's *The Globe and Mail*. Its observation is that Mr. Trudeau, the Prime Minister, thinks it's all a nuisance. That's its interpretation of what Mr. Trudeau's opinion is of the House and committees. That didn't take long.

I'll go back to the editorial, Mr. Chair.

His government considers the opposition's limited arsenal

—which, by the way, it's trying to limit even more in its discussion paper—

to be “tactics which seek only to undermine and devalue the important work of Parliament,” and which “sow dysfunction” and are not “rational” or “defensible,” according to a discussion paper it released on its proposed changes last month.

Those contentions are cynical bunk.

Oh, how I wish I had been able to deliver those kinds of quotes, but then, they probably would have sounded a bit over the top, both because of the way I would do it because that's just what I do—

**Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP):** Coming from you....

**Mr. David Christopherson:** It's what I do; I can't help myself, but also just because it would be sort of expected. Instead, *The Globe and Mail* editorial, commenting on the government's view of our response to its discussion paper, is that, “Those contentions are cynical bunk.” I love it: “bunk”.

The Trudeau government is hawking a utopian vision of Parliament, in which members from different parties politely discuss the government's proposed legislation on a schedule set by mutual agreement, and there are cheers all around when the House enacts laws that are a perfect reflection of the selfless compromises agreed to in a collegial fashion on committees and in the House.

I will say this much, though: the Liberal government's actions certainly have the NDP and the Conservatives as close to a utopian arrangement as we ever thought would exist in terms of how well we're working together to defend our collective rights, as little as they are now, from being further eroded.

And obviously they're being very sarcastic.

It is interesting how, when we are working well together, in the same way as at the public accounts committee, it almost does reflect that. And it does happen, and it did happen, and was happening in this committee while we were dealing with exactly this subject in two different studies.

I just got the hook from the chair. You saw that, too, eh? You're waiting to see how quickly I came to heel. It was really quickly, because I do know where the power is.

Moving on:

In this paradise of reason, the government has no hidden agenda and never tables politically motivated bills that are deeply flawed. There are no Fair Elections Acts, no bills reducing citizens' privacy in the name of fighting terrorism—and no blatant partisanship of any kind. There are just sunny ways passing beneath crisp rainbows.

Sometimes, I have to tell you, the Prime Minister gives the impression that he really does see some things that way, but that's just a personal observation. It's not meant to take away from his obvious other skills, or he wouldn't be where he is right now, in New York as the Prime Minister of the country talking to the Secretary-General of the United Nations.

However, these are interesting observations nonetheless.

It continues:

It would be very convenient for Mr. Trudeau if he could fool Canadians into thinking that Parliament needs a “recalibration of the rules to balance the desire of the minority's right to be heard with the majority's duty to pass its legislative agenda,” another line from the government's discussion paper.

But this, too, is bunk.

I love “bunk”. That's a great word for speech-making. It's perfect: bunk. I love it.

But this, too, is bunk. Is the Prime Minister really saying that there is an imbalance in favour of the opposition that is preventing his government from doing its “duty”? That the chips are stacked against him? If so, he's being absurd.

Again, it's *The Globe and Mail*. They often try to be the grown-up in the room.

Look at the language it's using. Not us, although I would have loved to have some of that language. It's *The Globe and Mail*, and it's speaking on an issue in which the government is trying to frame what it wants as motherhood and modernization.

**Mr. Alexandre Boulerice:** It's a key word, modernization.

**Mr. David Christopherson:** That's its buzzword. It covers a lot of political sins.

It continues:

But this, too, is bunk. Is the Prime Minister really saying that there is an imbalance in favour of the opposition that is preventing his government from doing its “duty”? That the chips are stacked against him? If so, he's being absurd.

For the record, the government's proposals include one to limit committee members' interventions to 10 minutes—an obvious attempt to reduce the opposition's ability to make a public display of its dissent by filibustering during hearings.

Sound familiar? Because that's exactly where we are right now. Fast-forward, if the government got its way a year from now, and it was doing something else that was denounced just as strongly as *The Globe and Mail* does here, there would not be the ability to do what we're doing now, which is to hold up the government.

That's it. We're not defeating it. We're not limiting its exercise of power in any other way, other than exercising—and remember, it's the government that made this a 24-7 filibuster instead of just a little mini-buster like what we have at committee, where you meet twice a week. The hours of this committee are 11 o'clock to 1 o'clock. If this had followed the way Mr. Reid and I thought it was going to go, we would still possibly be filibustering if we were still at this same impasse, but it would only be happening on Tuesday and Thursday between 11 o'clock and 1 o'clock, which is the regularly scheduled time of this committee.

That happens all the time on the Hill. There are something like 26 committees here, and I believe—I stand to be corrected—nine committee rooms. There are more meetings going on at any given time, and I guarantee you that during the course of a week there is at least one, if not half a dozen, threats or indications that if the government doesn't start getting a little more reasonable it may find itself in a filibuster situation. That threat or the mere hint that it may happen is often enough to prevent a logjam, and away we go.

Lastly, the ability to speak until you're done is not just about filibustering and doing the histrionics that I'm doing right now.

**An hon. member:** Fair enough. That's a fair comment.

**Mr. David Christopherson:** Not just that would be lost. One of the things we pride ourselves on is that no matter how limited we are in the House, when we come to committee, there's latitude from the chair. Often we call each other by first names when we're moving really quickly on issues and getting along, and there's a lot more latitude in creeping a little further away from the subject, as opposed to the rigidity in the House. There are still limitations, as the chair reminds me during the course of my filibuster.

It is also a matter of knowing that you can go to committee and unpack an issue. I talked about water quality being a big issue for Hamilton, and about the environment in Hamilton Harbour, not Burlington Bay. We have that eternal battle with our neighbours.

Partly because I like to talk—again, that's a fair criticism, and I accept it—but more importantly, often it's a matter, when you get to committee.... Many times on bills in the House, we don't even get a chance to speak, because there aren't that many speaking slots. There are 338 of us, and it's just not always possible for everyone who wants to speak on an item to do so, given the limited time, relatively speaking, that it's in the House .

That is offset by the fact that we can come to committee, and we can set up all our arguments, and we can dissect step by step the bill, the motion, or the matter that's in front of us and take the time to reflect in detail on the issues that our constituents care about and the perspective that they have on this issue that is important to their

quality of life. Most of us accept that that's a fair trade-off, that we're limited in the House just for practical reasons and due to the laws of physics. There is only so much time. But at committee we have that opportunity.

During my time, if a government member wants to say, “Dave, can I just stop you for a second on that one? Can we delve into that a bit? We see that differently. Your version of that and how it affects your constituents is not the way we see it.”

I'm going to be like, “Sure. What have I got to lose? Nothing. What have I got to gain? Lots.” I have a government member who is listening to what I have to say, who cares about the perspective that I'm bringing on behalf of the people of Hamilton Centre, and they want to make sure that I'm understanding this correctly, or they want to ask questions or make queries about my position. I'm quite willing, Chair. It's very rare that we deny a colleague the opportunity to have the floor as an interruption to our presentation, because I know it's not coming off my time because my time is unlimited. We will be seized with me dealing with this issue until I'm done. Then my colleague from either the Conservatives, the Liberals, or my own caucus will then have an opportunity, and I will respectfully listen to them as they take the time to make the case and break down the issues that affect their constituents. That also would be lost if we had ten-minute time limits.

Other than favouring the government's ability to whiz things through committee more quickly and to have an absolute guarantee of when legislation will be through the House, that's their only justification. That's what this editorial is saying, that if you're making the case that the opposition has too much power, and you're not able to get things through, that doesn't wash. To the best of my knowledge, the right to speak your mind at committee without facing closure or the guillotine, as it's referred to in some parliamentary settings.... You have the right to speak your mind. Isn't that the fundamental right that we all believe we have as MPs?

To that degree, we are all sovereign to the extent that each one of us got here the same way, as flawed as it was: first past the post. We should have proportional representation, but the system is what the system is, and we all got here the same way. As far as I know, since the beginning, at committee, members have had the right to say their piece.

Continuing with the editorial, Chair:

For the record, the government's proposal includes one to limit committee members' interventions to 10 minutes—an obvious attempt to reduce the opposition's ability to make a public display of its dissent by filibustering during hearings.

I just pointed out some of the other things that would be lost if we had an arbitrary 10-minute limitation on what we can say at committee. Even if we can get on the list and go over and over, that's not the same thing.

It continues:

Another one is to implement “programming” motions in which the opposition and government jointly fix the time for debate on bills. This move would allow the government to avoid the stigma of imposing time-allocation motions unilaterally.

Another proposal is for Parliament to adopt Britain's famous Prime Minister's Questions, in which the PM stands in the crosshairs for 30 minutes on Wednesdays taking questions from opposition party leaders. Doing so could well lead to Mr. Trudeau attending only the one Question Period per week, and to diminishing the media's interest in the days he skips....

which we see a lot of, in terms of there not being the attention when the Prime Minister is not here, and he's not here more and more.

further weakening government accountability.

Now, again—to stay timely—we had that yesterday, where the Prime Minister de facto created the prime minister's question period by being the one who stood up and answered every question on a Wednesday. Cute!

The salient point is that not a single rule had to be changed. I won't go long on this, but I've heard an argument—I think it was from one of the committee members, or I might have read it—from a government member, saying that this is such a great idea that we should entrench this wonderful benefit for future parliaments, so that all prime ministers have to do this. Come along. Come along. That doesn't make any practical sense.

It was one of their best arguments for wanting the ability to make changes, and they found a way around it without changing a single rule, so it would seem that now Wednesdays are the Prime Minister's question period. Okay, fine, as long as he's here the other days, too, not all of them, as the Prime Minister has responsibilities, but more than just one day.

To continue:

There are some useful ideas in the government's discussion paper, but they pale in the face of the Liberals' desire to make the life of a majority government even easier.

Somehow, and I'm not sure how, Mr. Chrétien managed three majority governments with these rules, and he managed to pass enough legislation to go back to the people and say, here's what I did with the mandate you gave me. Not to mention that the current Prime Minister's father was able to repatriate the Constitution and bring in the Charter of Rights and Freedoms, for which he will forever be remembered as a critically important prime minister, at the very least, in the history of our country. Pierre Elliott Trudeau managed to do all of that with all of these obstructionist rules that exist on the part of the opposition. In fact, he probably had even less.

All those governments—Liberal governments—managed to survive the horrible threat to democracy that filibusters represent by every day, step by step, smothering real democracy and denying the majority government of the day the right to implement the mandate that it was elected to carry out.

Somehow, in the face of all that opposition power and obstructionism, it still managed to repatriate the entire Constitution. But those rules aren't good enough for this government. Maybe those previous Liberal governments had to work far harder than this government wants to, or maybe the nuisance factor has just grown over time, in terms of how the government—the Liberal government—perceives the opposition.

It becomes hard to believe, or pretty thin gruel for the government to argue, that they have to have these rules because the uncooperative opposition is using all the massive powers it has to thwart

the will of a duly elected Liberal majority government, or that at the very least it sees a way, as a majority government, to find it, as *The Globe and Mail* puts it, “even easier” to govern.

That is what the parliamentary system is mostly about, of course: to make sure that the governing party has the easiest possible way in its time in government. We all know that's why Parliament exists: to make life easy for the government.

Of course, that's nonsensical.

To continue:

It is also disillusioning to discover that the Liberals have this all so backward. The imbalance in Canada's Parliament is weighted entirely in favour of a majority government and its legislative agenda, not the other way around, as Mr. Trudeau's party absurdly claims.

It's not just “claims” or “alleges”. These are wordsmiths.

We like to think of ourselves as wordsmiths. I would think that if ever anybody deserves the title—I would defer to Mr. Reid and his knowledge in these areas—or if ever there was an appropriate application of the word and the title wordsmith, it would be the editorialists for *The Globe and Mail*. In other words, they don't throw around words lightly. Their business is words and the meaning of words. They choose those words carefully. I suspect that sometimes they will even consult with each other to make sure that of all the English words available they find the one that is most applicable, in the greatest detail, to the point they want to make in a sentence.

I think it's important to note that they went, I would say, out of their way to put in the word “absurdly” because it is absurd to suggest that Parliament is skewed in favour of the opposition. You can hardly get the sentence out without bursting out laughing. Remember, this is *The Globe and Mail* using the word “absurdly”.

To continue:

That's because MPs, who were once elected to form governments, and oversee them, now mostly serve the wishes of their parties.

Again, Chair, I've enjoyed many interactions with Mr. Reid, who has a wealth of knowledge on the history of our Parliament and parliaments in general, and of political science. He's a very learned man. I enjoy the interactions.

It wasn't that long ago, I remember, that we were having a discussion about this very point, about how far away we have gotten from the concept of what a parliamentary democracy is really meant to be.

I'll just quickly hearken back to one prime example, and that is that in the Province of Ontario, back in the day, it was so fundamental that, when you elected a member of the provincial legislature, they were your representative. It was their job to represent you in the Parliament, and, collectively, they would form and exercise the powers that were given by the Constitution. That connection between the elected person and constituents was so strong and so well understood. If you were invited by the premier to join the executive council, the cabinet, meaning the crown, you had to resign your seat. Then you had to run again in the riding and get permission for your top priority to no longer be your constituents but the oath and duty you have in your obligations as a minister. That sounds almost like a different country in terms of that relationship, but when you go to the fundamental—

**The Chair:** Sorry, when was that?

**Mr. David Christopherson:** It was probably in the—Go ahead, Mr. Reid.

**Mr. Scott Reid:** It may have existed in the province as well. That's an interesting question. As you know, the legislative—What's that?

**Mr. David de Burgh Graham:** It was in Upper and Lower Canada.

**Mr. Scott Reid:** Yes, that's right. In the Province of Canada, 1840 to 1867, is the ancestor both of our federal Parliament and also of the legislatures of Ontario and Quebec. The actual legislation was passed in the 1850s requiring you to resign your seat and then seek re-election in order to be put in cabinet. It was continued at the federal level. I don't know what happened at the provincial level in Ontario and Quebec. It's one of those interesting questions. However, at the federal level it continued until the 1930s. An interesting historical note—

**Mr. David Christopherson:** Really? I didn't know it went that long.

**Mr. Scott Reid:** Yes. An interesting historical note is that in 1926—everybody remembers the famous King-Byng crisis—when Arthur Meighen was sworn in as Prime Minister after the Governor General Byng dismissed Prime Minister King. He was faced with the awkward situation that he would lose his parliamentary one-seat majority if he had members resign to run for cabinet, because they were not cabinet members following the election. His solution was to retain all the cabinet posts for himself in order to get around that conundrum. He ultimately was defeated, but that legislation played a key role in the outcome of that event, which I think is why King subsequently got rid of it when he was Prime Minister.

**The Chair:** Was it King who held all the cabinet positions?

**Mr. Scott Reid:** No, it was Meighen who held all the positions. He held all the positions in order to avoid the problem of having to have, basically, his entire front bench resign. That piece of legislation did result, nonetheless, in him losing his parliamentary majority. He was then defeated almost immediately by King and the Liberals because, having taken government, he could no longer command the majority he had, ironically, at his command in opposition—if you follow that—his own party, plus a series of minor parties supporting him. That was the cause of his downfall. Then King campaigned in the 1926 election, arguing that Arthur Meighen was an incipient dictator because he held all the cabinet posts and

subsequently abolished the legislation when he was returned to power.

If I may add another historical piece of trivia, this is my chance to revise a bit of incorrect history that is widely, but incorrectly, held by Canadians. Mackenzie King did not win the 1926 election, as people think. What happened was he won the majority of seats in the 1926 election. It's a shame Elizabeth May isn't here for this part of the discussion. He actually got fewer votes than the Conservatives in that election, but he won more seats due to one of the most bizarre accidents of the first-past-the-post system, which is that, in the Province of Manitoba, there were five parties that were competitive. The Conservatives won more votes than any of the other parties did but did not win more votes than another party in any of the individual ridings, and as a result won zero seats. Based on that, and a somewhat less dramatic version of the same thing that happened in Quebec, the Conservatives were out of power, despite the fact that they had won more votes than the Liberals had. The irony of this is not so much...because these accidents happen from time to time...but it's that our Canadian mythology has been that the 1926 election was all about rejecting the power of the Governor General, and how Canadians endorsed Mackenzie King's view of things. This was emphatically not so. That part is a mythology that needs to be corrected. I think our path to independence took a different course than the one we now remember, at least in that particular incident.

Thanks for letting me intervene.

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

**Mr. David Christopherson:** That's fascinating, eh?

Go ahead, David.

**Mr. David de Burgh Graham:** At that time, the party leaders were selected by caucus, not by party membership, as well. But everybody else was still done by caucus.

**Mr. Scott Reid:** Not the Liberals. Mackenzie King was the first one elected at a convention.

**Mr. David de Burgh Graham:** And for the previous half-century or longer, it had been done by caucus, not by party membership.

**Mr. David Christopherson:** I'm glad that happened, because it's a snippet of the kind of dynamics that happen when we're dealing with issues. We can always rely on Mr. Reid to give us a historical context to provide some guidance or to show where lessons have been learned in the past. Then newer members put forward their ideas.

But mostly, it's about the respect. Chair, I would think anybody watching that short interaction between the four of us got a pretty good example of how we work together, whether the cameras are on or off. I stand to be challenged by anybody. It's interesting, especially when you're working in common cause, which is most of the time on this committee as it is on public accounts, unlike every other committee of the House.



I raise that because I was pointing out how far we have gone in evolutionary moves. Step by step, parliament by parliament, things evolve, and the focus gets changed. I'm reading a book called *Blood Oil*, and I think we all got a copy of it. I'm about a third of the way through it, and one of the things it does is talk about the British monarchy and about the devolution of power from the crown, ultimately to Parliament, and the civil war in which that got upset, and they got rid of the monarch, and chopped his head off. Then the leader of the government that followed ended up being his own kind of tyrannical monster, and at the end of the day, the monarchy came back. But what was interesting is that it talked about the fundamental power of parliament to control taxation. Having control of taxation limits the power of the crown. The crown now, in our constitutional monarchy, is represented by those who are part of the executive council commonly known as the cabinet.

I was merely pointing out that we have gone so far away, that this relationship used to be so strong between the constituents and the elected person, and that again if they were going to join the cabinet, they had to resign their seat and run and win with the understanding that this was permission by your constituents to allow you to make things other than your constituents the priority, because once you're a minister, your responsibilities under that oath of office have to be your priority. Not that you'd forget about your constituents—quite the contrary—but it's a benefit because you have more opportunity for influence and input into things that affect your riding. But fundamentally when you join cabinet, the business of the government is a greater priority, so going back to its core, you used to have to get permission to no longer make the constituents' business the priority. That's fascinating.

Again, when you take that discussion and put it in the context of where we are now, where does this end up at the end of the day? If you extrapolate this—and every couple of parliaments more and more power, or whatever opportunity for power the opposition has, gets lost. Where does that leave us in another 150 years? It's a bit scary if you think about going back a little over 150 years to the world that Mr. Reid and I just described, and that relationship and what you had to do. When I joined cabinet, all I had to do was say yes. That was it. I signed a paper, took an oath, and, bingo bango, I was a cabinet minister. If that much evolution-devolution has taken place over 150 years unchecked, where will that leave us in another 150 years? How much of the magic of what makes the parliamentary system the best available in the world, in the opinion of many of us, will be left?

A healthy parliament has to have a healthy, vibrant, and loyal opposition. In the absence of that, it's autocracy at best, and—I suppose—dictatorship at worst. Neither is acceptable or good for the ordinary person.

You'll be pleased to know, Chair, that we have only two more short paragraphs on this editorial. Then we'll be moving to that thing you like the most from me: new stuff, because then I'm not repeating myself.

To continue:

The neutering

—You have to love *The Globe and Mail*. I haven't read this in a couple of days. I forgot this was coming up. Oh, oh! Isn't that wonderful? It just ties in nicely.

The neutering of MPs has been constant over the past 50 years, and it is the reason so many Canadians find Parliament to be irrelevant.

That's under the current rules, the ones the government believes invest too much power in the hands of the opposition and are becoming a nuisance for the speedy efficiency of sunny ways.

I'll continue:

Opposition filibustering, and a Question Period with the Prime Minister in attendance, are among the last remaining ways our elected representatives can hold a majority government to account.

I will defer to Mr. Reid, who is usually great at picking up these little bits I know and then filling them in with the real stuff, but it seems to me it might have been Nixon. There was a U.S. president who uttered something to the effect, publicly, that they would love to have the power of a majority prime minister in the Canadian parliamentary system, because in terms of absolute direct power—notwithstanding the real nuclear button, and we don't even want to think about that these days—the power of a majority government Canadian prime minister is awesome.

Regardless of the fancy new process that leads to it, the final decision about who sits in the upper chamber is the purview of the Prime Minister. Actually, it's the Queen, then our Governor General, and it's based on recommendation. That's the language, but we all know the reality is—and no one questions it—that it is the Prime Minister who appoints the upper house.

I like to remind people that Putin, at most, appoints governors. He switched this: they used to elect them, but now he appoints them.

Our Prime Minister appoints—it breaks my heart to say this, as a commoner—the upper house, the red chamber, the chamber that represents the crown and vested interests. It was ever thus.

Plus, the Prime Minister appoints the Supreme Court of Canada. Right now, a certain U.S. president—as with most U.S. presidents in the past—would give anything to be able to just say and then sign a paper that dictates who the next member of the U.S. Supreme Court is. But they have to go through that whole hearing process and a vote at the Senate. We don't have any of those “nuisances” here for the Prime Minister to worry about.

It's only recently, and only because we're now creating a convention—over enough time, it will be a convention; I think we're getting close—that the government can unilaterally enter into international treaties.

We now are developing a convention whereby some of these treaties and agreements are being brought to the House for debate and vote. That's good, but let's understand that's not the dictated process. It's the politics of the day bringing that about.

The legal right to enter into a treaty without the approval of Parliament is 100% the constitutional domain of the government of the day, and the government of the day, if it's a majority, is the Prime Minister. This is in addition to all the other powers the Prime Minister has. This is why a U.S. President, whom we often think of as being omnipotent, looks enviously north of the border and only wishes he had some of the power, the added power that a majority Prime Minister in the Canadian parliamentary system has.

That brings us to the last paragraph of the first editorial:

A party truly committed to invigorating democracy would enhance the independence of MPs and allow them to vote freely, rather than as a bloc controlled by the Prime Minister's Office or that of the Leader of the Opposition. Instead, we have the Trudeau Liberals, whose new rules threaten to make a government less accountable, not more.

That was from *The Globe and Mail*, and it's not exactly a dry, staid, cold, dispassionate analysis. It's just laced with emotion and words that evoke reaction. It goes out of its way to make those choices.

Let's remember, Chair, that as well as I can figure, the government's plan was that as the pundits began to refocus away from the budget, to spend a little time looking at what's going on at the procedure and House affairs committee, and to start to give their opinion, the government hoped that at the point in time when this editorial was made public—and others—they would say something oh so different.

I see my friend Mr. Doherty has rejoined us.

It's good to see you, sir.

**Mr. Todd Doherty:** It's good to see you continuing.

**Mr. David de Burgh Graham:** Repetition.

**Mr. David Christopherson:** Repetition, really?

See how bad it has gotten. I say, "Good morning. Hello," and that's repetition.

**Voices:** Oh, oh!

**Mr. David Christopherson:** You guys are getting...really, is that where you're at?

**Mr. Scott Reid:** I disagree with that.

This greeting of Mr. Doherty is a new greeting, because Mr. Doherty left the room and re-entered the room. Hence, it's a different greeting on a different occasion.

**Mr. David de Burgh Graham:** So he'll cycle through the repetition.

**Mr. Scott Reid:** As he's not a speaker, there's no problem.

**Voices:** Oh, oh!

**Mr. David Christopherson:** They're doing fine, Chair. They're doing fine.

**An hon. member:** There is an issue of relevance here.

**Mr. Scott Reid:** Oh, relevance. Okay, that's fair.

**The Chair:** Mr. Christopherson.

**Mr. David Christopherson:** Thank you, Chair. Those are very helpful interventions, and they are much appreciated, entertaining, as well as informative. It doesn't get any better. And it's free.

**An hon. member:** Not here.

**Mr. David Christopherson:** Yes, nothing's free.

The government had hoped that, starting with, I would think, the likes of *The Globe and Mail*—which would be the first ones to not just point out that the opposition and some of us can be a little histrionic—would go through the whole thing and the only negatives the government would take, it hoped, would be the opposition. And at the end of this, it hoped that the heading and the story itself would be all about how unreasonable and obstructionist the opposition were being, thereby laying the groundwork for the ultimate demise of this resistance and the ultimate success of the government, the Liberal government, in being able to change the rules in whatever way makes it happy.

And instead, it got this. But, lest anyone think this is an anomaly, let me quickly dissuade them of that by moving now to what I believe has the title of—

**Mr. Arnold Chan:** You had to clear your throat twice.

**Mr. David Christopherson:** Thank you so much. In previous parliaments, I'd have been suspicious about that.

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

**Mr. David Christopherson:** But it's you, Arnold, and I have every faith. Look at this.

**Mr. Arnold Chan:** Trust me.

**Mr. David Christopherson:** I trust you, Arnold. Thank you.

Again, this underscores the ability to find humour even in the toughest of political moments because of the classy approach of the members of this committee. I believe that, I truly do, having sat on more than my share of committees in my time.

Chair, I was wrapping up my comments on *The Globe and Mail's* editorial contribution to these discussions, and was about to turn my attention to what I believe is fairly titled as the biggest—and I probably don't have the wording right—circulation newspaper in the country, the *Toronto Star*. I believe that's true. I'm looking for learned folks to give me a nod, but as one would expect in these things, most of them are—

**An hon. member:** I'm listening.

**Mr. David Christopherson:**—doing something other than hanging off my every word—

**An hon. member:** I'm listening.

**Mr. David Christopherson:**—and as crushing as that is to my massive ego, I can certainly understand and would not suggest for a minute that I have hung off the words of every other person in a filibuster. However, I think that's fairly accurate. The *Toronto Star* is the most widely circulated daily newspaper in the country.

This is dated actually three days before the *Globe* editorial. The *Globe* weighed in on March 31, and this is on Tuesday, so the *Star* was moving pretty quickly. You have to love it, though. Even when you get criticized, you get a great picture. It's hard to beat that. Anyway, the headline of the *Toronto Star* editorial as it relates to the matter before us, Chair, is "Potential parliamentary reforms would strike a blow to democracy: Editorial". This is on Tuesday, to their credit, the day before the budget.

The *Toronto Star* editorial board said this on Tuesday, March 28, 2017:

The mess of democracy is easy to love when you're in opposition and your job is to hold the government to account. But for those in power trying to push through an agenda, robust democratic institutions—a working Parliament, for instance, or watchdogs with teeth—are too often seen as a nuisance.

So it wasn't just those wild-eyed radicals over at *The Globe and Mail* editorial board who think that the Prime Minister sees all of this as merely a nuisance. It would seem that the *Toronto Star* editorial board also feels that Mr. Trudeau views Parliament and its workings as a nuisance.

Isn't that interesting? This suggests that *The Globe and Mail* felt that, no matter how much it probably—and I don't know anything about this world, so I'm totally speculating, but I suspect, when you're doing the same subject and you're a main competitor, you might want to try to avoid using the same language or the same phraseology just for obvious reasons as competitors, and so one would think that editorial board was at least familiar with what its colleagues and counterparts at *The Globe and Mail* had said and would have noticed that they used the word "nuisance" to describe how they believe the Prime Minister viewed Parliament and its committees. And yet they still used the word "nuisance."

Now, I could be making a mountain out of a molehill. I accept that. But it just seems passing strange to me that *The Globe and Mail*.... I guess it would be the other way around, wouldn't it? *The Globe and Mail* would have seen this in the *Toronto Star* because it was first, and then *The Globe and Mail* still felt that of all the words available, "nuisance" was still the right word, that it was the accurate word, and, therefore, even though it was repeating a word that its competitor had used, it was accurate and so it felt comfortable using it.

But the original use, at least between these two, was the *Toronto Star* editorial that came out on the Tuesday and said its impression was that this is how the Prime Minister views Parliament.

I caution my Conservative friends: You're not going to like the next part, so do up your seatbelts and get your head down.

The Harper government was famously attuned to this tension, putting expediency ahead of democracy at every turn. In opposition, Justin Trudeau was an outspoken critic of Stephen Harper's autocratic tendencies. He tapped into growing public concern about the health of our democracy, promising open government and a post-partisan approach to Parliament.

**Mr. Scott Reid:** Wow—an alliteration.

**Mr. David Christopherson:** Yes, it's an alliteration. That's very good. You can see why they pick the best to write these kinds of things, a post-partisan approach to Parliament, a very good alliteration.

But a dubious set of parliamentary reforms currently being floated suggests once again that Trudeau is not, in fact, fundamentally different from his predecessors on this point.

Wasn't the slogan "real change", with a real emphasis on the word "real", as I remember the stickers and the podium placards, again playing on the fact that the NDP was talking about change, and so they cleverly came along and said they'd give us real change? It turns out the difference between "real change" and "change" is still defined by the Prime Minister of the day, not the word itself. Campaign on the left; govern on the right.

On balance, the reforms would make it easier for government to govern, but harder for Parliament to hold government to account. And the anti-democratic manner in which the government seems set on pursuing them is further proof that expediency, not democracy, is the priority.

Real change, they said.

Again things change, Chair, but it used to be said back in the day that politicians would be wise to be very careful taking on and criticizing people who buy ink by the gallon and paper by the ton, meaning be careful, as a politician, if you're going to take on a significant newspaper in a meaningful way, because, while being an MP has its perches and its soapboxes, so does a newspaper, even in 2017, especially when it's the *Toronto Star*.

I often feel so sorry for backbenchers, provincially and federally, in government in particular, but anybody who's from Toronto who is not a cabinet minister, because their local newspaper is the *Toronto Star*. It's so hard to get coverage because there are so many in the Toronto area, that if you're relying on the *Toronto Star* as your local paper to give you coverage for what you do, and you're not a cabinet minister, don't hold your breath. I have heard that from the time I arrived at Queen's Park, in 1990, all the way through. I haven't heard anything different from Toronto. You and I don't have that, Chair, because we have our weekly papers and we have our set paper.

In Hamilton we have *The Hamilton Spectator*. The beloved *Hamilton Spectator*—love it or hate it, that's our paper. We have only one, and it's not that hard to get coverage if you're doing something good or bad. But if you're in Toronto and you do something good, an announcement for a nice local thing, or you've done something really important, good luck trying to get covered in the *Toronto Star*. It makes sense, right? Often the best they have is the local papers. I guess social media is changing that over time. I see my friend Mr. Chan shaking his head and saying no, indicating it hasn't changed that much, and that what I'm saying is an accurate reflection.

**Mr. Arnold Chan:** We get no coverage.

**Mr. David Christopherson:** No coverage, yes. So things haven't changed that much for Toronto members from when I first arrived on the parliamentary scene in 1990. It's tough.

I'm going to say this because my dear friend Jack Layton used to say this publicly from time to time. Trust me, it was far more in sorrow than in anger. He would often say that the Liberals should have to declare the *Toronto Star* as an election expense. It is just that feeling by New Democrats that no matter what happens when it comes to the *Toronto Star*, we always have this feeling that we're being wronged every time the *Star* hugs the Liberals. Historically, that's where they've been comfortable—with some exceptions, I must say. During my time at least a couple of times they have endorsed the NDP.

I just thought it would be interesting to show it, and I only mention that to show that this is not a paper with a normal gut reaction to go after Liberals. It's not that at all. If anything, it has some sympathy for the direction and balance of the Liberals, I guess, to try to see it the way they do. Yet, boy, it's hitting hard. It's not pulling any punches. And why is that, Chair? Is it because this is some insignificant little thing and all of a sudden the *Toronto Star* has decided it doesn't like the Liberals anymore and it's going to go hugging the opposition? No, that's not what's going on.

The reason it's hitting so hard in a paper that is often supportive of the Liberal approach to governance is that it's so important. The reason we're filibustering is that this is so important, and that's why the government refuses to adjourn the meeting, and that's why we're 24-7. On the principle, histrionics and all, the *Toronto Star* is taking a real run at the government in a significant way, as you will see as I continue to read it.

There's that last sentence:

And the anti-democratic manner...

Think about it. This was the government that ran against Stephen Harper, who was the anti-democratic demagogue.

Here we are not even two years into the government mandate, not even halfway, a little over 18 months probably at a quick calculation, and it's being called anti-democratic in terms of how it's approaching wanting to change Parliament, by an entity that is not afraid to support the Liberals more than time to time. That's quite something. It might suggest that maybe, just maybe, the opposition might have a point. At the very least, the opposition may have a point.

To continue:

The potential changes to the Standing Orders of the House of Commons, laid out in a "discussion paper" last week, are a mixed bag. A few are for the good. A measure that would allow the Speaker to hive off portions of omnibus bills, for instance, would weaken one of government's most powerful shields against scrutiny. A proposal to dedicate one day a week of Question Period to interrogating the prime minister, as the British Parliament does, would also be welcome, as long as the PM showed up on other days, too.

It's interesting—not a single opposition member and so far neither editorial has let go of the fact that the concern is that the Prime Minister will come only one day a week.

In addition to accountability, that focus also diverts attention away from the importance of question period. When the Prime Minister's not there, we can look up into the media galleries, and there is a pretty consistent correlation between the number of media.... I see the chair nodding his head; you can see this from where we sit. When the Prime Minister is there, it tends to be a more fulsome.... It's not that they aren't watching, because they are covering it: they're

in their offices and things. Nonetheless, when the Prime Minister's there, they seem to make a bigger effort to actually be there in person so that they can see the whole dynamic and feel the mood of the House. It's just that there are that many more of them when the Prime Minister's there. Conversely, when the Prime Minister's not there, there are fewer.

One of the things that make our parliamentary system so different from the congressional system is the day-to-day accountability of the executive council, the cabinet, in the name of the Prime Minister.

I won't go on, because I can't, but as I mentioned, in terms of wanting to answer every question on a Wednesday, the rules already allow it. The Prime Minister did it yesterday—his big, secret surprise, which they didn't think through, because it also pointed out that they were able to do it without changing anything.

Wow! That really harmed their case.

**Mr. Todd Doherty:** It's a novel idea.

**Mr. David Christopherson:** Anyway, we'll continue.

Again, regarding the Speaker and the omnibus bills, for instance, it said that would "weaken one of the government's most powerful shields against scrutiny".

It said that a proposal to dedicate.... Sorry, I read that already. That was the Prime Minister showing up, again the concern being that he's not going to be there the rest of the time.

The *Toronto Star* editorial continues:

But several others are cause for concern. A proposal to limit debate by strictly scheduling the stages of a bill's passage would likely increase efficiency, but at what cost to democracy? Same goes for measures that would limit speeches in committee, eliminate opposition filibustering and remove other tools for delaying government legislation or alerting the public to problems. In our version of democracy, when the government has a majority, the opposition has few tools as it is.

The *Toronto Star* is making the case, as did *The Globe and Mail*, that in the face of a majority government, the Canadian parliamentary system loads everything up in favour of the government, and there are very few, with limited affect, tools available to the opposition.

Here we are with the government of sunny ways and accountability taking away some of the few tools we have, and respective committees not even halfway through their mandate are being accused of being anti-democratic. Those are exactly the arguments we've been making.

It's not as though we've been making a whole myriad of arguments and it took the editorials to come in and focus on things and separate what is irrelevant. Those are the very arguments we've been making, and they aren't limitless.

It's not as though we're creating all kinds of false bogeymen here. Our arguments have been consistent and focused, and they are matched by the comments and position of *The Globe and Mail* editorial and the *Toronto Star* editorial. I hearken government members back to the Liberal editorial that said that arguments from the government to the contrary—my words, my paraphrasing—are absurd. That word was theirs: “absurd”.

So again, from the last part:

In our version of democracy, when the government has a majority, the opposition has few tools as it is.

In a richly ironic gesture, on the same day the discussion paper was released, a Liberal MP tabled a motion demanding the relevant parliamentary committee issue recommendations on reform by June 2. Why the rush?

I'm still quoting, by the way: “Why the rush?”

Remember, we were asking. We were trying to figure out whether June 2 was a special day or June 3 was a special day and we had to finish by June 2 because Parliament was going to turn into a pumpkin at midnight if we didn't get this report with its recommendations done? We never did get an answer as to what the magic about June 2 or the avoidance of June 3 was.

In a practical way, the only thing I could think of was that they wanted enough time to convert the report into...probably a motion. It doesn't take a bill to change the Standing Orders; a motion would do it. It would give them time to bring in that motion, use the guillotine of ending debate, and ram the sucker through before we rise in June, so that they can come back fully equipped with all their new weaponry in the fall, ready to take on that obstructionist, evil, anti-democratic opposition whose actions required them to take these drastic steps in the first place.

I suspect that's what June 2 was, but my opinion and a toonie gets you a coffee; there's no guarantee past that. There may be some other magical reason or blatant reason I've missed that June 2 was the day, but boy, the government was sure hell-bent that it was going to be June 2 no matter what.

It's funny that, when it realized it needed to start moving, the first moveable piece was June 2. Whatever reason there was for it originally quickly became less important once it looked as though this wasn't going to go tickety-boo in exactly the way the government hoped.

Again:

In a richly ironic gesture on the same day the discussion paper was released, a Liberal MP tabled a motion demanding the relevant party issue recommendations on reform by June 2. Why the rush? Surely democratic reform ought to be pursued by democratic means

—there's a concept the government ought to give some thought to

with all the deliberations and debate that those entail. In response to the motion, members of the committee filibustered to draw attention to the abuse of Parliament, using a tool they might not have for much longer.

There's real change: campaign on the left, govern on the right.

A new report from Samara, a non-profit organization dedicated to civic engagement, suggests that confidence in Canada's democracy, while low, has increased since Harper's defeat. In 2015, survey respondents gave our democratic leadership a grade of D;

—heads down: that's a D, as in David—

this year, the mark improved to a C.

Next year's is going to be so bad. Mom and Dad are going to be really upset when they see this next report card, because I think there's a great big F coming, especially in the part that talks about democracy and respect therefor. We're not going to want to bring that report card home. We all remember that.

Well, Mr. Chan, you probably had good report cards; maybe that's why it wasn't a problem. Let me tell you that for guys like me, that—was it two or three times a year?—was the worst part of the year, because I certainly didn't have a lot of shiny A's and I didn't have many good reasons for not having them.

To continue:

This jibes with an EKOS poll that found that, after decades of erosion, public trust in government spiked after Trudeau's election win.

The bad thing is what they did with it. That was the bad thing, and it continues to be the bad thing, but it was a good thing that this government getting elected gave people renewed hope in their parliamentary system at a time when around the world it's going the other way. That was a good thing, and great for the Liberal brand, which I complimented earlier in this modest discussion. The government played to fantastic advantage when they first got elected.

I have to tell you that in the early days it was so bad, I could hardly look at the TV. I could only imagine how Hillary felt in those months following, because I have to tell that you every time I looked at that darn TV, it just ruined my day. It would get worse and worse, and then I'd think that the next day they would trip up. Then when they did trip up, things were going so well it didn't stick.

**Mr. Scott Reid:** Are you talking about Trump's election or the Liberals' election?

**Mr. David Christopherson:** I'm kind of merging the two. I can understand why my friend might be confused, but I was talking about the Liberal election. The Trump election plays into this too; there is a merging of the thoughts. I can appreciate where I'm maybe not being as clear as I need to be when I'm talking about mandates and newly elected people.

Thank you for that, Mr. Reid. I will be on guard to try to be clear in my differentiation.

No, it's quite the opposite. Again, I'm talking about the beginning, which almost seems like it was a different party or, at the very least, a political lifetime ago. Really, we're only talking about weeks, not even months, since they suddenly became as vicious as they are now. There had been indications. We saw things, such as, for example, Bill C-33 and motion number six. This stuff was already there. It just hadn't bumbled to the top.

In reference to the *Star* editorial, I'll read it again. It's good for the government. Where is it...?

Sorry, Chair. I'm not trying to deliberately delay.

It says:

This jibes with an Ekos poll that found that, after decades of erosion, public trust in government spiked after Trudeau's election win.

I was commenting on how well they played that out, just like a symphony, for days, weeks, and what became months. It looked like it was going to be years. It was politics at its best.

Again, I remember some of those heady days. Our honeymoon didn't last quite as long as this one did, and most don't, but, boy, the government just played it brilliantly. I give the government full marks. There was nary a stumble. Where there's a stumble, a picture of the Prime Minister underneath a headline that attacked the government, just like the *Star* editorial, takes a lot of the sting away.

This is the only thing that has really stuck in a big way. There have been some other things.

We should have known when we saw motion six. That was unreal. It practically suspended every right the opposition had. The only saving grace was that there was a time limit, but that doesn't change the fact that for a period of months the government was about to give itself spectacular omnipotent powers to run roughshod, at will, over the opposition.

If anybody thinks I'm being a little histrionic in that, go take a look at motion six. Find out what ministers could do by declaration alone. I haven't visited it in a while, and I stand to be corrected. I believe a minister could actually end debate by a declaration. If that's not accurate, there was a similar application. It was, like, unbelievable, let alone having it come from a Liberal government, let alone a Trudeau-led Liberal government.

The only thing that caused the government to back away was the explosion on the floor of the House, when there were accusations of people being manhandled. That brought everything to an acute head. The Prime Minister had to apologize. To his credit, he said that he would take action to ensure that the tone changed and that we would see that action imminently.

To the Prime Minister's credit, within a couple of hours, the government House leader, who I referred to earlier in terms of his respectful request of this committee, Mr. Dominic LeBlanc, rose in his place and announced that the government was withdrawing motion six. That took all the sting out of it. That took the air out of it. Everybody calmed down. That did give us a chance to get back on track.

Most of us thought, okay, that's the last we'll ever see of that ugliness, because even Harper, in his wildest dreams, would never have suggested that he take that kind of power—raw power—and remove what little rights the opposition still had. Lo and behold, motion six finds itself in a reincarnated form known as a “discussion paper”. It's not quite as ugly as motion six, but it is politically ugly in its own right in terms of what it suggests the government would like to do to the nuisance opposition.

To continue with the editorial:

Canadians embraced Trudeau's positive vision and took hope from early signals. His openness with the media, for instance, is a clear improvement over his predecessor.

It was a pretty low bar, which he more than cleared, I will say, but it was a low bar.

**Mr. Todd Doherty:** Let it go.

**Mr. David Christopherson:** Listen, I keep telling you that, man. I have the floor, and you just don't seem to want to learn.

**Mr. Todd Doherty:** Let it go. It's in the past.

**Mr. David Christopherson:** You don't want to learn.

I'll remind my friend Mr. Doherty that the next time he brags about something the Stephen Harper government did, you can't have it both ways. The closest to that is to take the compliments when you can and keep your head down the rest of the time. I don't know why the scars on my back are not convincing enough to my honourable colleagues that it's the best course of action.

**Mr. Scott Reid:** In all fairness, David, you're thin with the compliments, so we just have to keep our heads down all the time.

**Mr. Todd Doherty:** There has to be a compliment in there somewhere.

**Mr. Scott Reid:** Just throw us a bone once in a while.

**Mr. David Christopherson:** Okay. Now you're going to give me a challenge. I have to think of something I can.... Help me. Guide me to where that promised land was. I forget.

**Mr. Scott Reid:** You liked Harper's hair.

**Mr. David Christopherson:** No.

**Mr. Scott Reid:** You thought he had good fashion sense.

**Mr. David Christopherson:** I agree that there has to be something. It's just escaping me right now.

**Mr. Todd Doherty:** You said it last night. It was that you knew where you stood with—

**Mr. David Christopherson:** I was hoping for something better than that to give you, but yes, I knew where I stood consistently.

There has to be something you did that I liked. There has to be. Nobody could be that bad. I'll work with my staff. We'll think of something.

**Mr. Scott Reid:** David, let me think about it. I still have several hours, so I'll come up with something.

**Mr. David Christopherson:** Yes, but what's interesting is that even your team needs time to think about something that I would consider a positive thing, and I'm trying to be fair-minded.

**Mr. Scott Reid:** I want to be Christopherson-friendly in my approach.

**Mr. David Christopherson:** Oh well, far be it from me to try to figure out what that means. I will leave it with you.

Sincerely, I'm sure there is. It doesn't come to my mind. Help me. Give me something the Harper government did that was good, and I will be glad to compliment it to further make the case that nobody can be wrong all the time. Even a broken clock is right twice a day.

**Mr. Scott Reid:** David, I have something. We did not impose unilateral changes to the Standing Orders to eviscerate the existing Standing Orders.

**Mr. David Christopherson:** Normally I would laugh at that, because you want me to compliment the government on something they didn't do, but in this case, it is absolutely apropos that even Stephen Harper did not. I don't know why you think this is helpful, but I'll use it. Even Stephen Harper wouldn't do this horrible anti-democratic thing, and we all know how undemocratic he was.

**Mr. Scott Reid:** Oh no.

**Voices:** Oh, oh!

**Mr. David Christopherson:** See? That didn't work out the way I think you wanted it to. You have to work with me here. Anyway, I leave it with you as a little homework. It's something to think about other than listening to me drone on.

Your mission, should you decide to accept it, Mr. Reid, is to find something that the Stephen Harper government did in its almost 10 years in office that one lonely Hamilton MP named Christopherson can give some compliment to. I await your words.

**Mr. Garnett Genuis:** How about [*Inaudible—Editor*]

**Mr. David Christopherson:** Yes. Thank you. You come close to living up to your last name, even though you don't like it pronounced that way.

**Voices:** Oh, oh!

**Mr. David Christopherson:** By the way, he's got a great father-in-law. I love this story. I bumped into him at the airport. He walked up and introduced himself—and you never know at airports, right?—and we shook hands, and he said he was so-and-so's father-in-law. He said, “Yes, I've got to tell you that when I first met the guy I wasn't all that impressed when he told me he wanted to get into politics, but it turns out that he's a pretty good guy.” At this stage, on a personal level, I would agree with him.

It gives me a chance to give a well-deserved compliment, if you'll allow me, Chair, to a Conservative, David Sweet, who, like Filomena Tassi, was the government go-to person in Hamilton—for a much longer period of time—but didn't have the benefit of being a cabinet minister to make these things happen. I know the difference. I was the regional cabinet minister. We had three or four of us, but I was the designated regional minister responsible for the entire region. I know what that job is. There would be lineups outside my constituency office. Virtually everybody had to see me, but at least I was a minister and I had the means to be at cabinet meetings. I had access to other ministers, and I could get into files, and I had the staff support to do it.

Madam Tassi, like David Sweet—and David Sweet did it for all that time—did not have the benefit of a cabinet base to be the regional minister. I have to say—I have said this before publicly—as much as David Sweet and I are about as far apart ideologically as you're ever going to find, he did one hell of a job as our regional representative, as our government representative.

For the Innovation Park, which bordered on his riding and mine.... In fact, you'd almost need a survey to accurately define the line of

demarcation between his riding and mine where the Innovation Park is.

Filomena, that's now your riding and, of course, that site is the old Westinghouse site, as those of us who are long-time Hamiltonians would call it. Everything is known by what it used to be.

That is an amazing centre. I know that Filomena is very proud to represent that area. I have a little piece of that property. That's why I say that it's a little mixed, but the point I'm making is that, yes, that fund is the fund that money came from, I believe, and the Innovation Park on Longwood Road in Filomena Tassi's riding in Hamilton is a major success. It's something that I would not only say was a good thing but, as I said at the time and would repeat, is a positive thing.

I have another one for you, too, Hamilton related, just to give you your due. When John Baird was the environment minister, we wanted funding for Randle Reef. Again, Filomena knows the importance of Randle Reef. That has been on the docket now for a decade and a half, I think. We've been looking for funding from all three orders of government. It is one of the known toxic hot spots of the Great Lakes. I went to John not long after they formed the government, because I knew John from our days at Queen's Park. To his credit, David Sweet had gone to him right away, making the case. It's in my riding. The waterfront is in my riding, not David's, and yet, to his credit, he was all over it, with the government and with John.

I went to John and said, look, anything I can do, up to and including...but you do this and I'll say nothing but nice things about your government. Now, again, remember that at the time we had Harper, the environment...there was not exactly a lot of positive stuff, so something positive there was worth its weight in political gold. Yes, that was my strategy. Again, that's the experience of being an opposition member, because what he needed from me was time. What he was saying to me was that he needed some manoeuvring room and me being on my feet in the House drawing attention to it and putting pressure on it was actually not going to help.

I offered the two things I thought he wanted. I offered to stay quiet, which is offering a lot—you all know why—and I said that if he did it, I would say really nice things about his government, because he would deserve it. To cut a long story short, he held me to that. He called me up and said, “Well, Dave, I have two things to tell you: number one, the funding is going to be there, and number two, so are you.” He had me in the green room. They made hay of it. They marched me in there, profiled me, and said, “Even Mr. Christopherson is saying wonderful things.”

I did say wonderful things. I paid that price. But you know what? At the end of the day, it was the right thing. That's part of the job of an opposition member. Sometimes what you have to do is stand up and holler from the rooftops when something is wrong, and other times you need to be strategically smart, shut up, and take yes for an answer.

Again, to his credit, David Sweet played a key role in making that happen, and he did it without benefit of a cabinet position, just as Filomena did up until the recent appointment of our new cabinet minister in Burlington. I always give credit for that, because I know how tough that is. I did it in being a minister, and a relatively senior one at that. I can't imagine what it would be like to be the regional government go-to person and not have that behind you and to still do an effective job. Both David Sweet and Filomena Tassi did that, and they deserve that credit. I am glad to say so.

**Ms. Filomena Tassi:** David, I think I might hire you as campaign manager—

**Voices:** Oh, oh!

**Mr. David Christopherson:** Just remember that you get the whole package. You can't cherry-pick the parts that you like, as few as they might be.

To continue:

Canadians embraced Trudeau's positive vision and took hope from early signals. His openness...is a clear improvement over his predecessor. The un-muzzling of government scientists and the restoration of the long-form census, too, were steps in the right direction.

That's true. It goes on:

But in other important ways, the prime minister is falling short. His delays on access-to-information reforms, his stubborn reliance on cash-for-access fundraisers, his bogus promise of "open" nominations, his electoral-reform charade—all of these weaken democracy. The potential proposals for procedural reform would, on balance, do the same.

It means that they would "weaken democracy".

Chair, you'll be pleased to know that we're at the last paragraph of this editorial.

**An hon. member:** More, more.

**Mr. David Christopherson:** It concludes:

The spike in public trust that Trudeau brought with him to Ottawa provides a great opportunity for a government with ambitions for an active role. But it also carries a risk. We are seeing in America and elsewhere what can happen when hope turns to cynicism.

You'd almost think I was reading an editorial from a House organ of the NDP. Wow. Those are your buddies...?

I have something new. I know you like new stuff, because that means I'm not repeating.

Who doesn't like listening to and hearing from Andrew Coyne? I thought there might be some people who would shout it out, but....

He's a fascinating guy. I always appreciate his honesty when he's on *At Issue*. You never know for sure: "boilerplate arguments are not us" would be one way to describe Mr. Coyne. You're never really sure ahead of time where he's going to go. My impression is that he's constantly trying to remove biases and be as fair-minded as possible

in his approach and analysis, which is why people listen to what he has to say. Clearly, it's from a small-c conservative perspective.

The lenses he uses often have him arriving at opinions that certainly I didn't expect. Whether I agree or disagree, oftentimes I'm caught off guard. Nobody can ever accuse Mr. Coyne of being anybody's or anything's mouthpiece. We know that democracy is something very close to him. He of course is an advocate for proportional representation, from a conservative perspective, I would say, for the simple reason that it's hard to defend first past the post as being fair.

That's why the current Liberal government ran on a platform to get rid of it. They didn't commit to proportional representation. In fact, what they hoped was that they were going to get the ranked balloting system. They did everything they could to cook the books so that would be the outcome, but nobody was biting. Everybody knew that if they rammed that through, it was further evidence of them trying to fix the system in their favour. We know that it likely would have led to far more majority Liberal governments than any other outcome.

Mr. Coyne is one of those who is a fervent—I think I can use that word—supporter and proponent of proportional representation. On March 27.... No, he got into this earlier yet. You have to give him a lot of credit. That was with the budget going on, and they still managed to see this, through all the smoke and attention around the budget. That really is something.

Anybody who is around here on budget day and the day before knows that the whole place is upside down. You know the budget is coming. In the lobby area, they're starting to bring in all the extra equipment and the extra sets. There's a whole lot happening, so I have to say that for anybody who's a political watcher, saw through all that, and identified something else going on in a small committee room in the basement, in Room 112 North, you have to give them their due. They're doing their job.

What did the ever-interesting and respected Mr. Coyne have to say about this subject?

Now, we all know that the journalists—the authors—don't write the headlines. The headlines are done by editorial people, and they're part of the management. In many cases, the headlines reflect the most attractive aspect they can capture in terms of conveying a message. Oftentimes, too, it's just for cleverness. They must have competitions in the world where people get credit for interesting, unique, and creative headlines.

In this case, it says, "Andrew Coyne: Renewed attempt to rewrite House rules confirms Liberals are not to be trusted". It has to hurt just to hear that.

Chair, this article reads as follows:

The 18 months of the Trudeau government have been an education in cynicism. Every time you think you have plumbed the depths, every time you believe you have pierced the many veils of their duplicity, you are delighted to discover still another con wrapped inside the last—usually delivered by some smiling minister tweeting variations on "Better is Always Possible" and "Diversity is Our Strength."



The Harper government never bothered to pretend they were anything other than grimly determined power-seekers, realists of the Don't Get Your Hopes Up, This Is As Good As It's Going to Get school. The...Liberals went to some lengths to emphasize they were something different—as if a rare window had been opened for a new kind of politics, whether by the Harper government's excesses, or the changing of the generations, or the sheer dynastic appeal of the Hippie King. But of course the idealism was just a newer, slicker con, or perhaps an older, slicker one: Trudeau as Kennedy to Harper's Nixon.

The latest chance to refresh our acquaintance with how deeply cynical the Trudeau people are—not have become: are—is the clutch of grubby expedients the government is now trying to stuff down the opposition's throats, in the name, prettily, of “parliamentary reform.”

“Prettily”: you've got to love it. That's quite a sentence:

The latest chance to refresh our acquaintance with how deeply cynical the Trudeau people are—not have become: are—is the clutch of grubby expedients the government is now trying to stuff down the opposition's throats, in the name, prettily, of “parliamentary reform.”

It's poetry.

He continues:

Scholars of the Trudeau style will recognize the expression “reform,” like “merit-based appointments” and “evidence-based policy,” as a tell that some kind of humbug is afoot—

Isn't that great? Here we are in April and using the word “humbug”. It's just delightful. He continues:

—and this is no exception: this is no more aimed at genuine reform of parliament than the Harper government's Fair Elections Act was aimed at making elections fair.

You would almost think that we were sharing notes with what the opposition is saying, what the *Globe and Mail* editorial is saying, what the Toronto *Star* editorial is saying, and what Mr. Andrew Coyne is saying. At some point, the government may need to realize that it's their little Johnny who's out of step. I remember the old joke. It can probably be done better than the variation that I can remember my Mom telling me, but it's something about a mother at the side of a road watching a military parade and seeing her son Johnny. Johnny is marching in a different step than everybody else, and Mom says, “Look at that: only my son is doing it right.”

No, this is not Johnny doing it right in terms of your government's one lone voice that this is the right thing to do. You really are out of step with the rest of the parade in terms of real democracy, real democratic reform, and real change.

He continues:

We had an early foretaste of this with the infamous Motion Six, when Dominic LeBlanc, that icon of new-age politics, was Government House Leader:—

I'm sorry, Dom, but that's funny. He continues, in reference to motion six, with:

a change to Commons rules that would have truncated Parliament's right to debate bills—that would, indeed, have allowed a minister or a parliament[ary] secretary to unilaterally adjourn the House—

As you'll remember, I was talking earlier about some of the powers it gave ministers. Wow. Talk about draconian. Indeed, that's what I was referencing. A minister could unilaterally adjourn the House—or a parliamentary secretary. Unilaterally adjourn the House.... That's the way King Charles wanted things to be. He liked that idea—very efficient. In a more modern context, not that he had them in his day, that kind of thinking does make the trains run on time. If you're concerned about something a little broader than just

making sure the trains are on time, then you're going to have a problem with this.

The great democrats.... Yes, that's real change: we went from a democratic House to a parliamentary.... It's not that I'm putting down parliamentary secretaries. I used to be one; provincially, we called them parliamentary assistants. My first appointment was as parliamentary assistant to the Minister of Finance, and I held that position until I went into cabinet in my own right. I'm not putting down parliamentary assistants or parliamentary secretaries, but I am pointing out that they are rather low on the totem pole in terms of absolute power. Nobody ever mistook the powers of a parliamentary secretary and those of a full-line minister—nobody.

Yet this government, this Trudeau sunny ways and respect Parliament Liberal government, was prepared to give parliamentary secretaries the absolute power to adjourn the House of Commons. That would have been just one part of it, Mr. Coyne says:

—while imposing severe limits on the opposition's ability to delay proceedings—had L'Affaire Elbow not intervened.

He can be very funny, can't he? He continues:

That alone ought to have signalled how sincere Trudeau's frequent protests of his devotion to democratic accountability are: as calculated, as fake—and as useful! —as his feminism.

Ouch. That leaves a mark. He says:

Well now the Liberals are back, with a new, more attack-proof House Leader, Bardish Chagger, and a new attempt to rewrite House rules in the interest of “efficiency.”

My editorial addition would be “in the interest of making the trains run on time”. He continues, Chair:

Officially it's just a “discussion paper,” but if so it's one the government seems peculiarly unwilling to discuss or even explain. Once again there are [time] limits proposed on time-honoured procedural tactics with which opposition parties might delay government business or otherwise express their unhappiness. So, too, there are new and more draconian proposals—

That's not just a word that I've used, but one that Mr. Coyne feels is aptly used in this context.

Again, Mr. Reid, I think it's fair to say that Mr. Coyne would be one who would come under the heading of “wordsmith”: every single word matters and is thought about for its impact, and for style, but ultimately impact. He used the word “draconian”.

Again, my good friend John Baird would love to hear all this, because I used to throw the word “draconian” around when it was Mike Harris I was facing. I'd had experience, before Harper arrived, in dealing with right-wing autocrats. Anyway, I was forever using “draconian”, and John would have great fun with that in different contexts.

I'll move along. He says:

So, too, there are new and more draconian proposals to limit debate and scrutiny of government business, with fixed numbers of days set for each stage of a bill's progress through the House—thus sparing the government the unpleasant necessity of passing a motion to curtail debate—limits on speeches in committee—

I have gone on about that ad nauseam, at great length. The chair is nodding his head, because he has to sit here through all of that. It continues:

—and the elimination of Friday sittings.

Other proposals are more in the nature of missed opportunities. As in the British Parliament, there is a proposal that one day of question period each week be reserved for questions to the prime minister, which would be more worthy of praise if this were in addition to his regular daily question period appearances and not, as seems strongly probable, in place of them.

Chair, again it deserves focus that virtually every comment from every opposition member, from the *Globe* editorial, from the *Toronto Star* editorial, and now the comments of Mr. Coyne, mentions that whether or not using Wednesday for the Prime Minister to answer all the questions is a good idea or a bad idea is in large part dictated by whether or not we can expect that it will be the only time the Prime Minister is going to show up, in which case there would be a huge net gain for the government, with no more of that pesky, time-wasting effort of getting ready for question period every day.

Again, I get it. Question period wasn't exactly my favourite time of the day when I was a minister, that's for sure. I can remember that the sweetest sound that I could hear was at some time in June, when the Speaker would say that "the House now rises until September" sometime. It was like, "Ah, great." That's the best time in being a cabinet minister: when you don't have that pesky question period. You don't have to spend all that time preparing. You don't have to deal with all the messy parts of your portfolio. You don't have to go through the stress of the follow-up scrums, which are often tougher than the actual questions in the House. There, all you have to do there is answer and sit down. It's not so easy in a scrum.

It was always a sweet sound: this House now does rise for the summer until.... You would have two months of governing without that pesky House and that pesky question period. I got a lot more done. My day was far more productive because I didn't have to carve out anywhere from three-quarters of an hour to two hours getting ready for question period.

Given the ministries that I had, which were Solicitor General and Corrections, meaning all police, all fire, all emergency services, and all the jails, and probation and parole, and, and, and.... They are the stuff of great headlines. You know the saying, "If it bleeds, it leads." I can't tell you how many times I was the focus of the lead-off question from the official opposition and then from Mr. Harris, who was the leader of the third party. If that wasn't enough fun, Senator Runciman, over in the other place here, used to be my critic in that place, and if you've ever had Bob Runciman come at you, then you know you have been come at.

He was a great guy, by the way.

I'll tell you a quick story, if I may. We were getting close to rising in September near the end of the term, and we all had a fairly good hunch that the House might not come back, so some of the veterans were getting up and saying a few things they wanted to get on the record. As it turned out, the House didn't come back, and we had a general election.

Senator Runciman was very generous when he got up. We had gone through quite a number of Solicitors General, both Liberal and NDP. The ministry was kind of chewing them up and grinding them

out. It was my turn on the conveyor belt, and Bob was nice enough to get up and say—I can't remember the exact quote—something about how I was one of the nicest and most effective in a given period of time.

It was something very complimentary that normally you wouldn't say, especially Bob. I won't say it, but if anybody knows his nickname, you would know that he's not normally given to giving out bouquets in the House to cabinet ministers, particularly those for whom he's the critic. But he did on that one occasion. It was almost half a sentence; it wasn't that much. With me being a politician, never one to miss an opportunity, guess what happened in the next election in Hamilton Centre provincially. There were great big letters with quotes from the minister's critics, even, saying wonderful things about what a wonderful job I did.

Sure enough, I was in the House a couple of days after the election. I looked up and there was Bob Runciman standing there looking at me, saying, "Thanks, Dave, thanks a lot." You and I both know what he heard from the Conservative candidate in that election: "What are you doing? How is this helpful? Thank you ever so much." That's not to mention that I came kind of close to breaking I think an unknown code. You don't do that, especially when somebody is getting out of character. The problem is that I learned about that code afterwards. I didn't do it deliberately. I knew it wasn't going to be good news in his camp, but I wasn't really worried much about him. The election was coming up, and I was worried about my election.

Anyway, I say all of that because there's a consistency to almost all of these arguments. Let me frame it this way. Do you notice that in the respected critiques and criticisms from *The Globe and Mail*, the *Toronto Star*, and Mr. Coyne, notwithstanding that histrionics is a justifiable accusation and I wear it because it's true, there aren't that many arguments we're using or creating that are over the top and not reinforced by these other serious entities? They don't care about our politics. They deal with the issues as they see them.

I think it's edifying that those arguments in all three cases are so similar to the arguments we're making, and the absence of arguments we're making that they aren't reflecting also.... Again, Chair, all of these I'm raising to show that what I think was the government's reason for what they're doing, and to try to find some justification for all this, is at the very best a failed plan. These comments from editorial panels, editorial boards, and individuals of the stature of Mr. Coyne reflect the fact that there is something seriously wrong in the state of Denmark.

The blame goes nowhere else other than to the feet of the Liberal government, which to this second refuses to acknowledge the legitimate criticisms and critiques of the opposition and those of third party interests in our pluralistic democracy. It's very telling. It's also a bit unusual.

Normally what happens is that you throw everything but the kitchen sink into an argument, and many times you're throwing everything you can to see what sticks. There are all kinds of different techniques that we've used and that the Liberals used when they were in opposition. Many times when the grown-ups weigh in and give a dispassionate analysis of things, a lot of the stuff that we're off on flights of fancy with don't even get mentioned because it's more political and entertaining than it is germane to the point.

I think it's fair to say—and it's a bit of self-criticism—that is often the way it goes. It's very rare that the arguments of the opposition so finely focused and replicated in other arm's-length, third party opinions. That should be worrisome for the government. Well, a lot of this should be worrisome, but that should be very worrisome. There are no cracks here. It's not as if the government is going to take the floor in a minute and start giving, what, bigger editorials? There may be some that support the government, and I'd be interested in seeing which newspapers are putting their reputation on the line to back this sort of thing, but the government certainly can't get any of the biggies. Where there might be a compliment, it's more than wrapped in criticism. I'll go back to that in one second, Chair, but that has to be making Liberal backbenchers nervous.

I remind Liberal backbenchers of my experience and more of the scars when I was in government and then in re-election. We started with a big majority of 74 seats on election night. By the time the polls closed on the next election night, there were 17 of us.

**An hon. member:** Shameful.

**Mr. David Christopherson:** What's relevant in my message to the Liberal backbenchers is that, of the 17, only four weren't cabinet ministers, and I was one of them. On election night in 1990, we had six seats. There were six seats in Hamilton; we had six seats in our government. In the following election in 1995, when I looked around, I was the only New Democrat left standing, and I won my seat by less than 1,000 votes, as Filomena knows very well.

Was that the one you were in, Filomena?

**Ms. Filomena Tassi:** Yes.

**Mr. David Christopherson:** Filomena was my Liberal opponent and damn near defeated me. It was close. I'm going by memory, but I think I won by 900 votes and change.

Quite frankly, if the Cons hadn't done so well, I'd have gone down the tubes. But because it was a Harris landslide, there was enough spillover—they could never win Hamilton Centre—to save my rear end. That's the closest election I've ever had. I just barely won. I'd just point out to the government backbenchers that out of the 17 elected only four weren't ministers, which shows how hard it is to survive when the tide goes out if you don't have the added profile of having been a cabinet minister, with all the benefits of that. You can show that you've done things, yada, yada.... There were only four of that 17, so when government backbenchers—most of you—start to see these kinds of stars lining up, take a look at what's in front of you.

The Conservatives and the NDP are practically blood brothers over here. Do you know that once a day we hook arms and sing

*Kumbaya*? If it were allowed, we'd have a little campfire and we'd wear team jackets.

**An hon. member:** Blue ones.

**Mr. David Christopherson:** Not blue, but blue and orange, which, by the way, happen to be the colours I used when I ran for mayor and went down in flames. That's a different story.

The first thing you did was what one would almost believe to be an insurmountable challenge, a politically impossible assignment, but the Liberals have done it: the Cons and the NDP are united in opposition against the government, to the point that our staffs are working with each other seamlessly. Some of us feel that we almost should have a chair with our name on it in the Conservative House leader's office, because we're over there all the time, with me partly reminiscing but mostly hatching up schemes against you guys.

Normally, the Liberals can expect that because the Conservative ideology and the NDP ideology don't tend to overlap too often, it's a great advantage, especially for a majority government that has all that power that we've talked about, as referenced in these editorials. What better than to add to that an overwhelming majority, with all the power you get, and divided opposition benches? It's the sweet spot. But in this case, the government gets to claim the trophy, because they have managed to unite the opposition benches.

How did they do that, Chair? By being even more anti-democratic than Harper. Now, I could be missing something. I'm not always the sharpest pencil in the box, and I don't say that I am.

**An hon. member:** Say it isn't so.

**Mr. David Christopherson:** Well, you have to be truthful. When you get to be my age, you have to do an honest reflection.

In my estimation, it seems that the backbenchers in particular should be paying very close attention to these stars lining up: the opposition is united; the major opinion leaders of the nation are calling out the government on a file on which they already broke a major promise and betrayed untold thousands of their supporters; and, drip, drip, drip, this committee continues to meet day and night with not very nice things being said about the government.

I don't know what they're thinking in the PMO, but if I were over on those government benches that I'm looking at and were one of those backbenchers, I'd surely be paying a whole lot of serious attention to this, because a lot of the people who voted for you wanted to get rid of first past the post. You promised that you would and you turned your back on that promise. Trust me: it's not as big a problem for the Attorney General to overcome that and get re-elected because, remember, “all politics is local”.

Mr. Reid, that said was by what American House Speaker? We both know it.

**Mr. Scott Reid:** It was Tip O'Neill.

**Mr. David Christopherson:** It was Tip O'Neill, absolutely.

All politics is local, so if I were these government backbenchers—on this committee in particular, but even as a backbencher in general—in terms of my own re-election, I would be paying great attention to how much traction the label “anti-democratic” has and is sticking.

We do know from certain little birdies that there were some interesting discussions at the Liberal retreat last weekend about this matter. It would seem, from some little birdies' reports, that some of you are getting the message that this could be a problem, that it is not something you're going to counter-spin with a ten percenter, and that the longer this goes on, as my friend Jack Layton would say, the more this circles the stain. The stain is the betrayal in regard to changing first past the post. It was an outright, flat out—there's no other interpretation—betrayal. Then, on a related file, this government decided to get even more anti-democratic than breaking their campaign promise to the very people who elected them.

It would seem that some of the brighter lights over there, according to birdie reports, reflected their concerns at the caucus meeting. Unfortunately, it doesn't seem as though anyone was listening. No one is listening. They're just leaving you out here, stranded in this lifeboat. You just float along, getting pushed by the waves of arguments—justifiable arguments—coming from the opposition benches. Boy, if ever there were a time to be on the transportation committee, the health committee, or the public accounts committee—anything other than PROC—this would be it. Maybe it wasn't such a gift, my friends, I'll just leave it at that, and it's getting worse every day.

I know that I'm starting to grate on some of you. That's fair, but the really bad news, well, the good news, is that eventually I do stop. That does happen.

**An hon. member:** It does?

**Mr. David Christopherson:** It does. At some point, I stop. I only got about three hours' sleep, so it may happen more quickly than I would prefer today. I was lying there last night, quiet, but with eyes like silver dollars. I couldn't get to sleep. I kept thinking about all the arguments I didn't make.

That's a little bit of good news, but really, is that as good as it gets? Is the best news you have for today that at some point Christopherson is going to shut up? Is that the highlight of your day? The bad news is that once I'm done, there are more than enough willing Conservatives ready to take their places and point out how undemocratic this government is being.

**An hon. member:** Amen.

**Mr. David Christopherson:** Aforementioned cabinet ministers are off doing ministerial stuff, important stuff, and being treated importantly, being on TV, being talked about, and being the focus of *Question Period*. It goes a long way to helping get you re-elected when you have all that extra attention for being a big shot.

To be an MP is to be a big shot, but it's a much bigger shot to be a cabinet minister, and the Prime Minister...? Well, I don't think he's too worried about your plight over here, because he's down in New York rubbing elbows with the Secretary General of the United Nations. I'm sure that no muscles are getting sore and that there's no dirt under his fingernails. He's doing just fine, thank you. He's taking

care of international business, being the Prime Minister, and doing the selfies—all the stuff that he does. He probably has a good chance of being re-elected in his riding, too, all politics being local. It doesn't do you any good to be a big-shot cabinet minister if you don't have a seat under you anymore. You're no longer a big-shot anything.

They're all fine, but some of the backbenchers on other committees are starting to get a little concerned, especially the ones who've been around for a while. I won't say anything more, other than to just take a look at who's sitting close to the action and who's sitting as far away from the action as he can get and still be declared a member of the committee. There these members sit: sitting ducks come to mind.

You ought to be awfully worried. You really, really should be. That's not everybody. Some of you got elected on your own name, but let's face a lot of the votes that went into that ballot box and had an X beside your name were there because of the brand that Justin Trudeau presented the Liberals as. As both the *Toronto Star* and *The Globe and Mail* pointed out, that part of what they offered, at the very least, is not on display here now, today.

To the best of my knowledge, there are still no talks going on with the House leaders. Sometimes they happen quietly and quickly, so I'm not saying with 100% certainty that they aren't, but I am saying that in most cases, if there were any movement like that, Tyler and I would at least be given a heads-up, so that we would know in the back of our minds as we are going through this that there's something at play there, we should keep it in mind, and things could change quickly as a result. I don't have such notice.

Have you been notified of any meeting, Tyler?

No. Tyler is telling me he has not been notified of any meetings. It would seem the government is just going about its business, leaving the Liberal MPs to their own destiny.

I will continue with the excellent contribution of Mr. Coyne to this discussion:

The only limit on the government's power to prorogue the House, which Stephen Harper notoriously used to get out of tight political situations, would be a requirement for the government to explain its reasons for proroguing. (In fairness, the Liberals did not promise to limit this power, only that they would not abuse it.)

There is not a lot of evidence that we do not need to keep a standing watch on that one. He continues:

More encouraging is a proposal to give the Speaker the power to break up omnibus bills into separate parts, with separate votes on each.

Taken as a whole, however, there is much in the document that might legitimately alarm the opposition.

Do ya think...? I will say it again:

Taken as a whole, however, there is much in the document that might legitimately alarm the opposition.

He continues:

As if to rub the opposition's noses in it, on the same day the “discussion paper” was unveiled, a motion was put before the relevant House committee (on Procedure and House Affairs), ostensibly on the initiative of a Liberal member, demanding it report back with recommendations for changes to the House Standing Orders by June 2. The government has offered no explanation for the unseemly rush; neither has it indicated a readiness to entertain any opposition amendments, on a matter that plainly affects the balance of powers within the House. It is not unreasonable to call this Motion Six Redux.

I've already gone on about how vicious motion six was, and how rapidly the government backtracked when it became clear that just because they were the ones doing it, it would be no less odious or undemocratic. That's an argument that we've been making for some time, which is that this is like motion six all over again, even the part where you're going to ram it down our throats.

To continue with Mr. Coyne:

If all this sounds unduly suspicious, recall that there is a context to this. After the prime minister's insouciant refusal to admit fault in the matter of the cash-for-access fundraisers, after the charade of “open nominations” in ridings that had clearly been fixed to suit the prime minister's preferences, after the elaborate fraud that was Senate reform, after all the broken promises on everything from the combat mission against ISIL to the open bidding on the CF-18 replacement to—sigh—electoral reform, the Trudeau government has earned no benefit of the doubt.

**An hon. member:** Heavy sigh.

**Mr. David Christopherson:** That got the heavy sigh. You're right. That's what it should be: a heavy sigh.

To continue:

Whatever short-term advantage these and other ruses may have yielded them, they came with a price, and that price is very simple: as they are not to be trusted, so they are not, in fact, trusted.

Circle the stain. Damage the brand. How could you hurt the Liberal brand more than by having all these influential entities calling you all these awful undemocratic names? The biggest problem for the government backbenchers is that the criticisms are true, they are warranted, and they are justified, and your government is doing nothing to get you out of this mess.

They had a week to come up with a strategy. When they didn't use that time, the chair gave them another two days. They still did nothing except, to the best of my knowledge, one relatively brief meeting with the House leaders, and that was it—kaput. We came back here yesterday at four o'clock, picked up where we had left off, and went until midnight. We started again at 9 o'clock this morning. Nothing is moving out there.

I say to the government backbenches: we here on the opposition benches have more than enough fuel to keep this fire going for a very long time. It would seem that by the time your government figures out what they're going to do.... They've done the math, and you have such an overwhelming majority that they really can afford to lose a couple of handfuls of you. It doesn't even affect the majority government. Nobody ever believes they're one of those who's being thrown overboard, but I have to tell you that if I were a Liberal member of PROC right now, I'd be reaching for my life jacket just in case.

Chair, that would be the end of that article.

**An hon. member:** So close....

**Voices:** Oh, oh!

**Mr. David Christopherson:** The good news is—don't get too excited—that we have a new one. I know you like new, so I have new, lots of new. I have so many. Here's a great picture of Lawrence Martin, and I have another guy.... The names alone for what is out in the public domain should make the government shiver in fear, because so far I've read the.... It's just an embarrassment of riches, like manna from heaven. These new articles keep rising in front of me and affording me hours of material. I should buy a lottery ticket. It must be my lucky day.

I was pointing out the accumulated heft of those who have joined in public criticism of the government in addition to the loyal opposition benches, from which you would expect that. We started with *The Globe and Mail*. Then we went to the *Toronto Star*. Then we went to Mr. Andrew Coyne.

**An hon. member:** There's a fire alarm.

**Mr. David Christopherson:** Do you see how much material we have? It's now combustible.

It seems as if there's a fire, a real one.... No? Oh. It's like real change: a false alarm.

**Voices:** Oh, oh!

**Mr. Scott Reid:** Now he has his own special effects.

**Mr. David Christopherson:** That's right, and that goes with meaning that “he's never going to stop”. I'm giving some consideration to winding up, but we'll see how I feel.

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

**Mr. David Christopherson:** Well, I managed to find a Subway last night. I didn't get to eat anything here, but I found a Subway last night. I'm not going to waste away to nothing. I'm fine.

I was saying that in terms of the accumulated heft of the credibility of the criticism—the *Globe and Mail* editorial, the *Toronto Star* editorial, Andrew Coyne—just to give you a sample of what I have to choose from next in terms of the heft of their credibility, and the aforementioned Lawrence Martin, Chantal Hébert, and John Ivison.... These are the kinds of heavyweights who are stepping in and stepping up and making almost identical arguments, and it's not because of plagiarism. It's because they are seeing it in the same way, and that happens to be, in the main, the same perspective as the opposition's.

We know that at the end of the day public opinion is the most powerful force in a democracy. We always run the risk when we do these kinds of things that we'll get easily labelled “obstructionist”, in which case exactly what I'm doing is done by the government to the opposition benches when the government members take great delight in going through the *Globe* editorial, the *Toronto Star* editorial, Lawrence Martin, Chantal Hébert, Andrew Coyne, and John Ivison, when the arguments are against the opposition because we're being histrionically over the top.

More times than I want to admit, we are. That's just the nature of the business. I'm looking at some of you who were here the last time, when you were in exactly the same spot I am, in third place in the House, and you know of what I say, which is that when you're in opposition, sometimes the government has the more persuasive argument, and the opposition is flailing away. That's not unusual.

It is unusual, though, for this many opinion leaders to be consistently in sync with where the opposition members are coming from, because we tend to add partisan spin and components to it, such that we're seen to be kind of over the top. Then these other opinions come wading in and call us on it.

This time, that's not what's happening. You're being abandoned by those who said nice things about your agenda when you were living up to your campaign platform and, in most cases, the way you were conducting yourselves.

Again, as you know, you get it from the analysis. You cannot help but believe that the Prime Minister really does see Parliament similarly to how Mr. Harper did: that it's a nuisance, that it's something that gets in the way of the right thing being done.

The usual arguments for attacking what little rights we have are consistently the same: efficiency and modernization. That's really just another cover for taking away rights from the opposition to make it easier for the government to pass laws. Our job as the opposition, official and otherwise, is to put up resistance and to put up alternatives.

However, there is also a fine line when it's in the nation's interests or in international interests that we would get out of the way and allow things to happen. That's just like today. Today, we find that balance. Here we are. We're in the ditch. This is as big as it gets. We're into a 24-7 filibuster against the initiatives of the government.

This committee made a previous commitment, back in the good old days when we were actually working together in a positive way, that we would meet the Speaker of the Scottish legislature during his visit, which is today, in less than an hour, at one o'clock. When the chair asked us privately if we as a committee were going to honour that commitment, I don't think there was a heartbeat's time before I readily said, "Yes." So did the Conservatives. Why? Because we have so much respect for Parliament that we believe, even on the opposition benches, that it would be wrong for Canada, especially in our year of great pride, our sesquicentennial...

We had that in Hamilton in 1996. That's how we learned how to say it: sesquicentennial. It took me most of the year.

We believe that the right thing to do would be to not let our domestic politics get in the way of our international obligations. Internationally, we have one Parliament. We are one voice. When I travel in delegations, as a Canadian delegation we present a unified front. We find the ground that we're unified on and we stand there. We don't let our domestic politics... We don't put out our dirty laundry; we keep that to ourselves. We wait for the bus, the hotel, dinner, or lunch, and then we have 'er out.

When we're with international players, out of respect for the citizens we represent, we all—opposition members and government—present a united front. The corollary to this is that the government

members aren't going to turn this into a bring-and-brag and a dog-and-pony show for the government and everything they're doing, because that's going to quickly cause a problem. Normally, in most of the cases I've been involved in, the government members and heads of delegations set a tone that creates ground we can all stand on so that we are a united front. As for our dirty domestic politics and everything that we have—like every other country has—we keep that separate and apart.

On this issue, we did not say no. We did not say that we're in a filibuster, this committee is seized of that, and that meeting is not going to happen, so too bad for the government and let the Minister of Foreign Affairs explain why their actions have resulted in this committee's not honouring its commitment. We could have gone down that road and made a case, and it would have been wrong. The Speaker of the Scottish legislature is here. We've previously said that we would meet with the honourable Speaker, and we will keep that commitment. We will set aside our domestic differences for an hour to allow us to collectively do the right thing.

No matter how much damage this government does to the collegiality of this House, the tradition of our Parliament prevails, that is, that selfless part where as parliamentarians we have to put our own best interests aside from time to time—or those of our party and our caucus aside—and do the right thing for Parliament in looking at Parliament as a symbol of her people. If we disrespect Parliament, we disrespect our own people.

That, Chair, is why, at a minute before one, you will ask whoever has the floor to cease and hold over until after QP, because you've indicated that we're going to rise for QP so that we can all participate. Then we'll all be back here. We'll pick up where we left off and continue to have our knock-down and drag-'em-out fight, but we'll do it Canadian-style. When necessary, we stop fighting and we respectfully do what we need to do as a Parliament.

If I may say so, Chair, it's that potential damage to our Parliament that has us and all these other respected entities and people so up in arms. There's no fairness in any of this, and if ever there was one word that represents a Canadian value... We try so hard to be fair-minded. That starts with how we treat each other. It showed itself in how this meeting started. Even though we're having pitched battles, colleagues went out of their way to make sure that even though I was held up in traffic, I wasn't denied my otherwise rightful opportunity to continue my remarks.

That's respect. The rules could easily have been used to deny me the floor because I was five or six minutes late in taking my seat. The rules could have been used to deny me that, and that had to be appealing. It just had to be, yet you did the Canadian thing. You were fair-minded and didn't link rain, bad weather, and slow traffic with the rights of a colleague to continue to have their say.

**Mr. David de Burgh Graham:** That's not how we roll.

**Mr. David Christopherson:** That's not how we roll, as David Graham just said, and I agree. When he said "we", he means we MPs collectively—Parliament. That's my point.

Through you, Chair, to David Graham, it's at that fundamental a level that we can have so much residual respect for each other that even in the middle of this we can show that same kind of common courtesy to each other and to an international visitor. It's because that's the way we roll. That's who we are. And that's why this is so egregious.

Mr. Chair, I think I'll give the indication that I will relinquish the floor prior to one o'clock. I just want to give whoever's going to succeed me a chance to be aware of that.

Will it be you, David? Okay. This gives you a chance to get your thoughts together.

So I will conclude well before one o'clock and immediately ask that my name be put back on the list—just a future threat. I could keep going, because I have to say that I feel pretty good, but others are anxious to get a piece of this. It's not like the last time, when I had to keep going on and on because you guys abandoned me. I was all alone. It was either me or nothing. I wasn't getting any help. Now we have a whole team, and my own team.

By the way, between us we have every single slot filled for the coming week and a half until the next constituency week. By the time the constituency week rolls around, we'll have a new roster ready to go and more new stuff. We'll have lots and lots of new stuff to stay relevant and not repeat.

As I bring to a conclusion these modest, short remarks, which I began yesterday at 4 p.m., I again underscore to the backbenchers on the government side—I don't expect a reaction—that if it were me, I'd be knocking on somebody's door wanting to know how the hell they were going to get us out of this mess. Right now there's nothing in sight except more of this. We're about to get a fresh voice and a fresh perspective, in this case from the government benches. How edifying that will be, not to mention the great opportunity that will be for the person who follows him.

Will that be Mr. Reid? I'm just curious. It is Mr. Reid? Okay. There you go: blockbuster day.

I'm ready to hand off to Mr. Graham, who I'm sure, in one fell swoop, with the eloquence that he can bring and the perceptions that he brings to his comments, will completely convince all of us—all of this—how wrong we are, how the government really is being wronged in this, how they're leading with their heart, and how this is about Parliament and efficiency and modernization. He will somehow make people forget about the electoral reform betrayal.

You can do it, David. I'm sure it's there. Nothing else....

Really, now that I think about it, that's what makes the most sense, that we're completely missing it. In a couple of minutes we'll find out all the secrets, starting with June 2 and its great importance—this is hard to do when you're laughing—or the avoidance of June 3, which for some reason has to be avoided by this Parliament. We'll find out how this will help the opposition and we just don't see it.

I'm sure that's what's coming next, Chair. We'll have a broader, more succinct explanation by a government member about how we have it all wrong, and about how *The Globe and Mail* have done such a terrible disservice to the integrity of the Liberal government, not to mention their former friend and ally, the *Toronto Star*, saying such obviously untrue things in such a nasty way before we get to the indignity that Mr. Coyne brought to your motivations. I have no doubt that before all is done, we will hear from others, but Mr. Graham can head that off at the pass by giving us all the explanation we need so that we lesser, mere mortals can understand parliamentary democracy as it's viewed from the lofty heights of the Trudeau Liberals, and that really all that's happening here is that we just don't understand.

Obviously the Liberal government is so far ahead in how it sees parliamentary democracy that what we need desperately, in addition to not hearing from me anymore, is to hear the great wisdom that Mr. Graham is going to bring as he pronounces on behalf of the government how we've all got this wrong, that it doesn't want to hurt anybody, that it wants to help. "We're from the government. We're here to help." It's that favourite expression that people love to hear. "I'm here from the government, and I'm here to help."

It almost makes me want to stop—almost.

**Mr. Todd Doherty:** Close.

**Mr. David Christopherson:** We are getting close, Mr. Doherty. I feel it getting close, but not so much anymore. I've kind of convinced myself—it's what happens—that it's just that we don't understand it, and I and others here have been wrong. We see this as a negative thing. Losing rights that we have must be a good thing; otherwise the Liberals wouldn't do it, because they're Liberals, and by definition they wouldn't do anything anti-democratic, because that wouldn't be sunny ways. It sure wouldn't be keeping their promise.

If I'm right, it means that you are putting a circle around that stain. It must be that we have it wrong. It must be a good thing that we can't talk anymore, that we can't slow down the government, that we are forced to get out of its way so it can continue to do the good deeds that it was elected to do. So it must be that we're just not understanding properly how the Liberal government is actually helping our democracy.

I have no doubt that after Mr. Graham speaks, we're going to see front-page retractions—

**An hon. member:** We'll be enlightened.

**Mr. David Christopherson:** —and *The Globe and Mail*, saying, “Holy smokes, we're sorry. We didn't get it, but now we do”, and the *Star* is going to have to grovel even more—isn't it?—because they're buddies, oftentimes, and they said some pretty harsh things. Once Mr. Graham explains to it the wrongness of its perspective and how it is wrongly labelling the government anti-democratic, it too, maybe even in a special edition to curry favour back, with a front-page retraction of its editorial, will begin to realize, once it uses the decoder that Mr. Graham is going to give us, that actually this discussion paper is the greatest positive contribution to Canadian Parliament since we were blessed with the first Trudeau.

That must be it. That would make sense. They're doing it because they really are being democratic, and honouring their commitments, and respecting the opposition. We are just being so pigheaded and stubborn that we're refusing to accept that that's what's really going on.

Get ready, *Globe and Mail* editorial board. Alert! The same goes for the *Toronto Star* editorial board: emergency meeting, live stream!

Mr. Coyne, whatever you're doing, stop! Get hooked up!

Chantal, John Ivison, everybody, freeze! We've all been wrong. It's sad to say. It's hard to say you're wrong, but it would seem we are. We must be and I so look forward to relinquishing the floor. It's palpable. Mr. Graham is single-handedly going to use his secret decoder ring to interpret the discussion paper that we all wrongly thought was bad news for democracy. We're going to find out, like parents talking to children. We're going to be told what's real and we're going to be told how this is good for us.

My only regret is that we didn't let Mr. Graham speak earlier, but I'm sure that will be the beginning of the speech from Mr. Reid, who speaks after Mr. Graham. I feel sorry for Mr. Reid, who is one of the most talented members of this place, because, silly us, we entrenched ourselves in opposition to the document on this silly notion that it was bad for democracy. Poor Mr. Reid, because he's the guy who's going to have to 'fess all that up, because I got to do all the wind-up stuff last night, today, and a little bit last week. I got to do all the fun stuff, except as it turns out, as we're about to hear, I was probably misguided, as misguided as *The Globe and Mail* editorial board, the *Toronto Star* editorial board, Mr. Coyne, Madame Hébert, John Ivison, Lawrence Martin—all of us. We all got it so wrong and we are so lucky that we live in an era where “sunny ways” is the guiding phrase for us all, along with transparency and accountability.

He can't save you. I'm sorry, David. I see David looking at the Chair. He's almost imploring him, “can you not do something?” That's the thing of this. This is why you need to stop it, because you don't have to put up with this kind of abuse. You shouldn't have to put up with me saying these things to you. You're a Liberal. You're a member of the Liberal government. Who do I think I am talking to you that way? You're so right. Ah, the nerve. It's getting downright uppity and where's the House leader to put me in my place to say, you're getting a bit uppity there, Dave? That's the Liberal government. Where's your respect?

**Mr. Todd Doherty:** How dare you?

**Mr. David Christopherson:** I can't believe we've been at it for, like, two weeks now. We've been off on the wrong path. We've all been saying horrible things about this government, but it's about to be revealed to us all, with the secret decoder ring, how that discussion paper is actually good for us as opposition and even better for our parliamentary democracy.

Mr. Simms, I know you tried and you did the best you could to give your interpretation, but I suspect that you didn't realize that there was a newer version of the decoder ring. It's shinier and it works better, because, unfortunately, when you used the old decoder ring, it still sounded anti-democratic. It still sounded as though we were losing something over here. It still sounded as though it was all about making life better for the government. I know you tried, and we all hung off every word, but it's not your fault. I'm pretty sure it's that you got that older version of the decoder ring. Your House leader moved to a new version and didn't give you your new ring, but they did get it to Mr. Graham. He used to be a staffer and nobody knows how things run better than a staffer does. It's understandable that he would get the new decoder ring and you had to live with the old one.

**Mr. Scott Simms:** I'm Robin to his Batman.

**Mr. David Christopherson:** That's it—you're Robin to his Batman. Wow! The things we have to just kind of accept as we grow up.

**Mr. Scott Simms:** I haven't quite grown up yet.

**Mr. David Christopherson:** Well, that's a problem, too. At what point are we grown up? Every night I wonder what I want to be when I grow up. At 62, there's not that much left in front. If you think about it, there's a lot more behind me. There's a lot more distance in the rear-view mirror than through the windshield.

However, we don't fault you. You tried. You gave it an honest shot, but with that older ring, when you decoded it, it still came out sounding undemocratic. It sounded like we were losing something. It sounded like you just wanted to make your life better, even though you have a massive overwhelming majority. It wasn't your fault. You tried. You did the best you could.

Now, though, with the new decoder ring, Mr. Graham, Batman.... These things stick, you know; you have to be careful, but that's not a bad one. Earlier I bragged about how great the bat turns are, and you did a great bat turn, so it makes sense that there would be a Batman over there somewhere. If that's Robin to Batman, I can't wait for the Batman to enlighten us all.

**An hon. member:** You're getting a little batty.



**Mr. David Christopherson:** I'm getting a little bit batty? Three hours of sleep and I'm getting a little batty? Do people normally talk like this? Do normal people act like this? For 10 or 11 hours, over two days, really, who does that? I do.

Normal people don't talk like that. Yes, I am getting a little batty. If I go on, continuing to believe that this discussion paper is going to be as undemocratic and do as much damage to our democracy as I think it's going to do, then I'm probably going to get even battier as time goes on. Do up your seat belt.

On the other hand—and here's the beauty part—you're about to persuade me how wrong I've been, batty and all, and you're going to help me see the light in the way that Mr. Simms tried. Because he didn't have the newest equipment, though, he wasn't quite able to get the interpretation the way it should be. But you, Mr. Graham, have that new decoder ring, and you're going to be able to show all of us who have been worrying and fretting, as it turns out needlessly, about the pesky things like minority rights, fairness, justice, and democracy. I'm about to find out, just like *The Globe and Mail*, how wrong I've been. Now, Mr. Graham is going to make it crystal clear how wrong we've all been.

I wouldn't be surprised if, at the end of it, I asked for a point of order before Mr. Reid takes the floor so that I can formally apologize for all this battiness, all this throwing around of insults. I'm kind of getting ready. I'll fix my tie. I'll comb my hair. I'll get all gussied up, and I'll go in front of the cameras and beg for forgiveness for misleading Canadians when I had the temerity to suggest that the government House leader's discussion paper was anything other than an absolute gift to Canadian democracy and the way we conduct ourselves here. I have to get ready for that. I'm not used to it, so I'll have to practise a lot.

If that's what happens, I need to be ready.

**Mr. Todd Doherty:** Practise.

**Mr. David Christopherson:** So when I relinquish the floor—and Mr. Graham, be gentle—it's going to be a massive transition for us over here as we start to understand how wrong we've been and how we have wronged you and your colleagues, and prepare to face the nation and tell them how wrong we've been. Be gentle. This won't be easy for us over here, but I have faith in your humanity.

Mr. Chair, I think this might be a fine time to allow all this enlightenment and wisdom to wash over us all as Mr. Graham takes the floor with his new decoder ring and explains to us that the discussion paper presented by the Liberal government House leader was actually a positive gift to Parliament and how it's going to enhance the role of the opposition as well as the government in this great new dawn of “unicorns and rainbows” as promised by the hippie king.

I can't believe they used that term. That was great.

Anyway, Chair, I think it's now an appropriate time, and I wish to do two things: one, to formally advise you that I am relinquishing the floor; and two, to ask the clerk to put me back on the list.

**The Chair:** You're already on the list.

**Mr. David Christopherson:** Thank you very much.

Thank you, Chair, for your indulgence.

**The Chair:** So you're finished.

**Mr. David Christopherson:** I am finished.

**Mr. Scott Simms:** That was a hell of a dismount.

**The Chair:** I wasn't ready to change speakers so quickly. I think because we're close to suspending for the Scottish speaker and question period, I will just make a couple of administrative remarks and let Mr. Graham start this afternoon.

**Mr. David Christopherson:** We have to go two more hours in the darkness?

**The Chair:** Yes. So when we suspend, we'll come back, as Mr. Reid suggested, half an hour after QP, and go roughly until midnight as we did last night, and then tomorrow morning from the same time. We'll start in the morning at 9 and go until question period, which is at 11. Then that will be it for tomorrow.

I forgot to remind people. Did everyone get their copy of the paper we asked our researcher to do on the history of standing order changes in the House?

**Mr. Todd Doherty:** Mr. Chair, could I get a copy of that?

**The Chair:** The clerk will give you one.

**Mr. David Christopherson:** Have you made any decisions about next week? You've gone as far as Friday.

**The Chair:** Not yet. I said before you were here that I was hoping not to come Monday, or to come after QP on Monday, but I didn't do anything final.

**Mr. David Christopherson:** Okay, thanks.

**The Chair:** Are there any other administrative things? I think that's it.

The speaker of the Scottish Parliament will be here, and it will be informal. It's voluntary. You don't have to be here. There will not be any minutes. It will just be a discussion.

Ms. Mendès.

**Mrs. Alexandra Mendès:** Thank you, Chair.

As a point of information, because we actually met him yesterday, he's not a speaker, he's a presiding officer. He insists on being called that, the presiding officer.

**The Chair:** Okay, the presiding officer.

Just so you know what has been going on in the House, all morning they've been debating Lisa Raitt's question of privilege, which the Speaker found a prima facie case, but they're still debating it.

**Mr. David Christopherson:** We know where that goes: here. It's one more layer in the onion.

**The Chair:** I think the motion also goes to the specific length of saying that it takes precedence over this discussion.

**Mr. David Christopherson:** That's interesting.

**The Chair:** There's an amendment that would do that. They're still discussing. They're still debating the amendment.

Mr. Doherty.

**Mr. Todd Doherty:** Mr. Chair, was it your intention, through your last few comments, to serve notice that we would not be resuming the committee until after QP on Monday, or do we have an opportunity to discuss this further as a group, perhaps later tonight? I ask because I know we have our list of members who are wishing to speak here, and the more we postpone it, the more we'll have members who are not allowed or not afforded that opportunity to speak to this important topic. The quicker we can get back to resuming this, barring any agreement from the House leaders obviously, the better it would be.

**The Chair:** As I said, I haven't decided yet for next week, but we're hoping we can come to an agreement this week so we don't have to worry about next week.

We'll suspend until one half-hour after question period.

•(1255) \_\_\_\_\_ (Pause) \_\_\_\_\_

•(1605)

**The Chair:** We are resuming meeting number 55.

For anyone who wasn't here this morning, this is a reminder that our intrepid researcher did the research that we asked him to do on Standing Order changes in the past and how those decisions were made. Everyone on the committee should have a copy.

Go ahead, Mr. Lukiwski.

**Mr. Tom Lukiwski (Moose Jaw—Lake Centre—Lanigan, CPC):** I have a point of order, Chair, or, perhaps more accurately, a point of clarification. It deals with the mandate of this committee.

My understanding is that just in the last 30 minutes or so Madam Tassi put a motion forward in the House, or put it on notice at least, that the procedure and House affairs committee study the issue of privilege raised by both MP Raitt and MP Bernier.

My question to you, Chair, is whether PROC has the ability to agree to engage in that study arbitrarily or whether we need a reference from the Speaker to do so. I wonder if you could rule on that.

**The Chair:** At the moment, we would need a reference from the House, because we're in the middle of something. We could decide to do that later when we get around to future business, but if the House refers it to us now, if there's an order of the House, then we have to follow the order of the House.

**Mr. Tom Lukiwski:** So you're saying that even if the committee decided to recommend that we engage in that study, we would be prevented from doing so unless we had a reference from the House.

**The Chair:** No, I don't think we would be.... I'll check, but at the moment I don't think we would be prevented from doing so. It's academic at the moment, because we're in the middle of something else.

Go ahead, Mr. Nater.

**Mr. John Nater:** Further to that, I believe the mandate of the committee has the authority to review the Standing Orders. I'm not sure that the mandate of the committee includes privilege without it first being referenced by the House. I would suspect that it would be out of order.

**The Chair:** We'll get the clerk to check that.

The clerk can't give any more clarification right now. We'll just take it under advisement.

We're continuing with meeting number 55. Our next speaker on the list is Mr. Graham.

Mr. Graham, you're on.

**Voices:** Hear, hear!

**Mr. David de Burgh Graham:** Sadly, my decoder ring was defective, and it made Mr. Christopherson disappear.

**Voices:** Oh, oh!

**Mr. David de Burgh Graham:** I don't expect to speak too long, probably 15 minutes or so. I want to tell you that because I am somebody who likes predictability.

Unlike many of my colleagues, I pride myself on brevity. I once joked to some of our colleagues that in order to fix this place, all we really need to do is change the name from "Parliament" to "accomplishment", so that our founding principle is achievement.

Yesterday we saw the Prime Minister take every question that was directed to the government. Yes, we can keep doing the Prime Minister's question period, or PMQ by practice. It's an idea we committed to in our platform. Having a Wednesday PMQ does not preclude this or any future prime minister from coming to any or every other day of the week. Not only does it ensure that the leaders can ask the prime minister questions but it helps to ensure greater accountability. I think it is a great idea. I have long been a Parliament watcher, and watching the U.K.'s PMQ has always been fascinating to me. I don't know if they still do it, but CPAC used to carry PMQ when there was less happening here.

I would like to have a conversation about whether and how to go about this long term. This is meant to be a conversation with all of you about, for example, whether or not PMQ needs to be in the Standing Orders or simply by convention, and whether we should do it by practice or by rule. I don't think anyone here would disagree with the statement that no brand of sweater vest would have made Stephen Harper comfortable taking a full hour of questions in the House. Also, it is only by convention that a PM and cabinet even have seats in the House. There's nothing stopping Kevin O'Leary, say, from simply not bothering to seek a seat for himself or appoint MPs to his cabinet, were he ever to become leader and PM. He could just go ahead and do that.

That is the point. We are actually managing to have a substantive conversation on the main motion we have been debating here, minus the witnesses. It's a conversation we want. The minister's discussion paper was a contribution to that conversation already in progress through the Standing Order 51 debate, and through the original study we had in this place. We've hashed out a wide variety of topics by way of filibuster instead of by way of study, and I certainly appreciate the comments and ideas from my colleagues of all stripes. It's been endlessly fascinating and often entertaining.

It's difficult to have consensus when what I hear in private conversations from my opposition colleagues differs so completely from what I hear in public from my opposition colleagues. Many want the same things we do but they want us to wear it. Why not? They win both ways. But fixing this place shouldn't be about winning, it should be about fixing this place.

I'm still very much unclear as to why the filibuster is at this point in the process. To me it seems premature. That we need to establish ground rules that differ from the norm is a spurious argument. The often-cited McGrath report did not require UC to move forward at this point in the process. That they achieved consensus came out of the conversation. For here, we are being asked to achieve conversation through a consensus.

The Chrétien model the opposition House leader cited in yesterday's letter is an interesting example, but it is the exception, not the rule. Moreover, it produced a subcommittee called SMIP—a great name—the Special Committee on the Modernization and Improvement of the Procedures of the House of Commons, which produced six reports across the 37th Parliament, 1st and 2nd sessions.

Not to overly “counterbuster”, a term I claim coinage credit on in conversations with my colleagues, I want to go over what changes those reports recommended in the Standing Orders, leaving out stuff like the request in the first report that the Speaker, after consultation with the House leaders, table in the House simplified requirements for petitions, including the prayer for relief. That did not have any direct impact on the rules.

**Ms. Filomena Tassi:** I have a point of order, Mr. Chair.

**The Chair:** Ms. Tassi.

**Ms. Filomena Tassi:** I've heard what the member has said from across the way. I'd like to give oral notice of the following motion: that the committee examine the subject matter of the question of privilege, pursuant to Standing Order 108(3)(a), raised by the member for Milton, regarding the free movement of members within the parliamentary precinct.

**The Chair:** Thank you.

Mr. Graham.

**Mr. David de Burgh Graham:** The first report in the 1st session of the 37th Parliament from the SMIP committee recommended a whole lot of changes that we're all used to today in the process. I'll go through each one of them. It's in the Standing Orders.

The first report said that the candidates for Speaker should be permitted to speak prior to the vote for the speakership—very rational—and that the minister introducing a government bill be permitted to speak to the bill being introduced by way of the

introduction of government bills rubric in routine proceedings; that unanswered order paper questions, if requested, be referred to committee after 45 days, a requirement that did not previously exist; that adjournment proceedings, what we now call late shows, be created; that the day be extended by the amount of time it takes us to vote when a deferred recorded division takes place immediately following oral questions. We have all seen that, when the Speaker says after a vote, “It is my duty to inform the House that the time for government orders has been extended by eight minutes.” The report also said that a 30-minute Q and A be added to the time allocation process—

**Mr. Jamie Schmale:** Sorry, David, but just going on the past model that we'd been using before, are you open to a few friendly questions? You'd get the floor back later.

**Mr. David de Burgh Graham:** I'd be fine with it, but would it be okay if I get through my list?

**Mr. Jamie Schmale:** I just didn't want you to go all the way through and then the speaker would change. If you know that I have a few questions for you, and if we could, through the chair...using the kind of “Simms model”, as I'll put it.

**Voices:** Oh, oh!

**Mr. David de Burgh Graham:** The Simms model could replace the Chrétien model.

**Mr. Jamie Schmale:** If you're okay with it, please continue.

**Mr. Tom Lukiwski:** You're going down in history, Scotty.

**Mr. David de Burgh Graham:** I'm fine with it. I've taken advantage of it, so I can't complain about it.

Shall I continue?

Jamie, you're good if I carry on?

**Mr. Jamie Schmale:** Yes, please.

**Mr. David de Burgh Graham:** All right.

I'm almost halfway through the list, and there weren't that many changes—

**Mr. Jamie Schmale:** Keep going for a couple more hours.

**Mr. David de Burgh Graham:** I can't quite do that, although, if I go a little bit slower, maybe....

**Mr. Jamie Schmale:** I would appreciate that.

**Mr. David de Burgh Graham:** So would they.

The next item in here is that a 30-minute Q and A be added to the time allocation process in order for the minister invoking time allocation or closure to explain themselves. The report recommends that a Standing Order 57 debate, and I'm not entirely familiar with what it actually is, ends at 8 p.m. instead of the previous practice of 11 p.m., and that after-hours take-note debates be created. This is something that we're all familiar with. We had one last sitting week.

The report also recommends that emergency debates be moved into committee of the whole instead of a full sitting of the House, that committee travel cannot be blocked by a single "no" in a unanimous consent motion in the House, and that at least 10 people must rise to prevent a committee from travelling. In practice, I still see this generally done by UC, but the rule is indeed there.

Another recommendation you may particularly appreciate is that the estimates process be adjusted to give the May 1 deadline for a committee of the whole debate and that opposition day motions be put on notice by the start—other than by the end, as has been the practice—of the previous sitting day. The report also recommends that opposition day motions only be amended by the agreement of the mover of the opposition day motion, that the practice of calling officers of Parliament before the relevant committee upon their appointment be formalized, and that reports from selected officers of Parliament be automatically referred to committee.

Then there are a handful of non-Standing Order recommendations, such as the creation of a schedule for committee meetings. Apparently committee schedules were a little less predictable prior to this 2002 report. It is also recommended that a second room be available to televise committee meetings. In my favourite, paragraph 54, the committee recommends that the administration of the House of Commons proceed with plans for enhanced use of technology for the House, its committees, and its members. This was the second time this committee had recommended that, and I think we're up to the third time now.

In the 2nd session of the 37th Parliament, they produced another five reports. Mercifully for my purposes, they were all a little shorter. The first report recommended the creation of a private members' business lottery and made almost all items votable in the private members' business process. This is a recommendation report, rather than an actual Standing Order draft. I don't know to this day what the mechanics were of turning those recommendations into a Standing Order study.

Personally, and I said this in my speech on Standing Order 51 last fall, I want to modify the process a little bit for Standing Orders so that at the start of the Parliament all returning MPs retain their place in the order of precedence, followed by exiting cabinet ministers or other previously ineligible members, followed by new members, followed up at the end of the list by returning members of Parliament who had an opportunity to present a PMB in the previous Parliament. I think this would greatly improve the fairness of the process.

The second report was simply the special committee giving itself a sunset date of June 13, 2003. The third report revisited the first report on private members' business, with a few more details. The fourth report rehashed all the previous reports and discussed things like technological upgrades and the need to replace the cameras in

the chamber as part of the long-term renovation program, which, as you know, will be shutting this building down one year from now to punt us into West Block, where we'll be under a roof full of glass made at Fenêtres MQ in my hometown of Sainte-Agathe-des-Monts in my riding. Also discussed were things like adding plugs and network jacks to our desks, which we definitely enjoy today.

All of this came from the chamber technology improvement project, not from the committee itself. The committee only referred to the progress of this external study. The report also expressed its approval of the creation of ParlVu, on which I believe many people are watching this very discussion. The fourth report also recommended that portable lecterns be made available in the House, which gives me hope for fixing pocket-tearing chairs, and making sure the clocks in the chamber show the time we are pretending it is.

Some of my other non-Standing Order pet projects, by way of our discussion, are permitting House leadership team members from each party—that is, the whip, House leader, deputy whip, deputy House leader, and Kevin—to be exempt from Standing Order 17, which requires you to speak only from your own seat.

I digress on this, but the fourth report also made a handful of specific recommendations to change the Standing Orders themselves. The first is to reduce the first round of speeches at second and third reading on government bills from—get this—40 minutes to 20 minutes. That sounds merciful, to me.

Following a lengthy discussion of the need to simplify the petitions process, it was recommended that we make minor consequential amendments to the Standing Orders—namely, expanding to whom a petition can be addressed. It also added a rule of a one-year trial period to refer petitions unanswered within 45 days to a committee. It further modified the estimates process from its earlier changes to give 15-minute speaking blocks, or Q and A blocks, during the estimates and in the committee of the whole. Moreover, it made another cleanup of the earlier recommendation in opposition day notice period to permit opposition day motions to be added to the initial notice paper following recess, should the first day back be an opposition day.

Finally, it also added a rule withdrawing a notice for a late show if the member requesting it didn't show up. This passed as a penalty for missing it within the report.

The final report talked about electronic voting. I think perhaps an extract from this particular report will be very relevant to our conversation.

It states:

4. Members of the Committee have visited various legislative assemblies around the world where electronic voting is used. Most recently, we saw its operation in the Scottish Parliament. The general consensus of all of the legislators we have spoken to regarding electronic voting is positive. The technology exists and is reliable, and the results are accurate and readily available.

5. At the same time, we emphasize that technology exists to serve the needs of the House, and should not become the determining factor in making procedural decisions. We have rules in our Standing Orders regarding the taking of recorded divisions, the deferral of divisions, and determination of which matters are voted upon by the House. These matters will continue to be decided by the House and its Members.

6. The Committee believes, however, that the time has come to examine seriously the introduction of electronic voting in the Canadian House of Commons.

7. We note that the Chamber Technology Infrastructure Project, which will be implemented this summer and next, will ensure that the Chamber has the necessary infrastructure in place to permit some system of electronic voting, if and when it is approved. We believe that the House should take advantage of this window of opportunity to determine the details of any electronic voting system.

We recommend the approval, in principle, of electronic voting in the House of Commons Chamber.

We further recommend that the Clerk of the House develop, in conjunction with the Standing Committee on Procedure and House Affairs a detailed proposal for an electronic voting system, to be submitted to the House for approval early in 2004, and that such a system, if approved, be implemented as part of the renovations to the chamber in the summer of 2004.

This all sounds very familiar. We are, of course, still waiting for all of this.

I think it is worth doing this particular exercise of reading all of these reports from the so-called Chrétien method. It made a significant number of small changes that apply to this day, and it did so by consensus. These changes were indeed significant, but were transactional rather than transformative changes.

Tougher issues like sitting days weren't touched. PMQ was not broached. On the process of debate, this report simply reduced the first round of speaking time by 20 minutes per speaker. Time allocation, to which this set of reports simply added a 30-minute question and answer period, did not seriously get addressed or reviewed. Committee structure and management was not really explored. Electronic voting was recommended, but not pursued. Not even the House calendar was addressed by any recommendation for change. Concurrence in instruction motions that can blow up short days were not discussed. Prorogation wasn't explored. Omnibus rules were not a subject to this process either. At some point, we have to ask tougher questions, have tougher discussions, and then figure out what to do with those discussions.

Just before we rose for the winter recess, we went over the 100-odd ideas that came out of the October Standing Order 51 debate on the rules. We didn't go through that on a consensus model. We went through each idea on the list on the record, and we each claimed items that we wanted to defend and bring forward to debate further.

We set up a discussion, without immediately killing off things that anyone was uncomfortable with—quite the opposite. We, as a committee, let each person defend their ideas, and had a real debate and discussion on each one. Perhaps we could actually convince each other that an idea is or is not good, and then figure it out from there.

We committed to modernizing Parliament, as you know. It is not my position to give anyone a veto on our platform commitments. Real change isn't easy, and I'm not interested only in making minor changes around the edge of this place, though those are important too. Keep in mind that people like myself and Minister Chagger—happy birthday, Minister—have been around a while in the shadows. We were in the staff seating around Arnold and Scott in the 41st Parliament. We know what it is like to be a third party, and we are equally aware that it could happen again. Indeed, I distinctly remember David Christopherson as a member of the official opposition defending the right of a third party to have a second round of questions in the question rounds, saying he had appreciated it when he had it. That is the perspective we come to this from.

I am really tired of hearing that we are trying to kill the filibuster, for example. Not at all. The way I see it, the wording could be something like this in the context of committee: When a member is speaking on a motion, or at any other time not otherwise provided for, that member may speak for as long as desired, provided no other member present has expressed a desire to speak. Should another member express their desire to speak—in other words, get on the speakers list, which itself is a practice and not a rule—the member speaking may speak for not more than 10 further minutes, but may express their own desire to speak again in order to resume at any time.

In other words, it is simply to ensure that not only can filibusters happen, but they're actually easier to conduct and are more inclusive of other members of the committee. The 10 minutes is totally arbitrary, based on the length of most speeches in the House. What the appropriate time is should be something that we—repeat after me—"discuss", as part of our discussion, that we want to have.

Here at PROC, we are able to participate by unanimous consent, as our colleagues occasionally cede the floor as long as they can have it back, as Mr. Schmale alluded to just a couple of minutes ago.

I don't think anyone here would argue with the statement that PROC members have very good chemistry. We get along, quite frankly, and I believe we genuinely like each other as people.

We may be political adversaries, but we have tremendous respect for each other in every direction around this floor. That is not always the case at committees, and often—and we have seen it here—the only way to interrupt a filibuster without jeopardizing the meeting itself is to ring the division bells. Thus, the use of motions in the House with the support of colleagues—for example, “that a member be now heard”—and the 30-minute bells, and committees all across the Hill get blown up, witnesses get sent home at great expense and with little accomplished, and for what? So that a filibustering member be allowed to pee without endangering the filibuster.

**Voices:** Oh, oh!

**Mr. David de Burgh Graham:** We are not going after the right to filibuster, not in any way, shape, or form, but I would like to have a conversation about how to make filibusters “rest-of-Parliament-friendly”. Why should the whole House blow up because PROC, or maybe BILI or the scrutiny of regs committee, is having a family dispute?

The point of all this is that what I want—what we want—is simply a discussion. I want to call on witnesses. It was fortuitous that we had the Scottish here today, just before question period, and we learned that in that country filibusters do not and cannot happen. That’s an interesting fact that we learned today. I want to see what the best practices are from around the world, have more discussion, and then see if we can formulate meaningful reform proposals around that discussion.

If we end up in a situation where we are going down the road to a report that you, my dear friends, consider to be unacceptable, your opportunity to object is not limited to minority reports, but then, there, that is the time that a filibuster might actually make sense. A report cannot, after all, go back to the House if we cannot get it to a vote.

That, friends, is all I have for the moment, but I would appreciate returning to the speakers list, Chair. I may want to respond again eventually.

Thank you.

**The Chair:** Well, based on the Simms procedure—

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

**The Chair:** —we’ll have Mr. Schmale—

**Mr. Tom Lukiwski:** Let’s call that the “Simms protocol”. It sounds a lot better.

**Mr. Scott Simms:** I don’t know....

**The Chair:** Based on the Simms protocol, we’ll have a short intervention by Jamie Schmale.

Mr. Graham, you can respond if you like—or anyone else can—as part of the Simms protocol.

**Mr. Jamie Schmale:** Thank you very much, Chair.

I should point out that I appreciate those words, David, and you’re right: I think we all have pretty good chemistry and we all do genuinely like each other on this committee.

I’d like to point out a couple of things. First, I can’t speak for the NDP—maybe a nod?—but I know that all of us want to have this conversation too. Does the NDP agree?

**Mr. Gord Johns:** Yes.

**Mr. Jamie Schmale:** Yes, he does too.

The opposition does want to have this conversation. The one part we’re missing here is that the government does not get a veto over this. This is what we’re fighting over.

**Mr. David de Burgh Graham:** [*Inaudible—Editor*]

**Mr. Jamie Schmale:** We all need to agree on the changes to the Standing Orders, based on the Chrétien model. Until that gets changed, you can talk about all these ideas, which we want to have a conversation on...and we do want to have a conversation. I’m just making sure everyone hears that, because you keep saying that you want to have the conversation, and we keep saying, yes, we do want to have the conversation, but we’re missing that little teeny piece: that the government doesn’t get a veto.

**Voices:** Hear, hear!

**Mr. Jamie Schmale:** Continue on with the Chrétien model, which gives all parties an opportunity to talk about it and vote on the issue, but the government will not use their majority to ram through something on the way that Parliament operates, the way we all operate. We will not allow that to happen.

I want this to be clear. We do want to have the conversation, and we did, during the family-friendly report. We passed a unanimous document—

**Mr. David de Burgh Graham:** [*Inaudible—Editor*]

**Mr. Jamie Schmale:** It got into the weeds. We could do more in depth, absolutely we could do more, but let’s talk about them. We have not said that we don’t want to talk about anything that you put on. We do. You do not get a veto on changing the way this place works.

**The Chair:** Mr. Graham, do you have anything further to say before we go to the next speaker on the list?

**Mr. David de Burgh Graham:** Well, I think my speech was fairly clear on how I think there’s a conflict in how we see the process. We have the study, and then we get to the report. If we don’t like where the report is going, you have every ability to stop it—

**Mr. Jamie Schmale:** You still have all the power.

**Mr. David de Burgh Graham:** —but let’s have the conversation. We have no power if we can’t get—

**Mr. Jamie Schmale:** Take that away, and we’ll have all the conversations all day long.

**Mr. David de Burgh Graham:** Jamie, if we can’t get the report back to the House, there’s no power there. You still have the power to obstruct.

**Mr. Jamie Schmale:** We are telling you—

**Mr. David de Burgh Graham:** You’re using it now, but you’re using it prematurely—

**Mr. Jamie Schmale:** —that we want to have this conversation.

**Mr. David de Burgh Graham:** —because you don't want to hear the ideas that are coming from the witnesses, and that's why I say that you don't want to have the conversation.

**Mr. Jamie Schmale:** David, we might not agree on all of it. There's stuff we will not agree on—

**Mr. David de Burgh Graham:** For sure.

**Mr. Jamie Schmale:** —but there's stuff we will agree on, so let's have that conversation.

**Mr. David de Burgh Graham:** Right: let's have the conversation.

**Mr. Jamie Schmale:** Take away that one part.

**An hon. member:** Right. Have the conversation.

**Mr. David de Burgh Graham:** We don't need to. I don't see the

**Mr. Jamie Schmale:** Agree.... You know what the issue is.

**Mr. David de Burgh Graham:** I know what it is.

**The Chair:** Okay. I think we—

**Mr. David de Burgh Graham:** I know what your issue is. I disagree with the issue.

**The Chair:** I think we continue to agree to disagree on the both sides of the—

**Mr. David de Burgh Graham:** We've been doing that for weeks.

**Mr. Jamie Schmale:** I guess we're going to continue for a little while longer.

**Mr. David de Burgh Graham:** We may well.

**Mr. Jamie Schmale:** We won't be able to convince you?

**Mr. David de Burgh Graham:** The food has been excellent, so I'm fine with this.

**Voices:** Oh, oh!

**The Chair:** Okay. The next person on this list is Mr. Reid. He's not here, so we go to the next person on the list, who is Mr. Richards. He's not here. The next person on the list is Mr. Nater.

You're on.

**Mr. John Nater:** Mr. Chair, I will begin by referencing the notice of motion given by Ms. Tassi.

I applaud her ingenuity in trying to justify it by quoting a Standing Order or by quoting the number. That doesn't change the Standing Order, though. Just for the benefit of the committee and our clerks, I would draw the clerks' attention to a couple of authorities.

The first is from Beauchesne's sixth edition at paragraph 831, and it states:

(1) A committee can only consider those matters which have been committed to it by the House.

That is from the *Journals* of June 9, 1928, at page 571.

Further, O'Brien and Bosc, on page 973, state:

The House delegates certain powers to the committees it creates in order that they can carry out their duties and fulfill their mandates. Committees have no powers other than those delegated to them in this way, and cannot assume other powers on their own initiative.

The exercise of their powers is subject to three fundamental rules. First, they can be exercised only on the territory and within the areas of jurisdiction in which the

Parliament of Canada is entitled to legislate. Second, committees can invoke these powers only within and for purposes of the mandate that the House (and the Senate, in the case of joint committees) has entrusted to them. Finally, barring specific instructions from the House, committees are free to decide whether they will exercise the powers granted to them.

It goes without saying that the committee's mandate within the Standing Orders does not entrust the study of privilege without a direct reference from the House. That's on the point of order, Mr. Chair.

**The Chair:** Okay. I'll leave that up to the advisement of the clerks to put into their decision-making. As I said, there's no rush on this.

Ms. Tassi.

**Ms. Filomena Tassi:** Mr. Chair, in response to that, I'd like to draw the attention of the clerks to paragraph 108(3)(a) of the Standing Orders, which actually cites in there, at the end, "and among other matters". I'd like to reference that section.

Also, in the procedural book that's been quoted from, O'Brien and Bosc, on Standing Order 104, it says:

The standing committee may themselves initiate, without first obtaining the prior approval of the House, any study they feel it advisable to undertake insofar as it [stands] within the mandate provided to them [in] the Standing Orders.

Finally and thirdly, in addition to that, we know that this very subject has been studied by PROC in the past, because we have reports of the findings of PROC on this subject matter. I present those three points to be taken into consideration.

**The Chair:** Okay. Until the motion is moved, we don't have to do anything, but the clerks have all these wise....

Mr. Lukiwski.

**Mr. Tom Lukiwski:** On a point of order, Mr. Chair, I have a point of clarification. Every time PROC has studied the issue—I was on PROC for nine years and I studied it at least three times—we've studied it after it had been sent to PROC by the House.

**The Chair:** Okay.

Ms. Tassi.

**Ms. Filomena Tassi:** Just in response, Mr. Chair, I'm sorry to keep this going, but it's actually the subject matter that we're studying, so the subject matter does fall within our discretion.

Thank you.

**The Chair:** The clerks have all these wise interventions. We'll keep them for a decision when we need one, which is not before the motion is actually tabled.

Mr. Nater.

**Mr. John Nater:** Thank you, Mr. Chair.

Again, I want to thank you for the work you've been doing on this committee.

**Voices:** Hear, hear!

**Mr. John Nater:** I know it's not an easy task, and I do want to express my thanks to you, and to the House of Commons staff as well, to our clerks, analysts, and technical people, as well as our interpreters. We do have two official languages and, serving as I do on the official languages committee, I know how important our translators and interpreters are. I wanted to start by saying that.

**The Chair:** I'm sure we all agree with that on the great support we have here, and by the door too.

**Mr. John Nater:** Yes, absolutely.

I would also point out that today is National Tartan Day, so happy National Tartan Day. I'm wearing the Perth County tartan today, which was officially unveiled this morning. My mother-in-law got me this tie, so I promised her I'd wear it today.

**An hon. member:** You're in her good books.

**Mr. John Nater:** I'm in her good books. I believe she's making use of some of the past modernization functions of this House by watching this committee on ParlVu. So there are ways we can modernize this place, with the consent of all parties, and that's just one specific element.

I do want to start off by referencing some of the authorities that we turn to on this subject. The motion before us and the amendment are important to how we operate as a House, how we operate as a Parliament, and changes of this sort should not be taken lightly. The changes envisioned in the original motion are ones that, by necessity, would have to be taken in a speedy manner, and that's simply not the case.

The learned amendment that's been put forward would require that all parties agree to any changes that are made to the Standing Orders. That's what's been done in the past, in most cases. That's what's been done in a proper functioning way of going about this.

I might start by turning to some of the authorities. I think probably all of us have our favourite authorities. For me it's Beauchesne's, I think one of the most useful references we have as parliamentarians. This edition is the sixth, edited by Fraser, Dawson, and Holtby. Of course, we all know John Holtby, one of the great procedural minds on this Parliament, a dear friend of Parliament and a learned gentleman who provides guidance to us as parliamentarians on a daily basis, and to me personally as well.

I draw the committee's attention to page 6, paragraph 16, of Beauchesne's, in which the authorities are discussed. Beauchesne's mentions:

Members also are assisted by various publications known collectively as "the authorities". The term is used to describe the small number of books that attempt to collect and organize the traditions, precedents and procedures of parliamentary bodies. The extent of this group is uncertain. Traditionally, in Canada, the House has recognized the usefulness of Beauchesne's *Parliamentary Rules and Forms*, Bourinot's *Parliamentary Procedure and Practice in the Dominion of Canada*, and Maingot's *Parliamentary Privilege in Canada*. Sir Erskine May's *Treatise on the Law, Privileges, Proceedings and Usage of Parliament* is a guide to relevant current British procedure.

I would note, as well, that I believe Erskine May is now in its 24th edition, so it is important to recognize the long-term evolution of our practices, and the usual practices we have.

I do want to discuss, going through, the ways in which the Standing Orders have evolved from the past, through both the awareness and the learned changes to the Standing Orders; and also the evolutionary nature of the Standing Orders, the ways in which some of them have changed without even a motion or a change as well. We can discuss that more in depth later on.

I want to start by drawing the attention of the committee to Bourinot. Bourinot is a more dated authority. It was published in 1884 by John George Bourinot, who was, in fact, the clerk of the House of Commons. We'll find that there's a tradition in which our learned clerks collect the usual practices of the House in a single place. We know that one of the more recent documents is the second edition of *House of Commons Procedure and Practice*, of course edited by our clerk emeritus Audrey O'Brien and then deputy clerk Marc Bosc, now acting clerk.

I would point out as well that I think it's unfortunate that Marc has the term "acting" in front of his title. I think he is eminently qualified to be the Clerk of the House. Unfortunately, as with a large number of appointments, the government has mired itself in a process that simply has not seen this. I have been a member of this House only since October 2015, but in that year and a half we still have an acting clerk. I think it's unfortunate that we haven't made that appointment yet. I would just say that Mr. Bosc is eminently qualified as a deputy clerk and as an acting clerk for the past couple of years. It would be nice to see that appointment made before too long as well.

I'll go back to Bourinot. It's a more dated reference, but as they say on the radio, it's an oldie but a goodie. I think this is a good example.

I want to draw the attention of the committee to page 210, chapter 5. It's subtitled "Rules, Orders and Usages". I want to quote from it directly:

The great principles that lie at the basis of English parliamentary law have...been always kept steadily in view by the Canadian legislatures; these are: To protect the minority and restrain the improvidence and tyranny of the majority, to secure the transaction of public business in a decent and orderly manner, to enable every member to express his opinions within those limits necessary to preserve decorum and prevent an unnecessary waste of time, to give full opportunity for the consideration of every measure, and to prevent any legislative action being taken heedlessly and upon sudden impulse.

What I would point out perhaps at first blush here is the balancing that is undertaken, the balance between the majority, the government, and the minority, the opposition. No one expects the government to ride roughshod over the opposition, but at the same time, the opposition does have a duty at times to be constructive. It's a balance. It's a dialogue. It's a discussion. Neither should run roughshod over the other.

One particular point here is that legislative action shouldn't be taken heedlessly and upon sudden impulse. That dictates that we, as parliamentarians, ought not to rush into anything without properly analyzing it beforehand, but here before us we have a guillotine motion that without the amendment would heedlessly rush us into a decision by June 2—by June 2—to undertake fundamental changes to the Standing Orders of our House of Commons in a short period of time.



I don't think there is anyone around this table who wouldn't be open to a discussion, as the government House leader likes to refer to it, but let's have a discussion without the threat of the guillotine, without the threat of needlessly steamrolling the opposition, of forcing each and every one of us into a system that's preferred only by the government party. This could be easily accomplished. If we passed the amendment as introduced by my learned colleague, we could move forward with that discussion. One simple amendment and we can move forward. Unfortunately, the government has given no indication of their willingness to do that, and I think that is unfortunate. I question whether they are simply waiting, trying to wait this out, hoping that the opposition will lose their resolve and move on to other important issues. But this is an important issue. I don't think any of us is willing to necessarily drop this at any time. We find this is an important issue.

To discuss this issue, to discuss the Standing Orders, under the threat of the guillotine is not beneficial to anyone, especially when we look at our international comparators. We have a huge slate of comparative examples we can draw from. First and foremost, our Commonwealth cousins certainly would be a strong starting point—the United Kingdom and the devolved parliaments of Australia, New Zealand. There is no shortage of examples we can look at, and it doesn't say we necessarily have to look only at Commonwealth countries. We can certainly look at non-Westminster systems as well to gauge and to examine some of the issues that are brought up, and then those issues as well, but to do that in the short time before June 2 is simply not a possibility for any members of this committee, especially under the threat of a guillotine.

I want to go back to this quote from Bourinot: “To protect the minority and restrain the improvidence and tyranny of the majority....” I see this especially in the use of a permanent closure, of a programming type of motion by the government to simply in every case have some kind of closure, of time allocation, on every matter that comes before the House. The fact of the matter is that different matters and different issues have different priorities.

In the United Kingdom they have a well-established practice of the “usual channels”. In Canada we have the usual channels as well, but unfortunately we find that the usual channels only work if both channels are working together. We're finding that when the government is unwilling to work through those usual channels, we see breakdowns. We've seen that all too often when the government is not willing to work together.

I was recently honoured to attend a Commonwealth Association meeting in the United Kingdom at which we had a variety of opportunities to discuss the operation of legislatures, of parliaments, in a variety of countries.

This concept of negotiation between House leaders is exceptionally important. The ability to work on things through the usual channels is far more useful than any guillotine motion that might happen.

This would be a good point in time to remind ourselves of the letter that was referred to yesterday by Mr. Christopherson and the willingness of the two opposition House leaders to extend an olive branch to the government, providing an opportunity to get themselves out of this mess that they have gotten themselves into.

**The Chair:** Just for the information of people who are here, so that you don't go ordering pizza, there will be dinner here at six o'clock. The buses will be here until half an hour after the time when the committee closes, which at the moment is projected to be midnight.

**Mr. John Nater:** Thank you, Mr. Chair.

I think a lot of times parliamentarians are a little bit like university students. The promise of free food tends to motivate people from time to time. I'm not too, too far removed from university, so I do remember that.

Going back to the discussion among Commonwealth colleagues and the importance of having that discussion among the House leaders, it really does fall to the government House leader to ensure that the government is operating in a manner that is consistent with the usual practices of the House and in conjunction and consultation with her opposition colleagues.

I'm reminded of a British play called *This House*. If anyone has the opportunity to see it, I think it would be a great opportunity to learn a little bit about the usual channels and how they operate. The play takes place in the 1970s under Ted Heath and later under Margaret Thatcher, in opposition. It basically recounts the discussions and negotiations, the hijinks and shenanigans, of the chief whips and the deputy whips of the government and opposition parties and how they cajoled, debated, and convinced other members to vote a certain way to make certain things happen, things as simple as pairing.

We haven't had as strong a history of pairing here in Canada as we've had in the United Kingdom. This play talks a little about that. Pairing very much rests on a trust, a trust that the two parties, the two halves of Parliament, will actually hold true to their agreement. There were examples in the United Kingdom during those years when the parties were in what they call a hung Parliament—we call it a minority Parliament—in which there were a small number of seats separating the government from the majority. There are examples used of government and opposition whips and leadership going back on their word on a pair and sending through a member to vote, when in fact there had been an agreement not to vote.

Once that trust breaks down, the operation of the usual channels tends to break down with it, and at one point, and this is a historical fact, not necessarily a playful exaggeration in the play, the usual channels were closed, and pairing was no longer an option for a period of time in the United Kingdom in Westminster, because that trust wasn't there.

Without the trust of House leadership, the trust of the whips, this place can't operate, whether it's here, in the United Kingdom, or in other Westminster systems.

I heard Mr. Graham mention earlier some of the usual practices of the House that aren't necessarily written down. For example, the prime minister is mentioned next to nowhere in the Constitution. I believe the only reference to the prime minister in our constitution acts, and we have a number of constitution acts now, is in a former part in which, at the time, Prime Minister Mulroney was required to call a first ministers conference. The prime minister isn't in that position, and the cabinet, for that matter, isn't referenced in the constitution acts. That doesn't mean that their positions are nonetheless constitutional. We do have a lengthy unwritten constitution, like the United Kingdom, but it is an unwritten constitution governed by certain unwritten constitutional principles, those constitutional principles being adjudicated by the courts, in some cases, but certainly by past practice as well.

I bring that up because I think that when the government tries to ram changes through the Standing Orders, through a heavy-handed process, we can always turn back to the more traditional way of doing things, by consensus, certainly, which is what the amendment to the motion proposes, and through the evolution of changes to the way we operate, the usual practices of the House. We'll often hear that phrase in the House of Commons. The government House leader or the opposition House leader, or any member for that matter, will often stand up on a motion and typically say, "notwithstanding any standing order or usual practice of the House".

That usual practice of the House covers those things that aren't necessarily written down in our Standing Orders or in our authorities. It is a challenge to enumerate every single type of thing, but we have found, in the past, that evolving the way our House operates, evolving the way in which we go about our business, is a successful way of doing things.

Certainly it has been brought up by other speakers—Mr. Christopherson, for example, and others—so I won't spend too much time on it, but the simple scheduling of votes, deferring votes to a certain time of the day that may be a little more convenient for members, is an exceptionally useful way of doing things. It didn't require a drawn-out process of revising the Standing Orders. It was done by the agreement of parties, with the co-operation of party whips and House leaders.

The ability to have votes after question period, rather than in the evening, is certainly a beneficial opportunity for members, who can go about other business of the House, or who may have the opportunity to go home to spend a little time with their families.

I'm not a permanent member of this committee, but I do commend the committee—through you, Mr. Chair—for the past studies on efforts to make the House of Commons more family friendly.

I took to heart Mr. Christopherson's comments yesterday about the points system and the disclosure of the cost of family members. That is a major concern for a lot of family members, whether they come to Ottawa or not.

I'm blessed to have two young kids who travel with me from time to time, although not every week. I am lucky enough that they're not in school yet. I like to say that they're "portable". They do come back and forth with me. I have a 10-month-old son, and a daughter who is a little over two and a half—going on 30. She is certainly a character.

We take our work home with us from time to time. I don't think any of us goes home at night from this place or in our ridings with an empty briefcase. We all have documents, and we have conversations with our spouses and our kids. They certainly pick up on things.

My wife texted me earlier this morning. Our daughter likes to watch a show called *Paw Patrol*. It's on Netflix. It's a Canadian show, actually. She's allowed to watch one episode, which is about 15 minutes long. At the end of the episode this morning, my wife told her it was time to turn off the TV, to which my daughter replied, "I vote no." My wife said, "Well, I vote yes," and then my daughter yelled, "Debate!"

**Voices:** Oh, oh!

**Mr. John Nater:** I kid you not. Now, if I'd had more time with her, I would have said, "You know, we should try to do this by consensus rather than ramming it through." But I believe the TV was turned off unilaterally. That decision was forced down my—

**Mr. Scott Simms:** [*Inaudible—Editor*]

**Mr. John Nater:** Not even a majority government; I guess it would be a unilateral, single.... "Benevolent leadership" would be the term.

**The Chair:** How old is she?

**Mr. John Nater:** She's over two and a half now, but I say she's two and a half going on 30. She is quite an independent young girl.

I say this to just go back to the point that there are ways in which we can work as parliamentarians to improve the operation of this House. Certainly the examples that have been cited in past reports and the changes that have been made—without getting into the Standing Orders—I think are shining examples of how we, as parliamentarians, can truly work together to make this place a better place, whether for families or for all parliamentarians. We all have duties in this place and in our ridings as well. There are ways we can work to make this place just a little more workable for all parliamentarians.

Again, I want to keep bringing this back to the motion before us and the amendment that has been moved by Mr. Reid, because I think that's really the heart of where we are, the heart of what's really preventing this committee from getting down to work on the potential proposals. It is a question of consensus, the ability of all parties to come to an agreement on changes to how we operate as a House, changes to the Standing Orders.

A lot of times, we forget that there are those who have sat in our seats before us. We have predecessors from all parties who have served in this place and who have left a lasting contribution to our country and to our Parliament. I think it's worthwhile not to negate the ideas and suggestions that those before us have given us.

One of the great examples I would cite and I would turn to is from a Liberal Prime Minister. We've heard references to Jean Chrétien and his proposal, but I actually want to go a little bit further back. In 1968, Prime Minister Lester B. Pearson was in his final months as Prime Minister. He had cause to produce the *Manual of Official Procedure of the Government of Canada*.

This was published in 1968, and to date, it's the only—

**The Chair:** We have bells.

**Mr. David de Burgh Graham:** I was just getting to the good stuff.

**Mr. John Nater:** I was just getting warmed up, literally on point one.

**The Chair:** There's been a motion that this House do now adjourn. We're suspended until after the vote.

• (1655) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1745)

**The Chair:** We're resuming meeting number 55 once again.

We will continue with our learned lecture from Mr. John Nater.

**Mr. John Nater:** Thank you, Mr. Chair. It's good to be back. It's nice to see so many people come back to learn a little more about the *Manual of Official Procedure of the Government of Canada* from 1968.

As I was hinting before I got into this discussion, this was published by Lester B. Pearson, the then prime minister. I find it interesting that from time to time on social media and in different venues, we see letters by people to their former selves, letters to themselves when they were in high school. I think it's actually a fascinating process to tell your past self what you wish you had known then.

In this case, it's really a letter to the future. It's an opportunity taken by an outgoing prime minister to provide ideas and guidance to his successors. That's exactly what the purpose of this manual is. Again, this is from Lester B. Pearson, the Liberal prime minister from 1963 to 1968.

I know that Mr. Simms yesterday mentioned that he still has a grudge against Mr. Diefenbaker. As a bit of a spoiler alert, I will have some comments from the Chief later on, but hopefully Mr. Simms will stay tuned for those comments—

**The Chair:** Order, please. We can't hear the speaker. We're getting some good history lessons here.

**Mr. Jamie Schmale:** It's a very important speech.

**Mr. John Nater:** I suspect the background noise is from the excitement of this discussion.

As an interesting note, what I have here is an autographed copy of Diefenbaker's memoirs, given to me by a constituent, a gentleman by the name of Lloyd Walkom. He said it was originally his father's, and his father used \$50 bills as bookmarks. Unfortunately, I haven't come across any yet, but it was an interesting little anecdote that he told me about his late father.

However, I'll come back to where we are, to the manual on government procedure. This is Lester Pearson's legacy to his

successors on the operation of government and the ideas, the concepts, of how you go about it. I want to quote from his letter of introduction at the beginning:

*The Manual of Official Procedure of the Government of Canada* has been prepared to fill a long-recognized need for quick and thorough guidance on the many constitutional and procedural issues on which the Prime Minister, individual ministers or the Government must from time to time exercise discretion and judgement.

I think judgment is an important concept there. He continued:

The Manual examines the principal elements of government, states the legal position in given situations, and identifies the considerations relevant to decision and discretion in particular circumstances. Precedents are described and evolution outlined. Administrative procedures are defined and representative documents are included as sources or examples. The Manual is designed to be expanded to cover additional areas of interest and new practices arising from changes in law or custom.

The Manual was prepared in the Privy Council Office and is the work of its Special Advisor, Mr. Henry F. Davis, assisted by Mr. André Millar, who are responsible for its form as well as its content.

I do not believe that a guide to procedure of this nature has been produced elsewhere and I am confident that it will be of valuable assistance to my successors in the office of Prime Minister and to all those directly responsible for the process of government in Canada.

It's signed "L. B. Pearson, Prime Minister; Ottawa, 1968".

Members will see the extent of this manual. It's an extensive document, and this is only the main part of it. It has an almost equal amount of appendices as well, which provide some of the documents, some of the issues.

The manual deals with a whole suite of issues that a prime minister or government will deal with from time to time in the execution of the details involved, whether its the appointment of a cabinet, elections, or funerals and memorial services. It contains the protocol on the passing of an individual, depending whether they were a cabinet minister who was in office or a past minister of the crown, someone who was a member of the Privy Council. There is an entire section on dealing with issues surrounding the sovereign—in this case, the Queen, but any future sovereign as well—the Governor General, different honours and awards, things such that, as well as extensive discussion on Parliament, on both the House and the Senate.

I think it's instructive as we undertake this debate here in this place, which is also being undertaken down the way in the other place. Unfortunately, it seems to be that in the other place they're doing it in a similar forced discussion. I think this is unfortunate for both Houses of Parliament, when we're forced into making decisions, debating, and having things forced upon us. That's one thing.

I want to go back to the motion at hand. The motion, despite what laudable goals there may be, is nonetheless a motion with a guillotine of June 2. We can work with this. We can work with an amendment that provides for a consensus of the committee. That's the issue we have right now: how can we get to the point where we accept this amendment and go forward with the discussion? That is often being discussed.

I want to bring the attention of the committee to the discussion in the manual on the House of Commons itself, how it's dealt with from a government perspective. We have to recognize as well that the House of Commons is part of the legislative branch of government. We do operate in a system quite unlike a congressional system or a presidential system where there's a more clear division between the executive and the legislative branches. Certainly we've seen many situations in which a legislative member, a senator or a member of the House of Representatives in the United States, is appointed to the cabinet by the President. They are immediately required to give up their seat in the legislative branch because you cannot hold a seat in both branches of government at the same time.

In the Canadian example, we don't have that. We have a fused legislature. If we want to go back to Walter Bagehot—and I think most members would probably recognize the name of this British thinker, this British political philosopher—he refers to the cabinet as the “hyphen”, the link between the legislative and executive branches. They sit in both, but they're nonetheless still separated, separated by a hyphen. I think that's something we need to bear in mind when we're dealing with these issues.

When we're talking about the Standing Orders of the House of Commons, we are dealing with the legislative branch. I want to quote from the manual, because I think this is instructive of where we're going with this motion and the need for the amendment to ensure that we have a consensus report.

Point one, page 263, first position—that's how it's labelled:

The House of Commons is master of its own rules of procedure which are set out in the Standing Orders.

It's a single sentence, but I think it carries an exceptionally high weight. The House of Commons is its own master. We often say that committees are their own masters, and that's quite correct, and the House of Commons is its own master as well. We do have the situation, in a Westminster-style parliament, where the executive branch also sits as members of the legislature, but the executive is not the masters of the legislative branch.

This is what troubles me so much about the discussion paper. It has not been tabled, as far as I know. This discussion paper has never been tabled in the House of Commons. That's a troubling concept, as a legislative branch, that a document purporting to create a conversation on the Standing Orders hasn't actually been tabled in the House of Commons, the body that will have to, at some point, make a decision on changes to the Standing Orders. It has not been tabled in the House of Commons. I think that's unfortunate, and maybe that will be remedied before too long, but it hasn't been tabled.

Whether that is inadvertent or not, I think it's a slight to us as parliamentarians and to us as legislators that the document was emailed out and posted online but wasn't tabled in Parliament. I know that sometimes some of these procedural things, like tabling a document, might seem like undue process or something that doesn't have to be done in a modern society where we have access to email, but they are symbolic, and I think they are a testament to the value that ought to be placed on the House of Commons and the other place as well—but that's beyond the scope of this discussion.

The leader of the government in the House created a document. We'll have disagreements on that document, as is the case in many issues, but the fact is that there wasn't the courtesy of tabled it in Parliament, the place in which rests the ultimate decision-making on this matter.

I want to go back to this, that the House of Commons is the master of its rules of procedures, not the government. I want to take this one step further, because, again, this document is instructive in how we go about making these changes. I want to quote from the second part of the House of Commons section, subtitled, “Procedure in the House of Commons”, and labelled as point II, “Background”:

Although the Government may have a special interest in the rules of the House and a special responsibility as the major party the decision is of concern to the entire House. Preliminary agreement to any proposed changes is desirable to prevent opposition parties from blocking their adoption.

Again, this goes very much to the heart of our amendment, the heart of the discussion at hand. A motion has been tabled by Mr. Simms, as is his right, and an amendment has been made by this side.

What we're asking here is that we have this discussion without the guillotine of an end date of June 2, without the government party ramming it down our throats. Again, it goes back to what I mentioned when I introduced this document. This is a letter from a prime minister who served in troubling times—certainly difficult times—in minority governments, but prior to that, as a foreign minister as well. I always feel a little challenged when I try to heap praise on a Liberal prime minister, but I think we can learn from our predecessors in this place. Certainly, Lester B. Pearson is one of those great parliamentarians, equally with his counterpart at the time, Mr. Diefenbaker, as well.

Again, if we think of this as a letter of advice to his successors, this document is a treasure trove of advice and of opportunities to really lay the groundwork of how we ought to be proceeding, and that is by a consensual approach, by the ability of all parties to discuss it in a meaningful way, without the threat of a unilateral action. Certainly, this is the advice prime minister Pearson offered, and I think certainly in the vein of what Mr. Reid's amendment would have proposed on this issue.

I want to go a bit further into the second point on this same page, because it plays a little into what was presented yesterday by the opposition House leaders, both the House leader of the official opposition as well as the third party, the New Democrats. That is the idea of a Chrétien style of committee made up of representatives from the major parties, chaired by the deputy speaker.

This is actually what's proposed, in some manner, by the government procedure manual. Point 2, again on page 264, states:

Proposed changes in the rules of the House are examined by a committee set up by the House, usually on a Government motion. Action is taken to amend the rules on the basis of the report of the committee.

This is suggesting a separate committee. It doesn't talk about its composition, which is something that has been recommended in the House leader's document. That would allow the different parties to have the opportunity to have a discussion, have a meaningful opportunity to move forward and to develop proposals from a consensual standpoint. I think it's unfortunate that, to date, the government hasn't accepted that opportunity to go in that direction, but I'm hoping that, as we continue with this discussion tonight and in the weeks and, potentially, months to come, we might have that opportunity to have that.

I will be returning to this document a little later in my comments.

**Mr. Jamie Schmale:** I can't wait.

**Mr. John Nater:** You'll have to wait with bated breath until a little later.

**Mr. Jamie Schmale:** Oh, what a shame.

**Mr. John Nater:** I don't want us to get too far ahead of ourselves.

Past examples of changes to the Standing Orders have been mentioned more than once in this committee by different members from all sides. I think those discussions are instructive. Certainly the McGrath report is one document that I have a keen interest in. As a graduate student, I wrote a research paper on the McGrath report. It was titled "McGrath at 25". It was a 25-year retrospective of the McGrath report: where it had come in those 25 years, what had changed, what had not changed, which changes had been beneficial, and which had not been. Perhaps, if I have an opportunity, I may come back to the McGrath report, because there is a lot that's instructive in that report.

I want to go a bit more to the heart of where we're at. That is the fact that there has been a discussion paper presented by the government, as is their right. Any member of Parliament can present a discussion paper, and I think that's a great opportunity. I know Ms. May has done so. It certainly has some fascinating comments in it. Some would create major changes. Some would be at the margins, but that's like any discussion paper, and that's the opportunity to really have that discussion.

That's why, for the next bit of time—I know there are other colleagues who may want to take the floor at some point tonight, so I'm going to be cognizant of that—I want to go back to a past example of a discussion paper and the way in which that discussion paper aligned more properly with the common practice of the House of Commons. I would draw the attention of the committee to this document. It's titled "Position Paper: The Reform of Parliament". It was tabled in the House of Commons by the Hon. Walter Baker, a PC MP, in November 1979. At the time, he was the leader of the House. He was also the President of the Privy Council, a title that still exists, though it is not commonly used.

This is an example of a document, a discussion paper, that really got at the heart of the back-and-forth, of the actual, meaningful opportunity to debate and discuss among multiple entities: government, opposition, and further opposition parties. Certainly, those in the Ottawa area are familiar with the gentleman who developed this paper, Walter Baker. He was an MP from the Ottawa region. He passed away in 1983, I believe, at a relatively young age.

Walter Baker was probably, and still is, best remembered as the House leader at the time of the collapse of the Joe Clark government on the budget. He took a great deal of the blame for that defeat. As all current members know, often blame is assigned where it ought not to be, and he probably shouldn't have had all the blame. It was probably slightly more of a whip's responsibility at the time. Certainly, he was a distinguished parliamentarian with a distinguished career, as a member but also as a government House leader. He served in this place from 1972 until his death in 1983.

I think the tributes that were offered to Walter Baker upon his death are informative when we look at his work on the reform of Parliament, the suggestions he brought forward, why he brought those suggestions forward, the manner in which he brought the discussion forward, and the way in which they really go to the heart of our current discussion.

I want to quote from *Hansard*. This is from *Debates*, Monday, November 14, 1983, page 28,819, "Tributes to former member". The leader of the opposition at the time was Mr. Brian Mulroney, who, I might add, was on the Hill today advising on NAFTA, which is certainly an issue far outside the scope of this committee, but I suspect our colleagues in other committees will be dealing with it.

Mr. Mulroney began his comments by expressing sadness at the loss of Walter Baker, and he stated:

With Walter's death yesterday, Canada has lost a gifted leader and a distinguished parliamentarian and all of us who knew him have lost a warm and a generous friend. While new to this House, I am not insensitive to its traditions. During the short time that I have been here, I have seen that one of the noblest traditions seems to be the friendship that emerges from the forge of partisan battle. Such friendships, Mr. Speaker, tempered as they often are in the cauldron of debate, are both genuine and durable because, irrespective of Party, they are born in the deep respect that comes from true accomplishment on behalf of Canada.

That is a really meaningful comment by the then-opposition leader on a former colleague.

He went on to say—this is again Mr. Mulroney:

During one of my first conversations with Walter after my election as leader, he spoke movingly of his recent visits with the honourable member for Winnipeg North Centre....

This was a gentleman by the name of Mr. Knowles from the New Democrats, who still has an office named after him upstairs. Mr. Mulroney continued:

Walter told me of the Hon. Member's great contribution to Parliament and to Canada over three decades and how much he would be missed should he decide not to run again. I found it both poignant and elevating, Mr. Speaker, that Walter would speak with such obvious affection for someone of another political Party. I knew that a man capable of such discernment loved people, revered Parliament and ennobled it by his presence.

I read these comments about Mr. Baker, who passed away before I was even born, so I never knew the gentleman personally, but the respect in which he was held by his parliamentary colleagues from all parties—and for those who are interested, you can read the entire series of tributes to him from Liberals, New Democrats, and Progressive Conservatives, including the prime minister at the time, Joe Clark, as well.

The important thing to recognize with these comments about Mr. Baker and his service to Parliament is his ability to work across party lines, referencing Stanley Knowles, a New Democrat, and it feeds into his work as a parliamentarian on this discussion paper and the way in which this is presented in order for them to move forward at the time.

Certainly at the time that was a short-lived Parliament, so much of what was proposed in here was not acted upon at the time it was brought forward, but it nonetheless provided the basis for many discussions in the years following. And as we work through this document, we will find the ways in which a consensus approach can develop to the better functioning of Parliament.

I would point out as well that, whenever someone has a discussion paper, if it's one-sided, it loses credibility right at the start. If it's one-sided in the sense that it's only empowering the government or it's only providing opportunities for the opposition parties to undertake their methods to delay and obstruct, it loses credibility. Going back to what Walter Baker represented in 1979, you see right at the top how a gentleman of his standing in Parliament, working across party lines, can present a document that can really do it.

I have a suspicion that perhaps the current House leader hasn't had an opportunity to review this document. The last time it was withdrawn from the Library of Parliament was July 13, 2005, by Mr. Pat Martin, MP, who is no longer with us in this place but certainly was a long-time member of this place.

**The Chair:** Do you think we will finish this debate in time for you to get it back before it's overdue?

**Mr. John Nater:** I hope so. It is due on April 17, 2017. I don't know what the renewal privileges are with the Library of Parliament, so I may have to return it for a day and sign it out again. It does have the old school tie.

I'm a big fan of libraries. If people have seen my Facebook page, whenever possible I try to go to local libraries and look at the opportunities there.

As a bit of a side note, Mr. Chair—I'll be very brief—libraries typically only allow you to have a library card if you're a resident within that jurisdiction. Living in Perth County on the Perth side, my library did entitle me to a Wellington County library card, which has several more branches than the four in Perth County. Thankfully, the good people at the Wellington County library did me a great service. They gave me a Wellington County library card, so I can now use their resources as well, which include virtual reality machines with green screens and a number of different services that the library offers there. I just wanted to do a quick plug for the good folks at the Wellington County library.

I want to discuss a little bit this document that was brought forward. It effectively lays out the challenges that face us as parliamentarians in discussing proposed changes to the Standing Orders by the executive branch of a government party. It asks about the proper role of Parliament and the proper role of the House of Commons.

It's instructive. In the introduction, what Walter Baker lays out is a challenge and this is important. He started out by saying:

The House of Commons does not govern. It is not the purpose of this position paper to suggest that it should. But what precise role should the House of Commons play?

I think it is important right at the start to recognize what I've gone back to before, which is the separation between the executive and the legislative branches. It is very true that the legislative branch, as the name implies, legislates, but it does fall to the executive to govern. This is the dilemma that Walter Baker faced in this discussion paper. What role should the legislative branch play and what role should the House of Commons play in undertaking its duties?

He went on to say:

It is possible, consistent with the basic forms of the Constitution, to reduce its role to one of expressing formal confidence in the program of the government, and semi-automatically approving subsequent requests for legislative, taxing, and spending authority. Only in a minority House would such approval be open to genuine negotiation.

As a starting point, he presents the extreme. He presents the proposal or the opportunity in which the House of Commons would effectively become simply a formal expression of the confidence of the House of Commons.

If we want to go into a little more depth about the confidence convention, we could go back to the McGrath report. However, I think the late Senator Forsey's discussion on the confidence convention is far more instructive. Perhaps we could discuss that a little further, but at this point in time, it's not relevant to the specific point at hand.

Walter Baker presents the extreme example of how Parliament and the House of Commons could proceed if a government so chose. I'm not saying that's specifically where the government intends to go. I will give them the benefit of the doubt on that. There are some proposals in the discussion paper that could be seen as going in that direction, but that's not exactly it either.

I want to go back to the other side of that. He's presented the one side of the extreme, but let's go a little further on, where he stated:

In keeping with the basic principles of parliamentary government, it is also possible to see in the House of Commons a more aggressive representative of Canadian voters. The House would assume a role which would make it worthy, more than the cynical clichés—"rubber stamp", "flock of sheep", "trained seals"—which have dogged its deliberations for decades if not centuries. No, the House of Commons should not govern, but it should poke and pry without hindrance into the activities of those who do. If the House of Commons exists to represent the people of Canada, and to legitimize the rule of the executive, it must receive the necessary tools to pursue that mandate.

I think this is important. Here's a government House leader—in a minority parliament, nonetheless, and as we find out shortly after this, a very precarious minority parliament at that—saying, "Yes, we could go to the extreme and basically neuter the opposition, turn the opposition into a rubber stamp of simply a formal expression of confidence, but we're not going that direction. We're actually proposing a discussion in which we could give the opposition and all parliamentarians, all members of the House of Commons, the tools they need to preserve that mandate, to "poke and pry without hindrance into the activities of those who do [govern]."

Again, I think this is instructive for where we go. I'm not saying that this document is all sunshine and lollipops, because it's not. There are examples in here where the government proposes to make things a little more efficient, in terms of the operation of government. There are also concessions, as well, to private members, to individual parliamentarians in the government caucus, in the official opposition, and in the third and fourth parties at the time as well. It really is a discussion.

Baker went on to say:

Under existing rules, the House is much more than a rubber stamp, but it is much less than it could be. A common cliché is, "The executive proposes, and Parliament disposes". That is too narrow a conception for a modern democracy. The House of Commons should not be restricted to answering "yes" or "no" to government proposals. Parliamentarians should be able to effectively put the questions "Why?" and "Why not?" The proposed changes in the House of Commons procedures are intended to encourage Members of Parliament to put those questions, and others necessary to judge the competence of the government of the day.

Again, this is a government House leader, the gentleman who is instructed and mandated to carry through government orders, to carry through government legislation—in a minority context, I might add. Here he is saying that we need to give more tools to individual parliamentarians, that we want to encourage them to ask the probing questions to get to the heart of the matters that are before them.

Frankly, there are some ideas in here that would have been terribly controversial and probably opposed by many of Mr. Baker's colleagues within cabinet in having to navigate in this type of system.

Again, I go back to who Mr. Baker was. He was a parliamentarian at heart. He was truly a gentleman, an individual, a public servant in the truest sense of the word, who saw the opportunity to make a better Parliament, to make a better House of Commons.

He continued:

It is sometimes suggested that proponents of parliamentary reform wish to curtail partisan confrontation in the House and its committees, and produce a form of collegial government. That is not the purpose of the reforms suggested below. It is hoped that some of the more sterile manifestations of party competition will fade away, but the real purpose of reform is to sharpen the focus of partisanship, not displace it. Party government is an essential part of parliamentary government.

I think this is really important for us, as parliamentarians, to understand. I'm a partisan. I think we're all partisans. We all run under political banners. We all run as political animals, if you will. But that doesn't mean that we can't be collegial, that we can't show a degree of comradeship, because after all, we are all members of the same House of Commons.

It is often said that we should eliminate partisanship, and I think the other place is going to find the unique challenges of an other place that doesn't have party affiliations. They'll have to have that discussion in their place.

What Baker really highlights here is that you're not going to get rid of partisanship. Indeed, when I used to teach at King's University College, I often said to students that if there was no partisanship in a legislature or in the House of Commons, it would develop naturally. Groupings would form. There would be some form of grouping to replace a non-partisan House. There are some examples—but they are few—of situations in which parties do not exist. From a

Canadian perspective, that would be Nunavut, where there are no parties. The executive is chosen from among the elected MLAs, and then the premier, executive members, and speaker are chosen from them. However, in a sense there is still the adversarial set-up of those systems, because you do end up in a situation where there is a government, as executive, and an opposition as well. The opposition effectively becomes those who do not sit in the government benches, once they've been assigned by the House itself.

Again, going back to the issue at hand here—

**The Chair:** Sorry, just to add to that, it's the same in the Northwest Territories.

**Mr. John Nater:** Very good. The Northwest Territories is one of the places in Canada I have not yet had the privilege of visiting, unfortunately. I have not yet gone to the Northwest Territories and Yukon. Perhaps, Mr. Chair, we could arrange a visit sometime to your beautiful part of the country. Certainly, together with Ms. Sahota, I was pleased to travel to some of the country with the Special Committee on Electoral Reform, and we did have the opportunity to go to Nunavut. I wasn't part of the travel to the two other territories.

**The Chair:** There's a motion.

**Mr. John Nater:** There are these examples where parties don't exist, but where government and opposition nonetheless come to fruition and come to play a role.

Baker goes on. I'm not going to read it in depth. He goes on to present the proposals, how this document is structured. But I want to read this line, because I think it's pertinent to the discussion that we're having today, and perhaps it would be wise for the government House leader to take this under advisement in her pursuit of the proposals at hand. Again, Baker wrote:

While the balance of these proposals tends to be to the inconvenience of the government of the day, there are some changes in procedure which have long been accepted on all sides as necessary to ensure the efficient consideration of government business. A number are included in these proposals.

So again, Baker acknowledged in his introductory paragraphs that these are going to be a bit of an inconvenience to his government. Increasing the role of backbenchers and increasing the role of individual parliamentarians from both sides of the House, isn't going to be easy for the government. Giving individual MPs like me and like all members more power within the House of Commons is going to be a hindrance. It's going to cause challenges. It's going to result in issues that will have to be dealt with. But at the same time, he also said there was a growing acceptance among different parties that there were ways to make the House of Commons operate better, so it's a give and take, it's a negotiation, it's a discussion. That's why I like to refer to this document as a discussion paper in the real sense, for parliamentarians to come together and have a discussion.

I mentioned at the outset that this discussion paper was one that the government laid before Parliament. It did it as a reference to the Standing Committee on Procedure and Organization, the predecessor to our committee. There was also the opportunity to simply present changes to the Standing Orders. It did not do that in this case. It didn't change the Standing Orders because that would have hindered the discussion the government could have had. Instead, the government of the day placed this before Parliament. It put the position paper for the consideration of the standing committee in order to draw from its expertise of that of many numbers of other different groups. But this document then works through the different proposals, and as we work through these proposals, we'll find that many of them have been adopted, and I think most of us would agree that some of these proposals have over time been of great benefit to all of us.

This first proposal for us today probably seems fairly mundane, but at the time it wasn't. The proposal was to deal with the sessional calendar, to deal with when parliamentarians are here. The proposal was that there should be fixed adjournment times set aside for Christmas, Easter, and the end of June:

Before the time set an adjournment motion would automatically appear on the Order Paper. If the motion were not called by two sitting days beyond the time set for adjournment at Christmas and Easter, and 5 days beyond the time set for adjournment at the end of June, the motion to be put called for two hours and the question put.

So it gave a great deal of predictability to parliamentarians, the opportunity to know when the House of Commons would be sitting, when they would be expected to be in Ottawa, and when they might expect to return to their ridings at the key moments in the calendar: Christmas, Easter, and the summer recess as well. Again, today that's a given. We know that typically in any given year the timelines we'll be in Ottawa when the House is sitting; it typically works out to 26 weeks of the year. We know we'll have time in our ridings throughout the year in constituency weeks, over the Christmas break, and certainly over the summer months. But that wasn't always as structurally created as it is now.

There is always going to be some discussion around the House calendar, whether there's a constituency week that aligns with a certain school holiday or not, and those discussions are dealt with through the usual channels. I'm not talking about that back and forth—which I think is rightfully in the hands of discussions of House leaders—but having a basic structure on which to draw as we work on this.

I often reflect and, as much as possible, try to receive guidance from parliamentarians who went before me, whether local MPs or from neighbouring ridings. I'm reminded of a situation in the 1980s, shortly after the 1988 election. My predecessor was a gentleman by the name of Dr. Harry Brightwell. He was the MP for Perth-Wilmot, which later became Perth-Wellington-Waterloo and eventually merged years later to become Perth-Wellington.

Dr. Brightwell was explaining the story of the 1988 election, which was of course followed by the free trade discussion and debate in Parliament. At that time, they were debating and voting, and they did not leave Ottawa until Christmas Eve night, after midnight.

It wasn't until that point that the real discussion on changes to the Standing Orders to allow more predictability in the House of

Commons calendar was really brought home for many people. They realized that there were parliamentarians from across Canada who were in Ottawa at midnight on Christmas Eve, finalizing the votes on the free trade agreement with the United States, an agreement that incidentally had just been run on in the election campaign.

It was that point that really brought that discussion to a head, and now it's seen as a given that we'll be home in our ridings well before the Christmas holidays and celebrate Christmas with our family. I would point out, as well, that at that point Dr. Brightwell told me that because they arrived so late at the airport—I believe it was in London—everything had been shut down. There was no way to actually physically leave the airport, because the doors had all been locked. They eventually had to find a security guard to let them out.

This document goes on.... I am going to leave the sessional calendar, because I think we all recognize the importance of that calendar and where it's provided for MPs to give us a degree of certainty.

The one other point I would mention—and this is a discussion that will be held in future years—is that in this coming year, in November 2017, there's a constituency week after Remembrance Day. For many of us in rural communities, most of our commemorative activities for Remembrance Day take place prior to Remembrance Day, so the fact that Remembrance Day falls on a Saturday this coming year means that most of those activities will take place in the week prior. However, we'll be sitting in Ottawa that week, rather than the week after. That's a discussion that hopefully will be attended to in future years by our House leadership.

I want to move on to some of the other proposals by Mr. Baker, under the rubric of daily proceedings. Again, they show some of the things that we now take as a given, some of the common-sense approaches that we now have. Proposal number two deals with question period. Again, the calling of the House is at two o'clock: "the House [should] be called to order promptly at [two o'clock]."

We now know that we are certainly called to order far before that, but the other point—again, the Standing Order numbers have changed, so don't pay too much attention to the actual Standing Order numbers—is that "Standing Order [43] should be eliminated, and the entire hour from 2:00 to 3:00 p.m. (11:00 a.m. to noon on Fridays) [should be] devoted to oral questions."

Again, this is something that today, in 2017, we accept as the normal practice of the House of Commons—that at two o'clock on a Monday through Thursday, we have question period, and at 11 a.m. on a Friday, we have question period. It's now standard practice. It's now enshrined in our Standing Orders, but prior to that, that wasn't the case.

The interesting thing—and we've noticed this happening all the time—is that things happen in question period. They are things that we would ideally like to raise as points of order—sometimes questions of privilege, but more often than not points of order—during question period, but we will find as parliamentarians that we do not raise those points of order at that point in time. We wait until after the time for question period has expired. At that point, we raise the point of order, or we raise the question of privilege.



What I found interesting was that the authority for that was a temporary standing order, which had long expired by the time this paper had been presented. It was proposed that this should be a practice of the House of Commons and written within the Standing Orders.

The proposal that was presented by Mr. Baker was point number four: "By Standing Order, all Points of Order and Questions of Privilege should, at the discretion of the Speaker, be deferred until after the oral question period."

Again, it's a common-sense approach. It allows question period to function without hindrance. It allows question period to go through, and any necessary points of order or questions of privilege arising from question period are dealt with immediately following it.

I think it's important to note sometimes the common practice or common courtesy that often occurs in the House. In the event that a member is planning to raise a point of order, where time and opportunity presents, the member provides the Speaker with a heads-up, with notice that you would be rising on a point of order immediately following question period, so that he or she is prepared to dispose of that or to deal with that immediately afterwards. Often in the heat of a moment that courtesy may not always be extended; it's certainly not required. But often the Speaker will say that he has notice of a point of order or a question of privilege by the member for such and such a riding.

It's an important thing. Again, before a point in time, it was simply a temporary standing order. It wasn't placed there to any great extent. But then, again, eventually, because it was a common practice, a common-sense approach, it was enshrined within our Standing Orders.

Now, I want to move on a bit to a couple of other points. This one has to do with quorum. Our House of Commons actually has an extremely low quorum of 20 members, and that includes the Speaker or deputy speaker, whoever is the presiding officer at the time, so meaning only 19 members out of 338 have to be physically present in the House at any one time.

Anecdotally, there are other legislatures significantly smaller than ours that have a similar number. I'm not from Alberta, but I'm told that Alberta's quorum is also 20 members. Given their significantly smaller legislature, it's intriguing that ours is so low. Despite that fact, I'm sure that many of us have sat in the House of Commons at certain points, perhaps towards the end of the day, during private members' hour, or often over the lunch hour when some of us like to duck out and grab a bite to eat, when quorum in the House of Commons can often get perilously close to that number of 20, and could cause some challenges.

But going back to past Parliaments, it was a real challenge that Parliament would just adjourn at that point, and that was the case: when quorum was lost Parliament would simply adjourn. Despite it being a relatively low quorum, we still see situations in which quorum is lost. It's not always called to the attention of the Speaker. But if it were, and there were simply an adjournment, it would cause real problems for Parliament and the government—and the opposition, for that matter, just because there are days where the

opposition has control, if you will, of the House calendar, including for supply day motions, designated days.

But the proposal put forward by Walter Baker, which was eventually adopted, stated that "There should be a quorum bell, allowing MPs ten minutes to reach the Chamber. Hours should be extended to compensate for any time consumed by this procedure." It was a common-sense approach: if you lose quorum, ring the bells, get the members there, so you can carry on with the day. It was eventually adopted. It's now in our Standing Orders. I can't quote the exact number of the current Standing Order, but I know I have referred to it from time to time out of curiosity's sake. It's common courtesy, typically, in the House. It's rare for someone to call quorum when there is a good faith effort to engage in debate in the House of Commons.

This example allows for members to return to the House quickly if there is a case where quorum is lost, and typically it wouldn't be hard to find 20 members within a very short radius of the House. It would also allow a member, with some of the games that would have been played at the time, to quickly duck out, allow quorum to be lost, and see an adjournment of the House. In this case it allows that frivolous adjournment, if you will, to be dealt with in that way, and it also prevents the Sergeant-at-Arms from having to go from room to room to personally haul out the members, which could be the case in some of our present partner or cousin parliaments overseas.

As I mentioned, toward the outset of this paper there are some common-sense proposals, things that make sense, things that really would have had support from all parties. These are some of the ones I have touched on. There are also some that would help the government, and I'll touch on those a little later.

More important, there are also ones that help individual parliamentarians. In many cases it would more be opposition MPs, but a government MP certainly would be entitled and able to exercise many of these things as well.

One of the important ones is the concept of private members' business. Again, sometimes a good idea isn't seen as a good idea until many years later, and some of the ideas presented in here could still be good ideas. They weren't entirely adopted by our predecessor parliaments but nonetheless did provide a fascinating ability to discuss things.

One of the first proposals was that there should be designated cycles for private members' business and the ability to debate it. The proposal they made would be that on Wednesdays there would first be private members' bills considered. On Thursdays there would be private members' motions considered, and once those had been dealt with on a Thursday evening, there would then be a grievance procedure for challenges MPs might have had with rulings on their private members' bills. Whether they had been disallowed, whether they had been ruled out of order, it provided that procedure within the House.

There would then be a second cycle, in which another round of private members' bills would be discussed on Thursdays, then a second round of concurrence motions, followed by another round of private members' bills, and this would alternate throughout the process. Again, we haven't entirely followed this exact practice, but nonetheless it was a proposal to allow MPs to have a set schedule of how to undertake this.

Now in the current system—it's not a bad system, but there are opportunities to improve it—we don't make distinctions between bills and motions, and perhaps we should. However, as it is currently, that is not the case.

Another proposal I find interesting would be to use a suggestion from the U.K. Parliament, which is actually similar to the case now, though not entirely. It suggests that a bill should be debated for about two and a half hours and then should be disposed of—put to a vote—and if it weren't, then it would lose precedence. The way we deal with it now is that it automatically drops to the bottom of the Order Paper and then it works its way back up for the second hour. Here it is actually suggested that we have, in this case, two and a half hours and then it's disposed of shortly afterward or it drops off.

In the U.K. they have a similar way in which this happens, but in reality they don't have the same timeframe, I believe, so they actually just talk out the clock, and if you go to a certain point in time it then drops off. So parliamentarians need to be on guard and be ready to move a motion to deal with it and ensure they have a vote, and a minimum number of votes as well because it's often on a Friday, so they have to make sure there are enough people in town to actually deal with that motion.

Here is another thing I find interesting. Again, no one party has a monopoly on good ideas. It's on page 12, point 16(iii): The proposal was made that “A motion by the Government House Leader to transfer the bill to Government Orders is carried, with a guarantee that the bill will receive at least five hours further debating time under Government Orders within fifteen sitting days.”

I find this to be a fascinating idea. Then again, it hasn't been adopted. That doesn't mean it can't be adopted at some future point in time, but it allows the government to pick up a private member's bill as a government bill. We can think of examples of private members' bills coming through the House in this Parliament and the previous Parliament that were good ideas and that had the general support of Parliament. When they are unfortunately structured to a short period of time for debate, that doesn't always provide the fullness of a debate that you would have for a government bill, so by having this opportunity, a good idea brought forward by a private member could become a government order and there could be a more fulsome debate to undertake that. I think that would be a discussion worth having. It may not occur on a regular basis when we're dealing with an opposition private member's bill, but certainly it would allow an individual government MP that opportunity as well.

There is one proposal in this report—and I think, again, the general consensus on this is that it is now very much supported by all parties—proposal 21, that names of members rather than bills or motions should be entered into the private members' draw. The original case was that the actual bill number would be in the draw to

determine the time of debate. Of course, now we do it by members' names. I believe I'm number 255, so I'll be a very old man by the time I get to debate my motion, but that is the luck of the draw. There's no perfect system, but I think the draw is certainly one of the fairest systems that could be undertaken, and in this case, the use of names rather than bills certainly provides some flexibility to an individual member to decide which bill or motion they may choose to bring forward. It doesn't restrict them, either, to making those changes as things change, as situations change, and as events happen, as they often do.

Those are some proposals that Walter Baker presented on private members' bills. Again, generally speaking, these were ways that could improve the opportunity for private members' bills to become law. Certainly I wasn't paying a lot of attention to private members' business in the 1980s. I was probably much more concerned with watching cartoons at the time, but in talking to colleagues who served in those Parliaments, I do recognize the extreme hardship and challenges of attempting to get private members' bills passed.

I think of my colleague Rob Nicholson from Niagara Falls. He has only just now, in this Parliament, passed his first ever private member's bill, calling for a national framework on Alzheimer's and other forms of dementia. He certainly never had the opportunity to propose private members' bills for many years because he was a cabinet minister throughout the last decade or so. As well, through the 1980s and early 1990s, when he was a member of the governments at that time, there were simply not the meaningful procedures and opportunities to undertake those debates.

Now, I want to discuss the next point, as well, and just as a bit of a heads-up, I'm going to speak for a little bit about committees. I know that my friend and colleague Mr. Lukiwski is just chomping at the bit to make a contribution to this debate.

**Mr. Tom Lukiwski:** Yes.

**Mr. John Nater:** I know he has another engagement later this evening, so I will yield the floor at some point to allow him to have that opportunity. However, before I do that, I do want to briefly talk a little bit about Walter Baker's proposals for committees. Specifically, he opened the discussion with this:

It should be noted that the committee's role is expanded to improve the accountability of government, not to give to committees executive functions. Committees may hold serious investigations against the will of the Government, which is not presently possible, and pursue that investigation through to a report to the House, and even concurrence by the House. But concurrence would not be, in constitutional terms, a binding direction to the Government. Clearly a government which ignored the opinion of the House in such a matter would invite political problems, and perhaps a specific motion of non-confidence. However, to view concurrence in a committee report as a binding direction on the executive would be to invite the destruction of the responsible Cabinet government. The significance of such a concurrence would be, in other words, political, not procedural.

We see this very often as we go about our functions as parliamentarians as we discuss committee work. The role of all committees of the House, whether it's the procedure and House affairs committee, the official languages committee, which I sit on, or the fisheries and oceans committee, is to hold the government accountable. Committees have a number of functions and ways in which they can do that, whether it's via review of the legislation that is specifically sent to them, or the studies they undertake within their mandate. Committees have an important role.

We'll notice that committees are not populated by the government; they are populated by members of Parliament. They are not creatures of a cabinet minister; they are the creatures of their own creation. That is exceptionally important in terms of where we go.

I'm going to get into some of the specific proposals, but at this point I'm going to yield the floor.

I would ask, Mr. Chair, could I be put back on the speakers list?

**Mr. Scott Simms:** Can't Tom just say "point of order", and seek unanimous consent to interject and go back and forth? What do we call that again?

**The Chair:** The Simms feature.

**Mr. Scott Simms:** I was just asking.

**The Chair:** Do you want to do that? Will you go on the Simms protocol, and then we'll go back to Mr. Nater?

**Mr. Tom Lukiwski:** That's fine. Everyone is fairly in tune with what's going on here, and everybody is fairly accommodating, so it doesn't really matter as long as John is recognized as having the floor. He has ceded some time to me, and when I conclude my remarks, John will have the floor again. If we can all agree to that, then I don't think we need to do much more.

**The Chair:** Yes, we're agreed. Go ahead.

**Mr. Tom Lukiwski:** Thank you very much, John; and thank you very much, Mr. Chair, for recognizing me. It's good to be back at the procedures committee. As most of you know—at least I've mentioned it on a few occasions when I've substituted at this committee—I spent nine years while we were in government as a member of this procedure and House affairs committee. I was the parliamentary secretary to the government House leader, and in fact, I was the only parliamentary secretary that our government had. I think I had five different House leaders; I was the parliamentary secretary to each one. I appreciated the fact that I learned a lot on the job. Obviously I learned a lot about procedures and House management. That was just something that I had to learn because of the nature of my job.

I want to talk a bit about my time on the procedure and House affairs committee and about my role as parliamentary secretary only in order to give some context to my remarks. I'm certainly not going to be saying anything that cannot be substantiated. I'm certainly not going to be saying anything that is either outright incorrect or even considered disingenuous, but I am going to be making some remarks clearly that will be critical of the government because I believe that the subject material that we're discussing right now is extremely important.

Anytime a committee or a group of individuals starts to discuss changing the Standing Orders, it is something that has to be taken

with a great deal of serious and sober thought and discussed with a great deal of respect for the Standing Orders. As a matter of fact, I know that one of the most learned procedural minds I have ever met, whom my colleague John referenced early in his presentation, Mr. John Holtby, quite frankly is not in favour of anyone tinkering with the Standing Orders. I recall that, in the last Parliament, I was the chair of an all-party committee tasked with the responsibility of suggesting some potential changes to the Standing Orders, and Mr. Holtby and I had a disagreement on many occasions because I felt that there needed to be some changes. I felt that we could clean up the Standing Orders and make it perhaps more efficient, both from a procedural standpoint and from a cost standpoint to the taxpayers. However, John again was able to point out on several occasions why we shouldn't really make any massive changes, and at best, we should look at tweaking and perhaps allowing some of the more arcane and obscure standing orders to meet their fate by removal from the Standing Orders.

I would also point out that one of the other very learned minds on procedure, who is no longer with us, worked for the Liberal Party for many years; that was Mr. Jerry Yanover. I think if Jerry were here today, frankly, he would be having quite a bit to say about what we are discussing and whether it is the democratic way to move forward, with a government having the final and almost unilateral right to change the Standing Orders.

I should point out to those people who perhaps are watching—those people maybe who have to get themselves a life and have nothing better to do than watch CPAC and proceedings—that the government has an option. The government doesn't have to change or make recommendation to change the Standing Orders through the procedure and House affairs committee—not at all. Although that has been an accepted convention for the majority of the last 40 or 50 years, there have been times when governments of the day with majorities have been able to change the Standing Orders unilaterally. The current government obviously has a majority and quite as obviously could change any standing orders that it wished right now without any agreement from any other political party. All that would need to be done is for a member of the government's party to make a motion in the House to change various standing orders and then it would come to a vote. If the vote is in favour, those standing orders are changed and changed immediately. Knowing that, why then would the government take the route it has taken?

We have a filibuster going on, and, frankly, I believe it will go on for as long as the government wants to maintain their position of forcing standing orders upon the opposition.

In my view, the reason the government wants to go this route is that they believe that if they made these changes unilaterally in the House, they would be viewed as being somewhat dictatorial. In other words, they want the political cover of a standing committee making recommendations back to the House so that they will be able to say, "A standing committee made these recommendations, and we're merely adopting the considered opinion of the standing committee."

The reality, of course, is that since the government has the majority of the membership on this committee, they can make whatever changes they want over and above the opposition's complaints, with the same effect as unilaterally changing the Standing Orders by simply moving a motion in the House. They're looking for political cover, and that is something we simply cannot abide.

I want to point out as well that when I was on the procedure and House affairs for those nine years, generally speaking, I had a pretty good relationship.

Mr. Chair, is there any significance to the bells?

**The Chair:** The House has just adjourned.

**Mr. Tom Lukiwski:** During the time from 2006 to 2011, our party was in a minority government situation. In other words, we did not have control of procedure and House affairs; the opposition did. The reality was that it was a six-to-six situation, but one of our members was the chair, so we really had only five voting members against six opposition votes at any one time. It proved to be challenging, but it also proved to be instructive, because for us to get anything done we had to have some co-operation from opposition members. I recall that at times it was difficult.

In fact, the last time I was in a situation in which I engaged in a filibuster was when we were discussing the so-called in and out scandal. I spoke for eight and a half hours at one time so that the opposition would not be able to bring forward a motion that we felt was unfair and unjust. That ended when the opposition to my filibuster became so pointed that they started challenging and almost insulting the chair, who ultimately adjourned that meeting. But most of the time I enjoyed my time on that committee.

I can also say quite honestly that the four years after we became a majority government were the most pleasurable for me, and not just because we had a majority. I'm going to take a moment or two just to give a shout-out to Randall and his colleagues in the NDP, because I found, during those times, that the membership of the NDP at procedure and House affairs was individuals who were intelligent and fair-minded, and with whom I could work very well.

For a while, the point person for the NDP was Joe Comartin, a man whom I respected greatly, a long-term member of Parliament with a great deal of common sense and affinity for parliamentary procedure. When Joe left—he retired, actually—David Christopherson took his place, and he and Craig Scott were the two mainstays of the NDP. I can honestly say that, despite what most people may think about extreme partisanship having taken root in Ottawa, there were times, although not frequently, when either Mr. Christopherson or Mr. Scott presented an argument that was in opposition to the government's position, and I agreed with them. We came down from our position on a number of occasions because I felt that the argument presented was basically cogent. It made sense and it strengthened the position, whether it was a piece of legislation or a motion that we were studying.

I make those points not to do anything other than point out that over the years I believe I have become far less partisan than I was when I first took this job. I think that's probably true of a great many parliamentarians. I had a conversation with Minister Scott Brison

over the course of the last few months. Scott has been attempting to make some changes to the Standing Orders, and I'll speak to those specifically a little while from now. During our discussions, I told Scott, "I really think that the objective you're trying to achieve by changing the Standing Orders to better align the estimates process with the budgetary process is laudable. However, the way you're going about it is problematic." That led to a discussion about the lack of trust between opposition parties and government members and the like.

Ultimately, I told Scott, "I don't know about you, Scott, but I know I'm becoming far less partisan the longer I stay in this place." And Scott said to me, "Tom, I'm exactly the same way. As a matter of fact, when I first came to Ottawa I was an absolute..."—and he used a word I can't quite say in televised proceedings. He was referring to himself as being hyper-, uber-partisan. I think that many of us, when we come to this place, are in that position, but I found that I get a great deal of satisfaction when I have the opportunity to work with members from the other side and come to a consensus on a great deal of issues.

Scott, I see you have an intervention.

**Mr. Scott Simms:** It's a little noisy in here. I'm trying, but I can't hear you.

**Mr. Tom Lukiwski:** It's perhaps due to some of the conversations at the back of the room.

**The Chair:** Just while we've been interrupted, if there are any House of Commons staff who haven't eaten or anyone in the room who hasn't eaten, you're welcome to the food that's left.

Mr. Lukiwski.

**Mr. Tom Lukiwski:** Thank you very much.

Thanks, Scott.

I point that out to the committee because I think that in almost all cases, the best results for Canadians are achieved when there can be a consensus. I'm not so naive as to suggest or even believe that there can be consensus in a lot of areas. Clearly, a government is elected, regardless of political affiliation, to govern, and if given a majority mandate by the people of this country, they have the absolute right to bring forward legislation that they see best fit and pass it. It does not give them the right to do so at the expense of the democratic opportunities of opposition members and, unfortunately, I think that's what we're seeing in this instance. The government is trying to quash the ability of the opposition members to make a meaningful contribution to any potential changes to the Standing Orders.

To give you a sense and or some specifics of what I'm speaking to, I want to give you a few examples of what happened in the last Parliament. I've mentioned on a number of occasions that I chaired an all-party committee that was examining potential changes to the Standing Orders of the House. The way we got to that point was that I'd written a memo to Prime Minister Harper suggesting that we make some changes. I gave him a couple of examples that I thought would be better for the Canadian taxpayer. Let me give you one example. As you know, opposition members can write written questions to the government and the government is obligated to respond to those written questions now within 45 days. During the period of time between 2011 and 2015, we found that many of the questions posed by opposition members—I think primarily the Liberals, but they had, I think, a little better procedural staff at the time—would literally go on for pages and pages. Any time a government gives an answer to a written question, it has to be done in both official languages, obviously, and then photocopied and presented. To prove a point of how ridiculous I thought these questions were getting, I once read into the record one question from a Liberal member. That one question alone took me 17 minutes to read into the record. I felt this was an abuse of the process of the written questions that were afforded all parliamentarians. So I suggested to the Prime Minister that maybe we could look at putting either some sort of a limit on the number of words that could go into a question or somehow clean up the object of these questions, because the object of written questions originally was for them to be specific to one particular area of concern. You were to ask that question and to request a response. But to get a question—

Mr. Chair, perhaps you could ask the House leader to take her conversation outside, unless she wants to participate by sitting in and listening to some of my comments? I would appreciate the attention.

**The Chair:** Carry on. It seems to be quiet now.

**Mr. Tom Lukiwski:** When I approached the Prime Minister—and I gave several other examples, as well, of where I thought the Standing Orders could be changed to improve the procedures of the House—he agreed, but with a few conditions. Some of the opposition members from that time may feel this to be a bit of a stretch, but I can assure you it's true. He wanted to make sure that it wasn't overly partisan and that we weren't doing anything to try to ram changes through. Consequently, when we established the all-party committee and I chaired it, I said the rules that I would like to abide by were simple. I suggested that all political parties and all representatives on this all-party committee could go back to their caucuses, discuss what potential changes they would like to see, and then bring them back to the committee for discussion, with one caveat: if there were any proposed changes to the Standing Orders that were opposed by any individual on that committee, those proposed changes were off the table, no discussion, because, as I pointed out, the Standing Orders affect us all. They are the rules by which we play, and they are to benefit and to assist all parliamentarians. My rationale was that if that is the case, how then can we possibly proceed unless we have unanimity? If these very rules that guide us are to be of benefit to all of us, how then can we arbitrarily, or by a majority, change the Standing Orders if they are not agreed upon by their members?

There were several examples. With regard to the NDP standpoint, I recall quite vividly when Joe Comartin said that he wanted to bring

S. O. 56.1 to the table and to look at eliminating it from the Standing Orders. For the benefit of those at this committee who may not be familiar with Standing Order 56.1, or for those Canadians who are tuning in, what S. O. 56.1 does is allow the government to seek unanimous approval when it has already been denied unanimous approval. How does one do this? If the government asks for unanimous approval to, let's say, pass a motion or a bill and unanimous consent is not granted, it can then immediately invoke Standing Order 56.1, read the same bill or motion into the record, and unless 25 members in the House stand to oppose it, it is deemed to have been adopted. We used that two or three times between 2011 and 2015, and we used to do it normally on a Friday morning. Fridays, as everyone knows, are usually not that well-attended. Many parliamentarians go home on Thursday evenings so they can spend time in their constituency, so literally we would look for an opportunity when the opposition benches were depleted. The odd time, we'd even take a little tour through the opposition lounge to see how many people might be lounging back there. If we felt there weren't 25 members of the opposition present, we would introduce a motion, it would be defeated on a voice vote, we would reintroduce it under S. O. 56.1, and on two or three occasions it passed. I used to kid my colleagues on the NDP side to think of that as a teaching moment for them, but it had an effect because I think after the second time the opposition made sure that on Friday mornings and at all times they had at least 25 people in there. Mr. Comartin wanted to bring that forward and to suggest that S. O. 56.1 be stricken from the Standing Orders. Obviously, it didn't fly because there was opposition from us. It wasn't even discussed. It wasn't even debated. It might have been an interesting debate.

I can certainly give many reasons why S. O. 56.1 has a place in the Standing Orders, but because of the procedures, because of the rule that I put in place for our all-party committee, if anyone disagreed with a proposed change, it was off the table for discussion. That's how we worked. You know something? It worked well. We made a number of changes, most of them somewhat minor, but it worked well.

Everyone, I can assure committee members, was in complete agreement with my lead on that, namely, that we needed to have unanimity.

I can give you a couple of other examples of things that I didn't even allow to come to the table as a proposal. If you know Standing Orders, if you're familiar with procedures and practices of the House, if you've read O'Brien and Bosc, you will know that there are many opportunities for a majority government to invoke the tyranny of the majority through standing order changes.

Let me give you just one example. In the 2011 election, members of the Green Party, the Bloc Québécois, and other independents, if we can call them that—non-affiliated, non-registered, non-recognized parties in the House of Commons—had seen their numbers go down to about seven or eight. On more than one occasion, the three major parties—the Conservatives, the Liberals, and the NDP—had agreed that a motion, perhaps a motion to adjourn early or some other motion that seemed popular among the three parties, would require unanimous consent in the House. On such occasions, one of the independents would voice-vote no, which forced us to “stand five”. They only had seven or eight members among them, but they had enough numbers to “stand five” and force a standing vote.

Of course, they didn't have the numbers to be able to win that vote, but at least they could delay the proceedings and put the government in a position where it had to have 30-minute bells and a vote, so that debate on legislation would be delayed. It was an irritant, so there were some suggestions by a number of members who said that the “stand five” provision had been around for a lot of years. When it was first put in, there were far fewer members in Parliament than there are today.

One could argue with some justification that as an inflationary method we change the standing order from “stand five” to “stand 10”. If we would have passed that, those independents would have had no ability whatsoever to force a vote. I can tell members that I didn't allow that even to be brought to the table. Why? Because it would be impinging upon the rights of certain parliamentarians. It would be stripping them of their ability to act as an effective opposition. Even though their numbers were small, they still had rights. We could have taken those away in a heartbeat. That did not happen, because I and other members of our committee respected the rights of all parliamentarians, not just the tyranny of the majority.

Speaking of S. O. 56.1, the same suggestion was made because of the inflationary factor. Having to stand 25 people to stop a S. O. 56.1 from being adopted was done many decades ago and written into the Standing Orders. There was a suggestion—and we certainly could have done it had we wished, because we were a majority—that we change the number from 25 to, say, 35 or 40 or beyond, making it even more difficult for the opposition parties to block a S. O. 56.1. It didn't happen. We didn't even bring it forward. Why? Because it would be unfair. It would be using the tyranny of the majority to try to better our position politically. It simply didn't happen.

That's why I feel so strongly about what's being attempted here. If the government truly wants to make these changes, if it is sincere in its belief that these proposed changes will improve the functioning of Parliament, then they should do it. Introduce a motion and pass it. You have the majority. You have the ability to do this. The government, however, is not doing it, because it wants political cover from this committee.

They want the ability to say that a standing committee of Parliament recommended changes, and because it is an all-party committee, we will adopt those changes. It's a sham, and it is, at best, disingenuous.

We are here because we recognize what the government is attempting to do. They have the ability to do so if they wish. If they wish to do so unilaterally in the House, just do it. However, to try to

make it appear that a report tabled by the standing committee gives tacit approval for them to do so is, quite frankly, deceptive, deceitful, and it shouldn't be allowed. That is why we're filibustering.

I also want to point out to committee members that while I was the parliamentary secretary to the government House leader for that length of time and our lead on the procedures and House affairs committee on many occasions, I had an opportunity to negotiate with members of the committee. If Mr. Christopherson were here, I know he would support what I'm about to say. I can assure you—on many occasions we were negotiating, whether it be a motion or the ability for the opposition members to bring forward an issue they wanted to discuss or a host of other issues that arise from time to time at committee—whenever I gave my word to a member of the opposition, my word was my bond. I never broke it.

**An hon. member:** Hear, hear!

**Mr. Tom Lukiwski:** I mention that not to try to lift myself up in the eyes of members of this committee, but to say that over the course of nine years, I had the opportunity to do a lot of negotiating with members of the opposition parties, and not every time did I meet counterparts who honoured their words. That promotes nothing but lack of trust. My colleague, Mr. Nater, spoke of that a little earlier.

In our committee, I made sure that any time I gave my word, my word was not broken. I can assure members as well, from time to time, I was called on the carpet—let's say, by people with a higher pay grade than mine—because I had made a commitment that was not viewed favourably by others. However, I kept the commitment. Those others, who perhaps were a little angry at me, recognized the fact that I couldn't break my word because then the trust factor would have started to break down. Once that happens in this place, it is very difficult to achieve anything.

I only mention that because I say to you—and I'm sure others have said it as well—we, as an opposition, will not let this filibuster end. I will guarantee you that. We can be here as long as the government wishes to be here. We can be here past June 2. We can go to the next federal election, if you wish. We feel that strongly about his.

Mr. Nater talked about the fact that we don't mind having a discussion. He's right. Neither do I. However, it has to be done in a manner in which we reach unanimous consent by all parties because of the fact that it affects all parties and all parliamentarians. Changes cannot be made just to benefit the government. I pointed out examples about how we had the opportunity to do so when we were in government, and we didn't do so. I have to be honest. Quite frankly, I don't see a lot on the other side of the House, on the government side of the House, that makes me think they are willing to enter into such an agreement. In fact, I see just the opposite. I see things, sometimes almost on a daily basis, procedures and attempts to shut down meaningful debate from the government, which makes me truly question whether or not they are willing to work with members of the opposition.

The most recent example happened this afternoon. We were having a debate on a question of privilege, a privilege that affects every single parliamentarian, the right for parliamentarians to come to the House in an unfettered manner and to be able to vote. Two of our members had that right denied most recently, and they raised a point of privilege with the Speaker. The Speaker quite rightfully said he found a prima facie case of privilege. This is not new. During my nine years on procedure and House affairs, I believe we dealt with the same issue on three separate occasions. Separate members were denied access to the Hill for various reasons. Sometimes it was because there was a motorcade. Sometimes it was because a security official didn't recognize the individual as a member. There were times, though, when members were denied access to come to the House, and they missed votes.

In each of those cases, the Speaker found a prima facie case of privilege. Debate ensued in the House. A vote was put forward. The House approved a reference order to be made to send the question of privilege to the procedure and House affairs committee. That's the appropriate method. That is the appropriate course of action. What happened today? The debate was ongoing, and the government shut it down. They didn't postpone it or delay it. They shut it down. That has never happened before.

Unfortunately my colleague and friend Mr. Graham, who is not here right now, earlier said that we Conservatives did that in the last session, the last Parliament. It's not true. Granted, there was a debate on privilege and we invoked closure, but a vote was held. Parliamentarians from all parties were able to vote on that question of privilege.

This did not happen. This government shut down debate, and the vote will never be taken. Individual members—backbenchers, frontbenchers, members of the government, members of the opposition—were denied the right to vote on a privilege issue that could impact each and every one of us sometime in the future. It impugned and impinged upon the democratic right of parliamentarians. A vote was not even allowed.

Trust me on this one, and you all know this: governments come and governments go. You have now set a precedent, so one day, perhaps not in the not-too-distant future when you're sitting on the opposition benches, the government of the day may have a majority and will be able to say that there has been precedent and it doesn't have to allow members to vote on a privilege, even though it's been

viewed as a prima facie case, because the previous government denied that vote.

This is dangerous ground that the government is treading, and there is an easy out.

Mr. Chair, I see an intervention coming, so I'll certainly cede my time for that intervention.

**Ms. Filomena Tassi:** Will we apply the Simms' principle? Are you okay with the Simms' principle here?

I just feel compelled to respond as the person who presented the motion at PROC on the very matter you are discussing. I just want to make clear that the motion I presented actually brings the matter to PROC, while the case scenario you're describing has the same result.

The reason I brought that motion today is that I believe it's the committee's right to determine the priority of the issues that the committee discusses. It was not the motion but the amendment to the motion in the House of Commons that actually directed this committee and decided what I believed was this committee's prerogative, which is to decide the priority of the matters we discuss.

The matter in the House of Commons today is a very serious matter, as is what we are discussing here. I just want to go on record as saying and making it very clear that I brought that motion because, in my view, it's this committee's prerogative to determine the matters and the priority with which we deal with those matters.

Thank you for letting me intervene.

**Mr. Tom Lukiwski:** It was my pleasure, but with all due respect, the motion you brought was basically an attempt—and it was successful—to shut down debate and to be able to say that what you were really trying to do was to allow the discussion about privilege at the committee, but you're refusing a specificity. There were two members of Parliament whose privileges were denied, and regardless of how you try to sugar-coat the motion you're trying to bring forward here or have presented here, it still denies those individual members their right to have a debate and a vote on their privilege. There's quite clearly a difference. There's a big difference, and that has never happened before. Your government has set a precedent, and it is a dangerous precedent in my view, a very dangerous precedent.

I should also point out, Mr. Chair, I've had emails from a number of political parties and political observers across the country who are watching this debate. They're watching to see what happens, how we deal with the Standing Orders, because provincial legislatures have the same rule book we have. That's why this is such an important debate. I would again suggest to the government that what we are doing here is so unnecessary. I don't mind spending a few hours here. I've done it before. As I said, I spoke for eight and half hours the last time, and I'll speak for longer if I have to, although I have to leave in about a half hour from now—

**A voice:** No, no, no.

**A voice:** More, more.

**Mr. Tom Lukiwski:** I can see the disappointment etched on the faces of committee members. I assure all members that I will be back next week.

The reality is that this is so unnecessary. If the government truly wants to make changes, then just go and do it.

**The Chair:** Would you allow Ms. Tassi to intervene?

**Mr. Tom Lukiwski:** Absolutely.

**Ms. Filomena Tassi:** I want to be clear, in response to what you have said, particularly on the mover of the original motion. I have a great deal of respect for her, and you're absolutely right that it's a very serious matter. It's not the issue of debate that is my concern. Absolutely that matter should be debated. We need to debate that, and members have a right to debate it.

The issue to which I take exception is that this committee is going to be told what its priorities are so the whole intention behind my motion was to ensure.... The amendment to that motion was that it would come here and be a priority, which would mean it would circumvent the current debate we are having right now, so that's the procedural—

**Mr. Tom Lukiwski:** That is not unless it was a reference from the Speaker.

**Ms. Filomena Tassi:** That's the procedural concern and issue I have. I think this committee should be the master of its own priorities and that the matter we are discussing here is also important. That's the reason I brought the motion, not to in any way curtail or shut down debate.

**Mr. Tom Lukiwski:** But you did.

**Ms. Filomena Tassi:** No. It was the amendment to the motion that caused that. The amendment would have the effect of telling this committee the order in which the items this committee entertained would have to be set. I'm fine that this is on the record, and I'm happy I get to say it before we leave, so thank you again.

**Mr. Tom Lukiwski:** The reality, however, with all due respect, is that debate was shut down. On one hand, you say you don't want to shut down debate, but you did. The government did. It brought in a motion to return to government orders. It shut down debate, and now it is impossible for the opposition to bring that privilege motion back for debate. It is shut down.

It is not postponed. It is not delayed. It is gone.

The members who brought forward the motion of privilege, which was found to be *prima facie*, are denied the ability to further discuss it, debate it, and vote on it in the House. That's what the government did. Again, I go back to my most basic point. Why are we even here?

Mr. Chair, you're doing yeoman's work just having to sit there for hours upon hours each day to listen to a debate that could be, quite frankly, close to endless, because there is no will on the opposition benches to allow this debate to stop, because you know what the result will be. As soon as that happens, there will be a vote on the discussion paper, on the proposed changes. The government members in the majority will pass it, a report will be tabled in the House recommending proposed changes from the procedure and House affairs committee, and the government will use that as its cover, saying, "They are recommendations from committee. We're

not doing this unilaterally. We're not imposing our will on Parliament. This was a committee recommendation." Right. That's something I just don't think any fair-minded person could possibly agree to.

Governments are elected. I said that before. Governments have the right to bring in their own legislation. Governments have the right to try to create a Canada they believe to be the right course of action, but opposition members are here for a reason. We are here to point out government shortcomings, at least in our opinion. There are shortcomings. We are here with a right to debate, and at times to delay, if we feel it is necessary, motions and legislation, but this is different from that. This is not a piece of government legislation we're debating in this committee. We are discussing the very rules that guide us and that are so fundamental to parliaments across the world.

I made reference to the fact that many learned authorities on procedure, such as Mr. Holtby, such as Mr. Yanover, would be dead set against any changes to the Standing Orders, except for the most minor tweaks, because they feel that those Standing Orders that have evolved over time are there for a reason. The government suggests that it wishes to modernize Parliament to make Parliament more efficient. Well, if it truly would benefit all parliamentarians, if it truly would make Parliament more modern, if it truly would make Parliament more efficient, then there shouldn't be any difficulty getting unanimity among all parties, because if they would benefit all of us, why wouldn't we approve changes to the Standing Orders?

Some of the ones we changed in the last go-round, when I was chairing the committee, were very minor. I want to give you a couple of examples, because they were easily agreed upon unanimously. A few were actually references to arcane situations that perhaps meant something back 100 years ago but mean nothing today.

For example, there was reference in the Standing Orders to the supper hour. There used to be a supper hour in Parliament because Parliament didn't meet as early as it does now. It opened in the afternoon and met into the evening, so there was a designated supper hour where committees would stop. Parliament would stop, and members had a chance to go to the Parliamentary Restaurant, or go off the Hill and have something to eat and then come back. There is no supper hour now, so we just deleted that from the Standing Orders.

There are also references to \$5 fines administered by the Sergeant-at-Arms if a transgression took place. We deleted that and issues like that.

There was no question that all members agreed to those, because they made sense, but if there was any suggestion the standing order could adversely impact either a political party, and its ability to do its job, or an individual parliamentarian, those changes were never even discussed again.



Where does that leave us? It leaves us in a position where we're going to continue to filibuster unless saner heads prevail, and there can be some agreement among House leaders. I agree, my colleague talked about the fact that the House leaders are the ones who make these types of decisions. They give, frankly, the marching orders, and that's why they're in the positions they are in, but I also realize, having lived it—and anyone who has been in government lives it—there are other forces at play other than just House management. I'm specifically talking about the PMO.

Without question—and I'm not asking any of my colleagues on the government side to acknowledge this or to even say it's correct, but we all know it is—the PMO gives not just the suggestion but strict marching orders on what committees are to do. My good friend, Mr. Simms,—and I say that not lightly, he is a friend, I consider him to be a friend and one of the good guys—has stated that the motion that he brought forward, the motion we are now discussing, the motion and the amendment, was his doing. With all due respect, I believe there were other forces at play there. I simply do not believe that a discussion paper was forwarded, and mere hours later a motion fully translated came before this committee. I believe, without question, there was a decision made at a higher level than this that is instructing government members to follow through on this course of action.

That happens. I get that. It happened with us. It happened with previous governments. It will happen with governments after your government is long gone. That doesn't mean it's right.

If the government is so firm in its belief that these changes are necessary, then it has the ability to do it right now, but do you know something? I believe—and I may be wrong on this—that most of the suggested changes are in themselves a bit of a cover for the one change that the government really wants to have occur, which is on the estimates process.

Let me give you a little background on that. I am the chair of the government operations and estimates committee. That committee has a responsibility. When I say responsibility, I mean it deals with several government departments, one of them being Treasury Board. Minister Brison, another individual I like very much and whom I respect greatly, has come before our committee on several occasions trying to convince the committee to change the Standing Orders deadline for estimates to be presented not by March 31 but May 1. He said he ultimately wants to better align the estimates process with the budget process. Frankly, it's an objective with which I agree.

Right now, as we all know, if you have any knowledge of how the system works, it's just the reverse of what should happen. A budget is presented, and afterwards the estimates come in, rather than estimates of what might be in the budget discussed first and then the budget follows the approval of the estimates. It's ass-backwards. Other jurisdictions have changed the system sequentially and gotten it into better alignment. That's what this government is trying to do.

I applaud the government for trying to do that, but Mr. Brison is trying to do so by changing the Standing Orders to allow him, for a two-year period, to change the timing of the estimates and when they're presented to committees. The difficulty with that is that once you change the Standing Orders, there's no guarantee they'll ever be reversed.

The government doesn't have to change the Standing Orders. It has a number of options at its disposal to achieve its objective of better alignment. It has the ability to present financial information at any time. It's not restricted or constricted as to when it can do so. It's certainly not forced to bring down a budget in March or April. It can bring down a budget in January, should it wish, which would solve the problem entirely. However, Mr. Brison has stated that he wants this to happen, and he has stated that if he can't get it by going to the government operations and estimates committee and getting its approval, he will find another way. My belief is that he's trying to find another way in this package of changes.

Just look at the big four. My understanding, and I get this only from reading articles in the media, is that there are four primary changes that the government now has said it would like to see enacted in the Standing Orders.

One is having a Prime Minister's question period once a week. They don't need to change the Standing Orders for that. We saw that the other day. Frankly, I applaud the Prime Minister for doing that. To my knowledge, it's the first time it has been done. He didn't give any answers; nonetheless, he got on his feet and he said something to each question. I give him credit for that, but you don't have to change the Standing Orders for that.

The second thing is on proroguing Parliament, having to change the Standing Orders to force governments to give justification for prorogation. You don't need to change the Standing Orders for that. In fact, any prorogation that I can recall has always been justified and some rationale has been given. There has never been dead silence and just prorogation occurring. Whether it be provincially or federally, there has always been a reason, so you don't need to change the Standing Orders. If it wishes to prorogue, and I understand the government is probably contemplating prorogation perhaps this summer, that is its right, obviously, but also it would make some sense at the halfway point of the four-year term of this government that it might want to hit the reset button. Prorogation would make sense in that regard, to come back with a new Speech from the Throne sometime later in the fall. That makes some sense. I can understand that, but you don't need to change the Standing Orders. Just prorogue and give your rationale.

The third change in the big four is no more omnibus bills. That's fine; just don't bring one forward. Some might argue, well, we can do that, but we want to make sure that future governments don't do it. The fact of the matter is that you do not have to change the Standing Orders today to stop the use of omnibus bills. You have the ability to do it yourself.

What does that leave of the big four? It only leaves changing the Standing Orders to deal with the estimates process and the timing of estimates. That's the only one left, and even though the government has the ability to deal with it without changing the Standing Orders, for some reason the President of the Treasury Board feels that he has to do this, that he can't do it any other way.

That's why I believe that is the true motivation behind this so-called discussion paper. The rest is almost like a bit of a subterfuge. "Let's throw a whole bunch of things in there and slide this point in, this standing order change, in a package of other proposed changes. We don't care about the other ones but we really want this one." I think that's what's happening here.

If you want to have a discussion about better alignment of the estimates and the budgetary process, that's great. We're having that at government operations. We members, other than the government, have stated at committee that we are in favour of a better alignment process. It would make sense, and it can be done. It would take a couple of budget cycles to get there, but it can be done. However, the way in which the minister is proposing it has not been received well, and there has been opposition. You can understand why. It's because it would require a change to the Standing Orders.

Even though I take Minister Brison in good faith—and as I say, I respect him greatly and like him as an individual—once you change the Standing Orders, there is nothing to stop future presidents of the Treasury Board from abusing the situation. There is nothing to say that the Standing Orders would be changed back to their original March 31 date in two years.

Once the government changes the Standing Orders with a commitment to revert back to the old dates or the old ways, there is nothing to stop them from keeping the standing order changes as they see fit. As for the precedence that is being set, I cannot stress enough that it is extremely dangerous. I can certainly see a time when some government in the future would take the changes that are being proposed here and try to manipulate them to their own benefit.

Let's have a discussion by all means, but having a discussion in a forum in which the government has the hammer and the sole right and ability to make changes is meaningless. It's pointless. It's not a discussion. It's lip service to the opposition to try to keep them at bay and to say, "Well, you know, we consulted."

No, you didn't. All you did was report a sham. Meaningful discussion means unanimity on changes to the Standing Orders.

I would suggest to my friends and colleagues on the government side that this is eroding whatever trust is left between opposition members and government members. It's no secret to members of the government that their failure to follow through on their commitment on electoral reform has eroded a lot of the trust and goodwill in this Parliament.

I would also point out, while I'm speaking of electoral reform, that the government is now taking the position of saying, "We made a campaign commitment to democratic reform within Parliament, so that's why we're bringing this discussion paper forward." It seems a little hollow to me.

Not only was there no specific discussion about many of the proposed changes in the so-called discussion paper. There was a firm commitment in their campaign platform prior to the 2015 election to change the way in which we vote in this country, specifically, "This will be the last first-past-the-post election," definitively, period, full stop.

What happened? We didn't see that happen.

If you break a campaign commitment and a campaign promise, how can you then possibly have the chutzpah to come back here and say, "We have to do this. We have to make these changes because we made a commitment in our campaign platform"?

No. There is absolutely no reason for the government to attempt to do what it is attempting to do with these proposed changes. There is no rational thought that I can come up with that makes me think they have justification to do what they are doing.

Consequently, we are where we are, but I hope, and I mean this sincerely, that there's an opportunity for the government to perhaps draw back just a little bit. They could agree to either setting up an all-party committee within PROC with equal representation from each party and a commitment that unanimity must be achieved before any standing order changes are implemented, or to accept the suggestion from my colleague, Mr. Reid, to establish a special committee on parliamentary reform requiring unanimity, which has been done before by a previous Liberal government.

I know my colleagues on the government side are all aware of that. Prime Minister Chrétien made the provision that an all-party committee would be set up, and it was, and it would have to have unanimous consent before any changes were made. It worked well. It has always worked well. This was the first time in my recollection that—although I stand to be corrected, but I believe I'm on solid ground when I say this—in the history of the Canadian Parliament, where a government is attempting to have a committee discussion of parliamentary changes and recommend them without unanimous consent.

Governments have done so unilaterally, but they haven't done it through the committee process. They have never done it through the committee process, so why now? It's simple. They're looking for cover. They want to be able to say to Canadians that these changes were discussed, debated thoroughly, and the committee recommended these changes, even if there's a dissenting report.

**The Chair:** That's repetition, since you've already said it.

**Mr. Tom Lukiwski:** I'm very familiar with the concept of repetition.

**Mr. Scott Simms:** I have a point of order.

**The Chair:** Mr. Simms, go ahead.

**Mr. Scott Simms:** I'm enjoying this thoroughly, so don't get me wrong. There is one precedent when the motion to set up the McGrath report did not require unanimous consent. That was from the *Journals* of December 5, 1984. It did achieve consent. It achieved the unanimity that was sought after, so I applaud them for that. That's just a point of interest.

**Mr. Tom Lukiwski:** Thank you, Scott, for saying that. I mean that. Perhaps a better way to state that was that there's never been an occasion, that I'm aware of, when a committee has not achieved unanimous recommendations to changing the Standing Orders. It may not have been in the directive, but it achieved itself in the final results. That's my point.

**Mr. Scott Simms:** Okay.

**Mr. Tom Lukiwski:** Now let's talk about the Standing Orders themselves, why they are so important, and why they have to be treated with such a great deal of respect. There can be abuses. I've given a couple of examples already, and there are many more where a government in a majority situation could use the Standing Orders to benefit themselves politically. That is simply not the purpose or the intent or the objective of Standing Orders. Our legitimate fear is that with the proposed changes you are bringing forward, you—meaning the government—would have the right to abuse the ability and the rights of opposition members to do their job. That's simply not in the cards.

I'll give you two examples. You are suggesting, for example, that answers to questions on the Order Paper be extended from 45 days to 65 days. Why? I've never heard a good answer as to why. It's been 45 days for as long as I can remember. I gave examples of how, when the Liberals were in opposition, they tried to kneecap the government by asking questions that were so detailed and so lengthy that it took almost a full staff of people within individual departments to do nothing but answer questions on the Order Paper. It was a tactic used by the opposition, but we didn't say, "Okay, let's change the timing from 45 days to 65 days to give us more time."

We left it the way it was, and had we wanted to change it from 45 days to 65 days, we would have gone to an all-party committee and asked for unanimous consent. You guys haven't done that. You want to make those changes unilaterally, and to whose benefit? It's to your benefit, to the government's benefit, to the Liberals' benefit. It's not to the benefit of parliamentarians. It's to the benefit of one party and one party only. That's simply not the way we should be approaching this very serious issue.

Mr. Chair, I appreciate the fact that I've been given an opportunity to speak, and I've talked briefly on some of my experiences and why I feel this to be important, but I'm going to wrap up now and cede my time, or at least give the time back, to my colleague, Mr. Nater, because I have an appointment at eight o'clock.

I just want to leave the government with this. Even though it may be repetitive, it's certainly relevant, and the two Rs are what we're looking for when we have a filibuster going like this: relevance and repetition. The relevancy of this is not lost on anyone. I know that. This is a serious subject, which should be dealt with in a like manner.

I can only stress that—if government members were on this side of the table and we were on that side of the table, and we were

attempting to do what you are attempting to do—there would be holy hell to pay, without question, and you know that as well as I do.

We're not going to back off from this fight, nor should we, and I'm not asking you to put up a white flag of surrender. I'm merely suggesting that the government come to its senses and try to work meaningfully with members of the opposition. If it truly believes the changes it is recommending to the Standing Orders are in the best interests of all parliamentarians, it shouldn't be a difficult argument to convince members of the opposition. That is all I'm asking the government to consider and to consider seriously.

Thank you, Mr. Chair. I look forward to continuing this discussion next week.

**The Chair:** Thank you, Mr. Lukiwski, for bringing your history to us. I know you were nine years on the committee, so it's very helpful to hear what happened in those nine years.

We'll return to Mr. Nater.

**Mr. John Nater:** Thank you, Mr. Chair. It's great to have the floor back.

I, too, thank Mr. Lukiwski for his comments and his learned experience from many years as parliamentary secretary to the government House leader.

I know members of this committee were waiting with bated breath to see what next would come in the report of Walter Baker, and I won't keep anyone in suspense much longer.

Where I left off, we were talking a bit about committees, and there have been suggestions in the past about the actual shape and structure of the House of Commons itself. Ours is set up in the traditional Westminster system with the opposition and government on either side facing each other. There are other methods of doing that as well. Often the structure of a building, the structure of an institution does play a role in how that institution functions. Sitting here at this committee table today, for as long as I've been following politics, this has been the structure of a committee room. We have the government, the opposition. We have the chair, analyst, clerks, and we have a location for witnesses; and that frankly makes sense from an intuitive standpoint. However, that's not actually the traditional structure of the committee room.

Prior to this report the committee table was in a U-shape. There was no table at the far end for witnesses. In fact, the witnesses at a committee would sit beside the chair, so certainly that would change the committee structure of how that business interacts. The questions that would be put, how they're put, and how the discussion unwinds are certainly going to be different when you're speaking towards the chair, rather than when you're speaking to witnesses themselves.

This report, in point number 24 of the report, suggests that “Witnesses called by a committee should sit at a different table, facing the committee, rather than beside the Chairman. The present “U” set-up could be utilized with the table for witnesses at the top of the “U.” Then it goes on to say, “Departmental officials should, as required by the Minister, sit at that table with the Minister.” So when a minister would attend a committee they would sit there as well.

Again, it's not clear in this report what the motivation for this recommendation would be, but I suspect that it would deal a bit with decorum. When you're facing the chair and addressing your questions to the witnesses you're more inclined, I would say, to address them directly to the witnesses because you're facing the same direction. As is custom we address questions through the chair. Having the chair and the witnesses at different ends provides a bit of a distance to ideally address the questions through the chair. In practice that hasn't been the case, at least not in all cases, and more often than not questions are posed directly to witnesses.

In the great scheme of things, I don't think it's a major catastrophe for a committee, but it is an interesting dilemma in which the way the committee is structured, the way the actual tables themselves are put together, changes the dynamic of a committee and how it's structured.

Another proposal is actually the membership size of committees. Their recommendation is that membership should be reduced to a maximum of 11 to make it a more manageable size of committee. Ours is currently 10. Arguments can always be made for different sizes of committee. I think it lends itself to some discretion depending on the issue, depending on the debate, depending on the types of issues being discussed, how large or how small a committee ought to be. That's recognized, I think, by this discussion paper.

Another important topic when it comes to committees is how they interact with their client departments, how they interact with the information that comes to them from a department, whether it's an annual report, as they were called.... Now, in current Parliaments, it would be a departmental performance report, reports on plans and priorities, any other number of reports that come from the respective departments.

A recommendation made by Walter Baker in 1979 was that the annual reports of all departments, agencies, and crown corporations should be referred permanently and automatically to the relevant standing committee. Again, it's a common sense approach. If you know these committees are responsible for a specific issue of a department, they shouldn't necessarily be referred to that committee. By structuring it and by including it in the Standing Orders, that allows this to happen automatically when it happens.

Again, it's an idea that isn't groundbreaking, but it makes good common sense. As I've mentioned before, there are a number of ideas represented here that were adopted. Certainly this is one that has been adopted.

There are others that haven't been adopted for any number of reasons. This next one I find interesting because I can see some common sense in it, but at the same time I can also see how it could be abused. It's recommendation 28 from the Walter Baker report. The recommendation is that “No more than five such committee studies

may be underway at any time”, referring to a previous comment. I find that interesting. From an efficiency standpoint, we can probably think of examples in past Parliaments, or even from the current Parliament—I'm not aware of any currently—of committees getting bogged down with multiple studies, jumping from one study to another, and trying to schedule an hour of discussion on one study, another hour on another, to the point that a committee can't really function in any meaningful way. I'm not aware of any currently, but you can see where that could potentially come into play.

Having an upper limit on the number of studies that can take place at any one time would make sense from an efficiency standpoint. I can buy that argument, and I think it can be sold from that perspective. At the same time, when you're putting a limit on the number of studies that a committee can undertake, it is potentially unduly interfering with those committees. If a committee decides to undertake six studies or seven studies at any one time, I suspect they should be provided with that flexibility and opportunity to do so. Sometimes, as witnesses go, it's not possible to have a particular witness available at any given time, so you may let a committee study sit and slide for a number of weeks, potentially even months, until a specific witness or information is available.

There's an argument to be made on either side. In this case, it wasn't a suggestion that was adopted, for whatever reason. I was not privy to that specific issue, but it provides that point of debate. Going back to the motion and the amendment at hand, it goes back to that concept of agreement from multiple parties, agreement from those who are sitting around the table. Obviously, for whatever reason, this one did not have that agreement.

Another issue is government bills and the priority in which they come to committee. Again this is one that would be more beneficial to a government, and again it has to do with give and take. When you have a discussion paper, when you have a discussion being put forward by a government, immediately, if it's all one-sided, if it's all a heavy-handed approach by the government, it's going to be seen that way. If there are proposals on the alternatives in allowing members, private members, backbench members.... I don't like the term “backbenchers”. I think it's somewhat derogatory, somewhat negative, but we use it because it's common parlance. I know I use it frequently when I write documents. I don't like it, but I don't think there's a better alternative. Anyway, that would provide all those with the opportunities.

This is one such proposal that is actually to the benefit of the government. That's providing the priority that, when a government bill comes to a committee, it takes priority over all other business of that committee. It's something that certainly benefits a government, from an efficient, progression-of-business standpoint, allowing them the opportunity to make sure that you don't get bogged down by another study or another issue that's before a committee that would very likely prevent a bill from coming forward for any length of time, especially when we all sit on parliamentary committees.

This isn't my own committee—I sit on the official languages committee—but we undertake a number of studies, and sometimes they, too, take several months to undertake. If that delay happens with a government bill, we can certainly see the concern, from a government standpoint, that their legislation could unduly be hampered by committee business of other studies. Having that mechanism in place would certainly benefit a government, potentially at the expense of a committee. That's one of the trade-offs, certainly, that would have been debated, would have been discussed, and would have come to some form of resolution at the time.

There's another thing that we currently take for granted. I mentioned at the outset of my comments my thanks to our committee staff, the researchers and the clerks, and we somewhat take for granted that they're there. They provide guidance, they provide expertise, they provide advice, and we assume that they will always be there. That hasn't always been the case. That research ability, that research function, hasn't always been there, certainly not to the degree currently provided by House of Commons staff and the Library of Parliament.

The recommendation Walter Baker put forward was that research staff should be provided to the committees in addition to the staff from the parliamentary library and through special research budgets for individual investigations, as considered appropriate by the commissioners of internal economy, which is, again, the Board of Internal Economy as we know it today. Further, the research staff should be administered by the committee clerk on behalf of the House.

Again, it's something we take for granted today, the expert opinions and advice we are provided, but that hasn't always been the case. Certainly, I'm fairly confident this is something that would have received wide approval from all parliamentarians at the time, and would have certainly been approved at that point. Again, something that makes sense hasn't always been the case, and sometimes it does take time.

There are arguments, even in the current day, that we should see an even greater extension of research abilities given to parliamentary committees. That's a worthwhile discussion. The structure of committees has changed over the years, and perhaps it is an opportunity to have a discussion on whether more independent research guidance is to be there.

I did make mention a couple of minutes ago of the point about the government proposing to have all government bills take priority at committee. That's certainly to the benefit of the government. Again, you can't have a discussion paper if you don't go the opposite direction as well.

Another proposal by Walter Baker was number 33, which was that the government should be required to table a response to all committee reports within 21 sitting days. Now, 21 sitting days is no longer the case. I'm trying to think of the number off the top of my head, but it's sufficiently more than 21 sitting days. Again, this is a proposal that the government House leader makes that would bind his cabinet colleagues to respond to committee reports within slightly more than four calendar weeks, 21 sitting days. This is not a short process, and not an easy opportunity to respond to

comprehensive committee reports, but nonetheless, an opportunity for committees to not only submit a meaningful contribution to a discussion, to a debate, but also a requirement that the government respond, and take action in response to those committees.

This is a very significant process, and a very important discussion, where we have this back and forth in an actual discussion paper that presents options on both sides that would benefit more than just the government, in the same way that you wouldn't want an opposition discussion paper only benefiting the opposition.

We often think that we'll be in office forever, I'm sure. I've never served on the government side, and have only been here a year and a half. I would hope that at some point, and we'll see what the next election brings, we would someday sit on the government side. The government members, I'm sure, would prefer to stay on their side of the House as long as they can, but as is the joy of democracy, we do lose elections from time to time, and we do take our opposite sides. We need to be sure that we have the opportunity to see ourselves in a position on both sides of the House.

It makes me think of some of my university days sitting through some of the lectures, which I'm sure were far more exciting than my current lecture I'm giving right now. I remember political philosophy classes, and there was a scholar by the name of Rawls who had the concept of the veil of ignorance. If you were going to be born into a society with a veil of ignorance, not knowing into what situation in life you'd be born into, what type of world would you like to see?

I think of that in relation to this. In any given election, you cannot be sure in what position in the House you will be sitting. You can't be sure you'll be a government minister, government backbencher, opposition frontbencher, critic, opposition backbencher, potentially a third party, or an independent. You don't have that knowledge.

As Rawls would write, being born with a veil of ignorance is like being elected with a veil of ignorance as well. What type of House? What type of Parliament do you want to enter into when you're not sure what side of the House you will be sitting on? As I've gone through this report, I think we've illustrated that. Let's have a discussion where we can see either side from either perspective, not one that's going to be unilaterally to the benefit of the opposition or the government.

My colleague Mr. Lukiwski, who has now been replaced by Mr. Waugh and Mr. Richards as well, did talk a little bit about the estimates process.

The estimates process is a fascinating beast. It truly is. Members may recall that, during the last supply bill, I raised a point of order. I had some significant concerns with the way in which that supply bill was being used to legislate by means of the estimates. The Speaker ruled against it, with some precedent, as is his duty, but it was nonetheless an important discussion on the important usage and in some cases potentially misuse of the estimates process.

The estimates are a long-time challenge for a government and for an opposition. Some colleagues will know a gentleman by the name of Hugh Segal. He served in the Senate, the other place, for a little over 10 years I believe. He is now the master of Massey College in Toronto.

I knew Senator Segal as a professor at Queen's University. I had the privilege of taking a course with him when I was doing graduate studies there. He had a distinct interest in the estimates process, especially what's called the deemed rule, which says estimates are deemed to have been reported back to the House by a certain date if the committee hasn't done so.

His concern with that rule is that it goes against the principle of parliamentary supremacy over the purse, the principle that all government spending must have parliamentary approval. Of course, being far more knowledgeable than I am, he would go back to the Magna Carta, which I think Mr. Genuis has discussed in past meetings. I'm not nearly as familiar with the Magna Carta as my colleague Garnett would be, so I won't go into that, but Senator Segal would highlight the fact that the deemed rule, the deemed principle, goes against some of that primacy of Parliament having that authority over the purse.

Certainly, it was under a Liberal government that the change was made, and I would point out that it was with opposition agreement. It was the opposition Conservatives at the time under the Right Honourable Bob Stanfield, as he was named after leaving politics. That's an example of a situation directly related to the estimates where a significant change was made, one that by some arguments could offend the principles of parliamentary supremacy of the Magna Carta even. It was, nonetheless, made with the consent of opposition parties, with some discussion, with some give and take.

That change was made in the early seventies. I believe it was 1972. I believe it was actually a minority Parliament at that time post-1972, a time in which the then prime minister Trudeau's minority had about two seats more than Stanfield's Conservatives at the time, but nonetheless that was in the early seventies. This paper we're discussing right now is in the late seventies, 1979.

The proposals that are made in this paper in relation to the estimates are interesting because we will recognize some of these changes from our current operation.

The first proposal under the subject of supply—"supply" being another word for the estimates concept—is at point 37. "At the nomination of the Leader of the Opposition, two departments should be exempted from the end of June deadline, subject only to the Government's right to move closure". That provides an opportunity to have a little more discussion, a little more debate that can occur on those issues.

Another point is that the departmental estimates should be debatable on allotted days with questions put 15 minutes before adjournment hour.

Allotted days, in current form referred to as opposition days, are very much a function of the supply process though, of the estimates process. In traditional debate, it would be focused on the estimates and the processes within them. Now we see that process moved to a far more policy or political standpoint rather than one based on

supply. That certainly has changed the functioning of those days and certainly hasn't seen a rule change associated with our Standing Orders change but has nonetheless changed how those operate.

Another point, the third recommendation on the subject of supply—and again it's one that we're aware of and we've seen not in the most recent supply period but in the previous one—is that notices of opposition or committee reports eliminating part of an item or vote should be procedurally acceptable and put to a vote in the House. These are opposed items that we see from time to time in the House of Commons in the supply process when that happens.

It's basically making a disagreement with an element of supply, and incidentally as well, one cannot increase the supply to a department, one can only decrease it. There have been situations in the past where symbolically a department's estimates have been decreased by \$1. That certainly has no meaningful impact but it's an argument made that there's a disagreement by the committee, a disagreement by the House, with that particular department for one reason or another.

It could be that the funding is actually too low in that department. That has happened in the past where committees have actually decreased a department's estimates by \$1 but with the argument that it's a symbolic gesture.

I know in the past, two former Governor Generals ago, I believe it was under Governor General Clarkson, the committee decreased the Governor General's budget by I believe around 10% as an argument against spending that was undertaken at Rideau Hall at that time. It received great coverage in the media at the time but it was significantly more of a symbolic gesture, although that decrease would have affected the operation of Rideau Hall at the time.

Another issue is that whenever you have a long report you always need a miscellaneous category at the end, and this report is no different. You can't always have everything neatly in one or two categories, so having a miscellaneous category is always a good option. He makes the observation in his introduction, "Many observers have concluded that speeches in the House of Commons are too long, and frequently too repetitive and without a strict regard for relevancy." I'm sure some people are thinking that may apply to me at this very point.

The recommendation was made by Walter Baker at the time to limit the length of speeches in the House to 20 minutes from the present 40. Of course, we know that was eventually adopted.

What I think is perhaps missing from the discussion is the additional time that's included in those debates as well with questions and answers. A 20-minute speech does provide an additional 10 minutes, a 30-minute contribution to the House. I know there are some who would appreciate the opportunity to speak significantly longer than 20 minutes in the House. I know one colleague from my side, and I can think of a certain colleague from the Liberal side, who have meaningful contributions that could significantly take up longer than 20 minutes, and if given the opportunity, I think they would enjoy that.

We do have some mechanisms in the House that allow for unlimited speeches in the House and I think that is an important note we need to make. For example, the Leader of the Opposition or the Prime Minister on a matter can speak for an unlimited period of time. There are situations where the first speaker to a bill or a motion does have the opportunity to speak to an unlimited time.

I think those things are important to have, and again, it represents a bit of a back and forth, a bit of a discussion, in which both the government and the opposition have the opportunity to have their say.

The second point that's made within this miscellaneous category is that.... It's point number 42. I think this is interesting because it makes a recommendation but then it doesn't provide a lot of further information to go with it.

It's on the rules of relevancy and repetition. The recommendation is simply, "The rules of relevancy and non-repetition in debate should be enforced." It doesn't spell out how and under what circumstances something is repetitive. Is it repetition within a single speech? Is it repetition by one's self from a former speech in a current speech? Is it repetition within the House as a whole? Is someone putting forward new points or not?

It doesn't clarify that, and I think, in the current day, we could still have that debate. If I want to give a bit of a spoiler alert going forward, one of the next things I want to talk about is Standing Order 11. Standing Order 11 includes the component of relevancy and non-repetition. I'm going to be talking about that a little bit more, not specifically on that side of things, but on the other half of Standing Order 11. It's one of those issues that we should have a debate on and we should have a discussion on. What does constitute this?

I think we've probably all sat in the House on some matters that may be seen as routine, may be seen as a little bit mundane and a little bit grey. Why are we debating this time and time again? We may see some elements of repetition, some relevancy, called into order there. Perhaps it is worth a discussion on how we can change Standing Order 11, how we can change the interpretation and the application of it.

As it stands today, the Speaker and former Speakers for many years have ruled with great latitude, both in repetition and relevancy, to the point that in almost every situation it's simply a nudge or a stern warning to return to relevancy and to the question at hand, rather than a meaningful impact. There's a discussion that could be had there. Again, this was 1979. We're here nearly 38 years later, and we're still having that. It doesn't mean we shouldn't have the debate. It just means that it has been a repetitive debate for a period of time.

Before I move on from the position paper, I do think it's worthwhile to talk about the conclusion and the final comments that Walter Baker shared in this position paper:

Most of the procedures represent added opportunities for the House in general and the Opposition in particular. The time available for government business would, in compensation, expand slightly with the shortening of speech timing and a reduction in the number of Opposition Days. In general, it is hoped the changes will make the House of Commons more searching in its enquiries, and more focused in its debates.

There we have it as a real summation of the purpose of a meaningful discussion paper. Yes, the government is seeking something. The government in 1979, under the Honourable Walter Baker and Prime Minister Joe Clark, is seeking something. They're seeking a little bit more efficiency with debates, a little bit more time that they can have government orders in the House, whether it be government bills, whether it be government procedures. In the alternative, they're opening up the process, whether it be for private members' business or whether it be for committee work. They're making it harder on themselves, in a way, but they're also getting something in return. That's the point, I think, of an effective discussion paper; it's an effective opportunity to really have a meaningful contribution. That's where I hope we can go with this committee. That's really where I hope we can go with this study.

I'm not going to repeat what Mr. Christopherson said yesterday, but I would note that even the delivery of the discussion paper makes it challenging to go forward in a meaningful way. If we can at least come to an agreement to moving forward and have a discussion without the threat of a guillotine cutting off debate on this matter in favour of an individual proposal that would benefit only one party....

I'm going through my notes here, and I notice that I included another quote.

My riding is Perth—Wellington. Beautiful Perth—Wellington is home to the Stratford Festival, which I would encourage all members to come and visit. The Stratford Festival is kind enough to provide two complimentary tickets to parliamentarians. I would encourage members to take advantage of that.

I'm reminded—I think my staff threw this in here—of a quote from the Bard:

Therefore, since brevity is the soul of wit,  
And tediousness the limbs and outward flourishes,  
I will be brief.

Perhaps.

I did give a bit of a spoiler alert. We all have our favourite standing orders. We all have a standing order that, from time to time, we like to read, do research on, and look at when we can't fall asleep at night.

I'm sure that goes for everyone and not just me, right?

**Ms. Ruby Sahota:** Yes.

**Mr. John Nater:** My favourite standing order is Standing Order 11, so much so that when I was a young graduate student at Western University, the first academic conference I attended was actually here on Parliament Hill. It was in 2011. It was hosted by the Bell Chair at Carleton University, named after Dick and Ruth Bell, two prominent Ottawans. Dick Bell was a government minister under John Diefenbaker and he passed away several years ago, in the 1980s. Ruth Bell was a prominent women's rights advocate. Her memoir was *Be a "Nice" Girl!* in reference to a situation where she was asked to sign over her voting rights to a bank chair at an annual meeting. So she made a significant contribution.

The Bell family endowed a chair at Carleton University on the study of parliamentary democracy in Canada. In 2011 they hosted a conference entitled "Democracy at a Crossroads?" It was hosted both here at Parliament Hill, next door in the Commonwealth Room where I delivered a paper, and at Carleton University.

At the time, I had this interest in Standing Order 11, and I decided to put pen to paper. It wasn't actually pen to paper, it was fingers to a keyboard, and I typed away on Standing Order 11.

I'm going to read Standing Order 11 into the record. Paragraph 11(1)(a) states:

The Speaker shall be vested with the authority to maintain order by naming individual Members for disregarding the authority of the Chair and, without resort to motion, ordering their withdrawal for the remainder of that sitting, notwithstanding Standing Order 15.

It goes on to say this in paragraph 11(1)(b):

In the event of a Member disregarding an order of the Chair made pursuant to paragraph (a) of this section, the Speaker shall order the Sergeant-at-Arms to remove the Member.

The second part of Standing Order 11, paragraph 11(2), is the order against irrelevance or repetition:

The Speaker or the Chair of Committees of the Whole, after having called the attention to the House, or of the Committee, to the conduct of a Member who persists in irrelevance, or repetition, may direct the Member to discontinue his or her speech, and if then the Member still continues to speak, the Speaker shall name the Member or, if in Committee of the Whole, the Chair shall report the Member to the House.

Irrelevance or repetition is a side issue. My interest is in the naming side of things. Those who follow the Ontario legislature from time to time will know that naming is a fairly common occurrence in that legislature. Just last week, a member from Bruce—Grey—Owen Sound, Bill Walker, a fairly mild-mannered member, was removed from the Ontario legislature for disregarding the authority of the chair for not withdrawing comments he made in relation to school closures directed at the Minister of Education. The Speaker saw the wisdom, as is his right, to remove the member for the remainder of the sitting day.

Members may recall that a few years ago two members of the Ontario legislature were asked to be removed but did not willingly leave the legislature. That was Bill Murdoch, a fairly unique character who was certainly well known in Ontario; and Randy Hillier, another MP. They refused to leave the legislature. It was almost a filibuster but without spoken words; they simply sat there. For as long as they sat there, they remained in the legislature—

**The Chair:** Mr. Richards.

**Mr. Blake Richards:** On a point of order, Mr. Chair, listening to Mr. Nater talk about the issue in the Ontario legislature and how that was dealt with, I thought it would be interesting for committee members to hear about when I had the chance to visit the Knesset in Israel while a session was going on there. A couple of members of one of the smaller parties were causing a lot of disturbance, heckling some other members and things such as that. It eventually got to the point where I guess it was security who came right in and escorted the two members out. They didn't have to end up grabbing them and escorting them, but they were obviously coming to do so. As they approached, the two men decided maybe it would be a good time to get up and leave. It was an interesting thing in that it was a different way of approaching and handling the situation.

I thought maybe members of the committee, and Mr. Nater in particular, since it was something that he obviously was displaying an interest in, might be interested in hearing about that. It's an interesting comparison.

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

**Mr. John Nater:** Absolutely.

That leads into a point that I think this committee would be interested in, which is that we are not the only parliament in the world. We are not the only legislature. We don't have a monopoly on good ideas. We're not the best legislature in the world, and we're not the worst either. I don't think we could ever find one perfect, shining example of the perfect way of doing things, but that doesn't mean we can't look to our colleagues internationally for best practices. We can look for opportunities to improve this place, and I think we can do that meaningfully.

The committee's report on a family-friendly House was an exceptionally good first step, and I think there's a lot more this committee can do. Where the challenge for the opposition rests is in doing so within the time period set forth by the motion, without the subsequent amendment that we're speaking of.

I was speaking a little on Standing Order 11, removal from the House. In a situation in the Ontario legislature, if a member doesn't leave willingly—if they are required to be escorted out by the Sergeant-at-Arms because they refuse to do so—they are not only suspended for that day. They are suspended for the entire session and cannot re-enter the legislative chamber until a new election or a prorogation of the legislature. It's a significant issue for a legislator to be banned from exercising their duties in the legislature for a significant period of time—potentially months, potentially years, depending on when a legislature may prorogue—so it's a significant concept.



In the case of Mr. Murdoch and Mr. Hillier, they refused to leave, so the Speaker ordered them suspended for the remainder of the session. They simply stayed there for several days, sleeping there overnight. The Speaker made special exceptions for certain issues that needed to be dealt with that wouldn't have been appropriate within a chamber, but nonetheless they were required to stay there for a period of time. When they finally lost interest, they eventually left.

Incidentally, now that I think about it, as luck would have it and as I mentioned at the beginning, today is Tartan Day, and I believe it was actually Tartan Day when this happened. One of the members was wearing a kilt that time, so he was wearing the same kilt and the same outfit for several days after living and sleeping in the legislature.

I say that as an example of a provincial legislature that more forcefully and more frequently uses this concept of naming. I'm a new member in the House of Commons. I have served here for a year and a half, and I know there are more experienced members. I think Mr. Richards has been here since 2008.

Mr. Chair, I know you were here in previous Parliaments, and Mr. Simms as well.

When I started researching this project, I was struck by the use of this Standing Order in Parliament. At the time, I titled my paper "What's in a Naming: The Speaker's Use and Disuse of Standing Order 11". I didn't say "misuse", because it's not being misused, it's just not being used. It piqued my interest and my curiosity to really see what was going on with this standing order. It's an example of parliamentary procedure and standing orders evolving, changing, and being applied differently based on, first, the context of Parliament—who's there and what's happening; second, the individual Speaker—some Speakers have different styles; and third, just a general public awareness of these types of things.

Certainly, if a Speaker is calling a member to order and then having them removed, it creates a bit of a buzz. It creates a bit of excitement for the media, seeing the Sergeant-at-Arms escort someone out of the chamber.

There are a few different concepts there that, I think, have influenced the change—

**The Chair:** I think there were two members named today in question period, but they weren't escorted out.

**Mr. John Nater:** That's an interesting approach that the current Speaker is using, calling members to order, sometimes by their given names and sometimes by their riding names. It's a fascinating discussion, and perhaps I may have a future writing an academic study on that, if I find a little time. My wife would actually encourage me to finish the Ph.D. that I started seven or eight years ago. This political career kind of got in the way of it. I do intend to finish that at some point, but for now it's sitting on a shelf. I do intend to come back to that at some point.

**Mr. Blake Richards:** You could be doing it right now.

**Mr. John Nater:** I could be doing it right now.

**Mr. Blake Richards:** It would be easier than talking about this.

**The Chair:** You could do one on filibusters.

**Mr. Blake Richards:** If the Liberals would just pass the amendment....

**Mr. John Nater:** Exactly. I could go home right now and finish the last chapter or so of my dissertation. It's a good thought.

This brings me back to the concept of the Standing Orders and how they're seen, how they're developed, and how they were used over time. I always like to use examples. Standing Order 11, the concept of naming, is a good example of how we as parliamentarians can look at this practice and how it has changed over time.

First and foremost, we need to recognize what the purpose of naming is. It is to provide the Speaker with the power to bring decorum and order to the House of Commons. It would be, or should be seen as, a deterrent, ideally. The threat of being named, the threat of being called out in front of your colleagues ought to be seen as a deterrent, but at the same time, naming and being escorted out of the chamber could also be a punishment as well, so there are two sides to that.

The practice of actually escorting members out of the chamber was extremely common for a period of time, particularly in the 1970s, 1980s, and into the 1990s, but the last time a member was actually escorted out of the chamber was in 2002. Again, we've gone 15 years without a member actually being escorted out of the chamber. It's still nonetheless in our Standing Orders. It's still part of it, but it has really fallen into a practice of disuse, of non-use, by the Speaker. In a little bit I'll talk about why I think some of that might be.

When I was struck with this idea, I thought, you know, let's look at why, let's look at where this standing order developed and how it changed. In written form it was amended from time to time through the Standing Orders. It's important to note how that was amended in the Standing Orders. Then after those changes, post the official amendments, it changed from a practical standpoint again, going back to the usual practices of the House.

There are notes from O'Brien and Bosc on pages 642 to 643. They note that during the first period of Confederation, and they use the first 64 years of Confederation until the first change happened, it was a very rare occurrence. It was very rare for a member to be named and then escorted out, so much so that in that period of 64 years it only happened once. In that case, the member wasn't even escorted out of the chamber; they were simply named. He obviously came to order, and there was no longer an issue.

Even going further, when it was enshrined in the Standing Orders in 1927, it was still not a common occurrence. We can speculate on why that was. There could be a lot of reasons. Decorum may have been different. It may have been seen as an old boys' club, which it certainly was at the time. It very much was a male-dominated chamber, with some of the negative things that come with that. So it was very rare in the period from 1927 to 1964. There was only a practice of this happening in eight recorded instances in a significant period of time, so again, it was relatively rare but there was an added issue that went with it. That is, when a member was named, he or she—again, it was always male MPs at this time—wouldn't be immediately escorted out of the House of Commons. A minister of the crown—it had to be a minister of the crown—would move a motion that the member be suspended for the remainder of the sitting day. That would then be put to a vote, and the members would be called in to vote.

Again, there wasn't a great deal written on this at the time and it wasn't seen as a major issue. One speculation we can take from this period time is that from the hassle and the challenge of going through this process it was really curtailed. It put the Speaker in a tough position as well. We like to see the Speaker as a neutral officiant, as a neutral observer, as not being engaged directly in partisan politics on either side. In this set-up, in the way the standing order was designed at the time, it forced the Speaker to rely on a government minister to help in decorum. It meant that once the Speaker brought to order a member, named the member—a very serious offence—he then had to rely on the government to help further that decorum.

It makes the...prevents the challenge of a member from an opposition party or a government party being brought to order, whether a minister of the crown would be willing or unwilling to do that. It's a challenge, and it could point to one of the reasons we saw such a disuse.

Nonetheless, during this period, there were some significant instances of how this standing order was used by the Speaker to bring order, but also, at the same time, by the opposition as a tool to express their dissatisfaction with the government.

One particular instance was during the famous pipeline debate of 1956. For those who have read some of the history from that time period, it is sometimes cited that this pipeline debate may have been part of the reason for the St-Laurent government's eventual downfall the following year to the Diefenbaker government, that whole debate at the time.

In 1956 there was a member of Parliament, a Conservative MP by the name of Donald Fleming. At the time, he tried to raise a question of privilege related to the pipeline debate. He kept doing so, despite being told by the Speaker that he was out of order. He made numerous and multiple attempts to do so. The chairman—it was a committee of the whole at the time—ordered the MP to return to his seat. The MP simply would not return to his seat, refusing a direct order to do so.

What happened then is that, because it was a committee of the whole—a process that we, as parliamentarians, are aware of, though it doesn't happen as often as it did in the past—the chairman left the chair and related the incident to the Speaker. The Speaker retook the

chair. The Speaker then cited historical precedent and ruled that, because he wasn't there, he had no choice but to accept what the chairman of the committee of the whole had done. He found that the member had directly disobeyed the chair. He named the member, and he sought to have a government minister withheld.

The challenge, though, is that when you are relying, as in this case, on a minister of the crown to move a motion, you may be a long time waiting for that motion. That's what happened in this case, because once the Speaker had made the ruling, the opposition leader—then a gentleman by the name of George Drew, who would've been very close to his final days as leader—appealed the Speaker's ruling and then forced a vote on the appeal of the Speaker's ruling. In a situation in which the Speaker—and in this case the chairman, as well—is trying to use naming to bring order and decorum to the House, the opposition is actually able to use this to cause additional disorder and force a vote, as well.

So it's a procedural tool for the benefit of the opposition, but also potentially an opportunity for the government and the Speaker to do that. As a follow-up to the outcome of that specific issue, once the Speaker's ruling was upheld by a motion from the House, the vote was held and the member was ordered removed. He willingly removed himself. The theatrics involved in it were certainly a fascinating opportunity.

**The Chair:** This is very interesting. Just for curiosity's sake, are you reading us your thesis?

**Mr. John Nater:** No.

**Voices:** Oh, oh!

**Mr. Blake Richards:** Mr. Chair, could he read us his thesis? I'd appreciate it.

**Mr. John Nater:** I don't have my thesis with me, unfortunately.

**The Chair:** Hold on a second.

Mr. Blaikie.

**Mr. Daniel Blaikie (Elmwood—Transcona, NDP):** Perhaps I could make a brief intervention while we're on the topic. I think it's fair to say that using votes to challenge the Speaker's ruling as a dilatory strategy in legislatures was used to some effect in the Manitoba legislature. In fact, I believe it's still the case—if it's not, it was just changed in the last few years—that members of the Manitoba legislature are able to challenge the Speaker.

In 1995 when the Conservative government of the day undertook, successfully I might add, to privatize the Manitoba telecom system, the opposition of the day—the NDP was the opposition party at that time—used that very technique, if you will, to tie up the legislature for a month or more, I think. It might have been longer than a month when they just rang the bells every day.

Someone would prompt the Speaker to rule on something—disorder in the House—and the Speaker would stand up, make a ruling, they'd challenge the ruling, the bells would ring for 30 minutes or whatever it was to call members in for a vote, they'd vote, the Speaker's ruling would be upheld, typically, and then they would force another ruling by the Speaker. They did this for at least a month, and I think it might have been substantially longer than that. I'd have to check. In fact I didn't come prepared to talk about the episode in the Manitoba legislature surrounding the privatization of MTS, but I think it is to the point and a sign that this is just an ancient technique.

In these debates, the McGrath committee has come up a lot. If I'm not mistaken, it was the McGrath committee that actually recommended putting an end to challenges to the Speaker.

Incidentally, while I'm on the record, part of the reason I know that is because I grew up on stories of the McGrath committee. My father was a member of the McGrath committee, so it wasn't uncommon, from time to time, depending on the topic, that you could elicit, sometimes intentionally and sometimes not—get talking about something or use certain trigger words or themes—and all of a sudden you were into McGrath committee territory, and there were stories about the McGrath committee, and how this happened, and that happened, and, “We made this recommendation and that was because this had been going on, and it was in response to that”. If I'm not mistaken, it was actually the McGrath committee that made the decision that the Speaker should not be challenged by the House. That the Speaker should be elected by secret ballot was also a McGrath committee consideration.

Anyway, thank you for the parliamentary history.

**The Chair:** Mr. Richards.

**Mr. Blake Richards:** I just want to thank Mr. Blaikie for that intervention, because it was actually quite interesting to hear about that experience in Manitoba. I suppose all of us have some kind of collective memories of different things, and obviously his experiences from having grown up in a political household would be different from what others might be. I actually didn't know that his dad had been on the McGrath committee, and I'm sure there were lots of great things he learned through his father from that.

I think all of us, coming from different provinces and things like that, often have different stories or experiences we hear from the different legislatures and things like that, which are quite interesting, but that Manitoba one I found incredibly interesting, for sure.

I just really want to thank Mr. Blaikie for that intervention, because I think it is helpful when people are able to jump in and update information.

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

Mr. Waugh.

**Mr. Kevin Waugh (Saskatoon—Grasswood, CPC):** Mr. Chair, I'd like to share one from Saskatchewan. At the time, the Conservative Party was dealing with potash. The government at the time was in charge of the Saskatchewan Potash Corporation and sold it. It's almost like MTS. Once the government got rid of it.... As you've found out, recently Bell just bought MTS, and they're trying to service Manitoba.

That was kind of the same situation in the Saskatchewan legislature. They did have a lot of discussion. The NDP did walk out on the Conservatives at that time, when the government of Grant Devine tried to sell Saskatchewan Potash. They were successful in selling Potash, and as you all know—we've brought up stories here—Manitoba Tel was one of the most successful independent telephone companies in this country up until a year ago, when they were sold to Bell Canada.

I think we have seen the same with Saskatchewan Potash. It was an interesting debate that they had. Many people didn't think the Province of Saskatchewan should have sold the potash rights, but they did. They got good money for them, and when they did go into private hands, it turned out to be a blessing, because PotashCorp, as you all know, is the biggest potash company in the world. They beat everyone in the world. They're one of the greatest.

**The Chair:** Sorry, but did something happen in the legislature about the Speaker?

**Mr. Kevin Waugh:** Yes. They filibustered for months on that, because the government tried to sell it, and they were successful.

I just wanted to share that story. We talked about MTS, and I just thought I would share that on PotashCorp, because we also had a filibuster at that time, when the NDP did not agree to selling it.

**The Chair:** Mr. Simms.

**Mr. Scott Simms:** That's very interesting.

To my colleague from Saskatchewan, does the Saskatchewan legislature sit on Friday, and if it doesn't, would you be willing to go to them and say that they should?

**Mr. Kevin Waugh:** No. Isn't that interesting. I think a couple of years ago, they decided not to sit on Friday. Did it meet with opposition? Yes, it did a bit. They also have, as here in Ottawa, some young families. Travel really isn't the issue in Saskatchewan.

They did take a hit. I hear it today in my riding of Saskatoon Southeast. People are wondering why the MLA is home at five o'clock on Thursday and all day Friday.

They decided in the legislature to have no sittings on Fridays. They sit a little longer, though.

You really can't, at times, compare federal with provincial. I show them my schedule in the House of Commons. Most MLAs look at that and say, “You're in Ottawa for 26 weeks of the year?” Yes, that's what I was hired to do. I've missed only one Friday in Ottawa. I'll fly back tomorrow afternoon after we're done, at 2:30, and I'll come back Sunday night at two in the morning.

There are varying degrees. For me, Mr. Simms, I'd like to share that I worked in sports for 40 years. There were no weekends. There were no nights. I worked from three to midnight for 40 years. I worked weekends for 40 years. I worked Christmas Eve for 32 of the 40 years. That's part of the job.

When I came into this job, along with Mr. Nater, in October, we knew the situation. We knew well in advance the schedule.

**Mr. Scott Simms:** I was a TV weatherman at one time—

**Mr. Kevin Waugh:** Yes. So you know that. We still do the three to midnight. I don't know, in your old station, if they're....

You know exactly what I'm talking about. On Christmas Eve, you would have had to work.

**Mr. Scott Simms:** Christmas Day.

**Mr. Kevin Waugh:** Yes. It's no different here.

When I looked at the calendar a year or two ahead, I knew darn well I would be gone 26 weeks of the year.

My wife and I have been married for 39 years. There was no difference in our household. Kevin Waugh was gone at eight in the morning—I was a school board trustee—and Kevin Waugh came home at 12:20 in the morning. I served the community.

You would have served the community as a weatherman.

**Mr. Scott Simms:** [*Inaudible—Editor*] prefers it that way.

**Mr. Kevin Waugh:** Yes, my wife actually prefers it.

**Voices:** Oh, oh!

**Mr. Scott Simms:** The more you're gone, the better.

**Mr. Kevin Waugh:** That's right.

**Mr. Scott Simms:** Now I'm glad we televised this.

**Mr. Kevin Waugh:** Yes.

When you serve the public, as you did, that's expected. I don't have to tell you that when you had a day off, you had to represent your station somewhere. You did that. Come on, all weather guys are asked to go and represent the station at a function.

**Mr. Scott Simms:** We get a lot more grief than sports guys, trust me.

**Mr. Kevin Waugh:** Well, yes, but today in Saskatoon it's plus 20. The weatherman is very well liked.

**The Chair:** We'll get back to a bit of relevance.

Mr. Blaikie.

**Mr. Scott Simms:** Sorry, Chair. That was a little aside there. I enjoyed that.

Thank you, Mr. Waugh.

**Mr. Daniel Blaikie:** I just want to say, in response to Mr. Waugh, that I think his story about Saskatchewan and the filibuster that occurred when the government undertook to sell PotashCorp, jointly with the story about MTS in Manitoba, just shows the extent to which filibusters are brought on by issues where the stakes are high. Selling off a major crown corporation like that, whether you're for it or against it—I'm sure we wouldn't find consensus around this table on whether to be for or against those decisions—nevertheless is a

significant decision in terms of the future of the economy. Whether those assets are held publicly or privately can make a substantial difference for people in the province. I won't get into substantive debate on the virtue of publicly held assets or privately held assets, but I do think it illustrates that it's when the stakes are high that issues tend to trigger those kinds of filibusters. That's why we're here today, because the stakes are high.

Whatever you think about some of the substantive proposals in the government discussion paper, what's at stake and where the stakes are high is the setting of a precedent, where a majority government uses that majority to rewrite the rules of Parliament. That, for me, is really at the bottom of what we're here for. It's why we're happy to talk at length and provide such a detailed analysis of the issue for the benefit of ourselves and other members, and ultimately for the government, because it's a bad precedent. You can have a government made up of the most friendly, well-meaning people. If they go ahead and establish precedents that future governments can use, governments that may be less scrupulous, then they will have done an incredible disservice to the country, whether they intended to or not. It's just a good reminder of how it is....

I think some people look at the kind of detailed conversation we've been having and ask what we are doing and why we are doing that. It's important to know that it gets done when you're on the cusp of making a really significant decision, and one that can potentially have very negative consequences. When that happens, it is perfectly appropriate for legislators to respond by trying to put that decision off, in the hopes that, while doing that, first of all, they'll be able to perhaps persuade the government that they're on the wrong track.

There's a lot of room here, given the strength of the tradition of all-party agreement, for government to change its mind and simply say that it's come to see the value of reaching out to colleagues, if nothing else, because it wants to get something done; and as much as it may think it can go ahead on its own, it realizes it's not going to get it done if it doesn't reach out to other parties.

That's not the government members saying they were wrong. That would be nice to hear from the other side, but I don't think they even have to go there. I think they can say their priority is to get it done, and they had an idea about how they would get it done. Whether they think it's right or not, that strategy's not working. They're pragmatic, and they're going to adopt a strategy that actually gets results. That strategy is going to be one that's more collaborative with the opposition parties. So there's that, convincing government. We're hearing persuasive arguments tonight.

The second point is to give time. This is one thing. I'll try to not conflate that point about procedure, and majority governments unilaterally making changes, with substantive issues. I think one role of Parliament, and one virtuous aspect of some of the dilatory strategies that opposition parties adopt from time to time, is to give civil society the time it needs to digest what government is proposing and to mobilize, either in favour or against.

Maybe civil society has time to digest that, Canadians come to appreciate what it is the government is doing and say, hey, actually, we really like it. They mobilize against the opposition because they think the opposition is making an error. Or they come to know better what the government is doing, and they say, hey, we really don't like this. They're thankful for that time to impress upon government members that they need to change tack.

Part of the problem with making legislative processes so quote-unquote efficient is that legislation passes before Canadians have time to even really know what's going on here. It is a bit of a bubble in Ottawa, and it takes time for things to seep out. The media have to be covering it. MPs need time to put a householder together or line up their ten percenters and get them out to the riding. They need time to get some of that feedback, to see what's going on. Groups in civil society need time to organize meetings, to organize rallies, and to organize letter-writing campaigns. This all takes time.

One of the virtues of the legislators here taking time and stretching out the decision-making process on an important issue is that it's actually the way in for civil society. If we didn't do that here, if within the course of two or three days we just went ahead and made some of those major decisions, we would be shutting Canadians out of the decision-making process.

When a government says that it wants to consult, have discussions, and stuff like that, part of that is not rushing your legislation through. I think Bill C-10 was a very good example, with changes to the Air Canada Public Participation Act. That bill, through time allocation, passed through Parliament very quickly. When I was out talking to people about the consequences of that bill and what it meant, people were shocked, frankly, that the government they thought they had elected was doing that in the first place. As they learned about it, they really didn't like it.

Partly, they just assumed that this government would never do that. It wasn't part of the election platform. It wasn't part of what they had talked about. People didn't feel that allowing good aerospace maintenance jobs to leave the country was part of sticking up for the Canadian middle class, so they were surprised to hear that. Had we been able to extend that process further, Canadians who came to know of that may have been able to change the government's tack and make the government feel that they were in the wrong.

I think that's an important element of legislative processes and an important part of why we're here tonight.

**The Chair:** Thank you.

Mr. Richards, very quickly.

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

I just want to say how much I appreciate the points that Mr. Blaikie made. I agree with him.

It's not something that often happens, that the Conservatives and NDP are in agreeance on something. I mean, I like Mr. Blaikie as a person. I enjoy his sense of humour. I don't know if he drinks, but if he did, he's the kind of guy I think I could go for a beer with. I think we'd have an enjoyable time. We might argue a little bit about politics, but that's my whole point. We have a very different political world view, I think, generally, but on something like this, we

understand the importance of making sure that this is done fairly and in a way that all parties can agree.

When he makes the point about filibusters, or the type of meeting that we're having here, I think it's an important one. It's a very valid one. I've been here eight and a half years or so. I've been witness to or part of a few filibusters—not a lot, but a few—and I've been on both sides. I've been on the side where I've wondered why the person couldn't just be quiet and we could get this taken care of. I've also been on the side of understanding why...well, I've always understood why they were important, but on the side where I believed it's needed in that case.

But when I think about it, every time I've seen one, they have always been issues of high importance, and issues where generally there might be some significant disagreements amongst the parties on what should happen. At the end of the day, it has to be done in what's in the best interest of Canadians.

I think one of the key things that happens when you have one of these long meetings like this, which is one of the things the government is trying to take the opportunity away, you enable engagement by Canadians, because Canadians become aware of the media reports on it. MPs can go and have conversations with their constituents. The constituents can approach MPs. It gives people on all sides of the issue a chance to get more perspectives from Canadians.

That is the really key part of it, that you get that chance for Canadians to get engaged in an issue, which otherwise—if a government forces something through quickly—they don't get that opportunity to do. Once it happens, it's too late. This gives a chance for everyone to give a second thought to the issue and for Canadians to actually bring their perspectives to their members of Parliament, which is really what our job is supposed to be. At the end of the day, maybe the government, even though the opposition parties feel differently, has the consensus of Canadians that this is the right thing to do on whatever issue it might be. Maybe they don't. Maybe they then rethink what they're doing. I think this is a great example of that.

We've seen tens of thousands of Canadians signing petitions. I know that I personally as a member of the committee have received thousands of emails. I'm sure government members would be able to say the same, because I've seen that their names are copied on some of the same ones I'm getting. That tells me that Canadians are engaged. They're interested. Basically what I'm seeing is they're saying, no, this isn't right. This is an opportunity for Canadians to have that say, and they wouldn't have gotten it otherwise.

The one thing we can all agree on here on this side of the table and this side of the House is that this is an important thing. I think in their heart of hearts, most members, if not all members, of the Liberal government would feel the same if they were to examine their heart of hearts. I hope that at some point we can come to some kind of resolution where we can understand that and figure out a way that we can move forward.

I think everybody is willing to look at these issues. We have some disagreements, certainly, on where they might go, but I think there are some things where we do have agreement, too. That's really been my experience in this committee. I've been here three or four years now in this committee, and that's been my experience. We've always been able to do that. We sometimes start from a greater disagreement than we end with, but if you can't even agree to really enable the other side to even have any real say....

We keep hearing about a conversation. We keep hearing that we'll listen. But to listen and have a conversation and then just completely ignore everything you've heard is not really a conversation at all.

That's really what it comes down to, Mr. Chair. It's the opportunity to just dig into the issues and know that you're going to actually have some say and be heard. That's the point that Mr. Blaikie was making. I certainly agree with him, and I just wanted to add my voice to that.

**The Chair:** Okay. Thank you.

Mr. Nater, you can carry on where we left off.

**Mr. John Nater:** Thank you, Mr. Chair.

Thank you to my colleagues on both sides for their interventions.

To Mr. Blaikie, I would just say that I always appreciated listening to your father in debates in the House of Commons. I was a frequent CPAC viewer growing up, and I recall the time when he was the dean of the House of Commons undertaking the supervision of the election of the Speaker. He made a comment at the time that it was a bit of an honour for him, as a member of McGrath report who made the recommendation that the dean of the House would preside over the election of the Speaker, and then those years later himself serving as the dean of the House of Commons—and never imagining being part of that.

It's quite an honour that your father has been brought into this discussion. Please pass that on to him about his name being well respected in this place from this side of the House, very much so.

Thank you as well to Mr. Richards and Mr. Waugh and Mr. Simms for their comments.

Incidentally, I didn't realize that Mr. Simms was a weathercaster before coming to this place.

**Mr. Scott Simms:** I wasn't a meteorologist, I played one on television.

**Voices:** Oh, oh!

**Mr. Scott Simms:** You know, after all those years lying for a living, I decided to get into politics instead, I guess.

**Voices:** Oh, oh!

**Mr. Daniel Blaikie:** Did you always forecast sunshine?

**Mr. Scott Simms:** Yes, I did.

**Mr. Daniel Blaikie:** Or did that only start in your political life?

**Mr. Scott Simms:** That's right. A big, dark pall was cast in the sky until I got into politics. It's been all sunshine since—

**Voices:** Oh, oh!

**Mr. Scott Simms:** —in all the appropriate places.

I'll just leave it at that.

**Mr. John Nater:** Thank you, Mr. Simms.

Thank you for the comments.

**Mr. Scott Simms:** We're on TV, right? I'm just saying.

**Mr. John Nater:** We are televised, which is interesting, because that was the next point I was going to make.

**Mr. Scott Simms:** Well done.

**Mr. Kevin Waugh:** What a segue.

**Mr. John Nater:** What a segue. As members know—

**Mr. Scott Simms:** I'll throw it to Kevin for sports when I'm done.

**Mr. John Nater:** Incidentally, it's fascinating to meet the members of Parliament you've seen on TV before. You think you actually know them when you show up here the first day on Parliament Hill. You've never actually met them before, but you've seen them so often on TV.

One of your colleagues, Kate Young from London West, was a long-time news anchor who I watched growing up. When I first met Kate, I felt like I knew her because I had grown up listening to her on the channel 10 news.

I'm getting a little bit off topic. I will return to relevancy very quickly.

**Mr. Scott Simms:** It's a filibuster. Nothing's off topic.

**Mr. John Nater:** I do like to take it back to...relevancy.

**The Chair:** Relevancy.

**Mr. John Nater:** Exactly. I got distracted by my dear colleagues.

There is an interesting thing about the concept of naming. We talked a little bit—and I appreciated the interventions from my colleagues—on how these types of things can be used in provincial legislatures to basically cause, if not a disruption, at least an awareness to an issue at hand. No one is going to disrupt the proceedings, disrupt the flow of the House of Commons for no purpose whatsoever. That doesn't benefit anyone. That doesn't benefit the perpetrator or the government; it's simply not the case. There's always a reason to do so, whether it's to delay legislation, or to bring the media awareness or the public awareness, which I think Mr. Blaikie noted very well there, as well.

One of the challenges I think with the specific issue of Standing Order 11, with the concept of naming and removing MPs from the House of Commons in the way it's evolved and developed, is that public awareness side of things. We talk a little bit about the relative disuse of this concept in the early part of Confederation. It peaked from time to time with some exciting process, but something happened in the 1970s that really caused this issue to spike. Between 1978 and 1986, a total of 23 members of Parliament were named during that eight-year period, a significant increase from all the years prior combined. A significant number of members were named, beginning in 1978. This then begged the question of, what was so significant about the late 1970s that all of a sudden we saw a significant change?

CPAC, the televising of Parliament, was happening around that exact time. One of those things, when you're making these changes, is the law of unintended consequences. This is one great example. Opening up the doors of Parliament and bringing in the cameras was not an uncontroversial thing at the time. It was a significant controversial issue. If we look to the other place, the other place still isn't televised, and here we are in 2017. It shows the controversy that can go with making changes to the way the government operates, the way the House of Commons operates. The change in the late 1970s to televise has certainly provided members of Parliament with the opportunity to get a bit of publicity, to get a bit of opportunity to make the local news that night, which is one of the reasons why we saw so many members in this eight-year period being named by the Speaker, being removed, forcing a vote and disrupting Parliament—it was good TV. If we look at regular debate on CPAC outside of the one hour period with S.O. 31s and question period, there's some interesting information being shared, but I suspect that CPAC's viewership is somewhat lower at all times outside that period. Don't take this as gospel, but I believe from a past committee appearance that CPAC has about 90,000 viewers during that one hour of question period, which is by far its highest viewership of the day. It does show that people are tuning in to a very specific aspect of parliamentary debate. If there's an opportunity to cause a bit of excitement, members will be inclined to do so. I think this is the case with that we saw beginning in 1978 to 1986; this was being used as a tool to draw attention and to draw a bit of publicity.

It's interesting how so many things that we discuss in this committee dovetail. This discussion of the concept of naming was then addressed by the McGrath report in 1985. The recommendation that it made was that the need for a vote, the need for a minister of the crown to move a motion, should be removed. That change was implemented initially on a temporary basis in the Standing Orders. We see this from time to time: a standing order is amended and given a sunset, given a temporary status, to see how a standing order works, to see how a change works. That was what happened with the naming, as recommended by the McGrath report. At that time—June 3, 1987—the changes were made to the current wording that we today have in the House of Commons.

In the temporary period, there was only one MP who was named at that time. We already started to see a bit of a decrease. Those changes were made in 1987. We're currently in 2017, 30 years later. There have only been 12 namings in that period of time, so they're relatively rare in that period.

Even more interesting is that, in that 30-year period, all the namings took place in less than 10 years, in a relatively short period from March 1993 to December 6, 2002. In each case, the reason for the naming was the same, and it would be the same in pretty much any case, and it was for defying the authority of the Speaker. We as parliamentarians elect our Speaker. Even before the Speakers were elected, when they were effectively appointed and then moved on a voice vote, the Speaker was the ultimate authority in the House of Commons.

Speakers are put there to maintain order, yes, but also to serve as the defender of the rights of parliamentarians. Sometimes I think the Speaker gets unfairly painted as a referee, and people in the public, people watching on TV, see the Speaker as a referee, as someone who is trying to maintain order in the House of Commons. Really, the Speaker's role is so much more than that. The Speaker's role is to defend each and every parliamentarian, defend our privileges as MPs in the ability to do our duty. We've seen that in the past when the Speaker has ruled, made comments on questions of privilege, even on points of order as well, his duty is in that exception.

When we put the Speaker into that position, we elect him or her—and we have had a female Speaker, Jeanne Sauvé. It would be nice to see more female chair occupants, in politics in general but in the House of Commons speakership position as well.

When we put the Speaker in there, we invest him or her with a certain degree of authority. When members defy that authority, it is a blight on members as a whole and on the entire House. When members defy the Speaker, as in the example cited in the naming convention, there has to be some form of issue to be had. That's what happened in this case. There were 12 different examples, and in each example, the member was named for defying the authority of the Speaker.

I always like numbers. I always like to point out party affiliations and where these MPs came from. There were 12 MPs. Half of them, six, were from one political party, the Bloc Québécois. Of the remaining six, four were from the Reform Party and the remaining two were from the New Democrats. It is an interesting distribution. At the time, they were all opposition MPs. There were never government MPs named. Again, that makes sense from a procedure standpoint.

Many of the specific issues don't really necessarily have defying the authority of the Speaker as a starting point. No one is going to get up and simply defy the Speaker without a reason to do so. Going back to some of this conversation of dilatory motions, about disrupting the flow of the House of Commons, we have a reason for it. In each of these cases it typically linked to unparliamentary language, but there's a reason for that unparliamentary language.

The first example in this 10-year period was on March 24, 1993, in the 34th Parliament under the speakership of John Fraser, who incidentally was the first elected Speaker in the House of Commons. He was fisheries minister beforehand. I wasn't around in 1986 when he was elected Speaker. There was an argument that he was elected Speaker because he was seen as one of the people least likely to be favourable to the government of the day. There is some gamesmanship that can happen from time to time.

What happened in the first example, under the current Standing Orders, was that an NDP MP by the name of David Barrett, whose riding was Esquimalt—Juan de Fuca, was heckling. He was implying that the House leader of the day Harvie Andre had lied. He used unparliamentary language, and that's not a word that parliamentarians can use in a debate. He implied that the government House leader did so. That was uncalled for, and Speaker Fraser demanded that the word be withdrawn. Mr. Barrett, refused to do so, was named, and was suspended for the remainder of the sitting day.

The interesting thing is that it wasn't that he used words that were unparliamentary. From time to time we sometimes slip up, and we sometimes say things that we ought not to say, both in the House and outside of the House. Typically, if we do so, and we're called out on it, we apologize. We withdraw the comment. The question is, why wouldn't you? Why wouldn't you, in some of these cases, do that? Often there's a reason.

In this particular case, he was making a point regarding NAFTA. The House of Commons was debating, at the time, the ratification of NAFTA, the member was referring to guerrilla tactics regarding the legislation, and it was one particular way that he wasn't going to be able to stop the legislation from going through. The PC Party at the time had a majority. He was using the concept of naming, the concept of causing a disruption, to disrupt the flow. It's an example, again, of the unintended consequences of an effort to increase decorum, but at the same time it gives the opposition, any member of Parliament, the opportunity to make a point of something.

In 1993, of course, we had the famous election in October. I was in grade 3 at the time, but I remember that election well. That was the first election I remember watching on TV. I became interested in politics incidentally in June of '93 watching the PC leadership convention on TV, and watching Kim Campbell beat out Jean Charest as leader of the PC Party. That was my first hook into politics, and I have been interested in it ever since. That was in June. Later in October, being a young expert on politics, as I thought at the time, I watched the election results come in, and saw the PC Party be reduced to two seats, Elsie Wayne and Jean Charest, at the time. We recently lost Elsie Wayne; she passed away not too long ago.

**The Chair:** What is the relevance?

**Mr. John Nater:** Good point, Mr. Chair, I will return this to relevance.

**Mr. Scott Simms:** To add to relevance, I was a reporter at that convention. I could tell you stories.

**The Chair:** More relevance.

**Mr. John Nater:** It brings me back to the fact that it was the year we saw the election of a large number of new MPs. I'd have to go back and look at the numbers, because I'm not sure, but I think in 2015 there might have been more new members than in the 1993

election. We basically saw two new parties come into existence in the House of Commons, with a significant new cohort, both within the Bloc and within the Reform Party. Going forward, I think that contributed to why we saw this increase in namings—this increase in disruption within the House of Commons—for the remaining nine years.

The first Bloc instance of an MP being named was in September of 1994. Again, as we often see, there are issues at play that aren't necessarily related to the issues at hand. In this case, it was the discussion in the House on compensation for the 1992 referendum on the Charlottetown Accord. The argument was that there was a deal between Brian Mulroney and Robert Bourassa to pay Quebec back for the costs. The MP at the time was a gentleman by the name of Gaston Leroux, MP for Richmond—Wolfe, Quebec, a Bloc Québécois MP. He made some accusations during question period, and made the comment that a member of the House was lying. Again, he was using words and parliamentary privileges that were not appropriate.

The decision was made to name him and remove him from the House of Commons. Interestingly, the Speaker actually provided him with multiple opportunities. He wasn't simply being named and being thrown out. He probably had four or five different opportunities to withdraw the offending language and it didn't happen.

The Leader of the Opposition at the time was a gentleman by the name of Lucien Bouchard. He actually tried to argue with the Speaker and disagree with the ruling. Of course, as we know, you cannot challenge the Speaker's ruling at this point, so the attempted argument by Mr. Bouchard was quickly dismissed. A former Speaker at the time, Lloyd Francis, also from the Ottawa area, said that Speaker Gilbert Parent was showing way too much patience with MPs and should have thrown him out even sooner.

I would read my thesis, but it is yet unpublished. My thesis is on the role of the caucus meeting.

**The Chair:** That's still to come?

**Mr. John Nater:** That's still to come. I may not make it to it tonight, but I looked at the caucus meeting from 1984 to 2011 and some of the—

**Mr. Blake Richards:** Mr. Chair, I'll point out to Mr. Nater that we are meeting again tomorrow, continuing the meeting, so we welcome his participation.

I've been enthralled with the comments that you've made. I think they've been very helpful, in fact, and I would hope maybe even persuasive to some of the members of the government, so that maybe they would consider supporting the amendment at this point. I would certainly encourage you to come back and share that with us tomorrow, because I think it would be very helpful.



**Mr. John Nater:** I'd be happy to share more of my academic research, but before I get to my thesis, I do have a couple of other articles that I'll be going through later. One is an exciting little examination of the changes to the Standing Orders regarding the election of the Speaker, going back to some of the comments that were made earlier in reference to the dean of the House doing that.

I also have an interesting discussion on some of the informal machinations of the House, including the Thursday question. The Thursday question isn't something that's heavily scripted within the Standing Orders, but is nonetheless an important part. I'd be happy to come back and discuss more of that in the weeks and perhaps months to come, provided I have the time to do so. It may take slightly longer to get through some parts of the research than others, but I will nonetheless be happy to share some information with this committee.

Again, going back to the point at hand, we have Standing Order 11 and the way in which it's interpreted. It's being used in different examples throughout this time period to really bring attention to a different issue, to an important issue at hand. In this case, it was a very topical issue related to the 1992 referendum, again a very divisive issue, probably only surpassed by the 1995 Quebec referendum three years later, again flowing from one to the other almost. It was being used by a Bloc MP to bring attention, through a standing order, frankly, to that issue.

Again, at the same time, we had a cohort of Reform Party MPs who were elected very much on a strong populace platform, "The West Wants In", very much seeking to be a strong advocate of their region of their country. The first example of a Reform Party MP being named was on May 29, 1995. The gentleman's name was Jake Hoepfner. He was a Reform Party MP from Lisgar—Marquette, Manitoba. The area, of course, has slightly changed, and is now occupied by our current opposition House leader.

One of the controversial issues of that time, and it carried on for a number of years, involved the Wheat Board and criminal charges being laid against farmers who refused to sell their wheat through the Wheat Board. Mr. Hoepfner accused a minister of the crown of lying, and something you cannot do is imply that a minister would lie or tell mistruths. The Speaker, of course, asked him to withdraw the word, as is common practice. Again, as a slip of the tongue would happen, you would withdraw the word. He didn't, and he instead used it to bring attention. He was named. He was escorted out of the Commons. He was allowed to use this opportunity, through a House of Commons' procedure, to bring attention to the issue. Now in this case the issue was the Wheat Board, and that certainly stayed for many years as a controversial subject in our western provinces with our western colleagues.

I see Mr. Viersen from Alberta has joined us as well. He knows that's an issue.

**Mr. Arnold Viersen:** Yes. Mr. Chairman, I can maybe do a point of order here. Can I get a little bit of clarification? Do I get my name signed here? If I'm not subbed in, can I be recognized to speak here?

I'd also like to take this opportunity to compliment you on your new haircut. I think you must have got a haircut over the week here, for sure. It looks great. You're looking well rested, so I hope that we can keep you looking that way.

It definitely pains me that we have to put you through such rigour here. This could all be avoided if we just agreed to our motion.

**The Chair:** Can you just come up and talk to the clerk about your ability to speak?

**Mr. Arnold Viersen:** Okay.

**The Chair:** Yes.

We'll let Mr. Nater carry on.

**Mr. John Nater:** I wasn't encouraging an intervention. I was just making note of the controversial nature of the Wheat Board to our western colleagues. Of course, from an Ontario MP it was not an issue. Again, the purpose here is that it's an example of the use of a standing order to cause challenges to the House.

The next example is probably one of the most emotional, I would say, and that would be on November 2, 1995. We all know that three days prior to that was the Quebec referendum. It was an extremely emotional time in Canadian politics and Canadian life for all colleagues, whether they were Quebec members or not. It was an extremely controversial and emotional point in time.

On that date, November 2, 1995, there were two Bloc MPs who were named at the same time for basically the same issue, which was defying the authority of the Speaker, and more specifically, accusing the deputy prime minister of the day, Sheila Copps, of lying to the House. Again, it was a very serious charge in the House, and something that we do not do. Both members were named for the same reason. They were only given one opportunity to withdraw, and after that they were quickly removed.

The MPs were Gilles Duceppe and Michel Bellehumeur. Monsieur Duceppe, of course, wasn't leader of the Bloc at the time, but he was nonetheless a prominent parliamentarian as the first Bloc MP elected. He made note of the emotion of this challenge. He said, and I quote, "We are in pretty tense times for our nation. If it surprises you that I am going to act as quickly as I am, I do so knowing full well that my primary responsibility in the House of Commons is to see to it that the institution itself is respected by all of us." That's a pretty serious accusation.

The response this time was certainly well picked up by the media, which I think was part of the reason this happened. All MPs of course have parliamentary privilege. We cannot be sued or held accountable for words that are spoken in the House of Commons in criminal or civil proceedings.

Certainly, it was not lost on the media at the time that a lot of the comments that were being made directly to the then deputy prime minister would have been seriously libellous had they been said outside the House of Commons foyer. It's something that is very controversial, but allowing it to be done in the House of Commons means that it can be picked up by the media and reported in the media, and it means that the immunity of the member having said the offending statements is protected. I think that's another interesting situation in which we have a standing order rule of the House being used for alternate means.

Moving forward, on April 24, 1996, a Reform Party MP by the name of Randy White accused the prime minister of the day, Mr. Chrétien, of lying to Canadians on the subject of the GST during the 1993 election campaign. Once again, it was used as a tactic by the opposition party—they were actually the third party at the time—to bring about an issue. The point at the time was to focus on all the reversals of the then-government, from their election promises to what was actually happening. They were a couple of years into the mandate, and they were demonstrating what was happening at the time. That was the example involving Randy White.

Another example, and one that I find interesting because I have a great deal of respect for the member who was named, is that of a gentleman by the name of Chuck Strahl. We know him from his lengthy service in this House. His son, Mark, is now a member of our caucus. He is certainly a well-respected gentleman and someone for whom I have a great deal of respect.

It was interesting.

It's an example where a rather innocuous comment initially uttered by Mr. Strahl kind of built on itself, and eventually it got to the point where he was therefore named. We know it's not in the Standing Orders, but in O'Brien and Bosc there is a comment that you can't do indirectly what you can't do directly. That's kind of the challenge that Mr. Strahl found himself caught up in.

He was questioning the Minister of National Defence on the Somalia inquiry, which was a very controversial issue back in 1997, and he used the words “cover-up” and “whitewash”, the implication, of course, being that the government and the minister had covered something up and had whitewashed something. It's not as bad as some of the words we'd use from time to time, such as “lying”, accusing someone of lying, but nonetheless these wouldn't be the perfect words to use.

The argument expressed at the time by Mr. Strahl was that they weren't really his words and that he was actually quoting from Justice Létourneau. The full quote was, “I won't be the instrument of a whitewash in this way. It will be impossible for us to delve into this issue”. He was quoting a third party, but again, the rule of not doing indirectly what you can't do directly comes into play.

For those who know Mark Strahl, I think he and his father are very distinguished people. Mr. Strahl, senior, made the comment that he would “reluctantly withdraw” his comments, but interestingly, that wasn't good enough for the Speaker at the time. He felt that the qualifier “reluctantly” wasn't appropriate given the severity of the comments, so the Speaker at the time, Speaker Parent, took a very rigid approach. Since Mr. Strahl was not willing to fully withdraw

the comments, but only did so reluctantly, he was ordered removed from the chamber, and he was—again, signifying the challenge of navigating some of these parliamentary reasons.

The eighth example of a naming during this period was of a New Democrat MP, Svend Robinson, member for Burnaby—Douglas in British Columbia. Sometimes, when we hear words in the House of Commons, we sit back and think, “Is that parliamentary or not?” Often, it's pretty clear that the words are unparliamentary, and they are dealt with very quickly. In this case, Mr. Robinson referred to the concept of “treasonous”, a pretty loaded word. It's pretty clear right off the bat that that's going to be considered unparliamentary language to be used in the House of Commons. In fact, this is one of the few examples where the implication of lying or not telling the truth is something different being used in this case.

In this case, it's more interesting. The media didn't actually pay much attention to it. The suggestion, from the small number of media that did pay attention to this exact issue, was that the member in question was more prone to these types of accusations —“theatrics” was the word that was used in one article.

You almost have to wonder whether, after this relatively short period of time, it's becoming less common, because its usefulness is being used up.

The ninth time the naming happened, it was a Bloc MP by the name of Michel Gauthier, the MP for Roberval—Lac-Saint-Jean. I think it was actually a rather clever exchange between MP Gauthier and the Prime Minister. Mr. Gauthier probably found himself a victim of just not knowing when to stop and when to sit down. Prime Minister Chrétien and Mr. Gauthier were both warned by the Speaker to stop using the word “hypocrite” in their exchange. They were both using it back and forth, despite interventions from the Speaker. Prime Minister Chrétien eventually did stop saying “hypocrite”; Gauthier did not. The Speaker pushed him on it and asked him to withdraw. He didn't, and he was named.

This actually got an interesting little reaction in different places. Had Twitter been involved in the 1990s, it would have been a bit of a Twitter firestorm when these things happened, but it wasn't, so we rely on print media to get an impression of how these types of things were happening.

Paul Wells wrote a little bit about it in an article in the *National Post* at the time. He wrote, “It appears Parliament is falling apart.” He said, “It was the ugliest Question Period in 20 years”. I'm not sure you can objectively state how bad a question period was and state definitively that it was the ugliest in 20 years. Nonetheless, it was a bit of an acknowledgement from the media that this could well be seen as a negative rather than a positive opportunity to bring attention to an issue.

In this example, why it may have seemed more of a negative response was that there wasn't a key policy issue. There wasn't a real purpose in Mr. Gauthier being named. There wasn't any benefit to him to bring the public's attention to it.

Moving on the 10th example, it's the same Speaker. We see most of these names under one Speaker, Monsieur Parent, all but two. The first was Mr. Fraser, and the last was a Deputy Speaker.

The 10th example is Jim Abbott, the member for Kootenay—Columbia, in British Columbia. I think it was last week we saw Mr. Abbott taking in question period from the gallery. It was nice to see him join us on the Hill a few years after his retirement.

In February 2000, the House was dealing with a rather controversial issue dealing with an HRDC program. The Minister of Human Resources Development Canada at the time was Jane Stewart. They were asking her about challenges with a program. The minister said:

Members of the party over there say they would like to kill these programs, but yet, as I pointed out individual members, the member for Skeena, the member for Nanaimo-Cowichan, and even the member for Kootenay—Columbia, keep calling my office saying “Can’t you please hurry and approve the application?”

Mr. Abbott, of course, didn’t like the fact that he was singled out and didn’t agree with the minister’s statement, so he quickly rose and accused her. He said, “That is a lie.” Again, it was a pretty clear example of unparliamentary language, so quickly, the Speaker rose and ordered him to withdraw the comments. He didn’t and was quickly ordered to go out, and he left.

What I find interesting about this example is that in retrospect, the minister actually noted to the House that she had misspoken and that the individual member hadn’t ever contacted her on that matter. There was a bit of discussion in the media about the fact that if we wanted to parse words, what she said was not true. It was a lie, so to speak. Again, it went beyond the veracity of the statement and reflected on decorum in the House. It didn’t have to do with whether something was factual. It had to do with the words used and how they were dealt with in the House of Commons.

The 11th example comes from Madame Suzanne Tremblay, a Bloc MP from Rimouski-Neigette-Et-La Mitis. It’s interesting, actually, to see some of these riding names and how they have changed over the years. Her issue was the appropriateness of how these things come apart. She was threatened to withdraw her comments about implying an untruth.

She went on to say, “This is the 21st century and we are entitled to the truth in this place.” Even that wasn’t really using unparliamentary language, but the phrase that went with it was deemed unparliamentary. It warranted her being named and withdrawing for the remainder of the day.

Again, at that point there was no real significant policy issue that was associated with it. There was no media coverage, and as an effective deterrent it, obviously, simply wasn’t happening at that point. It was an example of the way in which the usefulness of the traditional technique waned over the period of time, to the point that the very last time that an MP has been named in order to be withdrawn from the House of Commons was on December 6, 2002. The MP in question was Yvan Loubier, Saint-Hyacinthe—Bagot, a Bloc Québécois MP from Quebec.

It’s interesting because it was actually Deputy Speaker Kilger who had the opportunity to name the member. Again, it related to unparliamentary language, the word “liar” in this case. It was, from a national perspective, a relatively non-issue, but from a local perspective, it had to do with an important issue in his riding. It had to do with the accreditation of a college in Saint-Hyacinthe, and

it had to deal with the Minister of Agriculture basically certifying that college in his riding, so it was not a national issue.

In this case, it gave the member an opportunity to really raise a significant profile for himself defending a specific issue back in his riding. He used the standing order to raise the issue to get some coverage and to make it happen.

As I mentioned earlier, this is certainly at odds with what goes on in the Ontario legislature. The Ontario Speakers, Mr. Levac and Mr. Peters before him, were very strict in terms of these types of instances. When a person is named it is expected that he or she will be removed quickly and that it is done quickly. This happens on a relatively regular basis, so much so that in the last couple of weeks we did see an example.

One of the most famous provincial examples, though, is the one where an individual member using a standing order, using a technique at his disposal, made a significant change to government policy, to government legislation. It goes back to what has been raised before about how the Standing Orders, how the privileges of our Standing Orders and the privileges of this procedure, allow us to do certain things.

The MPP in question was Alvin Curling, who was a well-known Liberal MPP in Ontario. It was the Mike Harris government of the day. If Mr. Christopherson were still here, I’m sure he would remind us that he too was in the opposition at that time, and significantly opposed some of these measures.

The opposition members were trying to prevent Bill 26, an omnibus bill, from passing. Basically, MPPs were refusing to vote, and were being, one by one, escorted out by the Sergeant-at-Arms after being named. The idea from an opposition standpoint was to delay the vote as much as possible. As each MPP refused to rise to vote, the Speaker would order that they be named, and the Sergeant-at-Arms would remove them.

The problem was that, at the time, his Liberal colleagues neglected to tell Mr. Curling about the process. They neglected to tell him they were planning a procedural game, and that they were planning to refuse to vote and be escorted out. At the time, if you didn’t vote you were offending the privileges of the House.

As his colleagues were all refusing to vote and being named, it got to him, and he simply sat there and would not move. When the Sergeant-at-Arms came to him and asked him to move, he simply would not move. The process at the time was that the Sergeant-at-Arms would then inform the Speaker that force would have to be used to remove the member. The challenge was that force had never actually been used in the Ontario legislature to actually remove a member.

Here we had an example of an MPP—a distinguished, long-serving MPP, Mr. Curling—who was sitting there and not moving. The Sergeant-at-Arms honestly didn’t know what to do, so they actually called over to Westminster in the U.K. to get advice on what ought to be done. Apparently, the suggestion at the time was not to physically remove a member, but simply to wait it out and eventually, he would be removed.

The outcome was that eventually, he did leave of his own volition several hours later, but not before there was a significant amount of public attention. This was used by the opposition parties as an opportunity to raise awareness and to get some small concessions from the government on that particular omnibus bill that was being offered by the government at the time.

Again, another provincial example of the same idea happened in 2009. An MPP from Sarnia-Lambton by the name of Bob Bailey, a very soft-spoken but thoughtful MPP, made the mistake of calling the premier a liar. He then provided the further explanation that he wasn't just a liar, but that he was a cowardly liar, which served to add fuel to the fire. The Speaker named him and ordered him withdrawn from the legislature. It was interesting that it was actually the acting Speaker at the time, who was also a Conservative MPP, so there was an example of a Conservative MPP naming a Conservative MPP. Again, it was very much an opportunity for an opposition MPP in a majority context to raise an issue and have it brought forward. In a newspaper article afterwards, he wrote:

I took the drastic step of being kicked out to make my point that people need to be heard on the issue. I have heard citizens in my riding loud and clear on what they think of the HST. I strongly believe that members of government need to take the tax bill out of Toronto and give Ontarians a chance to comment.

Again, the issue is not so much about the issue at hand—the HST, which of course, eventually went through—but the opportunity to actually raise awareness and make something happen.

What we've seen here is a bit of context from the provincial standpoint, which is again a more regimented context from the federal standpoint. It brings us back to the discussion at hand. We're talking about the Standing Orders and our procedures in the House and we're looking at them from a variety of different standpoints. The naming convention, or the opportunity to name an MP, is still on the books, but it's not being used and it hasn't been used since 2002. I think we can all think of times when there's been no doubt that a Speaker could have applied the naming convention, whether it was the current Speaker or former Speakers. We've now gone through a period of three separate Speakers, Mr. Speaker Milliken, Mr. Speaker Scheer, and Mr. Speaker Regan, who have all had the opportunity to use this tool, but they haven't.

Why haven't they? It's in the Standing Orders. It's a significant tool, but this raises the question of whether it has simply fallen into a practice or a convention of misuse. That's what I would argue is happening and it shows the way in which our Standing Orders evolve, often without a conscious effort and often without MPs actively debating and amending them.

I would cite David Docherty on some of this. He has written a book, *Legislatures*, for the University of British Columbia Press series on the democratic audit. He wrote that evaluating a Speaker's success depends largely "on whom any decision favours".

I find that interesting because a Speaker who is shown to be too favourable to one side or the other will quickly lose authority. Therefore, when we're evaluating these different tools that are being used, we have to see how they're implemented, how they're used by different Speakers, and whether they're used in a positive or a negative way. Some of the challenges with a standing order provide more full challenges as well.

Earlier today in the House, we debated the challenge of two MPs who missed a vote in the House of Commons about whether their privileges should be affected.

If we bring that back to our Standing Orders, and to this particular one, if an MP is ordered withdrawn from the House, their privileges cannot be exercised. An MP cannot vote after being removed from the House of Commons.

Therefore, we think of examples in minority parliaments where this could be abused, potentially, in terms of having an MP removed from the House in the wake of a very significant vote, a confidence vote, for example. It could be a significant challenge to the proper operation of the House but also to the privileges of individual MPs.

Being in Standing Orders, it would be a tough argument to make from a privilege standpoint but at the same time from a political standpoint and from that of a member. It's a challenging thing, and it could also be an example of why some of this doesn't necessarily happen from time to time.

When we look at the other tools available to Speakers, they may find those opportunities more useful. For example, Mr. Speaker Milliken, who to date is Canada's longest-serving Speaker, had a unique opportunity to serve as Speaker in minority and majority contexts as well as in an opposition context as an opposition MP serving as a Speaker.

When an MP refused to withdraw an unparliamentary comment, he failed to recognize him or her going forward. When an MP would rise to speak, whether it was in question period or debate, he simply didn't recognize the MP. Again, a pretty significant deterrent, I would say, especially when MPs are eager to stand up in question period to make things happen.

Mr. Speaker Fraser, in the Mulroney years, used it only once. His argument was that he saw it as a challenge of allowing MPs to grandstand in the hope of gaining publicity. We've seen that throughout the years, and we're seeing this example going forward.

The final point I might make on this as well is that when we're looking at the specific issues in this case, it all had to deal with unparliamentary language. This was then dealt with...the authority of the chair and disregarding the authority of the chair.

The subject of decorum is much greater than simply unparliamentary language and whether or not some of these tools available for parliamentarians and the Speaker wouldn't serve an alternate purpose in decreasing decorum in the House of Commons.

I would also point out, before moving on, that in every case the Speaker never acts unilaterally. He or she—and, again, they were male Speakers—always gives the opportunity to withdraw. I think that's an important concept from a parliamentary democracy. We are all equals in the House of Commons. We are all elected independently, and we all make mistakes. It is important to provide the MP in question, if they have offended the rules of the House, offended the individuals in question, the opportunity to withdraw.

Going forward, I wouldn't want to speculate whether Mr. Speaker Regan will ever go down the road of using this tool. I think it's still on the Standing Orders, or it's something that would allow them to go that route if the decision is made.

I want to work through that specific issue because it's an example of a standing order that has evolved over the 149, almost 150, years of Confederation. It's evolved in written form in terms of the way it's structured; it's evolved in the usage in how it's applied; and it's evolved in the disuse in most recent years. It's an example that we need to be aware of when we're studying the issue at hand in that we don't go about changing standing orders without properly reviewing all the context, without properly viewing all the challenges that could be created in a change to a standing order.

I'm going to move from this point to another issue I have a personal interest in, and that's the election of the Speaker, which, again, is laid out in our Standing Orders.

It's been cited before by Mr. Blaikie and others coming out of the McGrath report. Even before that, I believe, a former Speaker actually recommended it in the 1970s, as well. His name escapes me at this point, but I wanted to cite a bit from an article.

**Mr. Blake Richards:** I have a point of order, Mr. Chair.

Mr. Nater was mentioning the Speaker. I know there were a lot of things in the discussion paper before us that brought the motion on. The motion, obviously, was brought on and we're seeking to try to amend that now. I think a lot of it has been talked about, the process, and that's the important part that we're dealing with here in the motion. Certainly the amendment to reach consensus is a key part of that. Also, there has been some discussion around obviously the topics and the subject matter that have been put forward for the discussion and the discussion paper that the government House leader brought forward. Some of them have had a fair bit of discussion during the course of this meeting. I always want to say "meetings", but it's actually one meeting that we're still on here from two and a half weeks ago when we started this meeting; and we're still on that day, apparently?

One thing we haven't heard a lot of discussion about was this idea of the Speaker having the ability to make a determination about whether a bill is an omnibus bill and how one would break that bill up if it is, and these kinds of things. I would suspect the Speaker would see it as having the imposition to do so. That would be a pretty difficult proposition for the Speaker. When I heard Mr. Nater mention it, I thought maybe he might have some thoughts on that. I would sure love to hear them. He has a very learned opinion, obviously a great amount of knowledge on these matters, with his background at university. I'd be really curious to hear his perspective on that and if he could enlighten the committee on that. I don't want to interrupt where he was going in his train of thought, but maybe if

it's now or at some point he would be willing to do that, I would certainly appreciate it.

**The Chair:** Mr. Nater, you haven't started your real discussion on the election of the Speaker. Maybe you could comment on the item in the discussion paper on splitting an omnibus bill.

**Mr. John Nater:** Sure. It's a fascinating proposal. I'm reminded of a very famous Speaker by the name of William Lenthall. Upon King Charles I entering the House of Commons chamber and demanding that the Speaker point out to him where the five members were seated so that he could arrest them and have them charged with treason, Speaker Lenthall famously rose, bowed to the King, and said, "...I have neither eyes to see, nor tongue to speak in this place, but as the House is pleased to direct me, whose servant I am..."

It very much gets to the heart of what the Speaker is. The Speaker is the servant of the House. He is the defender of the House's privileges, the defender of the House's opportunity to engage, discuss, and have fulsome debate, so that our privileges are not declined and we're able to fully participate. The proposal that's being raised, that the Speaker should have the authority to unilaterally... And I use that word reservedly because it has a negative connotation, and I don't want to imply that any Speaker would do something in a negative context. He or she would be undertaking something on their own, and so would be entrusted with a very significant amount of power to change the course of government legislation and change the course of how something is debated within the House of Commons.

The challenge would be how that would operate in practice, how it would be determined whether something is an omnibus bill, and how the Speaker would then go about dividing that bill. Certainly, when a bill is introduced in the House of Commons, it has the benefit of an entire bureaucratic apparatus to support it. The bill is drafted by a department. It is vetted. It goes through PCO. It goes through the justice department. It's charter-proofed. It goes through a variety of steps before finally landing at the House of Commons for introduction and first reading. Certainly, in my past life before I came here, and before I even went into academia as well, I spent a year and a half at Treasury Board Secretariat. I was able to see some of the processes that are in place for the introduction of government bills, introduction of government measures. They benefit any individual piece of legislation going forward—a great deal of benefit.

To then come to the House of Commons and entrust the Speaker with the task of dividing, chopping up, and creating new legislation somewhat on the fly... I'm not saying that he'd be doing this on a cocktail napkin in the lobby, in the Speaker's salon, but he would be required to do this on a fairly quick basis. Certainly he would have the benefit of House of Commons staff, of parliamentary counsel's office, but he would have to do this very quickly. In so doing, the Speaker would be altering the course and the context of that parliamentary piece of legislation.

Certainly there are ways around it. A government of the day could issue an edict to departments to ensure that all legislation that comes to the House is done in a form that wouldn't be considered an omnibus bill. This could be done through the cabinet processes. It could be done through a variety of different ways that wouldn't put the Speaker in what I would consider a somewhat awkward position of having to get involved in the discussion of specific legislation and of splitting specific legislation.

I think it's a challenge. That is not to say that there aren't means to get around it. As parliamentarians, we have means of dealing with these types of things. The question is how we enforce it. How do we put it into practice? Is it something that we look to the committee process to do? Do we look to, perhaps, striking a new committee that would specifically deal with that, thereby leaving it within the purview of Parliament, of parliamentarians, and not entrusting the Speaker specifically with that challenge?

Again, the Speaker is the servant of the House. The Speaker is the protector of the House's privileges. I recognize the concerns that have been raised in the past about omnibus bills. They are a legitimate tool. I don't think anyone would argue that they're somehow illegitimate. People may not agree with the use of them, and that's certainly an argument that could be made, but they are a legitimate tool that governments have used in the past and, no question, may consider using in the future.

To make the Speaker determine what may or may not be considered an omnibus bill and then go the extra step of basically redrafting legislation, and multiple pieces of legislation, I think would be putting the Speaker in a terrible position that as parliamentarians we ought not to do.

Hopefully, Blake, that was some context for you.

**Mr. Blake Richards:** Yes, thank you, Mr. Nater; I do really appreciate that. It was one of those things on which it just occurred to me that it would be good to get your perspective, especially with your education and your background prior to coming to Parliament. You obviously display yourself as someone who has great knowledge of parliamentary proceedings. I think we all have something to learn, and it was something in a particular area where I thought you might have something to impart for us. I do appreciate that.

**Mr. John Nater:** Thank you, Blake, for the kind words. I'll be the first to admit that I'm not the greatest expert on all these topics. There are so many distinguished academics out there, and practitioners as well, those who have worked in the House of Commons, those who have studied these issues for so many years, who would be a huge benefit to this committee. Some of them are right here in Ottawa, both in academia and elsewhere, and I think it would be a huge benefit to this committee if we could hear from a number of those people going forward. If we can just get past this point in time, this stalemate, we have a great deal to learn from the experts out there on this matter. It's just unfortunate that we're at this impasse at this point.

**Mr. Kevin Waugh:** On a point of order, Mr. Chair, Mr. Nater is going to talk about the selection of the Speaker. I would like to share one of my stories that I thought I would take to my grave.

Mauril Bélanger was one of three or four, perhaps five, who wanted to be the Speaker of the House when we convened after the

election early in November. I want to tell this story, and I've told it in the Canadian heritage committee. As a first-time MP, all of a sudden you get solicitations from people who want to be the Speaker of the House; and as I've mentioned before, I'm here on Fridays and I fly back to Saskatoon.

I would like to tell the story before you go into that, because it was kind of neat.

Geoff Regan, who actually won the vote for Speaker of the House, and my son spell their first name the same. We thought, well, we're going to vote for Geoff first because he's from Nova Scotia and they haven't had a chance from that province to be Speaker of the House, and Geoff to Geoff. However, I'm going to tell you a story about Mauril Bélanger.

As you all know, during the election his voice got very soft and nobody knew why. It was the longest campaign in the history of Parliament and of democracy here. Anyway, he was re-elected. I mean, how can you lose in Ottawa-Vanier, right? It has been decades since a Liberal has lost in that riding. However, he phoned Friday night asking for my vote to be Speaker of the House. My wife answered. My wife was an educator at an elementary school and asked, "Who are you?" He said, "I'm Mauril Bélanger and I want Kevin's vote to be Speaker of the House."

I'm just going to tell you something about the guy. My wife isn't very political. Mr. Bélanger started at nine o'clock at night his time, so back then it would have been seven or eight o'clock Saskatchewan time. My wife said, "Listen, I'll take your number and Kevin will phone you Saturday morning when he gets home from Ottawa and you can further the discussion. I have no idea what the Speaker of the House does." She had no idea. Do you know, Mr. Bélanger stayed on the phone for an hour and a half with my wife talking about how the Speaker, as you said, is the servant of the House, the protector of the House? Through it all, I just want to share this one story, because his voice at the end got very raspy and she could hardly hear him. He was an hour and a half on the phone speaking to a person he didn't know. It's such an important part of the parliamentary procedure, and here he was trying to get one lowly vote from a rookie MP. He spent an hour and a half on the phone speaking with my wife. I got home at 11:30 that night and my wife—

**Mr. Blake Richards:** He talked to her longer that week than you did.

**Mr. Kevin Waugh:** Yes, that's right, he probably did. I just wanted to share it because that was the type of man he was. He desperately wanted to be Speaker of the House, and we did give him that opportunity for that afternoon.

To have him explain the parliamentary procedure with his voice not as it was four months before, or five, or a year, spoke volumes about the man. My wife was really touched. I told her he was from the Ottawa area, would like to be Speaker of the House; but in my mind I'm going to go with Geoff Regan because our son's name is spelled the same way. She's never forgotten about that. We've often talked about it because ALS was a horrible disease. We saw it in front of our eyes in a short period of time. It was horrifying to see week after week this man, who was so strong six months before, knocking on doors when he didn't have to knock on doors. He knew he was going to win Ottawa—Vanier, but that was the type of man he was.

It was interesting. I'm looking forward to how you choose the Speaker, because it was a heck of an education for our family to have this man, on a Friday night, phone our household. He could have blown her off and moved on to the next MP. He didn't. He wanted to educate her, knowing that my wife, when I did come home, would say that this Mr. Bélanger phoned, and here was his number. I wasn't going to phone him at 11:30 my time, which would have been 12:30 or 1:30.

I just wanted to share this story, as you're talking about selecting a Speaker. It's probably one of the most important.... I'll never forget that Friday night, and so I just wanted to share it before Mr. Nater goes on to selecting here.

**The Chair:** It's a great story to have on the record.

**Mr. Scott Simms:** Good job, Kevin.

**Mr. John Nater:** Absolutely. I had the very brief privilege of serving with Mr. Bélanger on the official languages committee at the beginning of this Parliament, and unfortunately his health deteriorated far too quickly to a very tragic disease. It's one of those terrible diseases that just robs you of so much.

I think that was a great discussion, Kevin, so thank you for sharing that. You raised the point—

**Mr. Blake Richards:** Mr. Chair, I guess I have to do the same. I'm sitting here and I'm thinking, I have to say.... I won't take long. Listening to Kevin's story, I had the privilege of learning some very important wisdom about parliamentary procedure, the function of committees, and these types of things from Mauril Bélanger as well.

The first time I chaired a committee, the first time I had the job you're doing, Mr. Chair, Mauril would have been one of my vice-chairs and was where Mr. Johns sits right now. He was the lone Liberal. I can remember learning a lot. There are so many bits of procedure that we don't sometimes realize until we see it for the first time. I think that actually ties back to the debate we're having about the Standing Orders and why it's so important to really fully consider them. There are probably all kinds of untold numbers of unintended consequences that could come from one change to one standing order, and how it can affect other things.

I just remember him. There were some times where I thought I had control of this committee as the chair, and he taught me that sometimes one member who is really well informed can control some of what goes on in a committee pretty easily, too, even though he or she is not sitting in the chair. I learned some things from him that I think were very valuable for me as a person, as a member of a

committee, and as a chair. It does speak back as well to why it's so important to consider these changes and make sure you're talking them out and have an agreement among the parties. One change can have such a great impact on so many things, and we don't even realize it at the time.

We have someone like Mr. Nater who has an educational and academic background on these things; and someone like Mauril Bélanger, an example of someone who has a great wealth of parliamentary experience and has probably seen all kinds of situations.

I did have a chance briefly in a minority Parliament, and you would have had one as well, Mr. Chair, a couple of them, I think. He would have been through the whole thing, everything from opposition to government, to minority government to minority opposition, to third party opposition to cabinet, to the whole ball of wax. We all have these different perspectives. That's why it's so important to get those different perspectives and to make sure that everybody's viewpoints are heard and actually considered as part of the process rather than just simply given window dressing. That's an important point.

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

Mr. Nater, on the Speaker.

**Mr. John Nater:** Yes, thank you, Chair.

It's a great, great conversation and, again, it goes back to the wisdom of those who've gone before us. We have so many current parliamentarians and former parliamentarians who all have so much to offer to a discussion like this. All that needs to happen is the acceptance of the amendment, the learned amendment introduced by Mr. Reid that would provide this committee a pathway forward to go on and to make things happen.

Unanimous reports are not unheard of, especially in this committee, from what I learned from Mr. Christopherson yesterday. It's certainly an opportunity to go forward and make things happen.

The next topic I wanted to speak about was going to be the selection of the Speaker. I know Mr. Simms is next on the speakers list, and I don't want to put him on the spot, but potentially this would be a good spot before I get into the extensive discussion on the election of the Speaker.

I might yield the floor to Mr. Simms, if he is ready to take the floor.

**The Chair:** Mr. Simms.

**Mr. Scott Simms:** Are you done?

**The Chair:** Actually Mr. Simms is not next on the list, Mr. Johns is.

**Mr. Gord Johns (Courtenay—Alberni, NDP):** Thank you, Mr. Chair.

**Mr. Scott Simms:** Point of order, Mr. Chair.

**Mr. David de Burgh Graham:** Point of order.

**Mr. Blake Richards:** Mr. Johns just got here. How did he manage?

You were here earlier when I was away or something, were you?

**The Chair:** Mr. Johns is next on the list.

**Mr. Blake Richards:** He got on the top of the list awfully quickly there.

**The Chair:** He was on from when he was here last.

**Mr. Blake Richards:** Well, okay. I wasn't trying to call it into question or anything.

**Mr. Scott Simms:** Point of order.

Mr. Nater, were you yielding me the floor? I mentioned earlier I wouldn't mind interjecting every now and then, not the speakers list, because we had this routine where I make a short interjection, and I don't have the extra... I shouldn't be saying this on television, but I don't have much to add to that.

**Mr. John Nater:** I was offering for more....

**Mr. Blake Richards:** I might be able to help in this situation, Mr. Chair.

If it's okay, if Mr. Nader is offering an opportunity, it sounds like he maybe wanted to collect some of this thoughts on the next topic you want to discuss. That was kind of what I was getting the sense of, and he was offering to yield in support of Mr. Simms. I know Mr. Johns did mention to me there were a few things he kind of wanted to say. I have a few things I wouldn't mind saying either, so maybe between the three of us that would give Mr. Nader a chance to collect his thoughts, and we could all take a little bit of time.

**Mr. Scott Simms:** If I may, yes, that was my understanding because I remember when you started earlier, I mentioned that I would interject if he felt tired, or he wanted to use the washroom, or something of that nature. By all means, I wouldn't mind. If the three of us want to go, maybe this is a good time for you to take a break.

**Mr. John Nater:** An excellent time.

**Mr. Scott Simms:** It's an excellent time to take a break. I get the hint. Okay, got it.

Gord, do you want to go?

**The Chair:** It would go to Mr. Johns first.

**Mr. Gord Johns:** Thank you, Mr. Chair.

When we have these conversations and we talk about various different issues that this committee is discussing, certainly being family friendly was very important.

Like you, Mr. Chair, I live in western Canada. I live very far from Ottawa. In fact, it takes me about twelve and a half hours door to door to get home, and that's actually in the middle of my riding. If I actually went as far as where my home is in Tofino on the west coast, it would take me about fifteen and a half or sixteen hours to get home. So often when I leave Ottawa, if I leave on Thursday, I get home around 4:30 in the morning eastern time, and that's in the middle of my riding. If I went all the way home to Tofino, I'd get home around 7 in the morning. That's after driving and flying.

Mr. Chair, on Fridays when I leave, I leave here about one o'clock Pacific time, when I wake up. As parliamentarians, we typically have an event on Friday night that we have to speak at. Like Mr. Waugh and many of us western MPs, we're travelling great distances. We're already spending a great amount of time away from our families and

we take a risk when we're flying for twelve hours and driving another few hours in our big ridings.

I know you certainly appreciate that, Mr. Chair. I have a riding that's 8,500 square kilometres.

**Mr. Blake Richards:** We're not going to start comparing sizes.

**Mr. Gord Johns:** No, I'm not going to compete with the chair. Actually, there are representatives of a few rural ridings here. Mr. Ruimy is here from the west coast. I know it's a long way to get to Vancouver, and with the time difference, if you add that in, it's pretty strenuous. For this conversation, I think it's very important that we talk about why unanimous decision-making and consensus is critical, Mr. Chair.

I'm from Vancouver Island, where there are no government MPs, so it's very important that we're a part of that discussion, but also that decision. I like one thing about what I've learned being in Parliament, and it was a great surprise, but it shouldn't have been, because in my community we get to know each other across political lines. I have neighbours who vote Green or Liberal, even Conservative, and I'm trying to have fun with it. They're my friends. They're my neighbours. They're my community. I care about their families. Coming here, I've gotten to know some of my colleagues, and I care about them. I care about their families. One thing we have in common is that we care about our country. We care about our country, we care about our families, and we care about the families in our communities. That's why we're here: to fight for families, to stand up for families.

When I take that into consideration, it's very important that we have that in common, we have that consensus: that we're here for families, that we're here to look out for each other. We want the same thing: a great country. How we get there is what differentiates us. That's where the debate comes in, the important debate and discussion.

I had heard about PROC. Obviously Mr. Christopherson's been a part of PROC. He had so much pride that PROC was a committee that worked on consensus, where parliamentarians looked out for each other, looked out for each others' families, and the importance of that.



When I look at my schedule, and I think about the government considering extending sitting days to more months in the year—I know that's been considered—I think about how hard that would be on my family, and on me as a western MP. Right now I go home and I come back. By the time I get home, I have a day in my riding and I have to turn around and come back. When I get home to my riding, I have to get on the road or I'm not going to see people in my communities. If we stretch out the year even more, then many of the smaller communities are going to be missed out, Mr. Chair. I'm not going to be able to see many of those communities that I want to get to. In my Canada and in my riding, everybody counts. For a community like Hesquiaht, which has 40 people in it, it takes me 15 and a half hours to get to Tofino to get to the dock and an hour and a half by boat to get to Hesquiaht to see these people who are really struggling, who are living in poverty. If I don't go and hear their story, I can't represent them in Ottawa and make sure they're being heard. Their issues are important, their story is important, and their vision is important, so that we can help contribute to the vision of our country.

I have many communities in my riding that are struggling with absolute poverty. They're very nervous when their MP can't come to their community and learn how we can bring their important ideas forward or their needs. I know that we have a crisis in my riding right now with youth suicide, and there are many children on suicide watch. If I can't go home and get to those small rural communities, I don't know their story or have those relationships and that trust. It is about trust when these dangerous situations and emergency situations are happening, and that can only be achieved in that time that we're in the ridings.

Mr. Chair, the consideration is of shutting down sittings on Fridays, that it's going to make it easier. It's not. As to extending the days in Ottawa, how are we going to extend the days? How are we going to work longer? We're here, and it's 11 o'clock at night. If I wasn't sitting at this committee having this conversation, I'd likely be in my office phoning people in British Columbia, because it's suppertime right now and people are getting home from work. To add hours to the day would be very difficult, especially Mondays. When we come in on Sunday, we get home in Ottawa at about two in the morning. We have to get up early and get to work. And there's a three-hour time difference. We're sleeping for about five hours, if we're lucky, and then we have a long day on Monday, and we're exhausted. I just can't imagine making it longer. If we make Thursdays longer, we can't fly out Thursday. That means we can't get home to British Columbia. We'd be definitely going home on Friday.

Then we look at the importance of being in the House on Fridays. Canada is such a big country. Things happen every day. They happen seven days a week. We have situations that arise in our country on Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, and Sunday. Taking Friday away, of making sure we are asking questions of government, is a big problem for us because often it's an opportunity for us to ask a question before the weekend should a crisis arise. With the limited amount of questions that we do have in question period, it could be challenging, especially for the new MPs who might be sitting on the backbenches. It's an opportunity for us to ask a question; and we value Fridays, being able to get that opportunity to ask that question.

There are only so many questions, and there are 338 MPs in the House. We all want to make sure we have a chance to ask those really important questions on behalf of our constituents. Taking away Fridays, taking away that opportunity is like taking away so much from my riding and my community, and we're already feeling alienated. We're already feeling far away from Ottawa and people are already feeling ignored. To make them feel even farther away and that their voice might be limited, or their MP might not be able to visit them is very nerve-racking for people in my community.

When we talk about being family friendly, we all care about each other. We care about our country. We care about our families and our communities. It should be consensus-based decision-making when we're talking about our families and how we're going to take care of each other, as parliamentarians, so that we can represent the people in our communities. I can't imagine making a decision that might affect one of your families and not having consensus-based decision-making, especially in a region that isn't represented by a government member, Vancouver Island, where we have even further to go than Mr. Ruimy, for example.

I just want to state that. I want to make it clear that people in my community want me in the riding. They also understand the importance of my being in Ottawa. When I'm in Ottawa I want to be here and I want to make sure that we don't try to do something we can't do, and right now it is very difficult for us. When we were asked for suggestions to make it more family friendly, I certainly didn't expect we would start talking about taking away Friday sittings and making longer days for us. We're already working really hard. I see everybody here, and they are here because they work hard. We have that in common.

To consider making us sit more months of the year and taking away the opportunity to get out into our communities and listen to our constituents...I think a lot of people are going to get lost, Mr. Chair.

I'm happy just to leave it there in terms of sharing my concern around that and on the importance of consensus-based decision-making. We care about our families and we care about each other.

**The Chair:** Thank you for that very important point and your perspective from a distance. I know what that's like.

Mr. Simms.

**Mr. Scott Simms:** I was going to launch into a different topic but I do want to address the Friday situation. I have known Mr. Johns now for a while and I deeply respect where he's coming from. That's not a throwaway statement to start this whole thing. I sincerely mean it.

I'll start by telling a story about my family situation. My father worked in a mill, a paper mill, for about 43 years. When it comes to family friendly, one of the things that he complained about vociferously was that because we lived in a rural area, in order for us to spend a weekend doing something different with the family, we had to travel long distances.

In order to do that though, he worked five days and then two. They were eight-hour shifts, two days off. His union, the International Brotherhood of Electrical Workers—and I say that with a great deal of passion because they are a fantastic union—treated my father well. He was a member with them for 40 years and I salute them. They're a great union. They went back to the company and they said, one of the things that we want is flexibility in the work schedule. They said fine, we're open. Tell you what, instead of doing eight-hour shifts, why don't you do 12 and that will give you up to four days off? You do rotation that way. It's a little more complicated than what I'm saying here but essentially my father got four days off. We went camping. We went to see more relatives. In the span of two years following that, we were able to take advantage of the things that my father wanted to do. To me, that was family friendly.

I'm not saying right away that without Friday, and longer hours in the week days, that would suit me but it may not suit you. What I'm saying is that we need to address the flexibility in this. What bothers me is the throwaway statement that we don't want to work on Fridays. It is ground zero for the worst argument you can put forward. It's just too easy to do. You're a member of Parliament who doesn't want to work on Fridays.

Let me go from there. Today we had the speaker. I say speaker but that's not his official title. He is basically the person in charge, speaker-like, of the Scottish Parliament. We asked him, we said, how does your week work? He said, we sit Tuesday, Wednesday, Thursday. How dare you do that now? Well, we didn't say it that way. We said, why would you do that? He said, Scotland's not that big, and it's very important for us to be within our constituencies as we are direct representatives of the people.

I thought, there's a novel idea. We asked him, what about the sitting days on Tuesday, Wednesday and Thursday? He said they are elongated to the point where they can accomplish the committee work, so on and so forth.

**Mr. Blake Richards:** Did you ask him how many weeks a year they sit?

**Mr. Scott Simms:** I'm getting to that. We asked him then, obviously you must do extra weeks, and so on and forth. He said, yes we do. I said, that's interesting. Because I'll be quite honest with you, I'm not saying we get Mondays off, I'm just saying that if you look at Fridays themselves for a day to travel like we do, and ask me would I be willing to say yes to an extra week or two or three weeks around the year, I think I would, but I want to be greeted by a serious discussion about this.

I don't want Fridays off for the sake of a having a day off. I think it is an absolutely insincere argument to my own. It is easy and it's just not fair. Canadians do work on Fridays. Canadians go to work at nine o'clock in the morning. We go to work at 10. Canadians work in January. We don't, according to this logic. Canadians work in

September and we don't. Canadians work in the summer and we don't. All that I've just said to you is false because we work.

Every other parliament in the world now acknowledges what it is like to work in your constituency, to be that direct representative. Earlier today, Mr. Johns' colleague, Randall Garrison, actually came back at me about working on Fridays with what was probably the most legitimate of all the arguments I've heard. His reasoning was this: because I work long distance, I would rather work on the Fridays and not have those two or three weeks added on, so I get a full week in the riding. That's an intelligent discussion. That's a valid point.

**Mr. Gord Johns:** I 100% agree with him. Mr. Simms, that's what I was trying to say, as well. Also, one thing to consider is that, if you look at the Scottish model, if they sat for three days a week, then we'd all be flying back to B.C., and the odd time we'd stay. Mr. Bagnell, I imagine you don't stay ever.

I try to stay once in a while—better for the environment—especially if I'm working late on a Friday and I'm back early on Monday. I think that's very important, and also saves costs to the taxpayer. If I'm going all the way home and by the time I get home, the way flights go, especially in the winter... Often my flights are bumped and I stay in Calgary or wherever I am when I'm switching planes. It happened three times this winter that I got bumped because of weather. The reality is that, for a lot of MPs who live very far, a few of us stay on the weekends once in a while.

When you look at three days, for example—and I know you come from far away, Mr. Simms, from Gander—imagine coming all the way from Vancouver Island to work for three days and then flying all the way back. It doesn't make sense for us to even consider three days. I know if we go to four, then we're going to go to three. This decision-making just doesn't seem to be looking at people coming from great distances, as far as I am concerned.

I don't support the idea that we work four longer days. Imagine if you have children who came to Ottawa to live with you, like some of our colleagues. They're going to be working longer days from Monday to Thursday, they're not going to be in their ridings as often because they're going to be sitting in Ottawa, and that's very important. Family is important. People do make a decision to bring family here because it's important. When they have young children, they need to do that, especially single parliamentarians who have to make that difficult decision.

I know there are a lot of scenarios to talk about, but the most important thing is that we decide with consensus when we make decisions that are going to impact families around this table and the function of Parliament. Our great concern on this side is that the government is listening and wants to have a conversation, but it's going to make a decision regardless of what the other parties say. That's the fundamental problem.

**Mr. Scott Simms:** Before we get into that part of it, may I retort to what you were talking about?

Again I congratulate both you and Randall for giving me a legitimate reason why we should be working on Fridays. I am not suggesting we only work three days a week, by the way—

**Mr. Gord Johns:** And we want to ask you questions on Fridays, too.

**Mr. Scott Simms:** I would retort that it doesn't work for me because I represent a riding with about 165 communities. Some of these communities have events, say in the middle of November; it's the only event they will ever have. It's the best chance for me to meet the constituents of Ming's Bight. That's a town; I didn't make it up.

**Mr. Gord Johns:** You can even say a bunch more names, because I know you shared a few names with me.

**Mr. Scott Simms:** The thing about it is that they have an event in November, and I go there. There are so many towns that have these single events that it's much more necessary for me to get home on weekends. What I'm saying to you is this, and I'll conclude because I see Mr. Nater's back. I didn't want to exclusively talk about Fridays but so be it, enough said. Let me sum up by saying this.

You and I have a different perspective about Fridays, but it's a healthy debate. I think we should move on to having.... We may not be unanimous, but it's a debate worth having with witnesses who also do that as well.

Thank you for the time.

**Mr. Blake Richards:** If I may, I would like to make a couple of comments on the Friday, family friendly, etc., as well.

I had some thoughts as I listened to both my colleagues. I appreciate their perspectives. Some parts of what they said I agree with and other parts maybe I disagree with.

I'll start by saying that I have a bit of a challenge believing the motivation behind the Friday sittings, because there have been a couple of attempts to remove them. The first time we were going to study family friendly and maybe getting rid of Friday sittings was supposed to be family friendly. That was the argument the government was making at that time. There were many people who made the argument that maybe it wouldn't be so family friendly, and I'll get back to that in a second. Now it's in this context of modernizing Parliament and we will just change how the hours and the structure work. It seems there is this constant, "Well, that one didn't work, so we'll try it this way." There's always some other argument for why we need to get rid of them.

A lot of people believe, and I would put myself in this camp, that it really seems the idea is more of this attempt. I don't want to make the characterization that someone wouldn't work on Friday just because Parliament is not sitting or anything like that. What it does

mean is that there's one less question period that week. I know the idea is to add 10 minutes to the other days and we'll do all these things, but at the end of the day, we all know that question period is kind of that one hour of the day—we know how much work happens in committees and these other things—that is picked up by the media. Constituents watch it. They don't watch anything else that goes on, generally, but there are more who watch question period.

Let's be honest. We know there are probably not too many people watching this feed right now, but with question period there are more watching. I know they aren't huge numbers, but there are a lot more who do watch it. That's the news people get about what happens in Parliament, rightly or wrongly, but those are the facts. When we talk about all these opportunities that exist for these things to be raised so Canadians can become aware of issues, question period is the best opportunity that is provided to opposition members and government backbench members to do that. To take 20% of those opportunities away.... We all know that adding 10 minutes is not the same thing. If an issue popped up tonight, tomorrow there wouldn't be a question period, so it would have to wait until Monday. By then it's old news, and it's forgotten. I get that there are weeks when we don't sit, but during those weeks that we are sitting, having the extra question period is important to the opposition, and it's important to Canadians.

To me, the idea that by doing that we can lengthen the other days doesn't really solve that problem. The idea that we can have more weeks may solve that problem to some degree, but I think it creates a new problem.

Mr. Johns has alluded to the idea of travel, the cost involved, and the cost to the environment as well. These are all things that should be considered.

Mr. Simms, you talked about flexibility, that it is good to have different types of families and the different ways people structure things depending on where they live or what their family situation is. When I start to think about the different ways we can change things, the way we have it set up now does provide the most flexibility for people. I would certainly be more inclined to be persuaded by the argument to make Fridays a regular day than I would be to get rid of it.

**Mr. Scott Simms:** I totally agree.

**Mr. Blake Richards:** I would be more inclined to be persuaded by that, but I think the situation as it stands now still allows that question period. It still allows some private members' business to be conducted, which gives more people the opportunity to do their private members' business, but it also makes it easier for those who need to make a choice to get home for things if they have a long way to go.

I fly to Calgary. It's about a six-hour trip by the time you do the flight, with getting to the airport, and so on, and I'm close to the airport. I can think of colleagues who fly with me to Calgary and then wait a couple of hours and take another flight for a couple of hours, and then they drive six hours after that. They leave Ottawa on a Thursday night or a Friday morning, and it's Saturday before they get to their riding. Then they have to turn around less than 24 hours later and come back.

I think that gives the maximum flexibility for someone to be able to say, "Okay, I'll give someone else the opportunity for question period that day, and I don't have any need to be there for that particular private member's business." That partial day allows them to have that flexibility.

The same thing goes for the people who have their families here. If they bring their families to Ottawa and we add more weeks, it makes it more of a challenge for them to make that decision.

I could go on and on about that. What we have now gives the most flexibility. I'm not saying we can't have a discussion about a change, but I just don't think that removing a question period every week is a starter for me, and it's the same for many of my colleagues in the opposition.

Can we have a conversation about whether that Friday is different, and those kinds of things? Yes, I think those are conversations we can have. I'd be happy to get to that discussion. However, it's easy to understand when we've seen these different attempts and different rationales provided for doing that, that it's one example where I think there's a lack of ability for the opposition to say they can feel comfortable with having that discussion when they feel as though something is going to be forced on them.

I don't know what the agenda is. Is it to get rid of the question period, or what is it? It seems as though there is one and we don't really seem to have been told what it is.

**Mr. Scott Simms:** Very quickly—

**Mr. Blake Richards:** I'm about to conclude.

That isn't to put it on anyone sitting across the table from me right now. I'm not accusing any of you of having a hidden motive or agenda, but I think somewhere maybe there is. Maybe it is what I think it is, that they want to see a question period removed. It could be that. Maybe it's something else that I don't know, but that would seem the most logical one.

By no means is that the only issue here. I think there are some things in the discussion paper that are worth having a conversation about. There are some other things that I do have challenges with. The conversation would be good to have, but it has to be had in a way where we can expect that both parties will listen to the other. I don't really get a sense that the government has any motivation, or there's nothing that causes them to have to listen. I've seen some signs that would indicate that maybe that won't happen. For us to feel comfortable, we need to have that assurance.

**Mr. Scott Simms:** Blake, as a final point, when I hear every day in the social media and even through the sabre-rattling that we partake in here in the House of Commons, the five-second sound bite was always that the Liberals want Friday off, a day off. However, I will say that what you just said about your rationale just then in

regard to question period, one less question period, that's a far more legitimate argument against what I'm saying than just saying we want a day off.

Thank you.

**The Chair:** Hold it. We have a list here.

Mr. Ruimy.

**Mr. Dan Ruimy (Pitt Meadows—Maple Ridge, Lib.):** Thanks.

I didn't know if I was going to want to say anything today, but I'm here, and we're talking about Fridays, so I want to throw in my two cents.

In the two and a half years that we've been here, I've actually lived the no Fridays, because I've traded off virtually every single shift. Every House duty on Friday I have given away or traded, or done something to get rid of it, because I need to be back to my riding. Whether I get back at 10 o'clock at night or two o'clock on Friday morning, my staff has scheduled a whole day for constituents to come and see me, or for me to go and see them. It's the same with Saturdays.

I want to echo what Mr. Simms is saying. It's annoying when we keep hearing that we only want a four-day work week, because literally, my only day off is the day that I fly back to Ottawa on Sunday mornings. We came into this knowing full well that this is what the job is, but there's nothing wrong with trying to understand and trying to change. One hundred and fifty years ago somebody made up these rules, but they lived here. They had booths in the back of the House. This is what they did here. They didn't want to go home. They didn't pay attention to their ridings. Come on, let's call it for what it is.

Today we have a more educated constituent who, with social media, with all sorts of 24-hour news, is on top of the situation. Now, mix in alternative facts; mix in all sorts of crazy non-news. We have to be able to talk face to face with our constituents. If we don't, we lose an opportunity. Remember, I got into this whole race late. I own a coffee shop, and for five years I listened to people in my coffee shop. I was the barista, and I heard every single day what people said about our government, what people said about politicians. The reason I ran as a politician is I thought we could do something different. I thought I could do something different.

I'll tell you about one of the things that made me run. On the day of the shooting here, it was on the TV in the coffee shop, and a young gentleman walked in and said, "What's going on?" I said, "Well, there's apparently been a shooting on Parliament Hill." He said, "Did any politicians get shot?" I said, "No, we haven't heard of anything like that." He said, "Too bad. They should kill them." He was a 17-year-old guy. I looked at him and asked, "Why would you even say that?"

What is it about politicians that conjures up that nastiness, that we're all corrupt, that we're all bad, that we're all pigs at the trough? That's not true. None of us around this table that I know of is like that, because we are generally here for a reason. I decided to run because I think in my riding I can change that belief. We are not like that, and as politicians we can contribute more to our ridings and our communities and our people. We can't do that if we're showing up on Saturdays. I'm not saying get rid of the Friday sittings. Whether it's a full day or whether it's no day or whether it's an extra week, that's the discussion to be had, but the reality is our constituents want to see us. If they don't see us, they're making up their own minds on what's going on: we send out our householders; we're spending money; we're wasting money out there.

We can do this better. There is a better way to do this, but in order to do that, we actually have to have a debate. When I look at the discussion paper, and I look at the filibuster, and I chair a committee, really, I don't want to listen to somebody talk for two hours about when he was a little boy and crossing the bridge, because that doesn't encourage anybody to try to solve a problem. It makes people tune out the words and ignore the person on the other side. With all we're doing, we're not even coming close.

I looked at the discussion paper, and it reads, "limited to 10 minutes". You're not going to lose your filibuster, because you can come back and take your 10 minutes, but by your talking for 10 minutes, and then giving the floor to somebody else to talk for 10 minutes, what's happening? What I am watching over here is not what I expected, by the way. I thought one person was going to talk for five hours on end. I'm glad there is stuff happening going back and forth. That's how you start to solve problems. When you have healthy dialogue, it goes back and forth. If you can't do that because one person has the floor for two, three, four, five, or six hours, you'll never get to a consensus.

I wanted to make sure I had the opportunity to say that. I don't want to take up any more time on that. These are the things we're talking about. It's not just us in this House, but it's how people view us. We need to bring integrity back to this House, back to what politicians should be, not what they are right now.

Thanks.

**The Chair:** Thank you.

Mr. Waugh.

**Mr. Kevin Waugh:** Mr. Chair, I would like to pick up on Mr. Richards' comments.

It's been proposed that we lose 20% of question period. If I look at the House of Commons, when I was elected in October, there were over 200 people who had never been members of Parliament. When I look across, many of the ministers struggled in the first year. At the same time, with the 20%, if we keep it the way we're doing it now, it would give the parliamentary secretaries a chance to improve their skills.

I'm a broadcaster. I can talk all day in the House of Commons.

**Mr. Scott Simms:** Hear, hear!

**Mr. Kevin Waugh:** When I look across the way, and I look at our...this is succession planning. You've had two or three very

experienced cabinet ministers leave in the last two months. The parliamentary secretary had that first year to be there on Fridays when McCallum wasn't there, when Dion wasn't there. Now that person has fit into that role. That's succession planning. We don't have that.

I listen to people every day in the House of Commons. Yes, it's maybe a 10-minute or a 20-minute speech, but that 30 seconds when that light is on is the most important time because it's showtime. You know that. It's showtime, and it's also succession planning. I look at the back. Will some of the members ever get a chance to speak? Probably not when you have a big caucus, but will they ever get that chance on a Friday to ask maybe even one of the ministers a question? Yes, there's a pretty good chance that would happen.

Parliamentary secretaries need to be groomed to be ministers. That's why when you have question period for five days, you can do that. You need question period. It cannot be cut down. You know and I know the experience when the light is on is different from when it's off. We all need time to get used to the surroundings and to the cameras. I watch people in the House of Commons and they have no idea which camera they are pointing at, but after question period, I sit down with them and say that's the first thing they must see, whether it's that camera or that camera. The next Friday they might get the question. Guess what they do first? They say, "Mr. Speaker", because it's that camera.

Succession planning in government is hard. We have seen many rookie cabinet ministers of any party and any Parliament struggle because of the 45 minutes to an hour in question period. It would be a grave mistake if we lose 20% of question period. We need to nurture our parliamentary secretaries when they are on the carpet. They need that experience when an opposition member asks a question. You're on your feet. What are you going to say? You don't get that opportunity if you're doing four days because that minister may be there Monday through Thursday, but guess what. You might get that opportunity on Friday.

I think we all need succession planning. I've seen it. If you want it to be gender...that's good. We've had struggles in the last year and a half because of it, and now we can bring the parliamentary secretary to have that opportunity on a Friday question period. It may be rough the first time, but over time that person... I saw it in the first sitting. When McCallum left, when Dion left, you had capable people to come to the front bench, and they had the experience because they actually had to stand on Fridays and answer questions. At first it was tough, but they learned.

You know, yourself, Mr. Simms. The more you do it, the better it becomes. I don't know how much experience you have on TV, but I've had 40 years of experience and I nurture rookies all the time, but we never get the chance. I don't know how many MPs actually look to see where the camera is. That is the first thing. Yes, the microphone is on, now where is the camera? That's what you're taught. With only four days of question period, you might get one question as a parliamentary secretary for the whole Parliament, the whole session, because the minister is there Monday through Thursday.

Succession planning is something that's important. This is why we have to talk about this. Your front bench is going to change. There are people who are going to move on. We're having that issue now in our party. Some of our long-term members are leaving. We've had a lot leave since the last election. To be honest with you, we had very capable ministers in the front row. Have we slipped because we don't have the experience? You're damned right we've slipped. It's hard to replace a cabinet minister just like that, but over time, if you have....

I think that's where the parliamentary secretaries are so important, because you're giving them that opportunity to advance to the front row. However, having question period on four days or lengthening question period will not do that.

It's important that we nurture young MPs because that 45-minute to one-hour period, Mr. Chairman, could spell the demise of the career of a member of Parliament. We have to realize that. We're dealing with lives in that 45-minute to one-hour question period. There are a lot of things said—and especially today with social media—that can absolutely ruin a member of Parliament's life.

It is important right now to put them in a position to start on the backbench, then go to parliamentary secretary, have a couple of issues for which they have to stand up and think on their feet, and then eventually, hopefully, move to the front bench, whatever party is in power.

**The Chair:** Thank you.

Mr. Johns.

**Mr. Gord Johns:** I appreciate what Mr. Waugh said about Fridays, Friday question periods, and the importance to backbenchers. Look at tomorrow. Tomorrow, you're going to see a bunch of people get up who typically would never get a question Monday to Thursday. It's not going to be people on the front bench. It's Friday.

It's often that people have an issue. Their leader will tell them there are important questions to be asked in Parliament. Whether it be a war or different things that are happening, we need to discuss them, and we need to have those hard questions. It's that opportunity when we can ask those questions or questions about issues in smaller communities. They often surface on Fridays to make sure that everybody has a chance. It's important that we look at Fridays and see what's happening on Fridays. People are getting a chance to speak.

I also want to talk about the importance of question period, not just for the questions and not just for the camera, but I go there often in the hope of seeing a minister to have a conversation. Good luck setting up a meeting with a minister. I understand how busy

ministers are, and the important role ministers play, and the number of people they are responsible for in working with all of us. Going to question period is a critical moment when, by crossing the aisle, I can have a 30-second conversation with a minister and enlighten him or her about something very important that's happening in our communities, something that's so important it might save lives.

I talked to Minister Philpott at the start of the week, to tell her about a suicide crisis happening in my community, and that we need urgent assistance. I talked to Minister Bennett about that as well. Today, it was Minister Bennett who came across the aisle to see me. Maybe tomorrow one of them will be in the House to give an update about the work they're doing. That's critical for me to get to the people in the community who are in these terrible situations.

They're not funny. They're real. They're happening. These meetings are very important, so I want to make sure that we don't laugh about these things, because they're not funny.

**Mr. Gagan Sikand (Mississauga—Streetsville, Lib.):** Just for the record, I wasn't laughing at the content that you are speaking to. I was talking about if these issues are so concerning to you, is 30 seconds enough allotted time for you to get your point across or discuss this with them?

**Mr. Gord Johns:** When I'm walking over to ministers, I'm handing them a letter. I'm letting them know how important it is and, yes, absolutely, it saves lives.

These meetings are critical, and question period is critical. Having Friday to follow up is an extra day to find out what's going on, and what action is going to be taken by the government, and we count on it. Someone like me who's a backbencher from western Canada from a distant, remote area—

**Mr. Gagan Sikand:** I'm sorry to interject, but just to clarify, are you able to do all of that in the 30 seconds that you're getting?

**Mr. Gord Johns:** Maybe it's a minute sometimes, and maybe it's a minute and a half, but we show up for question period. We show up to talk to ministers and ask them questions. Maybe you can check with Minister Bennett and Minister Philpott to ask them how important those questions are, or you can ask Minister McKenna about the letter I handed her this week just to keep things rolling.

These are important to us because we're not going to see those ministers in a meeting. It's going to be a meeting a month down the road when they have time to meet with us. Absolutely, question period is a lot more than asking a question. It's when we can come together and talk to each other about important issues. Sometimes I talk to my colleagues about a bill or a private member's bill that they're doing.

We do that at question period, in the lobbies before and after question period, and in the gallery. It is important to know that the more often we're together like that, the more work we can get done. Then, the longer we're in our ridings the better, because we can get out to those remote communities.

This government ran on an agenda of being inclusive, of being open to inspiring people, inspiring parliamentarians by bringing them together. To tell them that they are going to make decisions around procedure without consensus is not inspiring. It's not open and it's not inclusive. I want to make that statement for the record.

I'll pass it to the next person, but—

**Mr. Gagan Sikand:** I'd like two seconds.

I appreciate your comments and I actually do agree. I would just like to ask you a question.

If you value that time you have with the ministers and you're able to provide them with a letter, do you not believe that their constituents feel the same way, that having that extra time with them on Friday to give them a hand-delivered letter or have a 30-second or 30-minute meeting is equally as valuable?

**Mr. Gord Johns:** I think what you're trying to tell me is....

I absolutely agree that parliamentarians—

**Mr. Gagan Sikand:** I'm not actually trying to tell you anything. I was just asking.

**Mr. Gord Johns:** No, it's a great question and I appreciate it, but I have to say, when you live in a rural riding that's very far away, being in the riding longer is better. I can't get to Denman Island or Hornby Island very easily. I have a 12 and a half hour trip to get to Nanaimo. I have to drive to Buckley Bay, take a ferry to Denman Island, drive across Denman Island, take a ferry to Hornby Island, and maybe 16 or 17 hours later, I'm there.

If we sit maybe three more weeks, how many times am I going to get all the way to Hornby Island, where it's going to be accessible? Right now, the way it's set up, we have more time in the riding.

I'm actually not afraid of having the conversation. I'm not discouraging it. I think the conversation is important and I really appreciate it. We should be having the conversation, but it shouldn't be a conversation where government is going to be ramming through the decisions. It should be consensus-based, and that's going to inspire a real conversation, a healthy conversation, where we're going to be able to share those concerns and ideas.

Mr. Sikand, I really appreciate your bringing these ideas forward about whether the minister should also be in her riding on Fridays, or whether the minister can do it on a Saturday, or whether we should allot more weeks in the riding. I'm for the conversation. What I'm not for is government just making the decision without consensus.

It is about our serving all of Canada, and it is a very important conversation. I really believe it's more important than anything we've talked about so far, in terms of making decisions around rules in the House. It is very important that this be consensus-based moving forward. It has been in the past. Why would we change it right here in this Parliament? That's what I have to say.

**The Chair:** Mr. Ruimy is next, and then we'll go back to Mr. Nater, because he has only 45 minutes to do his treatise on the Speaker.

**Mr. Dan Ruimy:** I want to speak to Mr. Johns' comments.

Another thing that I take offence with, and I hear this all the time, is "backbenchers". You know what? It's not a bad word. Sometimes the opposition uses it to try to embarrass or whatever, but here's my point. No, trust me; we hear it on our side: "Oh, you backbenchers, you're just following your whip. You're just following. You're nothing but sheep."

Let me tell you something, because there's a story here. First of all, I'm proud to be where I am. I don't care what bench I'm on. I don't, because I will tell you something. I have more influence than most people actually think. I don't know if I said that right. I have more influence than most people believe.

I'm not going to say who, but I met with one of your colleagues about a situation with a constituent, a life or death situation. This person was very frustrated because the minister wasn't responding. It was horrible, the way that it was explained to me. I told him I would get him a sit-down meeting with the parliamentary secretary and we'd figure this thing out. The person thought about it, and said, "Wow, you would do that?" I said, "Absolutely." He thought about it some more and he didn't take me up on the offer. He said he was going to go to the press instead. That's fine.

The point I'm trying to make is that 30 seconds that you're talking to the minister, I already know, I learned in my first two weeks in this House, that I don't go talk to the minister for 30 seconds, because they're not even listening. They have so many things going on. You have to figure out who their people are, and then you start to make those relationships.

Let me finish. What frustrates me is that we are on the same plane at times. We can have that relationship. I can make those connections for you, because if you want influence on the other side, you do that through the backbenchers. That's the opportunity, right? We look at the ministers and we put them on this pedestal as though they're going to solve the problem, when it's really the influence that we can bring to the table by how we work together, because that's how I work.

I have tried to reach out many times. If somebody needs something, I don't care who they are. Even though I'm a Liberal, I believe myself to be non-partisan. If you had a problem, I guarantee that if you came to me, I'd figure out a way that you would get time to sit down with the minister, if it was that important to you.

**Mr. Gord Johns:** Thank you, Mr. Ruimy.

Honestly, I think we all have our own way to get things done. We all do. We have to find our way. The school of being an MP isn't really refined, nor should it be. It should be something that we get creative about.

I agree with you on one thing: we are all equal, whether you're a cabinet minister or sitting in the backbench. I actually don't think "backbencher" is a bad word, either. We are all equal. We're all here to represent the people in our communities, and I respect that. I respect people from all political parties. Everybody's message is very important because we represent everybody in Canada, and that's important.

When I talk to ministers or whoever I need to talk to, sometimes it's parliamentary secretaries and sometimes it's backbenchers. You're absolutely right: we work with people across political lines, but we do it at question period, often. Often we're walking up the lane and we're talking with someone, whether we sit with them on committee or in a caucus. Ms. Sahota and I sit on the entrepreneur caucus together. We usually talk about it at question period, with Mr. Allison from the Conservative bench, as chairs. That work often happens, not just with ministers.

I have to say that sometimes there are crises where you have to go to a minister, or it's a ministerial decision. There are discussions I've had with ministers. I know, Mr. Ruimy, you're really helpful on the government bench, and I appreciate that, but there are conversations I've had with ministers where they'd certainly want me to be talking to them directly. I've had those conversations and I'm certain that they would want me to be talking to them about it. I have to say that. It's very important we clarify that.

**The Chair:** Okay. Thank you.

We'll go back to Mr. Nater. I know he's going to do a treatise on Speaker elections. We have about 40 minutes, roughly.

**Mr. John Nater:** That sounds good. I look forward to this.

I want to thank the committee members for the introductions. I think it was a worthwhile discussion we just had. Thank you, Mr. Chair, for enabling that. I think it does give us a glimpse of where we want to get to by giving this committee the opportunity to actually have this discussion. Going back to the motion and the amendment, I think we can get to that point. Whether it's through the amendment to the motion or through alternative means, such as the special committee that's been proposed by the opposition and third party House leaders, I think we can get to that point. To enable this type of discussion is absolutely essential. I've enjoyed the discussion that has taken place.

The comment from Mr. Johns about question period and the ability to have that discussion goes back to one of the issues that we have regarding Parliament.

Parliament is both the building in which we currently sit but it's also an institution. It's an institution that has certain norms, certain practices. How those norms and practices evolve affects how we operate.

If we look at times past when MPs used to travel on the train together, there was a great deal of collegiality. For several days, MPs would be on the train together and they had that opportunity to interact. We don't have that opportunity anymore. We have short flights. We have individual car rides. We don't have that opportunity to interact.

Mr. Johns' point is that it is essential to have the opportunity to go to question period and to flag down a minister. I can think of at least two examples, one an immigration issue and one a public service issue, where we've had that opportunity to speak with ministers. I really appreciate that insight.

I want to bring us back to the concept of the election of the Speaker of the House of Commons. It's one of those issues that has peaked my interest.

Just as many academics look at different things to study, I like to look at issues that don't have a lot written on them, the gaps in the literature, things that may be tangentially touched on but never actually directly discussed or reviewed.

In 2013, I co-published an article entitled "Legislative Dissent Without Reprisal? An Alternative View of Speaker Selection". For those who wish to read the article in its entirety, it's published in *The Journal of Legislative Studies*, December 2013, volume 19, issue 4. It is available online. It's available for free download as well. *The Journal of Legislative Studies* provides for that.

Incidentally, *The Journal of Legislative Studies* is an academic journal, but it's actually edited by Lord Norton of Louth, who is a member of the British House of Lords' constitution committee. Later, I may touch on some of the United Kingdom examples of that.

The election of the Speaker is a fascinating concept and a fascinating procedure. Traditionally, the Speaker was elected on the nomination of the prime minister, or by the premier in a provincial legislature. That has been the case for a lengthy period of time, since Confederation.

At the federal level this was changed in 1986, following the McGrath report, and when Speaker Bosley gave up the position, Speaker Fraser was elected. In some of the provincial legislatures it took a little more time to get to that point. In Ontario it was first implemented in 1990.

My interest, however, is not only in the procedural element of the election of the Speaker, although that's important and certainly we'll touch on that, but in the issues that surround the election of Speaker and how the election of the Speaker is really dealt with in different examples.

One of the things I like to do is to look at provincial versus federal examples. I think the provincial example in Ontario of the election of the Speaker of the Ontario legislature is informative of how we can see this procedural process really affect the way in which MPPs function at the provincial level.

Very little research has ever been done on the election of the Speaker. It's largely dealt with in textbook format. It's mentioned that the Speaker is elected, but there hasn't ever been an in-depth study of the election and how it's undertaken.

For my interest, I think we need to see the election of the Speaker as more than simply a procedural, individually focused exercise, but rather as a collective exercise by a legislature. Specifically, I make the argument that the election of the Speaker through a secret ballot can actually be seen as a form of legislative dissent against the governing party by the party's own individual members of Parliament.



The example of the Ontario legislature is informative about this. I'll cite some federal examples as we go through as well. The process that the provincial legislature follows is informative about how we go about it.

To structure our thinking on this, we need to think of some of the thoughts and considerations that go into the election of the Speaker. From a government perspective, the government is eager to see a Speaker of the House of Commons or the Speaker of a legislature who is somewhat loyal to the governing party or at least open to working with the governing party. The opposition, of course, would prefer to see a Speaker who is perhaps more aggressive, perhaps more open-minded, and more eager to work in a maverick way.

In an ideal scenario, an opposition party would like to see an opposition MP as Speaker. There is no question of that. That would be the best scenario for an opposition party. In a majority government, that's very unlikely to happen. The next best scenario is seeing which of the government MPs or MPPs would be able to fill that role of being a more maverick Speaker.

The election of the Speaker is very important because of the format by which the Speaker is chosen. When we cast our votes for Speaker, we do so by a secret ballot. A secret ballot in the election of the Speaker is really the only time in our parliamentary careers when our votes are done by secret ballot. We don't vote on legislation by secret ballot. We don't vote in committee by secret ballot. It's done publicly, even if it's not always recorded. Typically on recorded division, names are recorded in the *Journals*. Sometimes we have voice votes when we don't force a recorded division, but typically even then, it's a pretty good indication of who is voting for whom, whether the opposition is voting in favour or against. For an individual MP, whether it's an opposition or a government MP, to vote against his or her party on a serious matter of government legislation is rare. We've seen some examples of it.

I haven't seen the statistics yet for the current Parliament. In former parliaments, we've seen different research done about which MPs are most likely to dissent from their party and what the loyalty index is for each example. In the last Parliament, there were actually some Conservative MPs who were highest on that list. In the current Parliament, I suspect there are a couple of Liberal MPs I could point to who are probably fairly high on that list, which is to their credit. However, we can see that because it's recorded in the *Journals*. It's recorded in the records of the debate. We know who votes for what piece of legislation because they rise in their place and do so.

When it comes to the election of the Speaker of the House or the Speaker of a legislature, we don't have that ability. No one but the individual member who marks their ballot—I was going to say “mark an X”, but now it's a ranked ballot, so it's to mark numbers—knows how they voted and no one knows the outcome. In fact, we don't even know the total numbers. We don't know what the first ballot or the first preference was, or the second ballot, or the third ballot. We don't know that and we don't know how many ballots it would take in the current situation, in which we don't have multiple ballots and we have a single alternative vote.

We can see the election of the Speaker as potential for a private act of dissent in which an individual parliamentarian, whether at the federal level or provincial level, can vote against their party's

preferred outcome, can vote against what their leaders would ideally like to see.

I want to walk through the Ontario example. The federal example has some great opportunities and I'm going to discuss that at the end to see this standpoint, but the Ontario example is better. There are a few reasons I say that.

I don't know if I could consider myself a political scientist, using the word “scientist”, because I don't think political scientists are actually scientists but it's the word we use. However, wherever possible, trying to conduct a natural experiment in the real world is tough unless you can control some of the variables. Ontario provides a unique example for a number of reasons.

First of all, in the years since the secret ballot for the election of Speaker has been introduced, we've seen only majority governments in the years we studied in this article.

Second, it also provides us the opportunity to look at each political party having held government in Ontario: the New Democrats, the Ontario PC Party, and the Ontario Liberal Party. It provides us an opportunity to compare and contrast the election of a Speaker under each of those scenarios.

Third, Ontario has one of Canada's largest legislatures, second only to the federal House of Commons. It allows us to look at a large parliament, a large legislature, which will allow us to see the challenges going forward.

Finally, it allows us to see a natural experiment in the legislature in the fact that in 1996, in preparation for the 1999 provincial election, the then Mike Harris government introduced what was called the Fewer Politicians Act. It was an act that decreased the number of MPPs in Ontario from 130 to 103. It allows us to look at the size of the legislature, caucus, and the cabinet to see whether that's a variable in the election of the Speaker, how we might see that dissent play out in the election of the Speaker.

Ontario wasn't the first legislature to move to the election by secret ballot. That lies with our federal Parliament. At the time that I published this paper, P.E.I. and Newfoundland had not had contested Speaker elections. I'm not sure if that has changed in the last three or four years, but I will double-check and report back to the committee so it has that information.

The introduction of the secret ballot changes the dynamics. We can test the likelihood that different issues would have on the dissent of parliamentarians. One thing you can look at is party popularity at the time of the Speaker's election. We can look at the size of the cabinet and whether that has an impact. The likelihood of joining cabinet would affect the determination of whether they even seek the position of Speaker, and the percentage of new MPs entering a legislature at any given time would certainly have an impact on it.

A secret ballot, though, is not a normal part of a Westminster parliament. It's somewhat foreign to our system. It's not something we would find anywhere else in the Standing Orders other than in regard to the election of the Speaker. We were starting to elect our Speaker by secret ballot in the mid-1980s, but we'd have to wait until 2009 in the United Kingdom at Westminster to see them elect their Speaker by secret ballot. It's not a common approach.

Speaker John Bercow was elected by secret ballot after a fairly significant expense scandal in the United Kingdom saw their Speaker resign. It was a fairly significant break from tradition to move to that approach in the United Kingdom. We are ahead of the times in the sense that we've had this experience for nearly 30 years in Canada, as opposed to a very short period, a single data point, in the United Kingdom.

Even initially when we moved to this approach in Canada and we saw the election of Mr. Speaker Fraser in 1986, it was kind of seen as a fluke. It was kind of seen as that okay, we'd done this once, that we'd had the show, but now we should move on. We'd go back to the normal process later on, that even if it were a secret ballot, there would only be one candidate put up, and the government would still control the process. That was very much the sense of what would happen. At the time, different academics and former parliamentarians conducted reviews of this and they very much said that this wasn't something that was going to last. It was not going to be something that took hold.

One individual reviewing it at the time, Ned Franks, or C.E.S. Franks, originally from Queen's and now professor emeritus there, wrote:

I have every optimism and every hope that in the future, the House, regardless of party stripe, will choose as Speaker somebody the House trusts and wants to have. ... I think the Speaker enjoys the confidence of both sides of the House and has a power over the House through this method of election that the Speakers never had before. Therefore I consider that a real plus.

Of course that was tempered by the pessimism that it wouldn't continue on very much past that.

The introduction of the secret ballot did stick around. It did last, and then it was slowly adopted at the provincial legislatures as well. In Ontario, 1990 was the first example of the Speaker being elected by secret ballot. In previous times, the Speaker would be nominated by a government minister, typically by the premier, would be seconded by the leader of the opposition, and then would be unanimously voted on by the House. That was the usual practice of the House.

The last Speaker not to be elected by secret ballot in Ontario was a gentleman by the name of Hugh Edighoffer, who was coincidentally the MPP for Perth, my home riding at the time, a Liberal MPP who had served many years, but he was unanimously selected. There was no indication that he was a poor Speaker. In fact, he was very well respected as Speaker. He opted not to run again in 1990 and retired with great credit from his fellow parliamentarians. But there was a growing sense of a need to democratize the process. So, when the NDP was elected in 1990, it was certainly top of their agenda to see that democratization of the legislature.

I wish Mr. Christopherson were here this evening because I will actually quote some of his comments later from this article, and I think he would have appreciated that.

**The Chair:** We'll let you repeat it in the morning.

**Mr. John Nater:** I will repeat it for Mr. Christopherson in the morning.

**Mr. Blake Richards:** Mr. Johns has offered to phone him for you.

**Mr. John Nater:** We'll link him in through speakerphone.

Incidentally, I should note as well that in 1990 my mother's uncle, so my great-uncle, was also a member of the legislature in Ontario. He served as a New Democrat in the Bob Rae government. He served from 1990 until 1999 with Mr. Christopherson. We have that connection—not party affiliation, but we have that connection.

The NDP in Ontario had a long-time opposition to the nomination of the Speaker by the premier through that process. It was not that there was anything wrong with any of the individual Speakers, as they themselves noted, but that the overall process didn't lend itself to a democratic House. There was a need to see a change in the way in which that was undertaken.

What we're looking at is each Speaker's election from 1990 until about 2007, how each of those elections took place, and some of the factors that affected the way in which the Speaker was elected in each case. We looked at each of the elections and determined in each of the seven races who was the government's preferred choice, who was the premier's preferred choice. We were able to determine fairly easily, from public comments from the premier of the day, from government ministers, and from the media at the time, who was the preferred choice of the premier or the government, and who was seen more as the maverick, the one who wouldn't have been preferable to the government.

Certainly, in each case the government would have preferred their own MPPs to endorse their preferred candidate. That's the logical inference that anyone would make, but that wasn't the case in most cases.

One of the most stunning examples is the very first one. In 1990 Bob Rae was elected as premier. It was a significant surprise. I don't remember it. I was six at the time. The CBC archives provide the reaction of Bob Rae himself when he was elected. He was surprised, and I think his caucus was surprised as well. You had a new caucus as a new group of parliamentarians, not necessarily having been entirely involved in politics beforehand—some probably didn't expect to get elected at all—suddenly given this opportunity, for the first time ever, to undertake a major election of the Speaker.

Bob Rae certainly wasn't a neophyte politician. He had served many years, both at the federal level previously and at the provincial level, and he certainly had his preferences for whom he wanted to be Speaker. He tapped a gentleman by the name of David Warner to be the Speaker of the Ontario legislature. That was his preferred choice, and he made it known to his caucus and to the media that he wished to see David Warner elected as Speaker of the Ontario legislature.

As is always the case, both in Ontario and federally, other MPPs or MPs will put their names in as well. In 1990, two Liberal MPPs also put their names in, despite being opposition party candidates against a majority New Democrat. In fact, the New Democrats held 73 of the 130 seats in the legislature. They had a substantial majority, or a healthy majority, at least. There was a very public, and private, and political acknowledgement that David Warner, the NDP candidate for Speaker, the only NDP candidate for Speaker and the premier's choice would be the Speaker once the secret ballot was counted. But something happened. He did eventually end up as Speaker—a bit of a spoiler alert—but it took multiple ballots. When the first ballot was counted, one candidate, Jean Poirier, was eliminated, but Mr. Warner did not have a majority of the votes.

Despite the New Democrats holding a majority, despite the premier making it very publicly known that he had a preferred candidate for Speaker, certain members of the NDP backbench decided that was not what they wanted to see. In fact, the result was quite publicly covered. The *Toronto Star* wrote of it, and said:

Warner was the only New Democratic candidate and was expected to win on the first ballot since his party has a 73-seat majority in the 130-seat Legislature. The New Democrats were so confident the diminutive Warner would be elected that the legs on the Speaker's chair were sawed down before the vote was taken yesterday afternoon.

It shows that the NDP members didn't actually vote along party lines. It showed that there was a degree of legislative dissent that allowed a message to be sent to the government caucus, to their own members, that there was some unhappiness with where the party was going. I think you'll often find that in a first-term government with new MPs and new MPPs, all with good intentions. You're going to find a degree of challenge in maintaining order and maintaining cohesive and loyal opportunity.

As those who may have paid attention to Ontario politics will know, following 1995, the NDP were not returned to power. Mr. Rae did lose that ensuing election. He lost it to the Progressive Conservatives, the PC Party of Ontario, and shortly afterwards, Mr. Rae returned to private life for a period of time. I believe he did make sort of a re-emergence on the other side at some point in time, but we'll save that for another discussion.

In 1995 we saw in Ontario the election of a PC majority government under Premier Mike Harris. Immediately after the election, after he made his cabinet.... Again, making a cabinet is one of those things where you are not going to make everyone happy. You're probably going to make significantly more enemies than friends and create unhappiness in the process. He had a challenge in which he had to leave a lot of people out of caucus. Among those people who were left out of caucus were those who then put their name—

**The Chair:** Out of cabinet.

**Mr. John Nater:** Sorry, out of cabinet, yes. They were left out of cabinet, and then put their name forward for Speaker.

Premier Harris had a fairly clear decision of who he wanted as the preferred candidate, and the name he put forward was a lady by the name of Margaret Marland from the Mississauga area. She was very much the preferred choice of the premier. It was made publicly known by him and by his finance minister, but at the end of the day, she wasn't elected. Instead, Mr. Al McLean was elected as Speaker,

even though she had the backing of the premier, the cabinet, and the finance minister. In 1995, despite winning a big majority.... MPs literally rode in on Premier Harris's coat sleeves. He was the common-sense revolution. He swept—

**The Chair:** Coattails.

**Mr. John Nater:** Coattails. What did I say?

**The Chair:** Coat sleeves.

**Mr. John Nater:** Those, too. The sleeves weren't very long so they had to ride in on the coattails.

**Mr. Scott Simms:** The sleeves are just as long.

**Mr. John Nater:** The sleeves are just as long.

But he was a very popular premier initially.

Of course, as with any government, after time you do find challenges, but he was very popular in 1995 and could not get his preferred candidate elected as Speaker on the secret ballot. After time, things changed. That Speaker resigned after allegations of sexual harassment, so we found the opportunity once again to have another election for a Speaker. It provided us the opportunity again to see a mid-term election of the Speaker, something we don't see, or haven't seen federally, but it provided a mid-term evaluation of an election under a secret ballot.

We were only a couple of years into the term, and the premier still decided that Margaret Marland was his preferred candidate. He privately and publicly let it be known. He advocated on her behalf. Other candidates were still left out of cabinet and were still interested in being the Speaker of the Ontario legislature. Among them were David Tilson, now a colleague of ours here in Ottawa, and Chris Stockwell. There were eight candidates: Derwyn Shea, PC, Gary Leadston, PC, Jack Carroll, PC, Floyd Laughren, NDP, and Gilles Morin, Liberal. It was a fairly large balance as well. Again, it was clear who the preference was.

As well, it took seven ballots to elect the new Speaker, showing a significant amount of diversity of views in that election. Interestingly, not only did the Ontario legislature not elect the premier's preferred choice, but they elected someone who was significantly at odds with the premier, a gentleman by the name of Chris Stockwell, who had a long and acrimonious relationship with Premier Harris. He was not appointed to cabinet in 1995, and he took it quite personally. He was quite despondent and was publicly known to criticize the premier on a number of fronts, most controversially on the subject of the Karla Homolka plea bargain deal, a terrible sex crime murder in Ontario where the two governments, the NDP and the Conservatives, accepted a plea bargain deal. He was very publicly critical of the premier. He criticized the premier publicly on his change to MPP pension plans. In fact, the media said that the only reason he ran was to publicly spite the premier.

Chris Stockwell was elected as the Speaker of the Ontario legislature. The MPP for Hamilton West at the time, a certain Mr. Christopherson, was caught in *Hansard* yelling out as a heckle—

**Mr. Blake Richards:** You had to work that in there, didn't you?

**Mr. John Nater:** I worked it in. He was apparently known to heckle in the Ontario legislature. I don't know if he does that here in the House. We don't sit close enough to each other.

He yelled out in the House, "I bet Mike wishes he put you in cabinet now." That was immediately after the election. Certainly, given Speaker Stockwell's rulings throughout his time as Speaker, I suspect the premier wished he had put him in cabinet.

Again, this gentleman was exactly the last person the premier would have wanted as Speaker of the Ontario legislature. His own backbench elected, with the support certainly of the opposition MPPs, the one least likely to agree with the premier and to be acquiescent to those people. It didn't go unnoticed in the media. Tom Walkom from the *Toronto Star* paid close attention to this and wrote:

Tory backbenchers sent a message to Premier Mike Harris this week—a message that they can't be taken for granted. They did so in a painless way, one which will prevent Harris (who is unforgiving with those that cross him) from taking revenge.

Having this opportunity to have a secret ballot actually provides a degree of courage so that individual parliamentarians can vote their conscience without fear of reprisal. Even if MPs or MPPs are confident that party leadership will not go against them or harm them in future considerations, you can't always be entirely sure that's going to happen going forward.

I think Mike Harris learned his lesson after that. After the 1999 provincial election, there was once again an opportunity for Harris to name his cabinet, and he decided that it would be better to have Speaker Stockwell as a member of cabinet rather than as Speaker, so after 1999, there was another election for Speaker. This time there were only two candidates running: David Tilson, our colleague from Dufferin—Caledon in the federal legislature; and Gary Carr, who also served in this House, from 2004 to 2006, as a Liberal MP. He was a Conservative provincially and served briefly in the 2004 to 2006 Parliament before being defeated in 2006.

It was very much a vote between Mr. Tilson, who at the time was the caucus chair for the PC Party, versus Mr. Carr, who was seen as being more critical of the premier. The *Toronto Star* referred to him as Stockwell part two. He was described as a maverick who had voted against the government and had been outspoken in his criticism of the premier's office. At the time, Tilson was seen as the team player. He was seen to be supportive of the premier and had the opportunity to work closely with the government, with the different ministers, and was the preferred choice.

There were only Conservative candidates. The opposition New Democrats and Liberals certainly had a role to play, but again, the Conservatives had the majority. When the votes were counted once again, the premier's preferred choice was not chosen, and we saw Mr. Gary Carr become the Speaker and prove to be a bit of a thorn in the side of the Mike Harris Conservatives for the next four years.

I have five minutes. I will try to get through our stroll down political speakership lane before this evening's suspension.

Now we move from the 1999 election to 2003. The Conservatives were defeated. Premier Eves ran in that election and lost to Premier McGuinty. Mr. McGuinty was elected with a majority and made it very publicly known that his preferred Speaker was a long-time

Liberal MPP, who I referenced in my last paper, Alvin Curling. Mr. Curling was certainly the sentimental favourite, so much so that no one else ran against him. There were suggestions that the premier's office, and those around them, were quietly making it known that other candidates shouldn't put their names forward. Nonetheless, it was an uncontested race for Speaker.

There was some concern that it could be a slow reversion to the former method of the premier indicating his or her choice and it going through on a wink and a nod. At the same time, this particular choice was respected by the Liberal caucus as a whole, so it does provide the opportunity, potentially, that it may have been let slide.

Curling retired early to seek a diplomatic posting, so there was an election. Once again a number of candidates put their names forward. This time, the premier's preferred choice was Mike Brown. He was elected and served for the remainder of that mandate.

What is interesting is that at the next provincial election, 2007, the Liberals were once again re-elected with a majority. Mike Brown was re-elected as an MPP and he put his name forward once again for the office of Speaker. At the same time the premier, as is the premier's discretion, shuffled his cabinet and left out Steve Peters. Steve Peters had served as minister of labour and as minister of agriculture prior to the 2007 election. He was booted from cabinet rather unceremoniously, which Mr. Peters was not very pleased with. Nonetheless, he decided to put his name forward for Speaker instead. In the past under the Mike Harris time frame we saw Peters as somewhat of a radical, somewhat of a maverick, who might be seen as more friendly to the opposition parties, so certainly, the opposition would have supported him.

Again, we see the backbench Liberals through the benefit of a secret ballot going forward and endorsing and voting for a candidate who was very much not the preferred choice of the premier, so much so that the backbench actually ousted a sitting Speaker, something that's not very commonly done. In fact, because of the size of the Liberal government at the time, about a third of the Liberal caucus actually had to break ranks in order to support Speaker Peters. It shows there was a significant degree of dissent there.

In fact, Mr. Speaker Peters actually gave credit to being booted from cabinet for his motivation to do so. In his farewell address to the legislature, he said he wanted to thank the premier for October 28, 2007, at 4:10 in the afternoon, to be exact. That was the day he was dropped from cabinet. He referred to his bitterness at the time and said that in the long run while he thought it was a failure to reappoint him, it presented him with an opportunity to be seized upon. Instead of sitting in the backbenches, he ran for Speaker. He may not have had an actual desire to serve as Speaker, but it was shown as a sign of dissent against the premier's office.

We've seen examples here, and I could mention other examples, but maybe I can do that another day. In each case we have an example of a standing order change that significantly affects how parliamentarians, how individuals conduct themselves and how they conduct themselves as a whole in the legislature. It provides an alternative venue for dissent and for grievances to be aired through the benefit of a secret ballot.

I'm going to leave it there, Mr. Chair. I thank you for your indulgence this evening. I appreciate it.

**The Chair:** Thank you very much. It had some relevance, and was a very fascinating discussion on how the election of Speakers has changed over the years.

The green and white buses will be running for half an hour after the meeting. Get there early to get to the parking lot.

We had a motion tabled earlier by Filomena Tassi and we were waiting for the clerk's ruling. It was ruled in order. Tomorrow we'll meet in this room, 237-C, from nine until 11. The meeting will be televised.

After that, we will suspend until Tuesday at 9 a.m., and that meeting will be televised as far as I—

Yes, Mr. Richards.

**Mr. Blake Richards:** I know it's a long way away, or it seems a long way away now, and who knows what could happen in the interim, but you said Tuesday at 9 a.m. Your intention, I assume, would be to run similarly to what you've done this week if it happens to be necessary.

**The Chair:** At this moment, I can't say for sure, but that's what I'm thinking.

**Mr. Blake Richards:** Okay, I understand.

**The Chair:** I have nothing to think otherwise.

**Mr. Blake Richards:** It's just to get a sense of things.

**The Chair:** I'm sure you'll come to a consensus before then.

**Mr. Blake Richards:** We all hope so.

**Mr. David de Burgh Graham:** On division.

**The Chair:** I see the clock is at midnight.

We'll suspend until 9 a.m.

• (2355) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (0900)

**The Chair:** Order. We're resuming the 55th meeting.

It's good to see everyone here this morning bright and early.

**An hon. member:** We just left.

**The Chair:** Yes. I'm sure that if I asked for unanimous consent to keep on the same schedule after the filibuster is over, we'd get all our work done.

**Mr. David Christopherson:** You'd be known as Larry Bagnell, former chair of PROC.

**Voices:** Oh, oh!

**The Chair:** We had a request for next Tuesday from the deputy speaker of the Austrian Parliament, who would like us to meet at 1:30, which is only half an hour before we break for QP. I propose that we do what we did this week and perhaps suspend half an hour early. We'll meet with him or her in this room—I don't even know if it's a him or a her—so that anyone who wants to be here informally can be here.

**Mr. Scott Reid:** Mr. Chair, is that the speaker's request that we meet at 1:30? Half an hour is very tight. If we can make it an hour, that would be preferable, unless it's their scheduling concern.

**The Chair:** They asked for 1:30, but I agree with you, I'll suggest that they come at one o'clock. Oh wait, he's meeting with Mayor Watson at one. That's too bad.

**Mr. Scott Reid:** Oh, so we can't meet. All right.

We could invite Mayor Watson.

**The Chair:** We can tell them both to come. We'll do it all at once.

**Mr. Scott Reid:** Okay. That explains it.

**The Chair:** It's whatever he wants to do, but if they want to, we would make the time available at one. Okay.

I'm quite disappointed that Mr. Nater isn't here, because we were getting a nice lecture from Mr. Reid on the history of Speaker elections when he left.

We're now at Mr. Simms.

**Mr. David Christopherson:** Chair, can you read out the speakers list for us?

**The Chair:** Yes. We have Mr. Simms, Mr. Blaikie, and Mr. Richards.

**Mr. David Christopherson:** That's it on the list?

**The Chair:** Yes.

**Mr. David Christopherson:** I put my name on yesterday when I finished; I asked my name to be put on.

**The Chair:** Yes, we passed, though. You missed it.

**Mr. David Christopherson:** Okay. Then put me on again.

**The Chair:** Okay.

Mr. Simms, much to your surprise, you're up.

**Mr. Scott Simms:** I think my intervention last night covered it. I'll pass. I think it goes to Mr. Richards now.

**The Chair:** Okay.

Mr. Richards.

**Mr. Blake Richards:** That's good. Thank you, Mr. Chair.

As much as I have been looking forward to the opportunity, I'm also disappointed that Mr. Nater isn't here. I thought he was providing us with a lot of great points. It has been a little while since I've had a chance at this. I think it was actually March 21 or whenever when I last had a chance to come up on the speakers list. I've had a chance to intervene and say a few words here and there, but this is the first chance I've had to take the floor.

This is great. I have some things I've been waiting to share with the committee in regard to some of the stuff that we've been hearing from Canadians in particular. I'd like to start by recapping a bit of the history of where we are and why we're here.

I think that's important to remember at this point, Mr. Chair. We've been through a number of iterations of this meeting, and I feel that we're stuck in the same place. I guess it's important for people to understand why that is.

When we started this meeting.... Was it March 21? Is that the right date? Yes? It was March 21. It was to be a two-hour meeting, right? It was at 11 a.m., and when we came in, we had the Elections Canada officials sitting at the end of the table, because we had been studying the Canada Elections Act and some of the changes that the CEO of Elections Canada proposed.

We were looking at those changes, trying to determine whether those were appropriate, and having what I would say was a good conversation and a good discussion about those changes. I think we were being quite productive and were working in a consensual fashion, where we were all coming to agreement on something and then moving forward. If we couldn't agree on something, we understood that maybe we'd set that aside. It seemed to work pretty well. It also seems to have been the practice that we've followed in this committee.

I've been here for I think coming up on four years now. It has been three or four years, for sure, and that's the way we've done things. I've been speaking to the members who have been on the committee a lot longer than I have. Mr. Reid has been here for some time, and so has Mr. Christopherson. Mr. Lukiwski, obviously, was a member from this side for some time. I sat with him on this committee. He has been here for some of this debate as well, and I think has contributed to it in an exemplary fashion and offered some great points and advice. In speaking to them, they've told me that for as long as they can remember as well, which is far longer than I can, that it has been that way, and it always seems to have worked.

When we came into this meeting on March 21, there had been this discussion paper while we were on our constituency week that had come out from the government House leader, which was seeking to make some of the changes that they had failed to make a couple of times before, with some other new ideas that no one had really seen.

As I outlined when I spoke earlier in this committee, I think I spoke for a couple of hours at that time.... That's not normally considered brief, but in terms of this meeting it might be the briefest intervention, or one of the briefest. What I outlined at that time in looking at the standing order changes that had been discussed and suggested during the take-note debate in the House of Commons on the Standing Orders—I believe it was a take-note debate—there was very little correlation between that document compiled by our clerk about what was suggested there and what was in this so-called discussion paper from the government House leader.

We've still never had a real explanation of what the basis for that is. We were told that it was election promises, somehow. I didn't see very many of those things in their election promises either. It just came out of thin air.

We went into the meeting to discuss Elections Canada. We had the officials sitting here for some time. I finally asked Mr. Chair if we felt we could maybe allow them to go and get on with their day if we were just going to be discussing something that had no relation to them.

Obviously, the government had an intention of raising this at that meeting but didn't see fit to inform anybody prior to the meeting. As soon as we came into the meeting, within seconds, this motion that Mr. Simms had been asked to put forward by the government was put on the table, to just sort of ram this through in a very expeditious fashion without having to have the consent of the opposition parties, without really having to.... Although they claim they want to have a conversation. I've heard that over and over. When I say "they", I mean the government. I'm not talking about the members on the other side of the table per se.

We keep hearing about this conversation or discussion, and we want to have this. I think the members on the other side of the table are sincere about that, but I don't know that I can believe the same of some of the other people who are saying it. The government House leader, in particular, is one who comes to mind. You can talk about wanting to have a discussion, but there's actually an ability to have one, so let's do that. I'll get back to that in a second.

The point I was making is that if there really were a desire to have a discussion, and that was supposed to be the starting point, one would have thought that they'd have said, "Okay, look, this is what we want to do, and we're going to raise this at the meeting." Instead, it was, "Here it is: we have a motion and we're going to ram this through." Then we in the opposition were left sitting there and asking what's going on.

You can imagine that right off the bat there would be some suspicion about what the agenda is. When words don't match actions, it is always something that sets off alarm bells. That was the case. The words weren't matching the actions.

This is fairly typical of Prime Minister Trudeau. That seems to be the way he operates. That's his *modus operandi*. He says a lot of words that sound wonderful on the surface if you don't really think about them.

**Voices:** Oh, oh!

**Mr. Blake Richards:** It sounds great, and it's this nice package. It says all the right things, but it's really just like one of those dolls: you pull the string and it has a few things that it says. There's not really much substance behind it, and there isn't much action. That's kind of how it works with this government. It's pretty frustrating, to say the least, to have to try to deal with that.

Here we are. We got this dropped on the table in front of us. They want to ram it through. The opposition says to hold on second, that this is not the way it's done. It has never been the way to do this. This is highly unusual. It doesn't really seem to be in keeping with the spirit of fairness. It doesn't seem to be in keeping with what's in the best interests of Canadians. If that were the real intention, one would think that there would have been someone saying, "Hey, we're thinking that maybe this needs to be our priority list, and we're going to raise this." They could have said that they were going to bring it forward, and they could have let the Elections Canada officials know, saying to them not to waste their time, not to come by, that we were going to have this discussion that day.

Rightfully so, my colleague Mr. Reid brought forward an amendment, quite a reasonable amendment. For the life of me, I still cannot understand why members on the other side would not want to approve it, go along with it, and work from that basis. It's the way things have been done. They seem like reasonable people. I would think that in their heart of hearts they probably want to proceed with us in that fashion. I do think that. We've heard that from them. I think they would like to do that. The amendment would allow that to happen.

Yet from somewhere above, I think they're saying they're not going to accept that, because that way they don't get to do whatever they want. They don't get to ram this through. They don't get to make any changes they want without the opposition having a say. This way means doing it without Canadians having a say. If one party gets to do whatever it wants, that means Canadians are left out and are not a part of the process.

I hear a phone ringing.

**An hon. member:** I apologize.

**Mr. Blake Richards:** Is that Justin Trudeau calling to let them know not to cave in, not to give up, not to let the opposition have any say? I don't know. He called the wrong number, though, because I don't think Mr. Schmale is going to have much sympathy for that point of view.

**Mr. Jamie Schmale:** I can report back.

**Mr. Blake Richards:** I don't imagine you'd have much sympathy for that, Mr. Schmale. Maybe they need to call someone else. I don't know.

Anyway, at the end of the day, I guess one would hope for, at some point, the sincerity from them that I hear from the members on the other side of this committee. We've seen and witnessed in action in the committee the way they like to function. We know that's the way they operate.

The conversation and the chatter that I hear in the hallways around here from other Liberal backbencher MPs suggests that they're pretty frustrated as well with the approach this government has taken. I've heard the chatter in the hallways. I've heard them complaining about the Prime Minister's Office and asking why the heck they don't have a conversation with the opposition. Why don't they try to work this out? Why don't the House leaders have a conversation? We hear all of that.

I wish that government House leader and the Prime Minister would listen to the Liberal MPs who are saying this; the ones I know do feel that way. I wish they would listen, because we could have a conversation. We could move forward and have discussions about the Standing Orders. I think it's an important exercise, and it happens in just about every Parliament that we have a look at the Standing Orders. In the discussion paper, there are some things that are worth having a discussion about. I can get back to the substance in a second, because there are some things I have concerns with, too, no question, but there are also some things that we could certainly have a discussion about.

I guess one would wish that maybe some of the members on this committee who are reasonable... I think they want to try to move forward. If one of those people were in the government House leader's position, for example, or were Prime Minister, maybe we'd have someone who was trustworthy and capable of having that discussion, and we could do that. Right now, I don't feel that those positions in this country are filled by people who are willing to really live up to their words and actions and capable of actually performing the job that's needed. That would allow us to move forward.

I was told last night—I was out of the room for a bit—that the government House leader came by. I understand that she brought some birthday cake for members and there were a lot of smiles. That's all wonderful. I think everyone felt great about that, from what I hear, but what didn't happen, from my understanding, was a discussion, and that's the very thing that we hear over and over again in question period and elsewhere. The government House leader says "we want to have a conversation, we want to have a discussion", but that didn't occur.

I suspect that it was probably the last time she came here that we said, okay, let's have a discussion. As opposition members, we raised some very substantive ideas on how we could move forward and were met with, "Well, let's have a discussion." We said that we were trying to have one right then, but discussions can't be one-sided. There has to be some give-and-take. That means the other side has to want to participate beyond talking points and platitudes. That's one thing this government—the Prime Minister and others—is really good at: talking points and platitudes. They're good at that. I'll give them that, but that's about it.

That's why we are where we are. If they would just say, look, let's have a conversation, a discussion, and mean it and actually do it, we could probably figure out a way to arrive at some consensus. Maybe we could get this amendment passed, because at the end of the day, if there were anything else to this besides the government wanting to ram through whatever it wants to do and whatever its changes are, they would agree to that. There's no reason not to. We've heard them say, well, the opposition can block us from putting in our election promises. No one believes that, because these things in this discussion paper were not in their election promises.

Here's what I wanted to speak about. I spoke to it last night, but it was late, about 10:30 p.m., and I'm not going to fool myself and pretend there are millions of Canadians watching right now this morning, but there are probably more than were watching at 10:30 last night. There are a few more who would be watching now. I think there's something that's worth reminding us about, and it's this discussion about the Fridays.

For the Fridays, the current claim is different from what they've tried before. They've tried two or three different ways to get these Fridays. For some reason, they really want to get rid of the Fridays. They don't want to have Parliament sit on Fridays. I've heard it described in a lot of different ways, such as shutting out the lights in Parliament on Fridays. I've heard it described as taking a day off on Fridays.

We got into that a bit last night. I'm not going to say that anyone wants to have Fridays off so they can sit at home and watch TV and eat bonbons. I would agree that I don't think that's anyone's intention. I think people would be in their constituencies working or doing other things, but it's one day less each week that Parliament would be sitting, one day less that there would be a question period, and one day less that there would be private members' business.

I understand there have been arguments made to add hours to other days. As a set-aside for the moment, I'm personally not sure that works. I think that eliminates some flexibility for MPs. I think it makes it difficult. For example, if you were to start earlier to replace those days, if you had to start an hour and a half earlier, say, which would be about what you'd have to do to replace the Fridays, you'd be starting at 8:30. We all know that there are a lot of things that go on.... Actually, it might be even earlier, because we wouldn't be able to start earlier on Wednesday; it might even be eight o'clock.

Whatever it is—for the sake of argument we'll say 8:30, because it doesn't really matter—we know what happens before the House sits in the morning. That's the time when people do their preparatory work. If there are people who want to meet with you, say, and you're on House duty that day, that's the time when you can do that. That's the time when there may be a breakfast meeting.

For example, I wasn't able to be here for the first bit of the meeting yesterday. I had a group that was in Ottawa. They're people from all over Canada. You don't get that opportunity every day. I've been working on an issue with them, and they wanted me to speak to them at their breakfast. That was an opportunity to do that.

What you would do is that you essentially almost would take those opportunities away, because you would make it so that they would have to happen at 6 a.m. or whatever. That starts to become a little bit.... These things often start at 7:30, and that's a reasonable time, but 6 a.m. starts to become unreasonable.

There's the other thing you could do. You could talk about lengthening the day. You could add an hour and a half or two hours at the end of the day, and then it's 8 o'clock or 8:30, if there are no votes, before Parliament finishes for the night. I know that for some of us.... I think this was raised last night. I think Mr. Johns from the NDP raised it. He had a good point. It's what I often do as well as an MP from out west. There's a two-hour time difference. At 6:30 or 7 o'clock, the House wraps up.

**An hon. member:** It's three hours for some.

**Mr. Blake Richards:** Yes, it's three hours for some. For me, it's two, but for a B.C. MP, it's three hours. That's correct, so it's even more of an opportunity for them.... Also, it does speak to that morning thing too. Because we are going back and forth, it can be difficult for some from out west. With a two- or three-hour time change when you have a 7 a.m. or 8 a.m. start, it could be like 4 a.m.

for someone, because when they go back to their ridings, of course, that's the time they're on.

That can be difficult for some people. For me, it is. I find that a bit difficult. I'm not really a morning person per se, so I find getting up at what is equivalent to 3:30 or 4 o'clock my time a little difficult, I'll be honest. I am a night owl, and I like to work into the evening. If Parliament is to sit—and this is the point I want to make about that—until 8 o'clock or 8:30 in the evening, some of the opportunity you get to catch up on things in your riding gets lost for those people from out west as well, because what happens is.... It's even worse for those in the east because then it's almost too late to even make any calls to anyone, even if they're at home.

Often the House will wrap up with still a bit of the workday left, so what I'll do is that for the people who I have to try to catch at work or those kinds of places, I can still make a few of those calls. Maybe I can have a little dinner or get in a little exercise or something and come back to the office, and then I'm able to catch the people after they've had dinner at home. If we start to sit longer in the House, it eliminates some of that opportunity as well. It starts to become more difficult. I know people say that if they could just get to their ridings on Fridays more often, they could do more for their constituents. I want to argue that it actually might do the opposite. I know that sounds funny to begin with, but when you think about it, you lose those opportunities with constituents before or after the House sits if you lengthen those days.

Another way you might get more time, if that is what you are seeking to do, would be to actually sit on the Fridays. I would say that if you want to make them a longer day, well, that's fine, and I could see the merits in that, but I don't see the merits in getting rid of them. I'm going to get back to the question period thing in a second, but if you want to lengthen them out, say, even if they went.... Some people said that to be able to get home to their ridings on a Friday night, they would still need to.... But let's say that Parliament wraps up at 5:30 or something. You could still do that. That's adding a few hours to the day.

As for what would happen then, if you were to add up those hours for 26 weeks, there probably would be a couple of weeks of time that you'd be making up on those Fridays, so maybe, as an example, you could give people an extra couple of weeks in their ridings each year. I'm just throwing this out. I'm not saying that this is a proposal, necessarily, but it's an example of what could be done. I would be willing to argue that if you had that time at the beginning and the end of the day, like you do now in Parliament, to catch up on constituency things, and then you had another couple of weeks when you could spend a block of a week in your riding, you'd get a lot more done that way than you would by just being home for a Friday, when you're a little bit tired because you didn't get home until 2 a.m. or something and you've been flying. You'd probably get more done that way.



I think those arguments that somehow this is better for your constituents are disingenuous.

At the end of the day, what it really does is take away one question period each week: 20% of the question periods. It's a pretty significant number. Taking away 20% of the question periods is really taking away 20% of the accountability. That's what it really means. It means taking away 20% of the accountability that the government has to provide to Canadians through the odd opportunity that opposition members have in question period to raise substantive issues, to raise their concerns, and to raise the issues of their constituents, etc. That's what I think it's really about.

They brought forward the family-friendly initiative and said that we have to get rid of Fridays because that's family friendly. A lot of people spoke out and said that they didn't really see how that was family friendly. Some people probably thought it was, but there were a lot of people who didn't, so they said, "Okay, well, we'll back away."

If you look at the report that we put out—I don't have it in front of me, so I can't remember the exact wording—you will see that we essentially reported back that we didn't feel there was a need to get rid of Fridays. That was the decision of this committee. It was done the way they're usually done. It was a consensus decision. We agreed unanimously that would be the way that this would be done.

**Mr. Scott Reid:** Mr. Chair, I have a point of order. I feel bad, Mr. Chair, because I'm interrupting my colleague. Others have had the floor for some length of time, and Blake has only had it for a moment and is making some very interesting points.

What I want to ask about is this. I wasn't here last night. I had asked you earlier to give us an idea of what the committee's schedule is going to be and when you're going to suspend, reconvene, and that kind of thing. As of the last time I was here, you were going to suspend at midnight and start again at 9 a.m. Is it the case that we're going to be sitting after QP, coming back here, and then going until midnight tonight? It's significant in terms of scheduling my own life.

**The Chair:** Yes. Your colleagues probably know. I announced last night that we'll finish at 11 today and reconvene at 9 a.m. on Tuesday.

**Mr. Scott Reid:** Thank you very much, Mr. Chair.

**The Chair:** Mr. Richards.

**Mr. Blake Richards:** Thanks.

It's important for everyone to have some sense of that schedule, so that's appreciated.

Let's go back to the idea of being family friendly and how they said that we have to get rid of the Fridays. That first attempt was shot down. It's being brought back in this proposal under some other kind of cover, which is that somehow we're going to modernize Parliament. That's the new buzzword or buzz phrase that's being used.

I talked about that earlier. I talked about the Prime Minister as a kind of a pull-doll. He's got his buzz phrases that he says, and they all sound pretty, and that's about all he has. He doesn't really have anything substantive to offer and he doesn't really offer any action. It's just like that again—"we're going to modernize Parliament".

What the heck...? Does getting rid of Fridays modernize Parliament? Sorry, but I don't see modernizing Parliament by getting rid of Fridays, but that's the latest excuse.

It just seems like there's a real desire to get rid of the Fridays. Frankly, I think it's to get rid of that one question period every week, that 20% of the question periods and that 20% of accountability to Canadians. It's the same thing with the Prime Minister's question period; it's somehow put out there as modernizing Parliament that they're going to make the Prime Minister answer all these questions one day a week.

Well, as he proved on Wednesday of this week, he can do that now and still show up on the other days. We didn't see much of that this week as far as the other days go, but he could still do that. I think the effort here is to put this in Standing Orders so that it's cover for him to say that he really doesn't have to come in on the other days and he's only going to be accountable once a week. That seems, again, like less accountability for the Prime Minister, less of those pull-my-string phrases to memorize so that he can answer your questions in question period.

Fair enough. That's where we are. We're at that point where—

**The Chair:** If it's okay with the committee, we'll go to David Christopherson for a couple of minutes while Mr. Richards has a health break.

**Mr. Blake Richards:** Okay. Thank you. That's appreciated.

**The Chair:** Mr. Christopherson.

**Mr. David Christopherson:** Thanks, Chair, I appreciate the chance. I wasn't expecting to speak today. It's always good to get my oar in the water, and it's nice to be back after a bit of a rest and reflection and determining whether or not we're doing the right thing here. I have to tell you that was a short reflection, because absolutely we're doing the right thing here. There's no doubt about that. I was able to put that to rest.

I know you were hanging off every single syllable, Chair, so you'll recall readily that during part of my time the other day I was reflecting on some of the comments that were coming out as I was trying to analyze what the government's strategy was. You'll recall that my sense of it was that they thought by pulling the nuclear pin and making us go 24-7 on the Tuesday, knowing that the budget on the Wednesday was going to attract all the attention and would probably spill over to Thursday... The government's calculation, we think, was that by the time the media refocused away from the budget and back on what was happening here in this room, public opinion would begin to turn against us, and the media would be reflecting a message that the opposition is being obstructionist.

As we all know, in a pluralistic democracy, public opinion is the most powerful force there is. I think the government's calculation was that, having forced us to do 24-7 staffing of the microphones, and with a message from the media that the opposition was being obstructionist, by the end of that week our filibuster would be starting to fall apart. There would be some reticence on the part of our caucuses, which would find its way to us, as their representatives on this committee, and then hocus-pocus, lo and behold, by the Monday the filibuster would just crumble, collapsing on its own weight—imploding, if you will—thereby allowing the government the freedom to move ahead and make any changes they want, willy-nilly, with their majority vote, regardless of what the united opinion of the opposition benches might be.

I was taking the time, Chair, to explain how I thought the government saw this. It's hard to figure out how they saw this as a win, but that's the only thing I can assume. Then you allowed me the opportunity to build my case that the strategy failed. I was pointing out why it failed and how it failed, and I was leading off with some of the most important opinion-makers and leaders in the nation, not the least of which would be, of course, the editorial board of *The Globe and Mail*, the national paper of record, and the *Toronto Star* editorial, which oftentimes find itself aligned with the Liberals, not always, as we've benefited from their endorsement from time to time, but for the most part, they've been quite friendly with the Libs.

I read what you can only describe as a scathing editorial in the *Toronto Star*, which, in addition to being a friend, of course, has the largest circulation of any newspaper in the entire country. It was just scathing. I didn't think anything would match *The Globe and Mail*. Normally, they're pretty staid and calm. Wow. I could go back and reflect on those, but I think people remember clearly. The *Toronto Star* was just as hard, and the words that they went out of their way to use again put the political lie to the government's argument that this is all about efficiency and improvement and that all their motivations are truly altruistic.

In doing that, I didn't use all the material I had—it was such a slam-dunk case—and the next thing I wanted to do was to focus on a highly respected columnist and opinion leader in Canada, Mr. Lawrence Martin. That would be the article there, Mr. Chair.

This is new, by the way. I know you like new, remember? I was using old stuff before, but now I have new news, fresh new. Although it's a week old, it's fresh to us and it's fresh to you. It keeps me out of trouble. That's the important part.

It's interesting. Again, he's a columnist with *The Globe and Mail*, again, not a publication known for over-the-top vitriolic. Mr. Martin weighed in. Again, he was one of those who was keeping an eye on what's happening here even though there was a slight distraction.

**Mr. Scott Reid:** On a point of order, I apologize for interrupting, but I want to emphasize with regard to this Lawrence Martin piece that far from being a new piece of news, this is actually news from the future, because it is March 21, in consequence of which that article is—

**Mr. David Christopherson:** March 28.

**Mr. Scott Reid:** No, it's March 21 in here—

**Mr. David Christopherson:** Oh yes.

**Mr. Scott Reid:**—hence that is actually a week from now.

**Voices:** Oh, oh!

**Mr. David Christopherson:** That's funny. I was just reading about time travel a little earlier. Maybe we've solved it here. Maybe we've figured out how that works. You step out through those doors and it's Friday. You stay in here, and it's Tuesday, March 21. We get to stay young forever if we stay in here.

**Mr. Scott Reid:** It's like *Groundhog Day*.

**Mr. David Christopherson:** There you go.

**The Chair:** Mr. Richards, do you want the floor back?

**Mr. Blake Richards:** I don't want to cut off Mr. Christopherson in mid-sentence or mid-thought.

**The Chair:** I think it's a long thought.

**Mr. Blake Richards:** I'd be happy to take it back any time he's ready. I'll let him determine that.

**Mr. David Christopherson:** It's more mid-stream of consciousness, so we can pretty much sever that at any time we wish. Or I could just keep going, whatever you like. I'm in your hands.

**Mr. Blake Richards:** I'm happy to have it back, but let it be determined.

**Mr. David Christopherson:** Then I would be more than pleased to return the floor to you.

I relinquish the floor, Chair, to Mr. Richards.

**Mr. Scott Reid:** In all fairness, I do think that Mr. Richards' interventions have more novelty value at this point in the proceedings.

**Mr. Blake Richards:** I do think that Mr. Christopherson has had a bit more time than I've had.

**Mr. David Christopherson:** Yes. Please, I need to hear from you. It's been a while. You and I are the two vice-chairs so we have to stay in sync on this. We've presented a united front to the government and let them know that they managed to unify us. If they've achieved nothing else, they're unified the opposition benches. With that, I will hand that mantle over to you again, sir.

**Mr. Blake Richards:** Yes, they certainly have done that. It's something that I was talking about last night. Mr. Blaikie and I were making some interventions during Mr. Nater's speech, and we were agreeing on everything. As I said last night, I quite like Mr. Blaikie as a person. I turned to him last night and said, "I don't know if you're a drinking man, but I think we could have a beer sometime and we'd get along pretty well." He kind of nodded his head. I don't know if he wanted to have a beer with me or not, but I think he was saying that he does imbibe one or two occasionally.

I'm sure that if we did have that beer, we'd probably have some disagreements about political issues. We generally tend to disagree on those, I think, but where we don't disagree is on this issue. I can't understand why anyone would not see the need to have consensus and the need to work together. When you change these rules of how Parliament works, there can be a lot of unintended consequences. To have the different perspectives of different parties, and of different people with different experiences, is very valuable in that conversation, I think. They're important and needed. That just doesn't seem to register with the government.

Interestingly enough, while Mr. Christopherson had the floor, I was in the hallway, and who do I bump into but the government House leader? She was giving a tour to a small group of her constituents. We said hello and exchanged some pleasantries. I quite like her as a person. We've always gotten along well. Prior to her being government House leader, which she still is, she had the position of Minister of Small Business and Tourism. She now has both positions. I'm the tourism critic, so we've obviously had a lot of discussions and have gotten to know each other fairly well, I suppose, at least on the level of small talk.

I quite like her as a person, but it's almost as though she lives in a different reality than the rest of us here. I told her that we were in the middle of our committee meeting and I had to get back in there, and she told me to keep up the good work I was doing in there. It was almost as though she didn't get that this is a complete and utter waste of time when we could be working on substantive issues right now. Why are we doing that? Because she won't have a conversation to figure out a way to work on this together. It's like she avoids the reality of the situation. As I mentioned earlier, she came in last night and brought birthday cake and it was "let's have smiles and chuckles". No. Let's actually sit down, have a conversation, and figure out how we work together to get this moving, in a way that ensures nothing gets done without the agreement of all the parties in Parliament. That would make some sense.

As I mentioned, I wanted to recap, so that's where we're at. If you look at it, I think it's clear that there really can be no other reason why they want to try to force this through other than to try to avoid accountability of the government and of the Prime Minister. They want to avoid being held accountable in question period and in other ways; everything is designed to do that. That's what it's about. That's pretty sad. I think it's terrible for democracy and terrible for this country that they're trying to do that.

What I'll tell you is that I think there are a lot of Canadians out there who agree. I know that there's a petition out there. I'll ask some of my friends here behind me at the back of the room to have a look and let me know, and I'll give the number of how many people have signed the petition. I know that tens of thousands of people have signed this petition calling on the government to do exactly what we're saying, which is to work together and do this with unanimous agreement.

Canadians have signed this petition, but they're also sending emails. If you'll allow me, Mr. Chair, I would like to read some. I've had thousands of them. I'm sure you probably have too, Mr. Chair. I think the Liberal members of the committee have. I'm sure other members of the committee have as well. A lot of them have been sent to me and to the Liberal members as well. It even looks like

some of them have been sent to all MPs, potentially. I have one in front of me now.

I'd like to spend a bit of time sharing with the committee the thoughts of Canadians. This is where they're coming from on this. I'm going to say before I read these that there are probably going to be things in them that I won't necessarily completely agree with, but I certainly do agree with the sentiment in what people are trying to say. I certainly agree with that sentiment, which is that they're concerned about the way this government is trying to proceed and the way they see their democracy being eroded by this government through those attempts.

I will kind of read from those.... The way the first one is addressed is pretty interesting. It looks like it's addressed to all the Liberal MPs on the committee, you included, Mr. Chair, and it is copied to a couple of Conservative MPs.

The subject line is "PROC committee: This bill is not—"not" is in capitals—Canadian". There are several exclamation points after that. I think that speaks pretty well to it. Also interesting is the way it is addressed. It says: "To the ones attempting to destroy the fabric of our country." That's how serious this person feels this issue is. I'm going to read this email. As I say, I may not necessarily agree with everything in it, but the sentiment and the idea that this is an important issue and one where the government shouldn't be trying to force and ram through things, is something that I agree with. I'm going to read some emails and provide some commentary as well.

This one says: "Tabling a proposal to limit debate in the House of Commons and fundamentally change our Canadian democracy is an absolute abuse of power. I am floored at what you are trying to get away with. You must really think Canadians all have their heads in the sand while you do as you please. This backdoor law-changing has to stop.

"I'm curious if your advisers are actually getting paid to bring you this advice. I've been teaching my children about how very blessed they are to live in a democratic country. How does imposing a time limit on the opposition parties exemplify a democracy? How is there any accountability at all for leading the party if no one is allowed to have a chance to oppose them?"

"If the Liberals are pushing for a four-day work week, and they continue to get paid the same salary, then Canadians demand a four-day work week and continue to receive the same salary for work not done. Do you see how ridiculous that is? Sometimes if you read something out loud, it registers differently. Take a moment and say out loud that you want to have a four-day work week and shut down Parliament on Fridays and continue your same salary. I know what would happen in my workplace if I demanded a four-day work week with the same pay. I would be fired. Does this mean that every MP that does not show up for work on Fridays will have the same demise?"

"I am absolutely appalled by what your party is trying to do. At what point did we stop being a democracy in this country?"

There are several question marks and exclamation points following that. Next:

"In the words of Prime Minister Justin Trudeau"—and it's a quote —'An attack on the symbol and the seat of democracy is...cowardly and reprehensible'.

"Prime Minister Trudeau spent \$127,000 of our money on his Christmas family vacation. Justin Trudeau sits in the House of Commons and on several occasions has been questioned by the opposition on his ethics and his spending. His only response? A smug face. The only way this can be interpreted to the Canadian people is that our Prime Minister is not liking being questioned and challenged in the House. He is not up to the task, so he would rather change our laws than have to be accountable for the decisions he makes.

"There will be an election price for all of you doing this dirty work. Are you not seeing the outrage around this country of people sick of our government not being held accountable for every penny and every action? This is wrong. This should be a non-partisan issue."

"The filibuster will hold. Canadian voices need to be heard. If a huge decision like changing democracy is going to be brought to the House, then the Canadian people need a chance to hear this and vote on this. Why is the media silent? Every political party believes this is wrong, including the Liberal backbench.

"When all parties agree on something, you must be doing something really wrong." The word "really" is all in capitals. "The tactics are disgusting. The day you were supposed to be dealing with the new budget, you were sneaking this in so that you were even less accountable to Canadians than you are now.

"If my memory serves me correctly, was this not the same thing the Liberals tried to pass last year? And when it got heated, Justin Trudeau walked across the floor and physically assaulted a woman on the opposition. Interesting this is being reattempted. We notice, Liberals. We require your accountability. Why are you doing dirty work for Justin Trudeau, just because he is too scared to give account for his actions? This is deplorable."

It's signed by a very outraged citizen.

**The Chair:** They didn't sign their name?

**Mr. Blake Richards:** Oh, they did sign their name, but I don't have their consent to give their name, so I'm not going to do that. I didn't seek consent from this person, so I won't give their name, but they did sign their name, yes. It's an email, so obviously their name is attached to the email as well.

At the end of the day, as I said, I don't necessarily agree with everything in there. I mentioned the four-day workweek. I acknowledge that probably not too many MPs are looking to try to go home to put their feet up and watch TV on a Friday, but Justin Trudeau and others are trying to avoid being held accountable in question period, certainly, on Fridays.

I think the sentiment of the letter says a lot. This person has very strong feelings about the fact that this government is trying to avoid being held accountable. It's the point I'm making, but it shows that Canadians are seeing that as well.

I'll read another one. Someone from Surrey, British Columbia, wrote this one. Again, I haven't pre-screened these. I'm just picking out of a random pile of thousands of these things I've received. This one says: "Good day, members of Parliament. Thank you for your service to this great nation of Canada. I appreciate your sacrifice for democracy. I'm writing you concerning the motion put forth by MP Scott Simms to change the House rules. I ask that you protect the freedom we have within our democracy and put a stop to this bill."

There's a different tone to this letter, obviously, Mr. Chair. This one is asking the members to protect democracy rather than expressing an outrage at what's happening. I think it's meant from the same place, but just takes a different approach.

The writer goes on to say this: "Under the guise of efficiency, this motion will limit and restrict accountability in our government. Perhaps the energy for efficiency could be channelled to the budget. I appreciate the creativity this government has put into finding ways to get more money out of my pocket. Perhaps we should focus that excellent ability to lessen its spending instead of increasing it and seemingly dodging work.

"I do not agree with the House not sitting on Fridays. There are a lot of important issues to be handled by our government, so working one less day in the House limits the ability to deal with them. I understand that your role is taxing, and I thank you for your service, but this is what you were elected to do. It is a tough job. I also believe the Prime Minister must show up for more than one day of question period per week. Does he have a problem with accountability? He is the leader of this country and should be there to run it, and be held accountable to its due process.

"I do not agree with limiting debate time within committees and debate time within the House. This, to me, represents a clear attempt to avoid accountability. You have an opposition for a reason. You are not a dictatorship. The seats belong to the people and not to any one party. Not every idea you come up with is a good one, and that is why we have MPs in place to question them, like this very issue.

"How are my concerns as a citizen being heard when you limit my voice? Written questions submitted to MPs should have a time limit on response: 45 days seems fair. Having no required response time would allow for MPs to disregard questions they don't want to deal with, as you are to represent all of us and deal with questions you might not want to.

“Lastly, the approach with which this motion has been tabled seems deceptive. I am all for efficiencies and accept modernization with caution, but the week of the budget seems not the time. What do you have to hide? Why has there been so little information provided to Canadians about this? Canadians should be made aware of an issue like this, a fundamental change to our democratic process. It should be wide open for debate and discussion. I ask that you stop this motion. I ask that you uphold accountability and transparency within our government.

“Thank you for your representation in the House of Commons.”

This one is signed “respectfully”.

Again, it has a different tone but makes the same basic point. There's a feeling here from this citizen as well that the government is trying to avoid accountability, that the Prime Minister is trying to avoid accountability. That comes across very clearly in this letter, with things like, “How are my concerns as a citizen being heard when you limit my voice?”, and “Not every idea you come up with is a good one, and that is why we have MPs in place to question them, like this very issue”, and “I do not agree with limiting debate time within committees”.

It talks about Justin Trudeau: “He is the leader of this country and should be there to run it, and be held accountable to its due process.” It asks, “Does he have a problem with accountability?” It's clear. Then she closes with, “I ask that you uphold accountability and transparency within our government.”

That's what she's asking for.

**Ms. Ruby Sahota:** Blake, may I interject for just a second—maybe a minute?

**Mr. Blake Richards:** Sorry, but I really haven't had much of a chance to speak, and I would have to ask that you allow me to do that. I don't have a lot of time this morning.

Maybe you can get on the list for future meetings.

**Ms. Ruby Sahota:** Sure.

Please add me to the list.

**Mr. Blake Richards:** There are not a lot of people on the list right now.

Sorry about that.

**Ms. Ruby Sahota:** No problem.

**Mr. Blake Richards:** I would ordinarily do that, but I won't at this moment.

**Ms. Filomena Tassi:** Chair, on a point of order, I thought we had an agreement that if someone asked to take the floor—

**Ms. Ruby Sahota:** No, we no longer do. We don't have to be nice on this committee anymore.

**Ms. Filomena Tassi:** —it wouldn't be unreasonably withheld. I thought that was the commitment we had.

**Mr. Blake Richards:** Yes, we do have that commitment, and I continue to give that commitment. I wouldn't unreasonably withhold it, but I haven't had a chance, for a couple of weeks now, to

participate in the debate. I have a very limited amount of time, and I have some stuff I want to share.

I'm happy to let Ruby have the floor, but I know that the speakers list is—

**Ms. Ruby Sahota:** You actually left the floor awhile back. We could have—

**Ms. Filomena Tassi:** I don't want to get into that, Mr. Chair, but—

**Mr. Blake Richards:** I don't want to get into a debate about this. The bottom line is that we won't unreasonably withhold it, and I wouldn't, but this is reasonable. The list is short. Ruby is able to get on it and be part of the list, so....

**Ms. Filomena Tassi:** On a point of order, Chair, I just want to speak a little bit on this.

Just to be clear, then, can I have on the record the grounds for which the member is not being permitted to interject at this point? Can I have Mr. Richards explain the grounds upon which this interjection is being denied?

**The Chair:** Go ahead, Mr. Reid.

**Mr. Scott Reid:** Thank you.

The way points of order work is that you refer back to one of the standing orders. This is a reference to a gentleman's agreement, or an informal agreement, as opposed to the Standing Orders, and hence there are no procedural grounds on which to make an interjection, only an agreed protocol.

So there is no standing order that needs to be referenced. It's simply the way we do things around here.

**Ms. Ruby Sahota:** Perhaps I could get verification from you, Mr. Chair, and the clerk, on whether there is anything in the Standing Orders on this.

When Mr. Richards had the floor earlier on, he left the room and he left his spot on the floor. What are the actual guidelines, and not the Simms model that we've been working with here? We've been so cordial up until now. What actually happens when someone has the floor and they decide to leave the room and come back 10 to 15 minutes later? Can that person resume their spot, or do they have to get added back on the list?

**The Chair:** Filomena, then Scott.

**Ms. Filomena Tassi:** Mr. Chair, this is the concern. I'm not having an argument over what the Standing Orders say. That's not what this argument is about. We understand what the Standing Orders say. We had a discussion previously about the way this committee was going to operate. That discussion was on good faith. We made the agreement that we would go televised provided that if someone wanted the floor, the floor would not be unreasonably withheld to that person who wanted the floor.

Now, I recognize that's not a standing order. We're not talking about the Standing Orders here. We're talking about an agreement—at which, I'll remind this committee, I was challenged, because I was taking so much time to get the wording of the basis upon which this agreement was made.

The wording is very clear. I had assurance from both opposition parties that the floor would not be unreasonably withheld to a member. I recognize Mr. Reid's point. It's not a standing order. But it was the agreement upon which we are moving forward.

So it's one of two things: it's either that agreement is not being honoured...or what are the grounds for not granting Ms. Sahota permission to have the floor?

**The Chair:** Mr. Christopherson.

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

Yes, I can understand the dilemma and I can understand Mr. Richards, in terms of time, as we measure it here, having the floor. He just sort of finished clearing his throat. But we did have the understanding that Ms. Tassi is making reference to.

Could I ask a question? Is it the intent of the honourable member just to do what has happened previously, which is take the floor for a couple of minutes to make a comment, or is there something more to it?

To be completely honest—cards on the table—there's some concern on our part that there may be something afoot, and using this as that opportunity. But if this is just the same interjection...

Maybe the member could give an indication of how much time she was looking for to see how that fits within the question of reasonableness, Chair.

**The Chair:** Perhaps Ms. Sahota can answer that.

Then it will be Mr. Richards and then Mr. Simms.

**Ms. Ruby Sahota:** I had indicated at that time, on the record, that I would be requiring one minute.

But there are still, I believe, a lot of questions, at this point, to be answered, and Mr. Simms—

**The Chair:** Go ahead.

**Mr. Blake Richards:** Look, my rationale here was simply that I have a very limited amount of time this morning, and I haven't had a chance to speak for some time. I had a few more things I wanted to say. There seems to be some feeling that this is being unreasonable. I don't really believe it is. However, we seem to be getting into an ongoing debate, and I'm losing my time anyway.

If Ms. Sahota would commit that it's simply to respond to something that I'm saying currently and that's the only intention she has, and it's one minute, I would be happy to give her that time. If she can commit that it's simply to respond to something I'm saying and there isn't something else that she's attempting to try to do with the floor, that would be a reasonable request.

I don't want to unnecessarily waste my time by having a debate about this. If she's willing to commit to that and she wants to take a minute, I'd be happy to do that just to avoid any debate.

**The Chair:** Go, Ms. Sahota.

**Ms. Ruby Sahota:** I am willing to commit to that.

Can I also get advice from you on the earlier rule of who still has the floor if one leaves the room?

**The Chair:** If we were going strictly by the rules, then the person would go off the list.

**Ms. Ruby Sahota:** The person would go off the list.

**The Chair:** But we were using the Simms procedure, so we let Mr. Christopherson speak and Mr. Richards come back.

Let's go quickly so that Blake doesn't lose any more time.

Ms. Sahota, you're up.

**Ms. Ruby Sahota:** Okay. Thank you for that clarification.

I was just going to say that some of the emails you've been reading are quite interesting, and they raise some important points. I was wondering, Mr. Richards, how you or your office staff had responded to those emails, and perhaps whether you'd made the commitment to your constituents to stay here every Friday as a show of respect for the hard work that we do here on Fridays. Your constituents obviously have a big concern about accountability of members and that they need to be here on Fridays. Did you offer to be here every Friday?

I mean, if we're to get into this discussion, perhaps we should take a look at which members are here on Fridays and which aren't, and maybe pay can be adjusted and docked. These are all things we could talk about. I think that's a valid point. Maybe pay can be docked for all the members who aren't here.

Mr. Richards, if it's your constituents, I suggest that you lead by example when it comes to that. I'd love to know how you responded, and how many Fridays you've told them that you've been here on the important work that we do here in Parliament.

**The Chair:** Go ahead.

**Mr. Scott Reid:** I have a point of order, Mr. Chair. I don't know if I need Ms. Sahota's or Mr. Richards' permission, but I'll try to be brief.

I just want to say for the record that it is Friday. I know in this room it's Tuesday, March 21, but in the real world it's Friday. Everybody in this committee is here. I just want to make sure that all of us get the appropriate brownie points for being here on Friday, doing the nation's business. That's all I wanted to say.

**Voices:** Hear, hear!

**The Chair:** Thank you.

Mr. Richards.

**Mr. Blake Richards:** Thank you, Mr. Chair.

I appreciate that.

We'll return to where we were. I would just point out, as I've indicated already, that I don't necessarily subscribe to everything that is being said in these emails. I don't question anyone's sincerity, I guess. They would be working on Fridays, doing other things. It's not about that, for me.

I believe there's already a provision in place that if an MP isn't here on any day that Parliament is sitting, unless—and they have to sign off on this—they are conducting official public business, their pay is docked. If they're not here and are not on public business, not attending something, a meeting somewhere else, their pay is docked.

What I can say is that I've always, every Friday, either been here or been working on some kind of public business elsewhere in my constituency, or elsewhere. But the point I'm making here is that when you cancel the Friday for all of Parliament, what you're doing is you're cancelling question period. You're cancelling the sitting of Parliament. That's very different from some MPs not being here on a specific day. Obviously, we all know that on a Tuesday, maybe, you've been asked to go give a speech somewhere else in the country, and you do that. It doesn't mean we should shut down Parliament because one or two MPs can't be here. That's a disingenuous point.

I'm going to read some more of these emails. I think it's important. These are different perspectives from different people, but they all seem to come back to the same point, from what I've seen so far. What I'm reading hasn't been pre-screened. I haven't necessarily read these particular emails in advance, although I have read some.

This one says the following: "As a Canadian citizen, I strongly disagree with the Liberals' proposed changes to permanently shut down Parliament on Fridays and limit debate time. Canada is a democratic country, and democracy stands for freedom of speech. I've been following up the Parliament's debates, and it is very obvious that the Liberal government is struggling with providing honest and informative answers to MPs. It seems like everyone from the Liberal Party has memorized the same phrases that talk about middle class and have no meaning.

"Justin Trudeau either does not show up for questions or, if he does, and decides to take a question, he cannot answer it. This is disgrace to the Canadian government. A good leader leads by example. Liberals want Fridays off when the whole nation has to work on Fridays. On top of that, they want to keep their salaries. The message I am getting from the leaders of my beloved Canada is that they don't want to work. They don't care about people. They are lazy and not accountable for their poor performance. They betrayed me during the election."

I think this person meant to say "lied to me during the election".

The email continues: "They left us people alone. This is not the government I wish for my country. Justin Trudeau wants less time in Parliament to avoid embarrassment. My advice would be to do some homework. Learn how to be a leader, truly listen to your people—and I mean all people. You need to listen to all...For a country to succeed you need wealthy businesses and a strong middle class. With the current politics, wealth is going everywhere except Canada. Selling Canada to China is not going to help our budget.

"I've been living in Canada for the last 30 years. It took me a while to feel at home here, but Canada was very good to me. I built a great life for me and my kids. However, this is starting to be harder and harder since the Liberals won the last election. I hope for Canada's great future, and can't wait till the next election. I will vote Conservative, which over many years, and most of all now, shows determination in making Canada strong and a land of many opportunities, as it used to be.

"I have been listening to how you plan to change Parliament to suit the Liberal caucus. As a voter, I am afraid I am strongly against this. You were voted in to show up five days a week, with many

weeks available for you to be in your constituency. You voted yourself a raise and now want less hours. Not on my dime."

Now, I don't think anyone actually did vote themselves a raise, so that person obviously misunderstood on that point, but so be it.

The email continues: "I do expect the PM to be in question period also, as many have been before him—not that he ever answers anything that is asked, but it is his job to be there. You are also trying to limit speech in the House—unacceptable, I am afraid. Debate is the foundation of any democratic nation. How dare you take that away? The Liberals are trying to make Canada into a dictatorship. Well, not on my dime. We the people pay your salary, and with the amount of discontent that's building you'd better line up for another job. We the people will be sure you do not get a second term. I will expect a 'no' vote on this ridiculous change. Grow up or find another job."

Again, sometimes there are things that I don't completely agree with, but I think the point that people are making here is that they expect the Prime Minister and the government to be accountable. They expect them to show up to do their job. They think that this is really an attempt to avoid accountability. When you start using words like "dictatorship", that obviously is going a bit far, but I also understand the sentiment, in a way. It's avoiding accountability, right?

This is a fairly short one here. It states: "Ladies and gentlemen, I am absolutely disgusted with the sheer arrogance of the Liberal Party. Considering the amount of taxpayer money that Justin Trudeau feels completely at liberty to spend as freely as he so desires, I, for one, believe he should be at work Monday to Friday, unless of course his spending habits and paycheque are going to reflect his proposed, one-day-a-week proposed work schedule.

"As for the rest of the Liberal Party, who would like to lessen their load by permanently taking Fridays off, I, as a Canadian taxpayer, am your employer. If you feel the scrutiny that you and your colleagues are experiencing because of your poor decisions or your unwillingness to listen to the people, who placed you in the offices you now hold, is too much for you to handle, why don't you submit your resignation and take the rest of the week off as well? You're paid to be in Parliament and make yourselves available to answer for your decisions that were completely unilateral. How dare you try and take away my right to hold you accountable? Billions of dollars are at stake—billions—and you, as a group of people, have proven yourselves lacking.

"I am proud to be a Canadian. I am not proud to have Justin Trudeau as the leader of our nation. He is not worthy of the position he holds. He and you, ladies and gentlemen of the Liberal Party, promised a transparency that you said was not seen in the previous government, yet here you are collectively and actively trying to make it impossible for Canadians to get real answers. This is not because you are hiding behind pretty words, which you were already doing. No, you won't be answering the questions Canadians have about your leadership because you just won't be there.

"Trust in these words right now. Your actions will have dire consequences in 2019 if you continue on this path with Justin Trudeau as your incompetent leader: 2019 will be a reckoning."

Again, I think some of that is amped up a bit, but it points to the fact that there's a feeling that there's not an example of trying to be accountable from this Prime Minister and this government.

This next one I haven't read, but it starts with, "I'm a member of the Parti Québécois". I'll read it, because it's a good way of making a point. I think there could be some reason for people to believe that maybe it's just a bunch of members of the Conservative Party who are not happy with the Liberal Party, and that's why they're writing these letters, but it's clearly not what this is. This is just Canadians spontaneously writing and showing concern.

She's from Montreal, Quebec, and says the following: "Hi. I'm a member of the Parti Québécois. I heard about the motion concerning the shutdown of Parliament on Fridays and other changes about rules and debates, a change that would permanently limit debate and scrutiny on their bills. I'm outraged to see this clandestine initiative asked by you. We are living in a country with democracy, and not in a dictatorship regime. What are you trying to do, by the way? Are you changing the regime to a dictatorship where democracy will be gone? I object to everything that you will try to do concerning the shutdown of the Parliament, and about changing the rules and debates, and about the sneaky reversal of our democracy.

"As a Canadian citizen, I object to such changes, which will only create negative impacts on our democracy for which we fought so hard. I'm asking you to abolish that motion that indicates these changes."

Obviously she is expressing concern about accountability, and doing so with some pretty strong language. She is making the same point that all the other emails that I've been reading are making. They all feel that the Prime Minister and the government are trying to avoid being held accountable.

Here's another one. It states: "I am saddened and disappointed to hear that the Liberal Party is secretly trying to change our democratic processes, and in such a way as to reduce Canadians' ability to hold the government to account.

"For example, the Liberals are quietly seeking to: eliminate Friday sittings, or to make them a full day rather than the current half day; set only one day aside each week for the prime minister to answer questions during question period; lengthen the time the government can take to answer MPs' written questions to 65 days from 45 days; prevent opposition members from filibustering by bringing forward debatable motions; prevent filibusters and possibly shorten debate time on government bills by having pre-set times to discuss and pass

legislation through in the House; allow omnibus bills to be debated and studied despite a Liberal promise to the contrary, but hold separate votes on the unrelated subjects included in the bills; allow parliamentary secretaries to take on a greater role at committee; prevent filibusters at committee through a 10-minute speech limit; introduce electronic voting in the Commons; and allow more time to debate private members' business.

"I ask that you reverse your decision on this matter so that Canadians can still feel confident that our rights aren't diminished. Moreover, if the Liberal plan to reduce our democratic rights is implemented, I will remember this come election day.

"You are elected by the people and for the people. This attempt to subvert our democratic processes, in my opinion, is not what the people want. If you do act according to your own interests, we can certainly make the necessary changes come the next election, so again, I request that you stop"—the word "stop" is in all capitals—"this plan to restrict the democratic process and leave the processes we already have in place. I request your urgent attention to this matter."

Again, it raises the ideas of subverting the democratic process and avoiding accountability. It makes the same threat—and "threat" is not really the right word, but I'll use it, because it's the best I have—to get rid of these Liberal MPs in the next election if they don't do what the author feels is appropriate in terms of democracy and holding the government accountable.

This next one focuses on Fridays, wages, and so on. I agree with the comments that were made that people can do other work, but question period is the point here, and the ability to hold government accountable. I'll pass that one by, because I don't feel it's fair to continue to read that sort of stuff as a stand-alone.

The next one reads as follows: "Dear Liberal MP leaders, I am embarrassed to say that I wanted change in the last election, so I took a chance on the Liberals and voted for Justin Trudeau. It has been something that I have regretted for well over a year. Justin Trudeau is not working for Canadians, he is working for himself. He doesn't care what Canadians want, and he is trying to change our respected democracy into a dictatorship.

"As Liberal MPs you have a choice to make. You can continue down this path with Trudeau, be hated by the Canadian people, and never be voted in again; or you can stand up to Trudeau and do what you were elected to do: stand up for the people of Canada. After the lies, increased taxes, and billion-dollar debt, many Canadians are vowing to NEVER"—and "never" is in capitals—"vote Liberal again.

"What you are trying to do right now in the House of Commons is wrong, sneaky, and not what is in the best interest of Canadians. A dictatorship government is not what anybody signed up for, and talk about going backwards. MPs should be working five days a week, as many Canadians have to work, and even more now to try to pay for our over-the-top high bills.



“Motions and bills need to be debated in the House of Commons. It's part of our government and part of being a democracy. You can't just change the rules because the Liberals are in power. Canadians do not want this, and we were not consulted or asked about these changes to the way our government runs.

“Polls are showing that Liberal approval is continuing to plummet. Canadians do not trust their majority Liberal government, no matter what party they belong to. Stop this back-dealing in the House of Commons. I can vow today, in how Trudeau is behaving, and the Liberals, there is no chance I would ever trust a Liberal politician to keep his or her promise or to ever do what's right for Canadians.”

It's just signed, “From Ontario”. It doesn't say where in Ontario, but somewhere in Ontario.

I think it's important to note something. When I started to read these emails, I'm sure there were some Liberals MPs—I could see a lot of activity happening on that side—uncomfortable with it and I think trying to find a way to stop them from being read. They are pretty damning and critical. Some of them may be even over the top, but they are certainly very critical, and all with those same themes.

I'm sure there was probably some, “Well, gee, they're probably all Conservative members. Maybe Mr. Richards asked them to write these letters.” But I can tell you that from the names I've seen so far, there hasn't even been one from my province, that I've seen, not one from my constituency. I don't recognize any of the names. They are not people I know. So that's not what it is. I would like to believe I have lots of friends, but these are in the thousands. I don't know if I have that many friends.

One was from the Parti Québécois. This one obviously indicated that even though she had voted for change, for Justin Trudeau, in the last election, she was now embarrassed, and it was something she was regretting. She was saying that she doesn't really think Justin Trudeau is working for Canadians; he's working for himself. But she did vote for him in the last election, so she has obviously had a real change of opinion.

I understand that. I get why people.... As I mentioned earlier, the Prime Minister has some phrases you kind of remember. He pulls the strings and he says the things that sound wonderful. He has nice hair and all these things. People like him. Then they watch him in action and he doesn't really accomplish much. He doesn't really do what he said he was going to do. His actions don't match his words. They start to feel disappointed.

**Mr. Scott Simms:** Do you want a Timbit?

**Mr. Blake Edwards:** Oh, boy, Mr. Simms is a wonderful guy. If only all the Liberals were like him, maybe we wouldn't get these kinds of letters.

**Voices:** Oh, oh!

**Mr. Blake Edwards:** Thank you.

I hope everyone will indulge me. I'm going to do this on TV. I guess it's like an endorsement for Tim Hortons.

**Mr. Scott Simms:** Here, I'll have one with you. Here you go. Cheers.

**Voices:** Oh, oh!

**Mr. Blake Richards:** What a Canadian thing to do, right? Here we are in our Parliament, and we're having a Timbit.

**Mr. Scott Simms:** Let's play hockey.

**Mr. Blake Richards:** Yes, really. If you could just bring my hockey equipment, Mr. Simms....

**Voices:** Oh, oh!

**Mr. Scott Simms:** Sorry to interrupt.

**Mr. Blake Richards:** No, that was a nice break. I appreciated that.

I'm taking a quick look at this next email. It looks like it's just really about the Fridays, so I don't want to get into that point again.

This one here is short. It starts with the following: “I would like to voice my objection to the bill that was introduced this week with regard to new parliamentary rules.”

Obviously, I'm reading these things as they are. Canadians don't necessarily follow as intimately as we do the parliamentary process. They think it was a bill. It's obviously not a bill at this point. I'm just reading it as it is. I think everyone understands that people know the subject matter. They know it's being brought forward to Parliament. They just assume it's a bill. I don't think we have any concern there, but I point out that I'm reading it as is. The objections and the basic sentiments remain the same whether they get that it's a bill, a discussion in committee, or whatever it might be.

It reads: “I would like to voice my objection to the bill that was introduced this week with regard to new parliamentary rules. You, Trudeau, and your party members, need to understand that you work for Canadians. Your policies need to be scrutinized on behalf of all citizens. The Prime Minister needs to stop acting like a privileged celebrity and get back to work. I will not stand for you blocking the people I elected to representing me from making you accountable to me. You need to drop this and get to work on saving middle-class Canadians from your uncontrolled spending. If this bill goes through, I will work hard to be sure people do not vote Liberal in the next election. I trust that you will do the right thing today and vote for the rights of all Canadians, not just those of Mr. Trudeau.”

It's short and succinct, but it sums it up. It says they won't stand for this. It says the Prime Minister needs to stop acting like a privileged celebrity and actually do some work. It indicates that it's not acceptable for there being an attempt by the Liberal Party to block the people who represent this individual—obviously, there must be an opposition MP in their riding—from being able to hold them accountable on her behalf.

This shouldn't be the priority is basically what she's saying here. The priority should be saving middle-class Canadians from the Liberals' uncontrolled spending. It gets at the heart of the whole “we're working for the middle class” kind of thing.

It sounds like this person feels that maybe, if they cut their spending a little bit, that would help the middle class a lot more than any of these other claims they're making. It goes on to say that she will actively work to ensure that people do not vote Liberal in the next election if this is put through, so she's asking for them to do the right thing.

I mentioned earlier I hadn't seen one from my province yet. Here's one from Calgary, Alberta. The area's close to my riding, so I wouldn't want my province to feel left out. I don't know what it says, but I'll read it, as follows: "I do not want any changes made to the debate process in Parliament. Limiting the time to debate is no longer democratic. Issues need to be heard thoroughly. The pros and cons, ideas, stats, and figures need to be hashed out. There are arguments to be made and impact statements to be heard. This does not happen in 10 minutes. This is crazy-making and will not allow our representatives to make sound decisions on our behalf, because there will not be enough time to deliver the required information to make a proper decision before a vote."

This next part is all in capitals, with exclamation points after each sentence: "Stop this action. It is not in Canada's best interest. We do not want the change. Do not do it."

Then it says, "And we all want Fridays off. You were hired, voted in on the terms you have. Now get to work."

Again, it says it pretty succinctly. It's saying that debate needs to occur, and that sometimes 10 minutes isn't enough. I probably have proven that today, and I know other members of this committee have proven that. Sometimes 10 minutes isn't enough.

This next one is from Imperial, Saskatchewan. I don't know where Imperial, Saskatchewan, is, but it's somewhere in Saskatchewan, anyway. The email states: "I understand that you work currently on the PROC committee. I also understand that you and your committee are trying to change procedure in our House of Commons—i.e., allowing bills to be passed with no debate, having no sittings on Fridays, allowing the PM to be in office one day a week.

"The last I heard about our country prior to the most recent election is that we have a democracy." The last word there was all in capitals. "It is sounding very much to me like the Liberal government would like a dictatorship—their way or no way. Unfortunately, there are a lot"—that's capitalized as well—"of disgruntled taxpayers in our country, and your government is not helping the situation in the least. Who do you expect to pay for the foolish spending that is taking place, for one thing?"

"Our government officials are elected by the people for the people, and I don't believe you have asked the people their point of view on the issue at hand. Our country's founding fathers would roll over in their graves if they knew what you are trying to push through today." This next sentence is all in capitals: "This is very wrong. You cannot pass bills in our Parliament without proper debate. I implore you to rethink what you're doing."

This was signed, "A concerned Canadian citizen".

I don't know if that needs much comment. It's pretty clear that they don't feel it's appropriate for the government to just ram through

whatever the heck it wants, not listen to opposition, not have proper debate, and not hear from Canadians.

This is from someone from Lake Country in B.C. The subject line of the email is "Backdooring proposals". This was sent to a number of Liberal MPs, including their local Liberal MP in their riding in Lake Country, B.C., and copied to some Conservative members of Parliament. It states: "To the list of those it concerns above, I am writing to you this afternoon on the proposal you were all putting forward and taking part in. 1) Fridays off. This would require a compensation of taxes to the Canadian people through your reduction in salaries, pensions, and benefits. You do realize this, right? 2) Place a time limit on questions and debates with MPs. So how will our MPs be able to accurately hold the House of Commons responsible? This is not a free-for-all. Actually, this is fascism in disguise. May I take this time to remind you that you all work for the Canadian people and not just the best interests of the Liberal Party and their supporters?"

"You can use colourful charts, graphs, words, and excuses to try to explain how this is beneficial to all Canadians, but that doesn't mean it's truth. In fact, what you all are trying to do is wrong and deceitful. This needs to stop now. Stop trying to change the rules to suit your party and followers/supporters. This is not transparency, not at all. Is this not your platform that you will all say you stand for? I think not. You have absolutely no right to change the rules of our democracy and then tag this as beneficial to all.

"This is a disgrace, and our country is becoming a sad state of affairs. All of you who are choosing not to stand for and turn your heads from the truth, let me tell you all this. If you push this through, you are destroying our democracy as we know it. Although you may feel you will have gotten away with it in not having to answer to the people of Canada, I assure you there will come a day when you will all answer to something much higher. That, my federal Liberal MPs of opposition, is the truth."

This is signed, "A very concerned Canadian", from Lake Country, B.C.

Again, it's pretty amped up in terms of the comments being made. Using the term "fascism" is an example of that. Calling what's being done here "wrong and deceitful", calling it "a disgrace", saying that Canada is becoming a "sad state of affairs" because of what this government is doing, saying they're turning their heads from the truth, saying that it would destroy our democracy as we know it, that there's going to come a day when these Liberal MPs will all have to answer to something much higher—that's pretty serious commentary. That's someone who feels pretty strongly about this being wrong. That's what that is.

The next one I have here says the following: "I understand that Liberals are trying to secretly put through a backdoor change whereby our embarrassment of a Prime Minister, Justin Trudeau, would only have to attend the House of Commons once per week. What and who does he think he is? Also, I understand that the Liberals wish to permanently shut down Parliament on Fridays. Not acceptable." Those last two words are all in capitals, with two exclamation points at the end. "Why are the Liberals trying to do this covertly? Where is the media on this? Why is this being allowed to happen?"

"I do not support this in any way, and this is not acceptable in our democracy. Please know that as a western Canadian, I cannot believe our amazing country is being led by such a group of out-of-touch, self-absorbed, and inexperienced fools. You must stop this, and stop lying to the Canadian people.

"A very frustrated and fed-up Canadian who will never support Liberals again." The last part is all in capitals, followed by an exclamation point.

Again, that's pretty strong language, talking about the Prime Minister as being an embarrassment, asking why he would have to attend the House of Commons only once a week, calling them a bunch of "out of touch, self-absorbed, and inexperienced fools". This is strong language. Obviously, in some of these cases it goes too far in terms of what it's saying, but I think what it does is signify that people are very concerned, so it's important to hear from that perspective.

A few of them have mentioned wondering where the media is, why the media is not reporting. I will say this. I think this email I have in front of me is from March 22, and the next one is from March 23. They're from the first couple of days when this was happening. There really wasn't a lot of media attention at first. It took a little time. The budget being delayed and things like that got some attention as well. Then the media started to write about this and make their comments.

The media's comments are of a similar nature, that this needs to be done in a different way, that this is not really something that's about keeping accountability and these kinds of things. Maybe these people's concerns were based more on the fact that it hadn't been, at that point. Probably if they were to write these letters today, that wouldn't be the case.

This one is addressed to one particular member of the committee, one of the Liberal MPs, whom I won't name because I don't think that's fair to do.

It states: "Why did you and your committee move the motion on behalf of Prime Minister Trudeau to limit debate in the House of Commons, which fundamentally changes our Canadian democracy? It is appalling and very shady that you and your committee are trying to sneak this through the day before the budget announcement and hope that no one would notice. This is so wrong." The word "wrong" is in all capitals, with four exclamation points. They're pretty serious about it being wrong.

It goes on to say this: "It sounds like a dictatorship to me, and undermines democracy in this country. The members of Parliament must always have a voice for Canadians. That is their job. Sounds

like you and the Liberals want to be able to do what you want with no accountability."

It's short and succinct, that one. They sort of see the same point I do, that the Prime Minister and his party want to be able to do whatever they want and avoid any accountability for it.

This person here says that he or she represents 71 other taxpayers in eastern Canada. It says: "I'm emailing and I represent 71 people in my circle. Straight to the point, we do not want you Liberal MPs listed above, or any other Liberal member, to tamper with the way our parliamentary process works, specifically shutting down Friday completely so you may have the day off. The ones of us that have a job work five or six days a week; 27 of us are not able to find full-time work. How dare you try in the basement of Parliament, behind closed doors, to try to make these changes?"

"Also, the Prime Minister will not be allowed to work one day a week in question period. Just because they do in the U.K. does not mean that he can. We say no. Also, do not vote to limit debate time. All members must have their say. Also, we say no to your discussion paper on House reform, which includes the above and other sneaky ideas that you have.

"We and the majority of Canadians are against what you're attempting to do and stand by our respective MPs that continue to fight against your devious and shameful secret debating while other issues you think may keep us busy. Do not set back Canadian democracy. Do not think we are not watching. The silent majority will ensure you're out of power in 2019 and you lose your riding as well."

Again, it's signed by the individual and it's saying that they represent 71 more taxpayers in eastern Canada who are citizens of Canada.

I've read all the parts, because I don't believe in censoring one part out of the email, talking about the Fridays off and that people should work five or six days a week. I know that most, if not all, MPs do that, but it's about the point of the question period and the actual Parliament sitting, and that's a different story.

Then it goes on to talk about some of the other concerns they have. It's asking not to see Canadian democracy set back. It's saying that Liberal MPs shouldn't assume that people aren't watching and aren't paying attention—again, sort of making the threat that this could cost them their government in 2019. It could cost them their seats.

Here is the next one: "It is my understanding that the Parliament of Canada is trying to backdoor a change that would permanently limit debate and scrutiny on certain bills. This email pertains to proposed changes to have Parliament permanently shut down on Fridays.

"I'm sure that you are all aware that Canadian companies have cut thousands of jobs and scrapped projects in a drive to cut costs. In some cases, Fridays off were targeted, as firms had to dig deeper for savings after eliminating thousands of jobs. If this Liberal proposal to not work on Fridays is legitimate, it seems quite ridiculous. And to try to run it through on budget day? I haven't seen the budget numbers yet"—this was written before the budget, I guess—"but it sure seems that the grim reality of what the average Canadian is dealing with, many working more than one job, is pretty far from each of your minds.

"The reality is, this is just another example of what becomes part of the Liberal entitlement mentality, and it just isn't affordable in this new world of significant Canadian debt. I'd be happy to support the proposal if you were going to take a pay cut or work additional hours every day to make up for it. And your approach is less than transparent. You have been provided a great job at Canadian taxpayer expense. Get a grip. I suggest that you think about what you actually deliver to the Canadian taxpayer before you vote yourself what is in essence a pay raise."

Now, there is other work that's done by MPs, but this makes the point that MPs should be here, that the government should be here and be held accountable on Fridays, just like other days.

The following one is addressed to a couple of particular Liberal MPs. I'm not going to name them, because I don't believe in trying to shame an individual or anything. I don't think it's directed at them, per se. I think it's directed more broadly at the Liberal government.

It says: "I'm a proud Newfoundlander, albeit living in Alberta. I know you guys are proud Newfoundlanders as well." I guess that narrows it down to who it could be, and I apologize for that. "So I want you to take a bit of your valuable time to read and consider my thoughts.

"I was born in St. John's in 1954 into a hard-working family. I spent my childhood growing up in what I still think of as the most beautiful city in the world. I'm a true east-end townie. I met and fell in love with a member of our fine military, a search and rescue technician, whose hometown is Comox, B.C. We married in 1978 and had the time of our lives living from coast to coast, as my husband proudly served our country for 25 years, 21 of which were in the SAR world.

"We have settled, retired in Rocky Mountain House, Alberta"—that's quite close to my riding, not in it next door to it—"because that is where our travels took us. I do very much care about this country from coast to coast, and on a daily basis I worry about where it is going.

"What I want to convey in this email is specific to something that I read about today. We are just two people from each end of this country who have been around long enough to realize that the fundamentals of our democracy should not be changed for the sake of change, or to satisfy a man who seems to be self-centred. But that is another email for another time. What does it prove? Not a darn thing. We feel that this country needs and deserves all the time it takes to get things back on track, because, in case you haven't noticed, it is going off track, really. We need all our representatives to be there working hard for us, for the money that we pay them, and

that includes our 'esteemed' Prime Minister. We deserve better than this, and that includes all Canadians. No one is better than the other. The families who have been here for generations, and yes, the people of the world who are trying their damndest to become part of this great country, deserve this.

"So please do not let your Liberal government do this to our democracy. Give your heads a shake, and please do not let this happen. Thank you for your time, and good luck in doing the right thing.

"Sincerely, from a 62-year-old female who has never written her members of Parliament before. This just seemed like as good a time as any."

I think it speaks for itself, asking the government to be held accountable and feeling as though the Prime Minister is trying to avoid accountability.

Another one here is from Millgrove, Ontario. It states: "As a taxpaying, middle-class Canadian, only now after more than a year of Justin Trudeau in office do I feel compelled enough to write the federal government expressing my grave concerns for our country and wanting answers. What am I referring to exactly? It's a bit of a list, but I'll bring it all together, so please hear me out.

"I was recently made aware of a Liberal motion to permanently close Parliament on Fridays. Is that true? In addition, motion to limit debate and scrutiny of proposed bills and reducing the Prime Minister's Parliament attendance to one day a week? If it wasn't for this Facebook post informing me of these motions, I would mistake this for fake news. Amidst our Prime Minister's extravagant vacation spending—a \$127,000 vacation, seriously?—MP pay raises."

I'm not sure where they got that one from. I haven't seen it, anyway.

"Higher goods, taxes, carbon tax, massive multi-million dollar foreign aid handouts, all leading to yesterday's \$27-billion federal deficit—presented with a smile, I must add—now a motion for Fridays off and reduced spending scrutiny. That's the straw breaking the camel's back, for me. This can't be real. You want to tax more, work less, give yourself a raise, and reduce the scrutiny regarding it.

"Here is a real world parallel for you to compare, because it seems there's confusion in Ottawa on how democracy works. I'm quite certain there is not a single corporation in existence that would allow an employee to take Fridays off, give themselves a raise, hike their expenses and stifle their employer from questioning it. Yes, I am one of the millions of your employers that are being forced to pay for this.

“Mr. Morneau said it correctly yesterday when presenting the budget: ‘It’s aimed at putting Canadians to work.’ You bet it is, and I fully agree. All taxpaying Canadians need to work harder to pay for the gross mismanagement of this federal government and take home less money while you ask for time off and try to put a lock on the Liberal door of governing.

“This doesn’t sound anything like democracy to me, but if you seriously compared it to the definition of totalitarianism, where would it fit? As one of your employers, I want an answer. I’ll be waiting for your response. Hopefully it comes today, because something tells me I might not get one on Friday.”

I guess that’s a bit of humour there.

Here’s another one, which again looks to be addressed to most of the members of the committee here: “Good morning, all. A couple of comments regarding the proposed changes to parliamentary procedures. First, let’s call a spade a spade. The Friday closure is to accommodate Mr. Trudeau and his friends....”

Actually, I’m not going to read that part, because I think it’s inappropriate.

“Secondly, restricting his attendance to one day per week reduces his exposure to critical comment and difficult questioning. It also allows him to campaign and show off his beautiful hair to his adoring fans. The Prime Minister is displaying a dangerous dictatorship-like behaviour in pushing to implement a purely selfish agenda to change our parliamentary procedures without the due process of debate and discussion.

“Why is Mr. Trudeau trying to silence debate with a very sneaky, backdoor plan to change Parliament? Why are you Liberals trying to silence voices and blindly do his dirty work? When will you wake up and put Canada first and call your Liberal government to account for their dangerous and reckless behaviour and actions? Our democracy is at stake here. Can you not see that? Are you all out to completely destroy Canada? I expect Parliament to be open on Friday, I expect Trudeau to stand and answer questions in the House, and I expect you to have a backbone and take a stand.”

There is not much comment needed on that one.

Here’s a very short and sweet one. I don’t know if it’s sweet, but it’s short, anyway: “I must say, I’m very disappointed to hear of what’s going on in Parliament. I expect Parliament to be open on Friday. I also expect Prime Minister Trudeau to answer all questions directed to him in the House. He cannot limit the right of my MP to scrutinize the Prime Minister’s legislation. This country cannot be run as a dictatorship. What on earth do you people think you’re doing? God help us all.”

Here’s someone from Oakville, Ontario. This is very short: “I would like to submit my concern about shutting down the Parliament on Fridays. I am fully unhappy with this. I got frustrated for decreasing the Canadian matters’ discussion time which should lead to the best interest of Canadians.”

This next fellow is a medical doctor. He has a very short email here as well: “I’m writing this email to express my concern over the Liberal move to hijack our democracy through the proposed changes

to the House of Commons rules. I also believe that giving part of an extra day off is irresponsible and a misuse of our tax dollars.”

The next one is from a retired member of our military, a veteran. He’s from Fort McMurray, Alberta. The email states: “It has come to my attention that you and a group of MPs, at the direction of our Prime Minister, are attempting to pass legislation that would fundamentally change the rules of Parliament to adopt practices that go against what Canadians expect from our elected officials. This is unacceptable. There are few enough days in Parliament and backlogs of issues that need to be resolved that to reduce your workweek by a day is ludicrous. For example, your government needs to stop dragging your feet on veterans’ issues such as suicide and lifelong pensions.

“I served 25 years in uniform defending Canada, her systems, and our values. I put my life on the line for a total of three and a half years on seven different operational tours, four in the Balkans and three in Afghanistan. You may ask why I and others like me would do such things, but we did not ask why. We were given orders which come from our system of democracy whereby our missions were clearly defined and for the most part, supported by the public.

“The support of our government during those tours and after was questionable and continues to lag, so Parliament must stay open on Fridays to address these and many other pressing issues. To have a Prime Minister whom is not required to answer questions in the House of Commons is bordering on a dictatorship and that too is unacceptable. My elected MP regardless of party affiliation has the right to scrutinize proposed legislation and ask questions until answered.”

I’ll interject here. Boy, if we had to ask the questions until they were actually answered, we could be there a long time based on my experience with this government so far.

But I’ll continue with the letter: “If the questions were actually answered the first time, and I mean really and meaningfully answered, and it certainly wouldn’t take so long.... Continuing to talk in circles doesn’t fool anyone, it’s just blah, blah, blah, and we as Canadians deserve answers. My MP is representing me. You as an MP are also representing Canadian citizens as are all MPs. It is your duty to represent our will and our wishes not to support a government that uses deceptive and underhanded practices to make changes that contradict our collective will. I demand that these deceptive practices stop immediately.”

First of all, in terms of his comments, obviously I want to thank this man for his service to our country. He served, as he said, on seven different operational tours. He served our military for 25 years, put his life on the line for our country and our democracy, and I thank him for that. And I know that all members would thank him for that.

But he feels that the risk he took with his life, the sacrifices that he made, are not being served by what's being done right now. He doesn't feel that his democracy is being respected. And he says there are issues that need to be dealt with for veterans, and for other reasons. He's saying that what he's seeing from the Prime Minister is bordering on dictatorship and is unacceptable. And he said that all MPs regardless of their affiliation have the right to scrutinize legislation and ask questions until they're answered and that Canadians—and “Canadians” is all in capitals—deserve answers. So he's saying that his MP is representing him and that through him, through that MP, he deserves to get answers from a government that he says is using deceptive and underhanded practices to make changes that contradict our collective will, and he's demanding that those practices be stopped immediately.

Here's someone from Nova Scotia, who says, “Just a quick note to voice my disagreement with the motion put forward to shut down Parliament on Fridays.”

I'm going to interject here because I notice that what I'm seeing in some of these emails is a greater recognition than simply that MPs wouldn't necessarily be working, but that Parliament would be shut down on Fridays, which means that no MPs would be here, which means that there would be no accountability in Parliament to Canadians for what the government is doing. That's the point I'm seeing from a lot of these people in these emails, and that's a good thing, that people are recognizing that the issue here is that Parliament needs to be sitting so that the Prime Minister and others can be held accountable. So they're talking about shutting down Parliament on Fridays.

He says—and I want to read this—“I'd be in favour of shutting down the Liberal Party for as long as it takes them to come around to our way of thinking.”

I'm thinking that would be a very long time. Obviously it's expressing frustration. That's what it is. I don't think they really want to shut down the Liberal Party and I don't subscribe to our doing that, but it says: “Don't kid yourselves. You may have a majority government for now, but that doesn't mean you have the backing of the majority of Canadians. I'm sure most Canadians right now are as upset as I am and are reeling over the debt this sitting government is wracking up for our further generations to be left on the hook for. I've seen nothing but recklessness by this administration when it comes to wasting hard-earned tax dollars. It's time we stopped already with this great global vision and focused on the real issues here at home, and doing this one day less per week is not the right approach to fixing our problems. For heaven's sake, listen to the people, and that includes those who don't agree with you, not just those who do.”

Obviously this idea of shutting down the Liberal Party was just that person expressing his frustration. I'm sure the person didn't really mean that, and I certainly don't subscribe to it, but it points out that there's a real frustration with what this government is doing.

These are ones about MPs not working five days a week; I'm going to pass them by.

This email sums up a lot of what we've heard from people. It's from Lethbridge, Alberta. It says, “I'm saddened and disappointed to

hear that the Liberal Party is seeking to change our democratic processes and in such a way as to reduce Canadians' ability to hold the government to account. For example, the Liberals are quietly seeking to—”

Here it lists off a number of things from the discussion paper. I probably don't need to read those again. It continues, “I ask that you reverse your decision on this matter so that Canadians can still feel confident that our rights aren't diminished. Moreover, if the Liberal plan to reduce our democratic rights is implemented, I will remember this come election day. You were elected by the people and for the people and this attempt to subvert our democratic process, in my opinion, is not what the people want. If you do act according to your own interests, we can certainly make the necessary changes come the next election. So again, I ask that you stop this plan to restrict the democratic process and to leave the processes we already have in place.”

This next one doesn't indicate where it is from, but it's the 204 area code, which might be Manitoba. I could be wrong. They list the phone number, which I won't give out in committee, because I don't have permission. It says, “Thank you for serving our country. I thank you for your sacrifice. I thank you for your dedication. I thank you for your commitment, but I am concerned with what I've been hearing about legislation that has been put forward in the House of Commons.”

I'll add a side-note here. Obviously, people believe it's legislation. That's really not significant to the arguments they are making. Whatever it is, they are against the proposal. It goes on, “As a Canadian taxpayer, citizen, and business owner, I work six or seven days a week. I constantly assess my business to make appropriate adjustments. I am accessible to my associates, because everyone has a unique contribution. I am in contact with my clients so that I hear their needs and concerns. I do not make hasty decisions. They are too costly and damaging. I do this because I believe in being responsible. I do this because I believe in this country. I do this because I believe that we must all work together to build a strong democracy. I must insist that our representatives in Ottawa do the same. Work hard at least five days a week. We cannot move forward by working part-time. Be available. I expect my Prime Minister to be involved in the running of my country, all the time. This cannot and must not be done remotely. Be aware. Know what all representatives are saying. After all, even if they are sitting on the other side of the House, they do represent Canadian voters. Hear them. Use wisdom, giving careful consideration to the decisions you are making.”

The email continues, “This can only be accomplished by allowing enough time to gather all viewpoints and information. To be clear, I do not support the House of Commons being closed on Fridays. I do expect our leader, the Prime Minister, to be present in the House. I do expect the House to discuss legislation as fully as is required to make wise decisions. This is not about us and them. This is not about being overworked. This is about building a strong and vibrant country.”

I'll quickly comment on this, Mr. Chair, because I think this person makes some good points. He talks about how he runs his business. He hears from all his employees. He takes the time to make sure he's not making hasty decisions. He wants to make sure they're not costly and damaging—

**Mr. Scott Simms:** I have a point of order.

**Mr. Blake Richards:** I just need 10 seconds more, Mr. Simms.

The point is, he's saying not to do this, not to rush this through, not to force this through, not to ram this through. Hear the different MPs. Hear the opposition. Let them be a part of making these decisions. That's the right way to approach things. That's the point this person is making.

**The Chair:** We're finished.

**Mr. Scott Simms:** Does Mr. Richards feel that all provinces should also be open on Fridays? Should all the provincial legislatures also be open on Fridays, and will he work toward to doing that?

**Mr. Blake Richards:** Well, obviously, that's their decision to make, but the point I'm making here is that I have a lot of people from all across Canada who are saying that they think that Parliament should sit. I'm just reading their emails.

As I said, I don't necessarily agree with everything that is being said, but the point they're making is that Parliament should be sitting.

**Mr. Scott Reid:** I'd like to get in on this one, seeing it's a point of order. I know we're at 11.

I don't know how Mr. Richards feels about it, and in all fairness, I don't have an opinion on the provinces, but in Ontario we have the same ridings federal and provincial ridings, and so I get a lot of chance to compare notes with my opposite number in a way that is different than other provinces.

I would say that in Ontario it was a mistake to go to four-day weeks. I can't say that for a smaller province. Take the extreme example of P.E.I. It might be different, but certainly for Ontario, I think that five days a week would be preferable, and my opposite number thinks so too.

Seeing that we'll have a chance to come back on Tuesday, I might be able to give you some of the substance of why my colleague Randy Hillier thinks that way, and we could carry—

**Mr. David Christopherson:** On a point of order, Chair. It seems to me that somebody's filibustering the filibuster here. It's after 11. Chop, chop.

**Voices:** Oh, oh!

**The Chair:** Okay, given that it's 11:02, I would just point out now that on Tuesday we'll probably be in room 253-D. We will start at 9 a.m. and we will break at either 1 or 1:30 for the informal meeting with the Austrian president.

Mr. Reid.

**Mr. Scott Reid:** I don't know if we need to do this, but if we start at 9, and say for the sake of argument, *mirabile dictu*, there were some kind of agreement worked out by the powers that be, and we all found ourselves in harmonious conclusion on something. I don't know what that outcome would be, but would we be able to move

right away at 11 to a meeting with Elections Canada. Or is that just beyond the realm of possibility?

I say this because, obviously, we have a job before us, and I'm concerned about time. That may be unrealistic, so I just wanted to ask.

I want to ask you to think about that, maybe rather than doing anything.

**The Chair:** You know what? We'd have to look into that, if that occurred.

We are suspended till 9 a.m. Tuesday.

• (1100)

(Pause)

• (0900)

**The Chair:** Good morning, everyone. Welcome back. I know you missed the time away, so let's get back to our business at hand.

We're back to the 55th meeting of the Standing Committee on Procedure and House Affairs. This meeting is being televised. We have the media here, keeping guard. The meeting was last suspended on April 7. Mr. Richards had the floor, and he's going to be sure not to repeat himself this time.

For your information, I've reserved room 253-D all week, along with the television crew. The committee agreed to meet informally with the delegation from Austria, led by the Second President of the National Council, Mr. Karlheinz Kopf, whose position is like that of our Deputy Speaker. The idea is to suspend at 1:30, but based on a good idea from Mr. Richards, we'll suspend a bit early so I can—

**Mr. Blake Richards:** I can't take credit for the idea. I think it was Mr. Reid.

**The Chair:** I'm sorry, Mr. Reid.

**Mr. Blake Richards:** I'm always willing to take credit for a good idea, but....

**The Chair:** Not this one. Okay.

It is so I can introduce them and everything, because we only have half an hour and we want to make sure we get as much back and forth in and not as much of the formalities. We tried to get them earlier, but they have a meeting with Mr. Watson, the mayor, just before our meeting.

I'm hoping we'll come to harmony today and get this all resolved, but if that doesn't occur, we'll go to midnight and then, basically, the schedule for this week is the same as last week: 4:30 tomorrow until midnight. Then Thursday will be like a Friday, because the House changed Thursday hours to Friday hours this week.

**Mr. Scott Reid:** That would mean what.

**The Chair:** It would be 9 a.m. until 11 a.m.

**Mr. Scott Reid:** Okay, thank you.

**The Chair:** This is all tentative, but that's what I'm thinking.

Okay, Mr. Reid, we're looking forward to stimulating and exciting input this morning, bright and fresh in the morning.

Mr. Richards, sorry.

**Mr. Blake Richards:** It's okay. I've been called worse things.

**Mr. Scott Reid:** That's a matter of interpretation.

**Mr. Blake Richards:** I can assure him I have certainly been called worse things.

**Mr. Scott Reid:** But [*Inaudible—Editor*].

**Mr. Blake Richards:** Here we are, still here, and as you say, Mr. Chair, one can always hope there would be some way to resolve it. We all know the way that it can be resolved is simply by the Liberal government agreeing to do this the way things are generally done when this kind of change is contemplated. When this type of approach is used, it does not fly very well with members of the opposition; it doesn't fly very well with members of the public. Obviously, the easy and most appropriate path to resolving this would simply be to agree that the way it should be done is that changes that are made would have to be arrived at through some consensus, unanimous agreement of the parties, the way it typically is done. Let's hope. We don't see any real sign of change of heart there, but one can always hope that at some point there will be.

I see that someone brought in a cake today, recognizing the fact that it's our third-week anniversary of the beginning of this meeting that we're still in. Obviously, that's done as a result of three weeks, and if we want to avoid having a cake for the fourth week or the fifth week or the sixth week, or seventh month, there's one way. There's one way to avoid that, and it is for the Liberal government to recognize that they need to do this in a way that is appropriate and the way it's always been done.

I can tell you the opposition is not going to back down. The opposition is here for the long haul in order to protect the rights of Canadians to hold this government accountable. That's what this is really about. It's about the right of Canadians to hold this government accountable. Obviously, one of the ways that's done is through opposition members asking questions in question period, through opposition members utilizing committees to raise awareness of issues that are going on. All of these things are done to ensure that Canadians have a chance to look at the government's agenda and determine whether it's appropriate and one that they agree with. If the government can get the public's favour on what they're trying to do, it can move through Parliament. If they can't, they can certainly still try to move it through Parliament, but they'll pay a price. When a government tries to do something the way they've done this, which is to sneak it through without Canadians having a chance to know about it, the reaction isn't good. It's not good from the opposition parties, and it certainly isn't good from Canadians.

As evidence of that, when we last met, last Friday, Mr. Chair, I was sharing with the committee some emails that Canadians had sent to members of the committee, expressing their displeasure. I want to read a few more of those, because I think they really tell the tale as to how Canadians are feeling about what this government is trying to do. It's something that I hope will be taken to heart by the members of the government in finally realizing that this needs to be resolved in a way that is appropriate and satisfactory to Canadians, which would be to allow it to be done the way it has always been done, rather than trying to ram something through Parliament, which is really a sneaky and inappropriate way of approaching it.

This one is written specifically to the Liberal MPs on the committee. The person writes, "Greetings, Liberal MPs. I was appalled to hear of the motion recently tabled to alter the current rules of Parliament. Though I may not have all of the details, what I do understand about this motion is quite alarming. From what I understand, this motion will limit the time that MPs have to voice the concerns of the people they represent. It will close the House of Commons on Fridays, and it will allow Prime Minister Justin Trudeau to attend Parliament just once a week.

"As a law student about to enter the profession, I find this absolutely disgraceful. Our justice system is a fragile beast that deserves every bit of consideration that it gets in its formation. By changing this parliamentary process, it takes away the valuable time needed to consider proposed legislation and hastens the time remaining. These decisions are not decisions to be made recklessly. These are decisions to be made after every voice has been carefully heard and considered. This is the sole purpose that we have in a democracy, to elect officials who will be the voice of the people in the process of creating laws.

"Please do not silence your own voice, and please do not silence my voice through you. As a voter who regretfully voted Liberal in the last election, I say that this motion would drastically decrease my confidence in the parliamentary democracy that we so proudly boast of as Canadians. After all, does my vote even matter if the Liberal Party does not even wish to hear the voice of the leader I elected?"

"Please reconsider this motion to protect the democratic liberties of all Canadians."

To unpack that, what we have here is someone who's obviously a very reasonable person, a law student, someone who is seeking a career in law, who obviously has the ideals of justice and fairness in mind. They've written a very reasoned letter here. What they're saying is that what the government is trying to do here is not fair or just. This is an attempt to try to silence the people who have been sent on behalf of all Canadians to represent their interests. The person indicated that, yes, they did vote Liberal in the last election, so this is typically a Liberal supporter. They're saying they regret that fact. They regret that fact because what they're seeing now is something that has come forward from that Liberal Party that would drastically decrease our confidence in parliamentary democracy in Canada. That is not something I think this person wrote lightly, from the sense I have. They seem like a pretty reasonable person.

The headline, the subject, of the email was, "Parliamentary democracy at risk", so a reasonable person who understands the gravity of this situation has expressed that quite reasonably but also strongly.



Another one here that I have says: “Dear sirs and mesdames: The Liberals want to change the rules to benefit themselves and destroy our Canadian democracy. Canadians realize across the nation that something is seriously wrong. When all of the opposition parties are united against the Liberals, something is seriously wrong. We call upon the Government of Canada to adhere to longstanding parliamentary tradition and procedure, and not force any changes to the Standing Orders of the House of Commons outlined in the mentioned discussion paper, without the unanimous consent of all political parties currently represented in the House of Commons.”

Again, here we have someone who sees this as an attempt by the Liberals to just change the rules to benefit themselves. In their words, it “would destroy our Canadian democracy.” They say that it means there's something seriously wrong. They're asking in a very reasonable way to see the government adhere to what they call “the longstanding parliamentary tradition and procedure” to not force changes to the Standing Orders without the unanimous consent of all political parties. I would agree; that is the longstanding tradition.

I have another here, as well. It's addressed to one of the Liberal MPs, and copied to, I think, all the rest of us as members of the committee, and it looks like a number of others—some of the party leaders and others. I won't read whom it's written to, but it has a greeting here, and then it says, “It has come to my attention that you and other members of the PROC committee are about to change the rules in Parliament, without due consultation of the public. I understand that Justin favours the ways of China, but as of now we do not live in a dictatorship, and I will certainly not permit one to arise in my country as long as I live. What about you? Unilaterally closing down Parliament on Fridays is just not acceptable. The fact that our Prime Minister only wants to appear to answer questions once a week is outrageous. Any attempt to cut down the time allowed for our representatives to openly discuss and debate issues on our behalf, in pursuit of the most viable solutions to complex problems, must be seen as an attempt to compromise the integrity of the democratic process. You and all other elected representatives of the people have not, in my opinion, been given a mandate to make changes to any fundamental parliamentary rules of operation without due consideration and consultation of the public, who elected all of you to office. You just don't get to freely change the rules on the quiet behind closed doors, just because you think you can get away with it. You can't. If you do succeed it will surely come back to bite you right on your ample posteriors.”

I won't make any comment on that.

**Mr. Scott Simms:** It's always good to get to the bottom of it, anyway.

**Mr. Blake Richards:** I guess it's those Timbits that we were eating, Mr. Simms. Maybe the cake will help, too.

**Mr. Scott Simms:** Not really.

**Mr. Scott Reid:** It's a self-fulfilling prophecy.

**Mr. Blake Richards:** The writer goes on to say they hope that fundamental point is clearly understood, and asks, “If Prime Minister Harper had attempted to pull this little stunt, how would Justin and the Liberal Party have reacted? Prime Minister Harper was labelled a dictator for much less. How would Liberals feel when the next Conservative government relies on these same procedures? Would it

be considered fair or foul play? Are you comfortable with that scenario? Get my point?” The writer asks if we are on the path to becoming a banana republic, where the party in power believes it can ramrod and railroad new rules and regulations in its favour at will, with little or no say from the opposition and the public. They hope this will not happen on our watch.

As the writer says, this is not a partisan issue, but one of basic decency and integrity, and I quote: “It's highly likely that there would be a steep cost to be paid at the ballot box by any candidate who had unwisely supported such an ill-considered and short-sighted tactic for crass political advantage.

“Please consider voting against this blatantly cynical move by the government to limit their own accountability and impede opposition to their policies. It cannot stand.”

The letter is signed and includes the person's name, but also says, “a very concerned citizen”.

This one comment about the ample posteriors makes me really feel bad, because I've been working so hard to try to stay in shape, Mr. Chair. But outside of that—

**Mr. Scott Reid:** Also make sure the camera angles in this committee are focused where they ought to be. Our posteriors should be off-camera.

**Mr. Blake Richards:** Outside of that, when you look at this email, it says we do not live in a dictatorship and says “as of now”. Those are strong words meant to imply, obviously, that what they're seeing here would lead in that direction. They say they would never stand for that.

They're talking about things like the Prime Minister only wanting to answer questions once a week. They call that outrageous. They talk about closing down Parliament on Fridays and say that it's just not acceptable. They're raising the issue that this is something all parties need to consider, and it needs to be done with say from the opposition and the public.

They make the point that this is not a partisan issue, and they're right. It's not a partisan issue. They say it's one of basic decency and integrity. That's a good point.

The next one says, “There is some shady business happening up on the Hill. It would seem that your government is trying to sneak through some changes through Parliament and how Parliament operates. I cannot in good conscience let this happen without me at least standing up and letting my voice be heard. It is important to any democracy that it have a strong opposition. That's how we keep the checks and balances to ensure that the government of the day is held to account for the things it does. We need to have our voices heard, and the idea that the Liberal government is finding new ways to stifle any opposition is disturbing.

“Putting aside Mr. Trudeau's dismissive attitude toward Alberta, what he and his government are doing is affecting us all—racking up more debt every year, meaning more money to service debt, taking away money that should be paying for programs for Canadians. But the fact that he wants to spend less time in the House of Commons in question period, to do what? What is more pressing than answering the questions of MPs that were elected by Canadians? I did not vote Liberal, but I did vote, and my representative needs to be heard. That is democracy. Perhaps the Liberal Party needs to look it up”.

There's a quote here she's given: “A system of government by the whole population or all the eligible members of a state, typically through elected representatives.”

She continues. “Absolute power corrupts absolutely. No party, including my own, should be stifling voices from people that oppose their views. The fact that the Liberal Party wants to do less and have less opposition to the things they are doing doesn't surprise me. What can you expect from a party who have self-proclaimed themselves to have the divine right to be leaders of Canada? What you are trying to do is stifle my voice, stifle my rights. We are not insignificant or not worthy of having a government that works for us, because you do, after all, work for us, all of us. You should remember that. Rant over. Time for a selfie.”

It's obviously someone who's frustrated. It wasn't a Liberal voter, so again, there are people here who support all different stripes of political parties, but they all seem to be united by one common thread. That is, they see what's being done here as, in the words of this person, disturbing.

She calls it shady business. She calls it trying to sneak through changes to how Parliament operates, saying she can't in good conscience let it happen without standing up and letting her voice be heard, saying that this is trying to stifle her voice and her rights. Those are pretty strong words, and understandably so.

The next one says, “Shutting down Parliament on Fridays is not in the best interest of Canada. Many Canadians like me expect to see all of Parliament at work with a full House every day of the week, including Friday. As for the Liberals' back-door change they are attempting to slide past Canadians, legislation that would permanently limit debate and scrutiny of bills, Canada is not a dictatorship. This is Canada, with a democracy, and we the people demand Liberals stop their back-door ways. I expect every bill or legislation put forth to be scrutinized by all parties in Parliament, any and every day of the week. I have also noticed that Prime Minister Justin Trudeau needs to attend the House way more than part time. Canadians deserve a full-time prime minister that is in the House to answer our MPs' questions every day. Tell Justin Trudeau we Canadians want the questions of all MPs answered by the Prime Minister himself on any legislation or bill Justin Trudeau's Liberals try to impose on Canadians.

“Take these words under careful consideration and stop doing Justin Trudeau's dirty work, and respect Canadians first and foremost.

“If you have any questions, please feel free to contact me and I will be happy to answer anything you are unable to understand.”

In that one, I think they were pretty clear. They're saying this is something that they consider Justin Trudeau's dirty work and they think it's inappropriate, and they're asking for Canadians to be respected first and foremost.

The next fellow here says, “In order to preserve democracy in this country, I demand that Parliament be open on Friday and I expect Trudeau to answer questions in the House. It's his job to be accountable to Canadians, and our elected representatives are to question his actions and he must be present to answer their concerns.

“Parliamentary procedures are not to be changed solely at the discretion of Liberals, as this is not the democratic way in which we operate.

“I also object to having a time limit imposed on MPs to challenge proposals that your government wants to make. If you're trying to jam changes through by limiting objections, then your government will be defeated in the next election, which can't come soon enough.

“Where are all the jobs that Trudeau promised to create when he was campaigning? We Canadians are having to learn to survive on less money and I have not seen where government has tightened their purse strings. Is this what you call responsible government?”

That individual is saying, man, you guys are going to pay the price in the next election. You'll be defeated if you do such a thing as to change this without the consent of all parties, and he's saying, if that's the case, it certainly can't come soon enough.

The next one says: “Good day, everyone. I've taken some time today to review the discussion tabled regarding proposed changes to the functions of the House of Commons. Upon review of these changes, I was very disheartened to see such a high level of support from the Liberal Party for processes that would, from my understanding, ultimately limit the voice of the Canadian people.

“Our House of Commons is an extremely vital component of our ability to function as a diverse yet collaborative community here in Canada. I do not support the prospect of limiting our elected voices from the ability to speak on our behalf, nor do I support the prospect of any federal government having the ability to deny the opportunity for debate.

“I cannot grasp the benefit of the House of Commons not sitting on Fridays. I would love to have a greater understanding of how this change would benefit the Canadian people. Without a direct benefit, I cannot see a purpose to this option.

“At this point, I do not feel that members of Parliament, nor the Canadian people they represent, have had the appropriate explanation or amount of time to process the potential implications of the changes put forward in this discussion. This is not the way of my Canadian political platform.”

That person was using some reasonable language, talking about being disheartened to see Liberal support for this thing that they would see as limiting the voice of the Canadian people. They say they don't see the benefits and they really don't think there has been an appropriate time for discussion about something such as this, and they're certainly right. There has not been appropriate opportunity for that. It's just being brought forward and table-dropped in front of the committee as a motion.

This one says, obviously addressed to the Liberal members of the committee, "I think your motion on behalf of Justin Trudeau to change the debate rules in the House, as well as other items to limit accountability, is self-serving and shameful. Further, your attempt to sneak this motion through on budget day is quite pathetic. The only conclusion that can be drawn by rational observers is that the Liberal government does not want to be held to account by the citizens."

It indicates that it's copied to other MPs, and then it says, "as well as Kent Hehr, who is my MP."

Then it addresses him specifically by saying: "Kent, I'm quite curious to hear your exact position on this motion and I'm surprised that you appear to support it. Rest assured there will be a steep price to be paid at election time for those who proposed and supported such nonsense."

It's making it quite clear that although they may have supported Kent Hehr in the last election as the Liberal MP in their riding, they certainly would say there would be a steep price to be paid, which I would assume means their vote would certainly not be going there and they believe the vote of others would not be going there if they were going to support what they call such nonsense, saying, "The only conclusion that can be drawn by rational observers is that the Liberal government does not want to be held to account by the citizens."

I think that's a pretty fair conclusion to draw. It seems that what's behind this is an attempt to try to find a way to avoid being held accountable. Think about Justin Trudeau only being in question period one day a week. Think about removing the one day a week when there's question period now—that's 20% of the question periods. This certainly would ensure there is less ability to hold them accountable. When you talk about changing the way committees work so that things can be rammed through in a very quick fashion, that is taking away accountability. It is also taking away the ability for the opposition to shine a light on things so that the public can become aware and make a determination on whether they think it's appropriate for Parliament to proceed with such things.

The next one says, "I'm writing to add my voice to speak out against the changes that have been proposed by the Liberal government to change the rules of the House of Commons. The rules of Parliament were established to ensure that all Canadians have a voice that is represented by their member of Parliament. You are not 'modernizing' the House of Commons by shutting down sitting days on Friday. You are not 'modernizing' the House of Commons by limiting the days that the Prime Minister needs to attend question period. My voice is not represented if the number of sitting days is reduced by 20%. My voice is not represented if members of Parliament cannot ask the Prime Minister questions every day. On a day when the federal budget is being tabled, this is a

transparent attempt to sweep criticism under the rug. Governments do not last forever. There will be a time when you will be sitting on the other side of the House and your job will be to hold the government to account. Keep this in mind as you make changes that will have an everlasting impact on how Canadians are represented in their Parliament. It was not long ago when similar attempts were made to change the rules via Motion 6. The outrage from people who do not ordinarily pay attention to procedural matters in Parliament was resounding. You may think that Canadians do not follow these matters, but they do. I hope you will listen to the voice of reason and accept that these changes do not benefit the Canadians who elected you to represent their best interests."

There were some really good points made here. I think it was the first email I read that recognized this. It was obviously someone who must watch question period. They hear the government House leader and her responses, because there's often been this talk that somehow this was modernizing Parliament. I noticed they said that we were not "modernizing" the House of Commons, and I noticed they used it in quote marks. They're absolutely right. This is the exact thought I've had a number of times in question period as I listened to that bogus answer that somehow shutting down Parliament on Fridays, that somehow limiting the Prime Minister's attendance in question period to once a week, was modernizing Parliament. I mean, what a load of BS. This person goes on to say that if you reduce the sitting days by 20%, if you only expect the Prime Minister to be there to answer questions once a week, what you're actually doing is making sure that their voice is not able to be represented. It has come up in a number of the letters I've read that the government needs to think this through, because I think what they're trying to do is make things easier for themselves. They want to make it so they can push through their agenda quicker, but what they're doing is changing the rules for all time. They're changing the way this Parliament always works. I point out to them that they will be in opposition some day, and that could be a lot sooner than they expect if they're going to continue to do these kinds of things that show them to be unaccountable. At some point, they'll be in opposition, and they'll be the ones who will be sorry that they made these changes. That's true.

The next one says, "I am an angry Canadian. I find out through social media that there is an attack going on in a hidden room in the House of Commons, an attack that was tried before and failed, an attack on my rights as a Canadian to have representation in the House, an attack on holding this sitting government to account, an all-out attack on democracy. Shame on you all. Shame on you for thinking the Canadian people are just going to lay down and take this. Shame on you for the devious way you're going about this. Shame on you for thinking all of us in the middle class and those working hard to join it cannot see exactly what you are trying to pull here."

It continues: "Shame on you for thinking that Canadians are stupid. I mean, you must think we are all stupid by thinking you can get away with this. By the way, you all respond to every question asked with the same old talking points over and over again.

“Shame on you for so-called transparency you were supposed to be bringing to the House. Shame on you for the non-accountability you have shown the Canadian people thus far. Shame on you for campaigning on being present and accountable to the Canadian people and then pull this garbage. Shame on you for taking the money and not wanting to put in the time or effort to make Canada a better place. Shame on you all.

“Come to your senses immediately and drop this attack. Have some decency and let democracy rule. Let the people of Canada keep their voices and fair representation in the House of Commons, the House you are a temporary guest in—remember that.”

“Hoping that you will put Canada first and stop the madness.”

This person is obviously quite upset. The subject line they used probably said it all. “We have had enough,” they say, and they’re saying shame on this Liberal government for what it’s trying to do to eliminate accountability.

The next person says, “Hello. I’m writing in regard to your attack on our Canadian democracy. What are you people thinking? This is an attack on every Canadian and the only way we have our voices heard in Parliament. Justin campaigned on being present, accountable, and transparent to us. You know us, the Canadian people you all keep claiming to be working for. I cannot believe you are trying to change the rules and kill democracy as we know it in the House. That does not belong to you but belongs to the people of Canada. Unbelievable, to say the least, and shame on you again. Don’t think I have forgotten the talk of this nonsense before. I guess that’s why you have chosen the path you have to ram this attack on democracy through.

“Once a week question period for the Prime Minister? You’ve got to be kidding me. This is not a vacation. This is his job. Get in there and answer the questions, and enough with the talking points over and over and over again. Questions deserve an answer, not a talking point. We, the people, want real answers and be held accountable for his government’s actions.

“Limiting debates? You’ve just cut off the Canadian people’s voices. Unacceptable. Our representatives are just that. They represent Canadians. To limit time is to limit our voices, not theirs. This is our time, the Canadian people, for consultations that you are trying to limit and avoid hearing. This is us, the people, talking through them. Why do you people not get this?”

“No Fridays? You all signed up knowing the work week is five days. How dare you change the contract between us, the Canadian people, and yourselves?”

“Then to add insult to injury, I have to find out about this on Facebook? Where is your accountability and transparency when you hide in a room and push to get this nonsense rammed through without the public knowing? Shame. Our tax dollars pay for you to rent that seat five days a week. You do not own it, nor do you own the House. Stop this madness right now and start doing your jobs, which, by the way, is to work for us, the Canadian people, not against us.

“On a side note, if you feel there is not enough work-life balance in the positions you hold, then maybe you’re not the right fit for this role.

“Hoping you will make the right decision and stop this madness now, and never, ever bring this to light again. Signed, a very concerned Canadian who helps pay your wages.”

**The Chair:** Just on a point of order, we have some special, esteemed guests here whom some of you may know from ancient years.

Paul Szabo was here for 17 years. When they used to count the number of words uttered in the House, a number of times he was the person who had said most there. He was like the Kevin Lamoureux of today

There’s also Derek Lee. As you know, in these meetings, and you can look at Mr. Reid’s pile, we look at all of these learned books. Derek Lee is the author of one of these learned books, *The Power of Parliamentary Houses to Send for Persons, Papers and Records: A Sourcebook on the Law of Precedent of Parliamentary Subpoena Powers for Canadian and other Houses*. He was here 23 years and was close to being the dean of the House, the longest-serving person here. If you want to chat with those guys, they don’t get to Ottawa that often anymore.

Welcome, it’s great to have you seeing our erudite hearings that are going on.

Carry on, Mr. Richards.

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

Welcome to the two former members, who obviously both served this place and the Canadian people for a very long time. We celebrate and congratulate them and thank them for that. I wonder how they would have felt about this had this come forward while they were in opposition. I wonder whether they would have enjoyed having their rights eroded and taken away, as members of Parliament on behalf of the citizens they represent.

Mr. Chair, now I’ll get back to some of the concerns that Canadians have about this.

The next email I have here says, “I am absolutely disgusted with this. Who exactly does this committee work for? I thought all parliamentarians worked for the benefit of all Canadians. Anyone who votes in favour of changing the policy on sitting in the House in order to allow a self-serving Prime Minister and his cohorts to avoid scrutiny doesn’t deserve any support from Canadians. I’m hoping that there are millions of others who feel the same way. The Liberal Party and its members have lost their way. Perhaps it’s time to retire them all.”

It’s short and simple. The point is that they feel like they’ve lost their way. This is a government that has only been in power a year and a half and people are saying that it’s lost its way and maybe that its members should all retire. They see the Prime Minister as self-serving and trying to avoid scrutiny and they say that he doesn’t deserve any support from Canadians.

This next one looks like it's been sent to almost every MP, or very close to it, and it's from someone in Saskatchewan.

It says, "It's time for the Liberals to start working for Canadians and not for Trudeau. Trudeau is not your boss, but the Canadian people are. Trudeau loves dictators, while Canadians hate dictators. Trudeau is acting like your puppet master and you are letting him. You were not elected by Trudeau. Your responsibility is to Canadians, particularly those lost souls who elected you in their constituencies."

I guess we know how they feel.

It continues, "Canadians hired you to do a job with specific rules, a job description, working conditions, and hours of work. Canadians have the power to fire you and unless you are deaf, blind, and totally ignorant of the rage building across this country towards the Liberals in power, you should be thinking about your future job security. If you don't like your job anymore, if you find the working conditions unbearable or find attending committee meetings just too hard on you, if you don't like listening to opposing points of view in meetings, if you cannot abide anyone who doesn't agree with your puppeteer's ideas or dangerous plans to dissolve our democracy, and if you cannot handle five days a week of having to be accountable for your actions, then I have one suggestion; resign right now. You were hired to do a job with set rules, hours of work, working conditions, etc. So was..."

I won't use the words they use here to describe Justin Trudeau, but they aren't a very big fan of Justin Trudeau, clearly.

Furthermore, "If you are not prepared to accept those terms any more, then that's tough luck. You do not have the right to change the rules by which our Canadian democracy works. You are not part of a dictatorship yet. We will fight you to the death on this matter. Trudeau may have you all convinced that he walks on water and that you are close to accomplishing that feat too. Wake up. Start paying attention to what Canadians are saying about the puppeteer who is pulling your strings. You are making a joke of our democracy and of the work that is supposed to be done in the House of Commons and at the committee level. Who do you think you are? We know that Trudeau has no respect for the lowly Canadians he lies about wanting to help. You and the Prime Minister can help us by quitting. Walk out or resign. Let's get this over with now, rather than waiting for 2019. If your puppet master is so confident that he knows what Canadians want, I challenge you to tell him, "Call an election right now". I have never been as disgusted and outraged at any sitting government as I have been with Trudeau Jr. and his band of merry thieves. They have lost their way and have drunk the toxic Trudeauian Kool-aid once too often."

I've never heard "Trudeauian Kool-aid" before. That's an interesting term.

The person continues, "His incompetence, immaturity, and unsuitability for the job is now fully in the spotlight. He can't cope with being challenged or questioned in the House of Commons, so he wants to be there only one day a week? The country or the world, handing out our money to other countries is his idea of what his job should be. Canadians have a very different opinion flying around on.

Time for Justin to grow up and work full-time for the first time in his life.

"Redeem yourselves. Save your reputations and do something for a change. Stop this nonsense now. End this fiasco now, and he might earn some respect from Canadians who are watching in horror at the games that Trudeau and his advisers are playing with no respect for any of us."

That person certainly didn't hold back on their feelings. People are angry. The subject of that was, "Concerned with Canada's future"—probably the least strong words they used in the whole email.

The subject matter of the next one is, "In protest to the lack of accountability". It says, "I am very upset and concerned about how this government is trying to sneakily make these changes, changes that are no small deal. I can't believe that Canada's leaders of the Liberal Party don't understand the value of being leaders.

"The fact that you want to shut down Parliament on Fridays and take away the accountability that every government should be subject to in the form of plain and simple questioning astounds me. It doesn't matter what you are leading. Whether it's a federal government or you are the reeve of a small rural municipality, leaders need to be able to answer questions from those that they are serving. They have a duty to answer to the best of their ability and to subject themselves willingly and openly to scrutiny, because running a country is a big deal. Trying to actually do it well and with honesty is a big deal."

Then, they have the next part in bold: "Please step up and be an example of good leadership. Show that you even believe you are to be serving the citizens of this country and that you even care what we have to say. I really don't believe that you do."

I'm sure that person hopes that they will be proven wrong, that there will be good initiative shown, that the Liberals will show that they want to serve the citizens of this country, and that they actually care what people have to say.

The next one says, "To whomever this pertains in the Liberal Party, you cannot amend the rules in the House of Commons just because you feel like it. Are you going to change the name 'Robert's Rules' and call it 'Trudeau's Rules'? Rules in the House of Commons have been there for a reason, so that each everyone can debate and voice the opinion that represents the people of their province. Taking that away is truly insane.

"Liberals, sorry—not sorry—to burst your bubble, but the House of Commons is not about you and what makes it easier for you. It's not supposed to be easy. It's about decision-making for the betterment of the country, even if it takes all night. Even if one person in that room doesn't have a chance to voice their right to speak, how is that anywhere fair?

"I don't understand how you don't see that. What if the Liberals' voice were taken away? You would be"—and I won't use the word they use, but "angry" is what they're getting at—"and frankly"—and again, I won't use their word—"I'm angry, along with many other Canadians. This is not okay. I cannot believe we have to fight for ridiculous stuff like this when there are so many other important things we could be talking about."

Again, I won't use the language here, but they essentially say that if Justin Trudeau thinks it's too much work to answer questions and wants to take a day to limit that, he shouldn't be in office at all.

Finally, "I'm so disappointed in your representation of this country that my heart hurts." That's someone who's pretty disappointed.

The next one asks, "How in any way do you think that what you are doing is honouring this great country that we all live in, let alone while our 'wonderful' Prime Minister is putting us in more and more debt because of his outrageous expenses and luxurious vacations? Do you honestly think that granting him more days off will in any way help this country? Frankly, it will more likely put Canada into more debt than we are already in now, not to mention the headache this will cause for years to come, and the financial stress that it will continue to place on this country and on taxpayers like myself. If you think that this will win the Liberal Party more votes at all in the next election, you are mistaken."

It continues, "I, for one, will not be voting in your party's favour in the next election due to things like this. As men and women who are paid to stand up for the people of this country I feel as though you have outrageously failed us. Sincerely, a very disappointed young voter."

The subject of this was actually "Weasels in Parliament", so they're pretty upset, saying they won't vote for the Liberal Party. They're a very disappointed young voter because of what they're seeing here, a young person who's paying attention to what's going on and saying, this is not appropriate.

The next one's addressed to Liberal MPs, although copied to others, obviously: "Dear Liberal MPs, you can't change the rules of how Parliament runs, without consulting Canadians. You do not own your seat. You were entrusted with it by Canadians. Stop trying to push through these changes without due course. How dare you tamper with democracy in our country like this? You are trying to escape accountability, and you need to drop this motion."

Then they indicate they're looking forward to a reply.

The next person says: "I expect Parliament to be open on Fridays and hard work to be done. I expect Trudeau to answer questions in the House, and that he can't limit the right of my MP to scrutinize legislation. I really expect there to be more respect for my tax dollars. The rest of us Canadians would never dream of wasting money like this government is doing, because we know the value of money. We have to work hard and make tough choices to support our families, and it is extremely disrespectful to take our money in taxes and then sit in your castle and show all of us peasants how powerful you are to oppress us with your wasteful spending. It's just sickening."

This person, besides thinking that this is a sickening attempt, I think really summarized quite well in their first paragraph the thoughts of many of the people writing these letters, in saying that they expected Parliament to be open on Fridays and expected Justin Trudeau to answer questions in the House of Commons, and that the government shouldn't be limiting the rights of MPs to scrutinize legislation. That sums up, in a very brief way, what the problem is here. I think that for many of these people it's really hard to believe that's what's happening here, that the government is trying to take these rights away from Canadians and the people who represent them.

The next person here is from Toronto, Ontario, and they've written to the Liberal members on the committee—obviously it must have been copied to the rest of us—but it says, "We, the taxpayers, have serious concerns regarding", and then they have a number of bullet points here. It says: "With the high budget deficit; the \$127,000 vacation expenses by the Prime Minister; the gifts to Bombardier, with no apparent benefits to taxpayers; the secretive dealings with Aga Khan; the change to parliamentary rules; the waste of billions of dollars with UN irrelevance; the low GDP numbers and what the Prime Minister is planning to do to resolve it; and many more. Certainly, the Prime Minister has the time to travel the world and he has time to show up for work on Fridays and answer our questions and concerns."

"I think what they were trying to say there is if he has that time he should be able to show up and answer the questions and concerns. Obviously, they had a number of concerns themselves."

The next person is from Hamilton, Ontario, and says: "Good afternoon, members of the PROC committee. Respectfully, today I'm writing to voice my dismay regarding the proposed changes to the Standing Orders and the process by which Parliament operates. Why did you move this motion? Did these changes originate with you or with the PMO? I've copied my MP on this"—I guess I'll use his name—"and urge Mr. Christopherson to say 'no' to shutting down the House of Commons on Fridays."

I won't speak for Mr. Christopherson, but based on what I've heard from him, I think you can count on his saying "no". Obviously, I think the hope is that other members of the committee, particularly the Liberal members, will choose to follow that example.

The person goes on to say: “Hard-working Canadian taxpayers deserve a working government. Please remember that you are elected public servants with a mandate of representing the people in your riding, not the whims of the party in power. The citizens of this country depend on you to show up for work, represent them, and thoroughly debate all issues. Kindly maximize the time that you, as MPs, are in Ottawa. There should be no limit to the amount of time debated on issues. Canadians are diverse in our opinions and all voices should be heard. Governments should always be scrutinized and the Opposition MPs represent the majority of Canadians. Furthermore, the Prime Minister should be expected to show up in the House and attend question period more than once a week. Taxpayers shouldn't be funding vanity trips for the PM when the business of the country is being carried out in the House of Commons.”

I have a few more that I want to read today, Mr. Chair, and then I'll probably turn the floor over to one of my colleagues—whoever is on the list there, so they can be prepared.

**The Chair:** It's Mr. Reid.

**Mr. Blake Richards:** The next one says, “It is unconscionable that you and your party are ramming through a motion at committee to try to close the House of Commons on Fridays and to limit debate at the committee level or in the House. Shame on all of you. You will be gone after this term anyway, but in the meantime, know that the Liberal Party is a joke.” That's strong. “You don't represent real Canadians; you represent yourselves. You are as out of touch as ever, and to think that what you are doing is somehow fair or just is asinine. How do you sleep at night? Do the right thing and quit while you're behind. Put this nonsense to rest.”

Those are some pretty strong words, but that's what they feel. People are concerned about these changes.

It continues, “Dear members of Parliament, I do not support the changes you are proposing to the shutting down of Parliament on Fridays, limiting Justin Trudeau's appearances in the House of Commons, or changes to the rules governing debate. This is a sneaky way to limit accountability. In the election, you promised to be accountable to Canadians. I voted for the Liberals, but if these changes are made, you will lose a vote.”

That's short and to the point, saying that they don't agree with shutting down Parliament on Fridays. They don't agree with limiting the amount of time that Justin Trudeau has to be in the House of Commons to be held accountable. They don't agree with changes to rules that would change the way debates work in committees. They are saying this is “a sneaky way to limit accountability”. They are saying that they voted for the Liberals in the last election, but if the Liberals make these changes, there's no way they would do it again. I've read that a number of times. All members of Parliament know that when you get a letter, it represents a lot of other constituents. Think about the number of these that I've read. This could be a very significant thing for them to be paying attention to, if they wanted to ensure their chances in the next election.

The subject line of the next one is “What is happening to our democracy?” It is signed by a number of members of one of the Liberal MPs' constituencies. It says, “Dear member of Parliament, I am writing this email to express my great concern over the Liberal

move to hijack our democracy through the proposed changes to House of Commons rules. I also believe that giving Parliament an extra day off is irresponsible and a misuse of our tax dollars. The Liberals campaigned on real change and transparency but have delivered nothing but chaos and lack of accountability. I just believe that you have to work for the benefit of this country and all Canadians, not to the benefit of the Prime Minister. After all, that's what you were elected to do. Please stand up for Canadians by refusing to support these changes.”

Again, there is the theme of being here to represent Canadians, not to work for the Prime Minister. Being here to work for Canadians is a common theme that people are trying to get through to the Liberal Party here.

Here is one signed by a number of people from Ontario—Waterloo, Toronto, St. Catharines, Stayner, St. Clements, Kitchener, and Ottawa—as well as Westmount, Quebec. There are a number of people here from all across Ontario, and into Quebec as well. It says, “Dear members of Parliament, we are outraged that the Liberal government is planning to reform the Standing Orders of the House of Commons and considering eliminating Friday sittings. The Prime Minister continually talks about being open and transparent, but we haven't seen much evidence of that. He needs to be accountable to Canadians and the House of Commons more than once a week. The Prime Minister's job is not a part-time position. Please let the Prime Minister know that we are not in favour of making these changes, absolutely not in favour of shutting down Parliament on Fridays, and strongly disagree with limiting debate in the House of Commons, a cornerstone of our democracy. Let him demonstrate to us that he really listens to Canadians. While many Canadians are without jobs, and some working two jobs, the Prime Minister spends \$127,000 on his Christmas vacation. I just heard a report that only 400,000 Canadians make more than \$100,000 a year before tax. We will not forget who supported these plans and the budget.”

Again, this is someone who is saying that Prime Minister Trudeau “talks about being open and transparent”, but they've never seen any evidence of it. It's saying that he can certainly talk the talk, but why doesn't he start walking the walk? It is a very good point.

I'll conclude here. I have hundreds more of these emails, but I'm going to stop here for today. I'll just read one last email. It says, “I am appalled to hear of the goings-on in Parliament currently, and in such an underhanded way. For a government who claims to be more open and transparent, you go about doing the exact opposite. As MPs you are all elected to represent the people's interest, not Justin Trudeau's. Why should Parliament and Justin Trudeau not work on Fridays? Why should Justin Trudeau not be available at question period more often? (As it is, he's seldom there.)

“Why is this bill being put forward by backbencher MPs in the backroom? Why are you doing Justin Trudeau’s dirty work? Why is this not being discussed in the House of Commons so people can be aware of it and have a say in how they are governed?”

“I would like to add that this is not a partisan issue. Every government needs to be held accountable. (You might not be the next government, and they would have to also be accountable.)

“Why is this being done on budget day? Again, trying to slip through the cracks, which has become a Liberal way of doing business. This is closer to being a dictatorship rather than a democracy. As elected MPs, you should be doing more for the people who elected you. Absolutely nothing Justin Trudeau has done has been for the benefit of the Canadian people. In fact, everything he has done and is doing is blatantly detrimental to the people who elected you. If you will open your eyes and even do some cursory investigation, only Justin Trudeau personally and his close Liberal insiders are the ones who are directly benefiting from his actions to date. Please do the right thing for all Canadians, not just the few.

“Thank you for your attention to this matter.”

I guess, with that, one can only hope that the Liberal government is paying attention to this matter and is understanding that what they’re doing will limit the ability of Canadians to hold their government accountable, and that they will think better of it and realize that this is just not happening. This is just not right, and they should change their course and allow for there to be proper accountability in the House of Commons and in committees to hold this government to account.

Obviously, there are a lot of people here who have expressed a lot of frustration with Justin Trudeau and the way he’s governing this country. They deserve a right to have those concerns aired. They have a right to have answers to their questions. They have a right to see this government truly make any kind of an effort to show themselves to be accountable.

With that, I’ll yield the floor, Mr. Chair.

**The Chair:** Thank you, Mr. Richards. Thank you for bringing new material.

Mr. Reed.

Mr. Reed and Mr. Richards, do you want to do anything with your cake at this time?

**Mr. Scott Reid:** Oh, well, Mr. Chair...

Mr. Richards, do you have a few minutes before you leave?

**Mr. Blake Richards:** I could make the time, sure.

**Mr. Scott Reid:** There’s been a bit of a discussion here. The authorities differ on this point, but as we all know, a certain number of cat years are included in one human year. There are, I think, seven dog years in a person year.

The issue came up as to how many filibuster years there are in a person year. We’ve concluded that filibusters celebrate their birthdays on the week anniversary. Today is the third “filibursary”.

This particular committee meeting started three weeks ago today, on March 21. To celebrate that event, we have a lovely cake. I think

perhaps, in order to keep things.... I guess in a way this is relevant, but in a way that’s purely the way it should be, we could either light the candles now and sing “happy filibursary”, or, if you wish, we could wait until we are interrupted by, say, bells ringing in the House, or something like that. I leave that to the discretion of others.

**The Chair:** Do you think that would set off the smoke detectors?

**Mr. Scott Reid:** That’s not my intention.

**The Chair:** Maybe we’ll wait a little bit, because I wouldn’t be surprised if there are bells coming.

**Mr. Scott Reid:** Okay.

**The Chair:** That would give us half an hour to eat cake.

**Mr. Scott Reid:** And fuel further comments that we may have.

**The Chair:** Mr. Reid, you have the floor. I’m looking forward to you. Last time you gave us a lot of interesting historical parliamentary information and learned input, so I’m very looking forward to your input today.

**Mr. Scott Reid:** Thank you.

Many years ago, Mr. Chair, I was giving a 10-minute intervention in the House on.... I can’t remember what the matter was, but you know how it works with speeches in the House. You start it, and then, if you’re interrupted by some other proceeding—

**Mr. David de Burgh Graham:** I was wondering about the light.

**Mr. Scott Reid:** If you’re interrupted by some other proceeding, the Speaker will tell you, “Mr. Reid, when the house returns...”. He won’t address you by name, but he’ll say, “The honourable member for Lanark-Carleton will have five minutes when the House returns to the subject.” As it turned out, there was a two-week break commencing. When I came back, I made the point to the Speaker that when I was making the first half of my remarks it was two weeks ago, and there is nothing like a two-week break in the middle of a 10-minute speech to let you organize your thoughts.

The same thing applies here. It’s been a three-week break. I was the first participant in this discussion. Indeed, the motion we are currently discussing is an amendment I proposed to Mr. Simms’ motion. I return now to those comments. In so doing, a number of things have transpired, one of which, although it was to some degree evident three weeks ago, is that much more evident today, and that is the fact that our agenda.... We had a busy agenda three weeks ago; it is still busier today with the number of things that this committee needs to get done. I have a little list. I want to go through them to indicate how substantial these items actually are.



Certainly, the items we had on our plate when we began this discussion included, first, the review of the Canada Elections Act. We have a cyclical review in every Parliament of the Canada Elections Act. The rhythm is like this: you hold an election, in this case the 42nd general election. That is followed by a report from the Chief Electoral Officer, who makes his, or theoretically her, recommendations—it's "his" in this case; it was Mr. Mayrand—on things that could be done to make the 43rd general election an improvement on the 42nd.

The nature of these reports, as everybody on this committee well knows, is highly technical. They go step by step through different provisions of the elections act, detailing how the act could be changed to make improvements in areas as disparate as access to the polls by disabled voters—itsself a long, complex, and vexed question, or series of questions, because each disability provides its own problems. Mobility issues are different from visual impairments, which are different from any of the other issues that affect what we would broadly label as the disabled community. We see issues as broad as that, down to issues of the problems that are involved in trying to get personnel to staff the polling places, down to issues with voter identification, and so on—literally hundreds of different topic areas in what is a very large and very technical piece of legislation.

We then review the recommendations made by Elections Canada and write, typically, a series of reports. This has been the approach this committee has taken. We started working through topic areas—topics A, B, and C were the groupings—and went through A first, choosing just what we call the low-hanging fruit, the things that were easiest to achieve a consensus on, a model that bears some resemblance to what, of course, the opposition parties are recommending to deal with changes to the Standing Orders, namely, to look at what is easiest to agree upon first. A lot of the stuff we're dealing with in the Elections Act....

Forgive me, I just have to ask what you're doing.

**The Chair:** It's so I can plug in my cellphone, if I have to be here for 12 hours.

**Mr. Scott Reid:** I could lend you a battery. It may be a little simpler.

It actually is an issue, Mr. Chair.

Oh, I see, it's for Mr. Graham's laptop.

**Mr. David de Burgh Graham:** I already have mine. I'm plugging in Larry's cellphone. He's seeking power. We can daisy chain.

**Mr. Scott Reid:** All right, nothing tripped. Presumably when we're over in West Block, we will have fewer of these sorts of issues.

At any rate, returning to the subject at hand, the cycle is to go through the Chief Electoral Officer's review, our recommendations on the CEO's review, and from there move to the minister then designing legislation.

The ever-vigilant Rachel Aiello, who is sitting over at the media desk right now, along with her colleague Laura Ryckewaert, has written a number of articles for *The Hill Times* about the progress being made on that file. It's slow progress, but that's the nature of a detailed discussion on detailed legislation.

Although there is a minister responsible, as there must be under our Constitution, this one statute, unlike all other statutes in Canada, is not dealt with by the minister and his or her public servants working on developing the first draft of legislation internally and then revealing it. Rather, we assume that essentially the people who would fulfill the role normally fulfilled by those public servants is this committee. When we act collegially and as a whole, we are collectively fulfilling the role that the minister has in terms of providing material for new elections legislation.

That wasn't the whole basis, but it was part of the basis for the objection that a number of people had—Mr. Christopherson most volubly—on the subject of Bill C-33, which popped out before we'd finished our review.

We have a process that was violated by introducing Bill C-33 in the manner in which it was introduced. That is without regard to the issue of the content of Bill C-33, to which I think Mr. Christopherson had less in the way of objection. I know certainly that was true for me. While I don't agree with everything in Bill C-33, I do think that the way in which it was introduced, too early in the process, was itself an issue.

It was introduced in December. That was too early. However, in all fairness, there's comes a point at which it is too late to put in place some of the changes that need to be made to the Canada Elections Act, because it just takes time to implement some of these systems.

That, of course, was the very same issue that existed with regard to the electoral reform legislation. It was always a question of whether we could we get a new system in place in time for the 2019 election, given the amount of time it takes to do all the different things that would have had to be done on that issue.

I'm aware that we're not discussing electoral reform legislation here. I use this merely because it is an analogy that I am very familiar with from having sat on the electoral reform committee for a number of months. I got the chance to ask the Chief Electoral Officer and also the former Chief Electoral Officer, Mr. Jean-Pierre Kingsley, quite detailed questions about the amount of time it takes to engage in various processes that would be engaged were we to change to a new electoral system. Some of the changes they pointed to, some of the ones that take the longest, are not, strictly speaking, relevant. They're not relevant at all to the kinds of changes to the Canada Elections Act being contemplated here. The longest and most complicated was undoubtedly the 20 to 24 months required to engage in a redistribution. That was the hard limit, the outer limit that they faced.

Then I asked them a series of questions at the various meetings of the electoral reform committee and also of this committee. I asked both those gentlemen about other issues that might arise: designing ballots, designing manuals, and so on. These issues, while they are less time-consuming than that of the actual electoral redistribution, are the areas in which we see direct analogies to what is going on with the proposed changes to the Canada Elections Act.

That takes some time to implement. Everything, of course, has to be prepared by Elections Canada for distribution to all 338 of our constituencies, some of which are quite remote. Any new procedure has to be worked through, and an education process has to happen—all before the writ is dropped—with one returning officer from each riding. They then, of course, during the writ period or in the immediate period leading up to it, have to educate many deputy returning officers and poll clerks, so that this can all be executed seamlessly in literally tens of thousands of polling stations across the country.

Not every procedure has to be executed at every polling station. Some are done only at, for example, the 338 locations where advance polls are counted, or the smaller number of locations at which ballots are being mailed out for those who are voting overseas and so on. There is a lot of work. It's all being done in parallel, and it all takes time.

With these considerations in mind, Minister Gould approached this committee on March 10 and asked us to try to wrap up our work by June. She actually said preferably by May 19. This is referring to our work on the Canada Elections Act. I guess it depends who you're asking, how difficult it would be to accomplish this.

Mr. Chair, in speaking of *The Hill Times*, you indicated that we've picked the easiest things and have already dealt with them, and we're actually getting into the more difficult work. You didn't say the following, but it implies that the more time-consuming work—in trying to get through the remaining areas of the Canada Elections Act that we haven't yet dealt with—is still to come.

My own view is that we are getting educated and are therefore building up a body of expertise that allows us as a group to move more quickly, so we might actually make some unexpected progress. Those are my public remarks, which have been published in *The Hill Times*.

Additionally, my private thoughts have been that we also could go through a triage process, in which we say here are the things that really need to be studied by the committee. There may be other things about which we can say, if we don't get to this, it's actually not as critical. This allows us potentially to deal in more depth with some of the areas in the Elections Act and not others, or deal with some in more detail and others in less detail.

The reason I say this is that we are confronted by deadlines that are increasingly difficult to meet. The minister recognized at the time—I don't have her remarks in front of me, but I hope to get them and bring them back to the committee and share them with you in greater precision, because what I like about her is that she is very precise in her thoughts. You have clearly defined deadlines to work towards, and that's a valuable asset when one is trying to deal with the problem we ultimately have of limited time, limited human

resources, and an important area of subject matter. She actually went off, saying we have  $x$  number of items to deal with subsidiary to our review of the Elections Act. We have, ideally, from her point of view, May 19 as the deadline.

I think we'd have to concede that the May 19 deadline could not be met by this committee under any circumstances. If we were, for the sake of argument, Mr. Chair, to resolve to cease all activity on the matter of the Standing Orders and set it aside until after the review of the Canada Elections Act were done—something I actually think would be the sensible way to go—and we were to just stick with our scheduled meetings, we'd have, of course, a two-week break beginning.... I guess we'd get one meeting in on Thursday, we'd then have a two-week break, and then we would reconvene and it would be May. It does take some time, typically two meetings, to get the actual report written, as opposed to putting together the recommendations.

So getting the report written and out the door to the House by May 19.... What have we got? We'd have four meetings I think before May 19. It might be six. No, I think it's four, Mr. Chair, and two of those would be eaten up with something that is not really adding to our subject matter—designing the report. I think the May 19 deadline is already not achievable.

She also said, “but I could live with June”. I think that's what we're talking about. Getting that done by June would involve a very substantial amount of work. That is the first item we have to deal with.

A second item we have to deal with, Mr. Chair, is Bill C-33 itself, which deals with some of the same subject matter. What the minister now has to do when she's designing her legislation is to work around Bill C-33, and it's by no means certain that Bill C-33 itself exhaustively with the sections of the act it is amending.... It was designed to deal with certain problems that the government felt had been introduced to the Canada Elections Act by the previous bill that had been introduced in the wake of this committee's hearings in the last Parliament, that is to say the Fair Elections Act.

The way Minister Monsef described this was that it would be dealing with what she characterized as the unfair features of the Fair Elections Act. I think from her point of view that was a sincere characterization, because I noticed in looking at Bill C-33 that there were aspects of the Fair Elections Act that it did not repeal. That suggests to me that Minister Monsef and the whole cabinet, which I assume had to agree to this bill, felt these were fair aspects of the Fair Elections Act. This deals, for example, with a number of areas regarding overseas voters and there are other areas as well that have been left intact, but it went through in an order that is different from the order in which we're approaching things.

The new piece of legislation would, presumably, have to be crafted to take into account the areas of the Elections Act that have been dealt with in the Chief Electoral Officer's report and have become the subject matter of the reports this committee is working on, but that have not been dealt with through Bill C-33.

There's the question—which we haven't really dealt with yet—of what we do with areas that the Chief Electoral Officer's report does deal with and that have also now been dealt with by Bill C-33. That's possibly one place area where you could engage in the triage exercise and just say, look, given our limited time, given the fact that the government has already dealt with this in Bill C-33, maybe we should just excise these areas from our study. That would allow us to somewhat compress the time we need to go through the Elections Act.

Here you are, the minister has got the new law she's working on, Bill C-33, which will go before the Commons this Thursday. If I might add, Mr. Chair, this raises a point that is of some concern to me. I think the hours we are scheduled to meet on Thursday may overlap with the period when that bill is before the Commons. I'm not sure that's correct, but given that Thursday's hours have been changed—

**The Chair:** At the moment, we'll be meeting from 9 to 11.

**Mr. Scott Reid:** Right. And that bill is up in the House at what time? Does anybody know? Does anybody have an idea when Bill C-33 is up in the Commons on Thursday? Is it 10 a.m.?

**Mr. John Nater:** I think so, yes.

**Mr. Scott Reid:** Yes, I think it's at 10 a.m.

**The Chair:** We have routine proceedings at 10.

**Mr. Scott Reid:** Yes, and question period is at 11. But it is routine proceedings.

**The Chair:** Thursday will be per our regular Fridays.

**Mr. Scott Reid:** Yes, Thursday will be like Friday.

Anyway, that is a matter of some concern to me. I think the members of this committee should, for the most part, be in the House for that proceeding. Perhaps, Mr. Chair, you can consider if we could make an adjustment to this committee's schedule on Thursday. We're only talking about having a two-hour meeting anyway.

I think of all the hours this week, this would be the time when it's most appropriate for us as a committee to be in the House. We have been breaking for question period, for example, even though the rules do not require us to do so, along with votes, which the rules do require, but I wonder if you would give some consideration to that.

**The Chair:** Yes, that makes a lot of sense actually.

If Bill C-33 comes up Thursday, I will probably suspend for the time that bill is in the House, because everyone on this committee should be in the House for that. We're the ones who will deal with that bill.

Thank you, Mr. Reid.

**Mr. Scott Reid:** Thank you.

Yes, thanks for at least thinking about that. You have Bill C-33. It's got to go through second reading, and then it will get referred to

this committee. It is conceivable that the bill will wind up before we've gone into the summer, and that could be an issue. I'm not saying that will happen, but it certainly is feasible.

I assume that the House is going to vote in favour of Bill C-33 at second reading, which inevitably sends it back to us, and that creates an issue, given the fact that we're talking about the Standing Orders right now.

There's a third piece of legislation from same minister that is highly relevant. Minister Gould indicated some time back—about a month back or perhaps a bit longer—that she would be producing election finance legislation to change aspects of how financing is done. We don't know all the things that are going to be included in this legislation. We do know certain things that won't be contained and certain things that will, but we don't know all the parameters of the legislation. I only know what has been reported in the media. It will not, for example, change the donation limit currently set at \$1550—or \$1500 set for inflation, which puts it currently a \$1550.

It will deal with a requirement for the public reporting of fundraising events at which a minister is present. The logic there for the advance notification is that this does not serve... I think I'm characterizing Minister Gould's comments correctly when I say this means that fundraising events at which a person has paid, let's say for the sake of argument, \$300 for a ticket, will not involve confidential access to a minister who is present. You still get access to a minister, but you wouldn't get access that the public doesn't know about until after the fact. You'd be able to know in advance.

My understanding is that the Liberal party has recently adopted this approach voluntarily, and, indeed, it looks like the attempt is to take a process that the Liberal party has adopted and codify it to make it required of all parties. Now, of course, only the Liberal party has ministers at the moment, to state the obvious, so I have a suspicion that this would also involve all members of Parliament. Anyone who is paying for attendance at any event at which the MP is present will be covered—except that they say purely local events won't be covered. I don't know how they're going to do that exactly. Maybe it depends on whether the funds are going to the riding association or to the party. That's not clear to me. At any rate, last week I saw a newspaper article saying that this legislation was coming forward this spring and that the minister was in the process of consulting with the other parties about it.

I had somehow managed to get the idea in my head incorrectly that this legislation would be coming forward this autumn, not this spring. So I took the newspaper article and buttonholed the minister in the House, sat down beside her, and started chatting. It was meant to be brief chat. It wound up being a very awkward period for me because, almost immediately after I went over to sit with her, Kevin Lamoureux stood up, and I was in the camera shot. He proceeded to give a talk that was harshly critical of my House leader, so I had to sit on the floor and try to keep my head hidden behind a desk, but none of this is Minister Gould's fault. It was just bad timing on my part.

What she said was, yes indeed, she was planning on introducing that legislation this spring. She indicated that she had already consulted with one of the parties and was trying to line up a meeting with representatives of my party. I know that meeting hasn't happened yet, because I would be present at it as the relevant critic, but she then went on to lay out a bit of her timeline. She said, "You know, I don't control the times on these things exactly; it has to go to cabinet for approval." I'm assuming that the cabinet process she has to go through is like the cabinet process that governments in the past had. It usually goes to the cabinet committee first, which meets and approves it, and then a presentation is made by the chair of the cabinet committee with the relevant minister present. Then if it gets approval, it comes back and is introduced in the House—but that happens this spring.

It could be that it will simply be introduced this spring, have first reading, and not get second reading until the summer is over. We did not get into discussing that, and I think in all fairness she doesn't know. However, in the event that it does, we could find that piece of business before this committee. It's not beyond the realm of possibility that this item of business would be before this committee this spring, and I say that for the following reason, because as a piece of legislation, it has to go through this House and then through the Senate. As you know, one of the complaints that the government has been making is that the Senate does not move with alacrity. Indeed, this has been a complaint of all governments through the entire history of our confederation. If you go back and read debates from the 1860s about what it was like before Confederation, we had the Legislative Council of the Province of Canada, and you realize that they had the same complaints about that body too. So this has been going on since time immemorial, or at least since we have had Hansard records.

There is a legitimate worry that what would happen is something such as this: if this committee and the House don't deal with this particular item until the autumn, and the House comes back in mid-September, we will deal with this item of business, this new piece of financial legislation, through the remainder of the month of September. Yet if we don't start dealing with it in this committee before September, it would be optimistic to hope to get it out of the House of Commons before the end of September. It would be hard to imagine its getting out before the October break, the Thanksgiving break. So we're talking now of mid-October when it would come back. It would go to the Senate, and the chances of it getting that legislation through so that it would get royal assent by the end of 2017 are pretty remote. That means the financial rules, which are set on the calendar year, will remain in effect for all of 2018. So I can see her wanting to get this legislation through promptly, which means that it could wind up on our agenda in June as well. That is a realistic scenario. So you now have three pieces of legislation all coming from Minister Gould to us, all of which have to be dealt with by us this spring.

I should take a step backwards and concede the point that, in terms of the recommendation we are making vis-à-vis the as-yet-unwritten legislation that will respond to the review of the Canada Elections Act, it's not a legislative process that we're talking about. It is a practice that has arisen in this place to deal with elections act reform. So we're not trying to get legislation through by the end of June; we're trying to get a study and recommendations through, which then

lead to her introducing legislation in the autumn. She was quite clear about that in her March 10 meeting here. She's not talking about introducing that piece of legislation this June; she's talking about having the summer free to design, with her officials, legislation that conforms as best it can with our recommendations. However, she has the right as a minister of the crown to disagree with some of the recommendations and say either, "I think the CEO was right to recommend X, while the committee recommended not X, but Y", or "I disagree with both of them and I'm introducing something else."

It is very likely, and I'm certain that this is the case, as it has been the practice in the past, that she would take our reports, read them thoroughly, as I'm confident she does, and would go with her officials to meet with the Chief Electoral Officer and the officials at Elections Canada, presumably on more than one occasion, to discuss whether what she's drafting in response seems workable from their point of view. Actually, there is no Chief Electoral Officer at the moment, so it would be the acting CEO.

I can see how that would take a whole summer. That's really easy to imagine. So she comes back, the House reconvenes around the 8th, 9th, or 10th, somewhere in that range, and she could introduce that bill at first reading immediately. In fact, I'm virtually certain that this is exactly what would happen with that piece of legislation. She went through with us on March 10...a discussion of some of the things that she would try to achieve. It's clear that she was hoping to get that legislation through the House and the Senate, and to have royal assent by December 31 so this, too, could be in effect—although, in all fairness, when it comes to that legislation, actually having it in effect is not as important as having a certain message that it will come into effect. If Elections Canada can be confident that it is going to go through, the legislative process on this issue being generally non-partisan.... I think that, on a technical piece of legislation like this, it's likely to be largely non-partisan. The things we would be doing would be picking up on technical errors. We are now reviewing a piece of legislation designed by the minister and her staff in co-operation with the CEO, after we've done a review and after the CEO has done a review. Presumably, the really big bugs have been worked out of the system by that point, so hopefully we can proceed with more speed here, and in the Senate.

That would hopefully make it possible for this to move through with some speed, but we still have to deal with it. It still has to happen. We have no control whatever over how things happen in the other place. Complicating all of this a bit, as I mentioned, is the fact that we don't currently have a CEO. We do have a CEO hiring process under way. It's a public hiring process, which moves at its own speed, so there is an additional wrinkle there in terms of how fast the response of the CEO will be. Not having a permanent CEO, and then having a new CEO presumably by some point midway through this process, will not speed up the adoption by the Chief Electoral Officer and Elections Canada of the recommendations made here, which encourages us to have greater speed. Certainly, I would think that no interim CEO would be comfortable putting something into effect, knowing that it doesn't have the approval of someone who will be appointed shortly and who will be the boss. If I am on the staff of Elections Canada, I would not want that person to walk in and discover that there have been a bunch of *faits accomplis* that the new boss might not approve of, which have been done, in a sense, in order to push that person into losing their decision-making authority over those changes. Those are some of the practical issues that exist.

With all of this in mind, all of these problems that relate back to the Minister of Democratic Institutions and the workload that she has given us, I drafted a letter to the minister, asking her how she ought to deal with this and also encouraging her to consider dealing with some of her colleagues in the cabinet to cause them to shift the direction they are taking with regard to the high importance they are placing on reviewing the Standing Orders by a June deadline so that we can deal, in as businesslike a manner as possible, with the matters that we were dealing with and that we are going to have to deal with—the workload that was already great in margin and that has grown, depending on how you measure it, threefold since that time.

This is a letter being sent off with today's date on it. I'll just read it verbatim. I think it would be helpful for members of the committee to see exactly where I'm coming from so that they'll know what she is receiving. If they want to communicate with her—either because they agree with what I'm saying, or because they disagree—they can do so. I think that makes this germane to what we're doing here.

Dear Minister Gould,

Thank you for your invitation, sent to my office on April 3, 2017, for an in-person meeting. I appreciate your regular and continuing openness to meeting with me to discuss your portfolio and matters pertaining to the Standing Committee on Procedure and House Affairs (PROC). Both of those things are germane to my letter today.

During your last appearance before PROC, on March 9, 2017—

Mr. Chair, I have to stop here. I think I've been saying all along “March 10” for Minister Gould's appearance. It was March 9. That was a Thursday. March 10 was the date for Minister Chagger's discussion paper being introduced and Mr. Simms' motion. That's right.

I'm going to make a note to myself, because I want to return to the dates on those. I think there's a point of significance that I had not realized earlier in our discussion, which I think helps explain some of the problem we're facing here. Sometimes the left hand doesn't know what the right hand is doing, and it can lead to problems further down the line. I think that may have occurred here through no individual fault.

Okay. To go back to the letter:

During your last appearance before [the Procedure and House Affairs committee] on March 9, 2017, you asked the committee to provide our next report on the Chief Electoral Officer's report entitled, *An Electoral Framework for the 21st Century: Recommendations From the Chief Electoral Officer of Canada Following the 42nd General Election*—

I then give a quote from the minister about reporting back, as follows:

—“before the House rises for the summer, preferably by May 19” so that you would “be well positioned to advance some significant reforms that would improve the electoral process for Canadians”, namely through legislation that you hope to introduce this coming autumn.

So far, PROC has spent 16 meetings to produce two reports on the Chief Electoral Officer's report. When you asked [the procedure and House affairs committee] on March 9 for a further report by May 19, [the procedure and House affairs committee] would normally have had 12 additional meetings in which to prepare that report. [Four] of those 12 meeting times have elapsed without further progress on the report having been made.

Seeing as I'm sending this letter off today, I'm going to have to change that to five. Let's see: is that right? Yes, today's meeting would be five. I'll continue:

At this time, it is uncertain how many meetings [the procedure and House affairs committee] will be able to devote to this report, or whether the committee will be able to provide you with a report at all by the date you identified.

I won't repeat my comments. I'll simply draw attention to them again, which is that I already think that we have to accept that May 19 is a lost cause, although I think June is still achievable for a report back to the minister if we do some triaging.

To go back to the letter:

This uncertainty is on account of events precipitated by your cabinet colleague, the Government House Leader, [Bardish Chagger] on and since March 10, 2017, the day after your last visit to [the procedure and House affairs committee]. ... These events have brought to a halt the committee's ability to work on the Chief Electoral Officer's report.

The letter continues:

In light of the situation presently unfolding in [the procedure and House affairs committee], I am writing to ask you whether you could give [our committee] indications on a number of questions, namely:

1. Whether the May 19 date for a report is flexible;—

I actually think the answer to that from her was that yes, it was—that it was a preferred date—but I'm hoping her response would give some indication of the degree to which there's flexibility and at what point she has what I think of as a drop-dead timeline.

For example, you mean to go and cast your ballot at a certain time. You mean to do it in the mid-afternoon and something comes up—you have to take the kids to day care and then something else comes up—but we all know that there's a point at which the polls close. That's your drop-dead deadline for voting. Well, there's a drop-dead deadline for getting this thing back to her. I'm hoping to elicit a response as to what that is. Or if she wishes to give a more nuanced response about which parts should come first—if there are going to be multiple drop-dead deadlines—that would be just fine.

That was number one. I'll continue:

2. Whether you would still accept a report before the House rises for the summer, as you indicated;
3. What alternatives you might suggest in order to provide you with feedback in time to be considered for your fall legislation;
4. Your view of how [the procedure and House affairs committee] should prioritize the business it has in front of it, or will have in front of it, to the extent that those items conflict. Those items being:
  - a. the CEO recommendations report;
  - b. Bill C-33, which...[at time of this writing] is at second reading stage in the House;
  - c. your planned bill this spring on [the financing of political parties]; and
  - d. the on-going discussion over proposed changes to the House of Common Standing Orders, based on [the] discussion paper released by the Government House Leader on March 10, 2017, and presently subject to a motion calling for a report to be completed by June 2, 2017.

As you know—

**The Chair:** Hold it. We have a point of order.

**Mr. Kennedy Stewart (Burnaby South, NDP):** I have a point of clarification for Mr. Reid.

You mentioned earlier that there's another bill coming forward—

**Mr. Scott Reid:** Yes.

**Mr. Kennedy Stewart:** —about changes to the Elections Act regarding finance. I was searching for any record on that, and I couldn't find it. Could you fill me in again on the details of what that would be?

Thank you, Mr. Chair.

**Mr. Scott Reid:** It has come up. There seems to have been very limited coverage. If you're looking for media coverage of it, you normally find it mentioned as a subsidiary item in articles about how —because we're a collegial committee here, I always want to put these things in non-partisan terms—it has been suggested that it's inappropriate that there be cash for access fundraisers, or at least that's how they're characterized. The minister is present. You pay something close to the maximum allowable contribution and then have the opportunity to have some face time with the minister. That's the practical impact of those. The government has been responding to it and saying it's taking action.

The Liberal Party on its own has said that it is now going to make public about 48 hours in advance, I think, where the events are occurring: the dates, times, and locations of any meetings at which this kind of interaction is taking place. That's what gets the coverage —their response—but sort of hidden in the middle of the article will be something else about the minister saying that she intends to introduce legislation to deal with this. Typically, further up in the article, it's mentioned that they won't be changing this contribution limit, which is obviously one of the ways in which it has been suggested one could deal with this issue. She mentioned in a fairly recent article about a week ago that the intention was to introduce that legislation this spring.

I was quite surprised by that. It was actually drawn to my attention by our party's chief fundraiser, who said, "Hey, what's up with this?" He phoned up and said that I was her critic so I was to find out whether that was happening. Former senator Irving Gerstein was the one who called me. I actually told him, "Irving, it's not happening in the spring, but look, I'll go and confirm it with the minister." I went over to her desk and asked her, and she said, "Oh, yes, it's this

spring." Then she reminded me of an earlier meeting where she had told me. I had simply misheard. It hasn't received much publicity, but it is intended for this spring, absolutely.

At first I thought it seems precipitous and hasty, and then I thought it through and realized that to get this piece of legislation through so that it has royal assent by December 31, given the fact that the schedule over in the other place does not always move with alacrity, I actually can see why she would want to have it in the House and, for that matter, entirely through this House by the end of June.

There are other scenarios I can imagine. I have thought of this. In fact, I was going to raise this. It's not in the letter, but it's a good question that all of us on this committee have to think about, which is, given the amount of material we have before us, whether we're going to have to consider having this committee sit during the summer. Now, that doesn't deal with every issue. It doesn't deal with something that has to go through this committee and then back into the House by June.

If, for example, her goal, and I'm not saying this is her goal.... Well, let's take Bill C-33 as an example. I think it is her goal to have Bill C-33 through this committee, back in the House, and then through third reading in the House by the end of the spring. I haven't asked her that, but I assume that's her intention. Maybe it's the House leader I should ask.

**The Chair:** Mr. Reid, I also suggested that after the filibuster we could just keep meeting during these hours and we would get everything done.

**Mr. Scott Reid:** Do you mean if we meet during the summer?

**The Chair:** We would just meet during these hours, every day until the end of June, like we are now, and we would get all our work done.

**Mr. Scott Reid:** I see what you're saying.

**The Chair:** From nine in the morning until midnight.

**Mr. Scott Reid:** That would also work. You're right. I had not thought of suggesting that to the minister.

Before you go too far down that road, Mr. Chair, I should point out, for what it's worth, that I have observed that it's possible for someone who is not deeply and intimately familiar with the inner workings of the Canada Elections Act to come in here and speak for seven hours. In fact, I've noticed that on several occasions. That would be less true when we're dealing with.... I think we would all have to cognizant in great detail and focusing at something close to peak efficiency. I might gently nudge you in the direction of perhaps having us cut off at my bedtime, which, given my advanced years, is closer to 10 than it is to midnight.

**The Chair:** Your advanced years?

**Voices:** Oh, oh!

**Mr. Scott Reid:** I speak only for myself, and others are—

**The Chair:** More than that.

**Mr. Scott Reid:** Every time I look at our young and energetic friend Ruby, I realize how aged I am.

I'm sorry. Did that answer your question?

**Mr. Kennedy Stewart:** It did, but I was wondering if you've heard of anything else that would be included in that piece of legislation. We have the fundraising access for ministers, but I was wondering if there is anything else included. For example, you've mentioned a change in limits, perhaps. I was wondering if also there might be a reinstatement of the per-vote subsidy. Have you heard anything more about that?

**Mr. Scott Reid:** I hadn't heard that.

I can tell you about a basic problem with the reintroduction of the per-vote subsidy, which is this. When it was introduced by the Chrétien government before the 2004 election, it was introduced so that it would apply to the results of the 2004 election, so one party would get more money than another party every year, which I think is actually an inherently problematic issue in and of itself.

It was based on some future uncertain election. As it turned out, the election was much less good for the governing party in terms of the percentage of the vote it got than had been anticipated when the law was passed.

**Mr. Kennedy Stewart:** It was seen perhaps as a way to transition to the hard caps on donations from unions, or... I guess Mr. Harper had banned union and corporate donations—

**Mr. Scott Reid:** Yes, they were \$5,000 at the time.

**Mr. Kennedy Stewart:** —but it was a limit by Mr. Chrétien, so maybe it was seen as transitional.

**Mr. Scott Reid:** It might have been. You know, I've always wondered about his motivations.

The problem with doing it now... I'm not saying that you couldn't do it the same way the Chrétien government did, but I think it would be inherently problematic if you did it and you applied it to the results of the 2015 election, at which point we could all project how much extra money one party would get over another. Your party... I actually can't remember what percentage of the vote your party got.

**Mr. Kennedy Stewart:** It was around 20%.

**Mr. Scott Reid:** Around 20%? The Liberals got around 39%, so the Liberals would get twice as much, guaranteed, going into the next election, which would make it easier for them to campaign in a way that would ensure they would also get an additional number of votes. You can see that the problem is actually...

If it's done that way, I'm not so sure that it wouldn't face a constitutional issue simply on the basis that it represents.... If you read section 3 of the charter that deals with the right of Canadians to vote purposively, which is how the court normally reads these things—that is, you look at the purpose—you see that the purpose is to give people a chance to vote in a free, fair, open, and unbiased election held on a level playing field.

In a sense, those words are all written into that section even though they're not there overtly. Establishing that the governing party gives itself a substantial benefit over other parties would seem

to me to be unconstitutional. I don't think that's an issue if you apply it to the 2019 election results, but I do think it's an issue for the.... I'm not a constitutional expert. It just strikes me that those are....

**Mr. Kennedy Stewart:** I have one more question on this, Mr. Chair.

I'm just wondering if it could be more like a hockey draft, in which the party that does the least well gets the most money.

**Voices:** Oh, oh!

**Mr. Scott Reid:** Well, the Marxist-Leninists would do very well out of this.

**Mr. Kennedy Stewart:** Oh well, you know....

**Mr. Scott Reid:** Actually, the fundamental problem with these things is that you're trying to say that we're making this for the competitive parties. I can see a logic to that. It obviously accords with the general preferences of Canadians. Intuitively it does, and we can all sense that the parties represented in this place are different in some important respects from the parties that...I don't know how many.... You're from British Columbia, so you must have a zillion small parties running against you in every all-candidates debate.

**Mr. Kennedy Stewart:** Quite a few, yes.

**Mr. Scott Reid:** I don't have quite as many, but I've had the Canadian Action Party, which is a party with some monetary theories and never gets as much as a per cent of the vote in the riding. They've run against me. There's the Marijuana Party. There are the Libertarians. I have a lot of respect for them, but they don't get very much of the vote. The Natural Law Party—

**Mr. Kennedy Stewart:** The yogic flyers.

**Mr. Scott Reid:** That's right. They don't perhaps deserve all the ridicule they have received.

There also has been the Rhinoceros Party, which was intended to be a—

**The Chair:** Okay. Let's get back to relevance a bit.

**Mr. Scott Simms:** It was a satirical party.

**The Chair:** You were with the Rhinoceros Party...?

**Mr. Scott Simms:** Yes, I was—

**Mr. Scott Reid:** For real? Scott, that—

**Voices:** Oh, oh!

**The Chair:** Okay. On the topic of the new bill, did the minister not say something also about cyber-protection for elections? Would that be...? Did she mention that in the context of the fundraising bill or would that be a separate bill?

**Mr. Scott Reid:** I'm sure that's separate. I'm positive that's separate.

That's a good question to ask her. If I were guessing, I would think some of that stuff is probably not legislative. It's probably a matter of procedures adopted by government bodies that already have the power to do that. That's a good question to ask her. I might just try to buttonhole her and ask her that question.

**The Chair:** It doesn't look like we're going to votes any time soon. You might want to do your cake now.

**Mr. Scott Reid:** All right. Does anybody mind if we take a moment to celebrate? Does anybody have candles or a lighter? It's our third "filibersary".

**The Chair:** If we can find a lighter, we'll suspend, because the smoke detector will probably go off. Why don't we suspend?

We will suspend until the cake is ceremonially cut.

•(1055) \_\_\_\_\_ (Pause) \_\_\_\_\_

•(1120)

**The Chair:** As people are coming back to the table, I will note that there's an announcement of the all-party restaurant and hospitality industry caucus meeting today, April 11, at 6:30 p.m. in Room 330 of the Wellington Building.

Members of Restaurants Canada will be on hand to provide a "state of the union" on the industry and highlight the current challenges and successes the industry is facing. Caucus members of all parties will collaborate and identify problems faced by the restaurateurs across Canada and work toward solutions they can bring back to various committees and respective caucus colleagues.

That's in Room 330 at 180 Wellington Street, from 6:30 p.m. to 8 p.m. Light refreshments will be served.

When we suspended, Mr. Reid had the floor. We will return to Mr. Reid.

**Mr. Scott Reid:** Thank you. I'm sorry. I just have one.... I was texting my mom, who wanted to know that I'm okay.

**The Chair:** Did you tell her about the good cake we had?

**Mr. Scott Reid:** I just said that I love her, which is the best thing to say to your mom.

**Voices:** Oh, oh!

**Mr. Scott Reid:** Mr. Chair, before the break, I was in the midst of reading the letter that I'm sending to Minister Gould today with regard to essentially the scheduling conflict we have between the items on the agenda for this committee that are coming from that minister's office, because we are the committee that takes care of the democratic institutions portfolio, and the Standing Orders review that we've been given.

I went through a series of four questions, one of which has four subsidiary items. The four subsidiary items are the items that are coming from her to us: the CEO recommendations report from the 42nd election; Bill C-33, currently at second reading; her proposed bill on political financing; and then, of course, our Standing Orders and how they work together.

Now we'll come back to my actual text of the letter I will write to her, continuing on from where I left off:

As you know, [the procedure and House affairs committee] can always be seized with questions relating to matters of privilege at any time, which can serve to disrupt pre-planned study schedules. Two such matters have been debated in the House of Commons just this past week.

I would be grateful [to you] if you could convey a response to my questions herein to the Clerk of [the procedure and House affairs committee] for the information of [all] committee members. You are, of course, under no obligation to make reference to this letter.

Then I go on and say some other stuff. I may as well finish it off here:

On the matter of your offer to meet in-person, I would like to take you up on your offer in the short-term, however the unpredictable but largely-continuous... meeting schedule [of the procedure and House affairs committee] does not presently allow me to commit in advance to being available to meet you at a particular time. That said, my staff are happy to work with yours to find a time that would work with both our schedules on short notice.

I think I'm going to add a little note in there to her as well to say that I'm also available to meet during off weeks because, unlike many members of this committee—most notably yourself, Mr. Chair—I don't have a riding that is far, far away. Perth feels like it's a million miles from Ottawa, but it's actually a one-hour drive from wherever you're sitting right now, if there's no traffic. I could come in and meet with the minister if she's in Ottawa. As a minister, she might be here during the break week.

Anyway, that was what I said to her.

As I was going through this, a thought occurred to me regarding the—

**Mr. Arnold Chan:** I'm sorry, Scott. I have a point of order.

**The Chair:** Mr. Chan.

**Mr. Arnold Chan:** Are you sharing that letter with the rest of us or are you just giving it to the clerk?

**Mr. Scott Reid:** I'm sorry?

**Mr. Arnold Chan:** Are you sharing that letter with the rest of us? Or is that going through the clerk?

**Mr. Scott Reid:** I was reading the letter to the minister. But I read it—

**Mr. Arnold Chan:** Yes, I heard it. I just wanted to know if we could get a hard copy.

**Mr. Scott Reid:** Yes, okay. I was actually editing as I went along. Are you willing to wait until I...?

**Mr. Arnold Chan:** Yes, of course. I can wait until it's official from you, but thank you for the heads-up.

**Mr. Scott Reid:** My suggestion was that she respond to the clerk, because it's a matter for the whole committee to deal with. I find—and you must too—that she's a very businesslike person. I think she'll deal with this in a businesslike manner.



I do want to deal with something else that just occurred to me as I was reading through it. Early on, when this debate started, I engaged in an extemporaneous rant, if that is the right word, vis-à-vis Minister Chagger's paper and Mr. Simms' motion to this committee. I argued at the time that it seemed improbable that Mr. Simms had read the paper and proposed his motion within an hour—or an hour and 18 minutes, whatever the time was—between Minister Chagger's paper being made public and Mr. Simms' motion being submitted to the committee.

He subsequently, in the context of a debate in the House, corrected a misapprehension that I had at the time. He said that he seen the paper a number of days in advance. I think he said it was three days or around that period of time; it was less than a week but certainly more than 48 hours. It was somewhere in that range. At the time, I just absorbed that information, but the little bell that it should have set off was only triggered as I was reading this letter earlier. I realized that Mr. Simms' motion therefore was presumably prepared based upon his reading of the House leader's discussion paper before he was aware that Minister Gould would be asking us to undertake these matters.

Of course, both the discussion paper and Mr. Simms' motion were introduced on March 10. Minister Gould was before this committee on March 9. It occurs to me that therefore he would have seen the discussion paper on March 7, say, and possibly could have written up his motion without an awareness of the conflicts. That may explain why we find a situation for which I mentioned the analogy of the left and right hand not knowing what the other is doing, but certainly the situation of two ministers asking for outcomes that are ultimately not both achievable at the same time, and both for the same use of the committee's time. We should always try to look for the most innocent available explanation for something. That is one that occurs to me and may explain this problem.

I wanted to outline all of this in more detail because it's my view that the Standing Orders are a matter of critical importance, but they are a matter that (a) can wait and (b) can be subdivided into subsidiary components to be dealt with one at a time, which I think it is not only the businesslike way of dealing with them, but quite literally the only way of dealing with them that will not produce a real dog's breakfast.

Moving from the basic agenda discussion, I want to go to something that the House leader, Minister Chagger, said last week and then repeated over the course of the weekend. I made it the subject of a question in question period. Given that we on the opposition side were talking about the need for a consensus before moving forward, she said, well, effectively, that means that if the opposition, one or the other parties, doesn't like it, we can't move forward with standing order changes, which is exactly what it means. She said that represents effectively a veto. Here I think I'm getting her quote exactly right: we cannot let the opposition have “a veto” over our campaign promises.

I want to discuss that. It gets into something that has always interested me, and that should be of interest to all of us, and that is mandate theory, classical mandate theory. What is the mandate of a government? What is a government legitimately able to do following an election?

There are different theories about this, sometimes expressed like this: what is a member of Parliament legitimately able to do? It's in the famous speech by Edmund Burke to the electors of Bristol when he was the member of Parliament for Bristol. He indicated that he thought what they should be doing is choosing the person who they thought had the best judgment and then relying upon that judgment, even when that judgment on individual issues conflicted with their own.

**The Chair:** Remembering that he didn't get re-elected....

**Mr. Scott Reid:** That's right. The subsequent part, of course, is that he did not get re-elected.

While it's an interesting discussion, I think it reflects a kind of election that existed in the 18th century in the United Kingdom, one that has not existed in a very long time either in that country or this one, in which people were elected as individual members with very loose ties to any party. The parties we talk about from those days—the Tories and the Whigs—were not parties in the sense that we use the term. “Party” was essentially.... Sometimes the word used in its place was “faction”, and that's the best way to understand them.

It was a bit like how people talk about Red Tory and Blue Tory factions within the Conservative party, for example. Also, there was talk at one time of a Chrétien faction and a Martin faction in the Liberals. Within the NDP, there was the Waffle movement, and now there are the people behind the Leap Manifesto, and others who are part of different groups.

That was how it was seen in those days. In the 18th century, Parliament itself was a single deciding body. Of course, in those days it was largely independent of the executive, and the executive was independent of Parliament. That window was starting to close. There was a prime minister by about the year 1720 or 1725. Walpole was the first prime minister, that is to say, the first minister who was *primus inter pares*, who came to the king speaking for the cabinet with a single voice, saying that “all your ministers advise you this way”.

Parenthetically, this was something the king wanted. King George I was actually a very unpleasant individual, but he was also very much wrapped up in the affairs of his small kingdom of Hanover in northern Germany. He was fighting wars with all his neighbours, and he learned that he had been chosen as king of England, so he sailed across the North Sea, was crowned, and went back to Germany, where he spent the rest of his life. There was no further direct involvement by him in British affairs.

When I was in Australia, they were having a debate over becoming a republic. People would say that you had to have a resident as your head of state, that you can't have someone who lives in a foreign country, and that the British would never stand for that if the roles were reversed. Of course, the appropriate response was, well, actually, the British were the ones who pioneered this. They had a German for their head of state for some time. George I was actually buried in Germany.

Anyway, the result of this was that he was not in close proximity to his ministers and couldn't ask each of them for individual advice, so he got a single minister to compile everything, all the advice, and present it to him in a single package. I want to say that person was Horace Walpole, but that's not right. Horace Walpole was the nephew of the prime minister. He went on to become a famous author of gothic romances; that's "Gothick" with a "k" at the end. He was the architect of Strawberry Hill in the beginning of the Romantic revival of gothic architecture.

Prime Minister Walpole would summarize these things. The media didn't like it. They felt that classical government, what they were familiar with at the time, was that the king took his advice from all his ministers and then made his decisions. That's how the king's predecessor, Queen Anne, handled things. She had a number of ministers selected from the various factions or parties in the House. She would then make executive decisions based upon their advice. The idea of one minister reporting to the king and nobody else was seen as an infringement of the collegial style of government that had existed. The term "prime minister" was actually a term that was used as a term of opprobrium; it was a term of disapproval. At any rate, by the end of the 18th century, that convention had solidified, but parties themselves were still informal bodies. They were thought of more as factions than as parties.

It was in that context that Edmund Burke made his comment in essentially answering a question about whether he should come back to the electors of Bristol between elections and ask them how they felt about this or that. He took an approach that is different from the one I've taken. Every so often we find ourselves acting as independents when there's no party discipline on some issue and, if there's enough time, you can go back and consult your constituents. It's something that I have done a number of times, most recently on the assisted dying legislation, when I asked my constituents whether I should vote for or against the legislation. About two-thirds of them instructed me to vote for the legislation.

He could have done a version of that, but he was saying that he didn't do that. He said that what he did was to use his conscience and his judgment, and his judgment in particular. He said that people should regard him in the same way they would regard a judge. He went to Parliament with that same sense of impartiality, and with better access to the available information, something that was actually quite a valid point in those days. It would be hard to get information back to Bristol about one of the great issues of the day without a considerable lag. Communication moved at the speed of the stagecoaches that carried letters and the newspapers, but that's obviously not true today.

In the intervening 220 years—in round numbers—between Edmund Burke and the present, parties in a more modern sense emerged. The whole history of the early 19th century in Britain is the history of the firming up of party structures, something that really comes to its maturity, I think, in the era of Gladstone and Disraeli leading two clearly defined visions of the nation at the head of respective parties, with Gladstone at the head of the Liberals and Disraeli at the head of the Conservatives, and with a very clear manifesto, as they would call it in Britain—or platform, as we would call it in Canada—being produced by each one. A clear understanding was developed. Prior to that, it had not been clear at that

time, although the convention had been developing, that if you were defeated on a key item in the House of Commons, the government would fall, and the expectation would be that the Prime Minister would proffer to the Queen the advice to call new elections. That was when that solidified: during the Disraeli-Gladstone period in the 1860s through the 1880s.

It is out of this that the idea of a mandate developed: a collective mandate that the entire government consists of people who were elected based upon the manifesto or the platform that was produced in the previous election. Thus, we developed what could be called the mandate theory, the theory about what a mandate can entail.

Do you face a situation in which the government has simply indicated a general direction, such as that it will practise fiscal probity or that it will have small deficits without defining what a deficit is? Or do you have a more detailed expectation, such that if the government said it had absolute authority to go forward with its proposal but then failed to articulate it, then it really ought not to move forward at all? Or is it the case that you have some freedom in the areas where you did not expressly articulate a policy?

I would submit that when we look at this, there are several answers to those questions.

First of all, how much of the vote did you get? I don't want to endlessly revisit the electoral reform debate in which people argued that the Liberals got 39.5% of the vote, and they have 55% of the seats, and therefore 100% of the power. In the arguments of those who were in favour of proportional representation, this suggests that they have a very limited mandate. The same thing could have been said about the government of which I was a part, which was elected in 2011 with an identical percentage of the vote.

One could argue, therefore, that no one really has a full mandate, but I don't see any evidence that this is how Canadians regard it. Canadians expect those who are elected to govern. They understand that it is not the preference of the elected party to get fewer than half the votes; it's the way things come out. Obviously, no party says that it will deliberately try to keep its votes below 50%, so you can't blame Justin Trudeau for not having 50% of the vote. If he could have found a way of doing it, I think we all believe that, in all sincerity, he would have tried to get 50% of the vote. Nobody's going to question that.

Do we say, then, that we are prepared to govern as if we have minority governments all the time, even though we have a majority? I never saw that argument presented. I think the Canadian convention, or the practice, or the understanding of the Canadian people regarding mandate theory is that if you get a majority government, something that is to some degree determined by chance—and that when you stick with 39% and move it around somewhat, you get a minority government—it is reasonable for you to attempt to act upon your election mandate.

That is what Minister Chagger was articulating. She was saying, look, this isn't a minority government. It's a majority government. We hold the majority of the seats and the people have voted for us to act on this platform. Had it been the Conservatives who had a majority government, they would have acted on their platform. None of us is expected to say that we're setting aside our platform and governing as we would if we had only a minority.

There's obviously a vast gulf between the way you act with a minority and the way you act with a majority government. Having been on both sides—minority and majority—in government, and having been on both sides of it in opposition, I can safely say that you act in very different ways. The opposition behaves in different ways too. The opposition actually is more restrained, in some respects, during a minority government, because it recognizes that it could defeat the government, and hence it has to be careful not to defeat the government when it didn't intend to do so. This allows the government a certain degree of freedom to say that it's going to act a certain way, and that if it is defeated in that, we'll have an election. Depending where the polls are, that can be a considerable barrier to over-eager actions on the part of the opposition.

I thought nobody understood that better than Stephen Harper, who managed to govern with two successive minorities. If you look back at Canada's history, you'll realize that, amazing but true—it's pure fact—no previous Conservative minority government had ever survived long enough to actually put its budget into effect. There had never been a Conservative government that actually produced a budget that made it through the House of Commons and was enacted.

There have been Conservative minorities, one in 1957 under Diefenbaker, who called an election unexpectedly and early in 1958. There was Diefenbaker's second minority, which failed very quickly in the early 1960s. In 1962 he was elected to a minority and lost in 1963, over his budget, I believe. There was the Clark minority, which fell over its budget as well. After that, we're all out.

This was, then, a significant accomplishment. There have been numerous Liberal minorities, and the reason they work is that since we developed minority... We never had minorities before the 1920s, but since that time, the third party with the smaller numbers has always been on the left, so that when you divide up the spectrum, it's possible for the Liberals to govern. It doesn't always work out, but if you are a gifted political operator, such as Mackenzie King, for example, who governed through the entire 1920s with minorities and didn't get a majority until 1935, it can be done.

Indeed, as Pierre Trudeau pointed out, it can actually let you get through parts of your agenda. If you're on the progressive wing of the Liberal party and your own party is resisting, you can say, well, our NDP colleagues are demanding this or else they'll defeat us, and hence we need to move a little bit left. He actually made a point of stressing that he had managed to accomplish some policy objectives in the 1972-74 period that would not have been available to him had he had a greater number of seats in a majority. I learned about that by reading David Lewis's autobiography. He was the NDP leader in that period.

**The Chair:** Did you say the third party is always on the left? When the Conservatives had only two seats, they were the third or fourth party.

**Mr. Scott Reid:** Yes. I'm thinking—

**Mr. Arnold Chan:** The Liberals had a majority at the time.

**Mr. Scott Reid:** Yes, you're right. I was in the Reform Party, which was a third party on the right, so you're correct. In the context of Canada's minority governments, however, we've had ones under Mackenzie King in the 1920s and then again under Diefenbaker in the fifties and sixties, and then again under Clark.

Have I missed anybody else in between? I don't think so.

**Mr. Arnold Chan:** Well, there's Pearson, if you're talking about—

**Mr. Scott Reid:** Oh, yes, that's right. Pearson, of course, and the entire 1960s was minorities....

**Mr. Arnold Chan:** Yes, all of the ones in the 1960s were minorities—

**Mr. Scott Reid:** Yes, that's right.

**Mr. Arnold Chan:** —until Trudeau in 1968.

**Mr. Scott Reid:** That's right. There were four minority governments in a row, or maybe three. There was 1962-63—

**Mr. Arnold Chan:** Yes, and 1963-65, and 1965-68.

**Mr. Scott Reid:** Yes, so there were three. Pearson was able to get his budgets through. Actually, in terms of the progressive nature of the Pearson government, most of the foundational social programs we have today—the welfare state programs of today—were, if you look at them, introduced in that period, rather than in the subsequent period under Pierre Trudeau, who dealt with...I think I'd be right in saying that his legislation was primarily progressive or to the left of centre in areas that were social in orientation. They were dealing with the changing of the sodomy law; getting rid of capital punishment; official languages policy, obviously; and the charter of rights. These are all very much—

**Mr. Arnold Chan:** You're arguing vociferously for the benefits of minority Parliaments.

**Mr. Matthew Dubé (Beloeil—Chambly, NDP):** That's why I'm quiet.

**Mr. Scott Reid:** I think that sort of summarizes things.

Like *Finnegans Wake*, this brings us back by circumlocution to Minister Chagger's comments. Minister Chagger's comments, I think, while not unreasonable, are incorrect, and for the following reason.

She says the Liberals made a number of campaign commitments with regard to the Standing Orders and no one else should be able to have a veto over them. I have to admit, I think agree. I think she has a point. But I went to the Liberal election platform, “Real Change: A New Plan for a Strong Middle Class”. This was the platform the Liberal Party put out during the last election. Like all platforms, it deals with everything from soup to nuts. The things at the front end that are emphasized are economic security for the middle class, the middle-class tax cut, ending unfair tax breaks, opportunities for young Canadians, and retirement issues.

It then moves on to other issues of a similar top-of-mind nature: housing—you'll see where I'm going with this in a second—post-secondary education, a health accord with the provinces, and fighting poverty. That's obviously an area in which the federal government is to some degree constrained by the federal nature of our system. There is more middle-class stuff: jobs and skills training, stronger and greener communities, public transit, agriculture, unions, labour-sponsored funds, supporting caregivers, employment insurance, child care and healthier kids, Canada's north, and helping educators.

Now we're getting closer to what's being discussed. “Open and Transparent Government” is the name of a chapter. This deals with, among other things, access to information, personal information, open data, and open Parliament, which is the first thing we hit that might potentially, at first glance, relate to standing order changes.

This is on page 25: “The Liberal Party was the first to require its members to proactively disclose travel and hospitality expenses.” I actually didn't know that, but apparently that's true.

This does give me a chance to point out that for several years over the past years I've had the lowest travel expenses of any member of Parliament. I'm very proud of that fact, although, thanks to the electoral reform committee, that won't be true for 2016.

The chapter continues:

It is time for all Parliamentarians to do the same. We will make government more accountable by requiring all Parliamentarians to disclose their expenses in a common and detailed manner, each quarter.

We will end the secrecy surrounding the Board of Internal Economy—the group responsible for regulating spending by Members of Parliament. Except in rare cases requiring confidentiality, meetings of this group will be open to the public.

That's not a standing order change—that's not how it's done—but I guess you could in theory try to link the Standing Orders to this. That's a possibility. I'm not sure if Minister Chagger had this in mind when she made her comment, but I feel confident in saying that if there were standing order changes contemplated that dealt with the disclosure of parliamentary expenses, I don't think we'd have trouble getting consensus on that.

Regarding the entirety of “the secrecy surrounding the Board of Internal Economy”, my guess is that, in practice, we would want... I think everybody agrees that maybe it's more secret than it needs to be, but I think there are some things that have to be discussed confidentially, such as accusations that are not yet grounded against individuals. For example, I think the Board of Internal Economy dealt with the accusations of sexual impropriety, at least in the initial stages, that arose in the last Parliament. Obviously, you want that kind of thing to be confidential. I believe it also deals with issues

related to litigation that involve members of Parliament. That stuff, I think everybody agrees, has to stay secret.

I can see a situation in which you might consider using the Standing Orders as one way of moving it towards something that more closely approximates the in camera proceedings of our committees, that is to say, where there is still some form of reporting back from the board on those items that need not be kept secret. In a general sense, letting in greater sunlight in its proceedings might be reasonable.

They then deal extensively with matters that relate to our mandate as a committee. Open and fair elections are part of the platform, starting on page 26. This includes government advertising, banning partisan government ads, a number of ways of increasing political fairness in elections, and political financing, including the closing of political financing loopholes.

Mr. Stewart asked earlier about what might be found in the legislation Minister Gould is preparing for us. I suspect that we will find some of the answers here, or at least a hint as to an answer here. On page 27, it says:

When fixed election date legislation was introduced, it left a loophole that allows unlimited spending in the period before an election is called. That creates an uneven playing field.

We will review the limits on how much political parties can spend during elections, and ensure that spending between elections is subject to limits as well.

It seems reasonable to guess that the legislation Minister Gould proposes might well contain provisions enacting that promise.

They're proposing an independent commission to organize leaders' debates.

On electoral reform, it says:

We will make every vote count.

We are committed to ensuring that 2015 will be the last federal election conducted under the first-past-the-post voting system.

We will convene an all-party...committee to review a wide variety of reforms, such as ranked ballots, proportional representation, mandatory voting, and online voting. This committee will deliver its recommendations to Parliament. Within 18 months of forming government, we will introduce legislation to enact electoral reform.

It would more or less be almost exactly right now that legislation would have been introduced. We know the whole history here. Everybody on this committee knows what happened. That committee was struck. It reported back and made a recommendation, which the government decided not to take.

**The Chair:** Back to the motion.

**Mr. Scott Reid:** Yes, quite right, Mr. Chair.

There have been endless comments on this, but the relevance here is that this was an area where the government could legitimately have said that the lack of consensus—the argument was that there wasn't a consensus on which to form an electoral system—allows them to move forward unilaterally. The committee on which I served actually made exactly that recommendation.

In fact, I was the one who introduced the idea to the committee, that it make a recommendation that the government make the choice as to the form of the electoral system, as long as it has a Gallagher index of five. There were three viable systems that could have been implemented. Given the fact that there was no consensus on which of the three was the right one to move forward with, the government, exercising its authority as the executive branch, could have chosen the one that seemed best from its point of view, based on other considerations that it and the committee deemed important, such as maintaining local representation and keeping excessive party discipline out of the picture. It could have moved forward, and it could have produced something that would then be subject to the people's veto in the form of a referendum.

I just mention this by way of saying that there was a really good example of an attempt to give the government the ability to follow through on a very concrete promise it had made, while at the same time seeking out a consensus. We actually had a consensus, all four opposition parties, something that doesn't happen very often. It didn't come easily.

I know my party had many people saying they thought this was a bad idea as we moved toward that. I don't know the internal workings of the Bloc, I have to admit, but I know that the New Democrats had similar concerns. Nathan Cullen, who bravely led them towards the idea of referendum, which is not part of the New Democrats' culture or their traditional policy apparatus, went toward it somewhat reluctantly in order to get proportionality on the table. I do know from talking to Ms. May directly—she has a caucus of one, so you can just ask her what the caucus is thinking—that she went along with the referendum very reluctantly. She really doesn't like referenda, but she recognized that it was the stumbling block toward proportionality.

Anyway, none of these, so far, require changes to the Standing Orders. Encouraging more first-time voters to participate, making it easier to punish those who break the elections law.... It's something this committee has to deal with. That's part of the Elections Act review that we are engaged in.

Then we come to pages 29 through 32 which deal with what's called "Giving Canadians a Voice in Ottawa". The subheading reads, "For Parliament to work best, its members must be free to do what they have been elected to do: represent their communities in Parliament and hold the government to account. Government must always stay focused on serving Canadians and solving their problems."

Just to help everybody understand what we're talking about, it has a photograph of the House of Commons. This is all about House of Commons and Senate reform. As a matter of fact, the very first heading here is "Senate Reform". We can skip over that one, because clearly changes to the Standing Orders do not deal with that.

Let me get to "Question Period". The promise is, "We will reform Question Period so that all members, including the Prime Minister, are held to greater account." The detailed wording of the promise then says, "As the head of government, the Prime Minister represents all Canadians and should be directly accountable to all Canadians." Here is the key part: "We will introduce a Prime Minister's Question Period to improve that level of direct accountability."

This appears to imply a change to the Standing Orders. In fact, the need for unilateral changes to the Standing Orders was presented as being predicated on a number of promises, of which this was the marquee promise, being placed in the Liberal election platform.

However, as the Prime Minister's conduct last Wednesday demonstrates, you don't have to change the Standing Orders to get a Prime Minister's question time on Wednesday, or on any other day of the week. He was also back on Friday, and in principle could have kept answering all the questions, all of them. He always has that prerogative. The House leader, who directs who will answer which question, could have been informed, as she was on Wednesday, that no one else would be answering any of the questions and that they would all be going to the Prime Minister. No change to the Standing Orders is necessary in order to have a Prime Minister's question time.

In fact, if you actually look at the structure of question period and how it has evolved over time, one of the great surprises is that much less about question period is written into the Standing Orders than you might think. I won't be dealing with this in my remarks right now, but I may return to it at a later time. Much more is dealt with through practices that have evolved. We all stick to them and we all treat them as being practices of great importance and gravity, even though they are not in the Standing Orders.

This is a natural process in any deliberative body, including in this committee. It's one of the reasons, Mr. Chair, that we've seen the striking phenomenon of this committee. We are to some degree in uncharted territory as we go from one suspension of the same meeting to another, and then we hold hearings.

We have a situation in which we are debating a single amendment to a single motion, which precludes the giving of the floor to anybody other than the person holding the floor at that time. We have developed a practice such that, with the unanimous consent of the committee, we can cede the floor temporarily to another member of the committee who can then ask questions or deal with the subject matter at hand.

**The Chair:** It's the Simms procedure.

**Mr. Scott Reid:** That's right. It has a name, the Simms procedure, after our colleague Scott Simms, who pioneered it. This all revolves around the long-standing rule that nothing becomes a precedent if it's done by unanimous consent, and you can do anything by unanimous consent.

We all agreed on one occasion to allow Mr. Simms, who was the first person to intervene this way. It's a useful tool. We've kept it up to the point where Ms. Sahota last Thursday or Friday—I can't remember which now—wanted to ask Mr. Richards a question. He was reluctant to cede the floor temporarily until he could confirm that her question was indeed in conformity with the Simms procedure, and it required Mr. Christopherson to intervene and establish that information.

In other words, we have developed our own set of practices right here in the space of a series of meetings that have been going on for only three weeks, that allow us to function and re-establish effectively the rules of a normal form of parliamentary debate, even though the formal rules actually don't leave any room for it. On the one hand, this is a testament to the ingenuity of a system that no one actually designed, our parliamentary system, of which we are a tiny branch way up high in that tree that has its roots down in the first parliament that met in medieval England. But we are doing the very same thing and we are being pioneers in our own way.

This all goes back to the Prime Minister's question period and the rules around our question period, which are primarily conventional. They are conventions that are so deeply rooted that we don't have to write them down until someone tries to violate them, at which time either they are just unanimously punished by everybody...outraged that they would do whatever it is they've done, or we say that we'd better write down a particular rule. Conventions can remain unwritten, as they have on question period, until someone changes them, or they can be written down, but they need not be written down.

I guess it will be an open question tomorrow whether the Prime Minister once again takes all the questions. It will be somewhat different from last Wednesday in that we are having a very esteemed guest speaking to the House of Commons, which is something that perhaps occurs only two or three times in the life of the Parliament. The last person to do so was the president of the United States. It's not just every day one has an occurrence of this sort, and that may change the nature of question period. We'll find out.

At any rate, what the Prime Minister demonstrated very dramatically is that you don't need changes to the Standing Orders to achieve this promise, which relates us back to Minister Chagger's assertion that we cannot let the opposition have a veto over a government election promise. No veto has been exercised, because no promise requiring a change to the Standing Orders was actually made.

For the next item, I'm quoting once again from the Liberal election platform. Right at the very top of page 30, it says, "We will also empower the Speaker to challenge and sanction members during Question Period, and allow more time for questions and answers."

I pause there to say that in terms of sanctioning members during question period, again, that is something that requires no changes to the Standing Orders. There are a number of powers at the disposal of the Speaker from which previous Speakers have chosen to refrain. My own parliamentary career goes back to my years as a staffer, to the late 20th century. In that period the Speaker would, from time to time, name members who had been acting in a particularly disruptive manner. Once named, the member would not be allowed to enter the

House until such time as the member had appeared before the bar of the House to essentially plead forgiveness.

We don't even think of the bar of the House, but members actually pass it. It's that metal bar we pass as we come in.

Once you've been sanctioned, once you've been named, the privilege of being referred to by your riding has been stripped from you, and you are now outside the House and must seek its collective will to re-enter. That power was there, and it hasn't been removed.

What happened was that Speaker Milliken, our longest serving Speaker—and for what it's worth, he's a constituent of mine; he lives in my riding of Lanark—Frontenac—Kingston, in the rural part of Kingston, the very beautiful rural part of Kingston I represent—developed the practice of never naming a member. He exercised a milder, but I thought more effective, power. Speaker Scheer followed this example.

If a member was being particularly disruptive, heckling to excess.... We all heckle a bit, but there is heckling and there is really disruptive heckling, and it's the disruption that's the problem, or being disrespectful of other members or of the House as a whole.

I remember Speaker Milliken saying this so clearly vis-à-vis a member from Saskatchewan, whose name was Jim Pankiw. You've been here as long as I have, Mr. Chair. You will remember Jim Pankiw from northern Saskatchewan.

He was being disruptive in some respect or other—I can't remember what it was—and the Speaker stood up, cutting off the member's microphone, and then before returning to the business of the House, he said, "The member may find it difficult to catch the Speaker's eye the next time he tries", which was his way of signalling Mr. Pankiw and also the table officers. At the time, it was the Canadian Alliance table officers in the lobby. He was saying, "Take your member aside and explain to him that he can stand up, and I'll just pretend he's not there, and therefore, you can't put him up in question period. I'll simply ignore him as if he's not there, so you have to restructure things." He was essentially kicked out of the House for many purposes. He couldn't even present petitions as long as that applied.

That gave Mr. Pankiw the option, which he exercised at some point—I don't know how long it took—of going up to the Speaker, either approaching him in the House or more likely approaching him by going to his office and having a sit-down chat about this kind of behaviour being unacceptable, and he got to do it without the humiliation of going before the bar of the House and without wasting the time of the entire House.

Do you see what I'm getting at? There is a very powerful tool that is already present in the hands of the Speaker, which our current Speaker has not had to exercise, although he has hinted that he might. A hint is enough. Everybody wants to play, so getting compliance from us requires merely the thought that we won't be allowed to play the game. Speaker Regan has only had to hint at it. Speaker Milliken actually had to act on it a few times, but this worked much more effectively than the method employed by the prior Speaker of actually naming people.

Once you actually get taken out of the House, you can make a big deal about saying, "I'm the people's voice." Being dragged kicking and screaming from the House is actually a very useful publicity gaming device.

A friend of mine, who is a Newfoundlander, told me about the antics of Andy Wells, who went on to become mayor of Saint John's, if memory serves. He was in the House of Assembly in Newfoundland. He'd get kicked out regularly, and he would be dragged from the chamber, yelling as loud as he could, "The people will not be silenced", and that became his stock-in-trade. I can think of other members who have done the same thing.

I would simply submit that the powers to challenge and sanction members during question period don't require changes to the Standing Orders. They're already there. The blunderbuss approach of kicking someone out exists. It isn't used, because there is a scalpel available, and that has been used by successive Speakers. They've been able to cut ever more finely with it and maintain discipline.

I have to say something else in this vein, Mr. Chair. I used to be in the media. I used to write articles for *Western Report*. I would file from Ottawa for *Western Report*, which was published out of Alberta. I also wrote for the *National Post*, but that was different. They were editorial pieces.

For *Western Report*, I had to write articles. There was a deadline. You had to produce  $x$  number of words every week. They had a certain amount of column inches, as they called them, to fill, whether you had a story or not. That's weekly, let alone daily, and the deadlines associated with print are not nearly as brutal as those associated with electronic media where you have exactly  $x$  number of minutes or seconds to fill, and if you have more to say and write about than the time will allow, that's too bad. If you have less, that's even worse.

Truly it's a Procrustean bed, and faced with this problem.... I'm an editorialist, and I must produce an intelligent and thoughtful opinion that is between 800 and 900 words long every three days, twice a week, once a week, or whatever it is. I'm not sure what it is. It depends on the publication, I guess, but that's me. If I were Chantal Hébert, Andrew Coyne, or any of the other columnists out there, this is what I'd have to do. It is hard to come up with something every time, so what reporters do....

I'll come to this. This is relevant, Mr. Chair. I just have to give the background information.

Reporters produce stories that are called evergreens. An evergreen story is not linked to any particular time, but it could be dropped in when you don't have anything to fill in the space. Christmas holidays are a problem and that is when evergreen stories help out.

In the summer there is what we call the silly season. The silly season is when we're out of serious stories because people who generate serious news are on holidays. That's the time of year when the reliable story for the local reporter is about how the bylaw officers have shut down some lemonade stand run by kids trying to raise money to help out third world hunger or something like that. You just know, a line of stories like I'll go out and find, or you can pre-write stories. It's just like Steve Martin in the movie *L.A. Story*

where he's a weatherman who pre-writes his news forecasts because the weather is the same every day in Los Angeles.

**The Chair:** What is the relevance?

**Mr. Scott Reid:** The relevance is as follows. The most reliable story you can write as a commentator is to bemoan the loss of the golden age of civility in Parliaments past. What a shame it is that we are sliding toward less and less decorum in the House, less and less respect, and so on.

I want to say, number one, as a historian.... That's my profession; I'm an historian. I've written books on Canadian history and have read through early debates of the House of Commons. I can say emphatically, as a historian, we're all sober here. We don't physically assault each other. We don't rush the Chair. We don't climb over the furniture. Hence we are way ahead of our 19th century colleagues. Whenever the golden age is being referred to, it was not the golden age of Sir John A. Macdonald, and it wasn't the period that came after him through the 20th century. Now I'm old enough that I can actually be a bit of a piece of history myself. It wasn't the age of the third Chrétien government when I arrived here, or the minority government that followed it, or the two minorities with a change of administration that followed that. We've actually been getting more civil.

Now I wish that, in the interests of scientific research, I had brought into the House a decibel meter for each question period. I would have to have moved it around, as it's quieter along the edges than it is in the middle but, my goodness, we have become so much more civil, measured simply by volume, than we were when I first arrived here. We have improved so much—

**The Chair:** [*Inaudible—Editor*]

**Mr. Scott Reid:** That was part of the mandate of the present government, for sure, but it was something that appeared to be happening, as what an economist would call a secular change. It is a long-term change. Regardless, if the tide comes in and goes out, any individual wave as the tide is coming in may be lower on the shoreline than it was a minute before, a second before, but not lower than the average of waves rolling in and out an hour ago. It's a secular trend, as they call it, and the secular trend is toward greater civility. The very fact that we constantly find the current level of civility insufficient indicates that there is less and less room for incivility, or catcalling, or whatever, to be practised, so it shrinks and shrinks.

The irony here is that if nobody were complaining about it, the situation would probably get worse. However, in saying that, there is no need for Standing Order changes to bring greater civility. It's happening all around us and the tools are already there.

Now we go to the next promise, which was allowing more time for questions and answers. Here, Mr. Chair, I want to just tell you about a treasure hunt that I went on. I went through the Standing Orders looking for a discussion of the length of questions and it's not a matter of the Standing Orders. It's a practice that's developed. It's that agreement.

I'll go through it in more detail later. It's a fascinating and very relevant story that can serve as a guide to us in this committee, as we try to find ways in the committee, and also in the House as a whole, of moving toward what could be a helpful change. Certainly, it is something that the government has promised to do. It is there in their election platform.

I should mention that one thing that's unclear is the statement, "allow more time for questions and answers". That is actually an imprecise promise. It could mean, as I see it, one of several things. It could mean longer questions and answers. Currently, they are 35 seconds per question and answer in question period. It could be that what was intended was to move that upward, say to 45 seconds or to a minute, as is done in other legislatures in the Westminster tradition. That's one thing it could mean. What might have been meant—perhaps this came up in one of the Prime Minister's speeches during the election—was to move to a longer question period, so that we'd go from 45 minutes daily to an hour daily or something like that. I don't know. Certainly, that's conceivably what was meant. It could involve some kind of structural shift to the nature of how questions are asked.

We have questions. Everybody knows how this works. Everybody who has been in opposition knows how this works. If you hear an answer to an oral question you've asked that you deem, in your own sole discretion, to be unsatisfactory or inadequate, you fill out a form. You ask the pages to give you the form. The form indicates that you weren't satisfied with the answer from Minister X, so you would like to have the chance to ask further questions as part of the adjournment proceedings. That is governed by a standing order. A standing order dictates how that is done and the nature of the form. Moreover, the standing order indicates how long the questions and answers are. I think it was in the 38th Parliament...it was the first one I served in and the first one you served in back in 2000. During that period, a change was made, in addition to a four-minute question and a four-minute answer, to allow for a one-minute supplemental question and answer. This was designed to catch up on any loose ends that had not been dealt with or that had raised a new question.

To be honest, I'm not sure this works perfectly. It seems to me that we get more heat than light in that final one-minute, back-and-forth session, but it does produce positive results some of the time. At any rate, there was a standing order that existed, that was changed in 2000 by the Special Committee on the Modernization and Improvement of the Procedures of the House of Commons that was set up under the Chrétien government.

This was one of the recommendations made unanimously by that committee, and I was the very first person to ask a question under that new procedure with the one-minute question and answer. I can contemplate the possibility of a standing order change being required if we're talking about changing either the length of question period or about doing something that involves questions in adjournment proceedings, or that involves questions such as the ones we have periodically when the minister will come and answer questions for an evening sitting of the House.

That also required a change to the Standing Orders. Some officials come along to assist with more technical questions that may arise. They usually sit at a little desk that looks about the size of a card

table. Three of them sit there to assist the minister in answering any question.

We then all sit as a committee of the whole. Members don't have to sit in their own seats. Because it's a committee, we can even bring food into the Commons, a rule that I tested once by bringing in an apple and placing it quite prominently on my desk to see whether it would be—

**The Chair:** That brings to mind the point Mr. Graham was making, that maybe the House leadership—the whips and the House leaders—shouldn't have to sit in their seats at any time, because they're always moving around.

**Mr. Scott Reid:** I had not thought of that. It's an interesting point. I'd think, though, that they would want to have a place to sit down. I would think the House leader wants to be able to lean over and talk with the Prime Minister or the Leader of the Opposition, as the case may be.

**The Chair:** It was concerning being able to take the floor from anywhere. He'd still have his own seat.

**Mr. Scott Reid:** Oh, I see what you're saying. Okay.

**The Chair:** They're running in and out and all over the place to talk to people.

**Mr. Scott Reid:** That's an interesting thought. I genuinely don't know. I've never seen the proceedings of the—

**Mr. Matthew Dubé:** On a point of order.

**The Chair:** Monsieur Dubé.

[*Translation*]

**Mr. Matthew Dubé:** Thank you, Mr. Chair.

I'm sorry for interrupting my colleague, but I want to verify the facts before raising this issue.

Earlier, we talked about the different behaviour that could result in the Speaker punishing members. I remember the case of Stéphan Tremblay, a Bloc Québécois member, who actually removed his seat from the House. He climbed into a van at the entrance to Parliament and left with the seat.

I'm drawing your attention to the matter because, as part of the discussion on the procedures and the behaviour of members, it's very important to be fair to all the parties. The Bloc Québécois also had its moment of glory in that regard. The incident left Gilles Duceppe and Denis Coderre speechless, which is difficult to do in the case of those two men.

I simply want to add this point to what my colleague said earlier. I don't want to keep discussing the matter, because I know my colleague has moved on to another topic.

**The Chair:** That's very interesting. Thank you.

[*English*]

Mr. Reid.

**Mr. Scott Reid:** My head is now filled with the implications of having the House leader move around physically and the way one would deal with that.



I was going to say that I've never seen the House of Commons in Westminster except on television, and so I don't know how they do it. They have benches and no assigned seating. I don't know how—

What was that?

**Mr. Arnold Chan:** They don't have benches. You can take a seat.

**Mr. Scott Reid:** I know that, but I haven't seen how they deal with people speaking.

In New Zealand and Australia, they have a similar... I have seen them in operation. They have benches instead of seats, or instead of desks. At least for the front bench in Australia they do. They actually have desks for those who are further back. I don't know how they deal with that. I think you have to have a more informal method of catching the Speaker's eye when you want to ask a question. That is my guess. I don't know.

For voting, they deal with it in Britain by just saying that you have to walk through a door. You get counted when you go through a door. That's their way of dealing with it, and they have to deal with the other MPs who are in a different room as well.

Those are problems that are not ours, but that leads me to the next item, which is:

We will look at other ways to make Question Period more relevant, including the use of online technologies, and will work with all parties to recommend and bring about these changes.

To make the obvious point here, I don't think it would be legitimate for the minister to be saying, "We won't let the other parties have a veto on this part of our election platform when it was explicit that we would work with the parties to recommend and bring about the changes."

For what it's worth, I don't think that's the sort of thing anyone would want to act on unilaterally anyway. I could be wrong, but it strikes me that there is a specific mention of online technologies.

When I first read this, I thought, oh, electronic voting. I'm also not sure that requires a change to the Standing Orders either, to be honest. It might be helpful, but I'm not sure it's essential. If no one challenges the legality of a vote that takes place by means of people pressing a button on their desk, then I suspect it would simply become the way we do things, although I would want to get an opinion on that first.

**The Chair:** We can say goodbye to our intrepid reporter.

You didn't want us to suspend while you were gone, did you?

**A voice:** No.

**The Chair:** Then we can carry on?

**A voice:** I'll still be listening.

**The Chair:** Okay.

**Mr. Scott Reid:** Mr. Chair, I know we have to suspend the formal part of the meeting, but would it be possible to have an update on the Austrians from our analyst? I'm worried we won't have a chance to...

Do you have any information?

**Mr. Andre Barnes:** Mr. Reid, if we suspend I can come around and give you an update, if that's okay.

**Mr. Scott Reid:** Yes, that will be fine.

**The Chair:** As required by the Standing Orders, we are suspended until after the vote.

• (1230)

(Pause)

• (1315)

**The Chair:** You don't have to rush, because I'm going to unsuspend, and then I'm going to immediately suspend again for the Austrian thing so I can start the preparations as suggested by Mr. Reid.

We will suspend first of all to hear from the Austrian delegation, and for question period we'll suspend until 3:30 p.m. to give people time to get back, because question period doesn't usually end until about 3:15 p.m.

**Mr. Scott Reid:** Mr. Chair, is the meeting with the Austrians one of our informal ones?

**The Chair:** Yes, it's totally informal. There are no minutes.

**The Clerk:** We're turning off the cameras.

**The Chair:** The cameras are off.

**Ms. Ruby Sahota:** Will it be here?

**The Chair:** It will be right here.

We will suspend.

• (1315)

(Pause)

• (1605)

**The Chair:** We are back. We stayed in the House a little longer to hear the two questions of privilege, because as you know, they could affect us. The first one was ruled as not a prima facie case. That was related to the Minister of Indigenous Affairs. The second one was ruled as a prima facie case. They're bringing back the one relating to the buses, and they're debating that right now.

The House will still need to vote, so I guess there'll be a vote on it when they finish that debate.

The next person on the list is Ms. Sahota.

**Ms. Ruby Sahota:** I can probably take as long as some of my opposition colleagues have been taking.

**Mr. Jamie Schmale:** You should. Keep it going.

**Ms. Ruby Sahota:** I think there are some points to be made. As a new member, I've noticed things. I'm sure that over time it becomes normal the way the House functions, the rules we abide by. It's almost becoming normal to me too, only having been here 18 months. At times I think that this is politics, that this is government, that things work slowly here, and this is the way it's meant to be. It's remarkable to me how quickly my mindset has turned over these last 18 months.

Little things occur every now and then that remind me that this place is not very functional and that we could achieve a lot more together. I know that the issue here is consensus—

**An hon. member:** Versus unanimity.

**Ms. Ruby Sahota:**—versus unanimity. How I would love for all parliamentarians in this House to be able to agree on all things by consensus—I know you're not suggesting all things—but in particular, the rules.

Recently we had representatives from two different parliaments before us. We had Austrian officials here today. We had the chairperson from this committee in Austria before us. We had the presiding officer from Scotland, which is the speaker of their house, before us as well in the last couple of weeks. It enlightened me again.

Through my time on the electoral reform committee, and on this one as well, since the very beginning of this term, I've been learning quite a lot about parliamentary procedure, stuff I thought was quite boring when I was in law school. I thought, procedure, I have to take it to pass, so I will, but it's not the most exciting of topics. When I was presented with the opportunity to sit on this committee, I wondered if it would be like watching paint dry.

My experience has been quite different. I've loved the opportunity to be a permanent member of this committee. I've learned so much from all of my colleagues on this committee, especially the ones from the opposition side. I've learned a lot of good skills, some tactics, some manoeuvres, and what you need to be doing. I have also heard genuine input and information that I sometimes agree with. I've learned a lot from my colleagues, as well. What I mean to say is that my time here on the Hill has been very fruitful.

However, it's those times I'm speaking about, and one was yesterday. I had my family up here on the Hill. To have these tactical procedural votes held with no notice at all I'm sure works fine. It works fine for me most of the time, because most of the time, I'm glued to my seat here in PROC, especially in the last three weeks. Having a vote called unexpectedly is not a problem for me.

I've also made the choice to not bring my family up to Ottawa, because they have lives, and I don't want to disrupt them. I have a young son who has a lot of family members to love and care for him there. I don't want to see him spending his days alone here on the Hill, maybe with a nanny service, when we get out at midnight from PROC. That was definitely the right choice, and I've accepted it.

Mr. Doherty mentioned, the last time he was here, that this is the life we've chosen. We knew what we were getting into as parliamentarians. I understand that point, and I do for the most part appreciate that we have taken on a difficult role and that with that will come some trade-offs. I'm ready to make those trade-offs, and I already have. I think each one of us has sacrificed a lot to be here, and we do so on a daily basis. However, I do not think there is anything wrong with our trying to improve ourselves and better ourselves and with encouraging those who don't want this type of lifestyle for themselves to also become parliamentarians, or to at least consider it for a day. Most people come up here and think it's a lot of talk and not a lot of action and that nothing gets done, or it takes years to get things done. I'd love to hear what the walls in this place are thinking, because I think they've heard this conversation happen many times since the Parliament Buildings were built.

I've heard and read that this debate has happened many times over the years, and we're still where we are.

Some great things came out of the McGrath report. We talk about that report a lot at this committee. We talk about the work we did at the beginning of this term on modernizing Parliament. There was an interim report, and through the process of that report, I learned a lot about where everyone's priorities lie and whether they're necessarily in a place at which they want to see this place improve. I don't know whether that's everyone's motive. If it were, I think we could come to some agreement, but I don't think such is the case.

I think everyone is more caught up in winning and losing and considering how this is going to look in QP, rather than in doing the right thing. It's really important for not just this government but this Parliament to take some bold initiative and make some changes, so that we aren't talking about these things for the next hundred years and so that we don't need this Parliament to burn down.

Some colleagues have told me that they have worked on making changes to parliaments around the world and that it was much more contentious than this. I asked if they were in the middle of a war. Yes, actually, they were. It's a lot easier to rebuild after a war when things are torn down and governments are brought to their knees and they're in complete disarray and dysfunction. I asked whether that's what we need to do here, whether we need to get to the point that we are having to build the country up from scratch, to improve our rules. I really feel that this is where we're headed.

In the case of Scotland, I thought we learned some great things that their Parliament has implemented in order to be more efficient. One is electronic voting. They thought it was quite humorous that we couldn't get past that debate in our Parliament. Oftentimes, people think those are the simple things on which we would be able to agree.

I definitely have no hope that we'll be able to agree on this one, and this issue is even simple. Having had conversations, I know that people in this committee feel strongly that spending the extra time standing up is more important than being efficient in getting through more votes and more legislation and getting through the changes that people want to see happen. People want to see governments move, and in this place government does not move. All that happens is endless debate.

I am one who likes debate. I was on the debate team when I was in university and high school. I love a good debate. I love listening to a good debate, but what I realize is happening in the House is definitely not productive debate. At times we are just speaking in silos, not speaking to each other, and not engaging in conversation back and forth; it's just to fill a time slot. Someone has agreed that we're going to spend a certain number of days talking about an issue, and the passion is lost. People are not necessarily passionate; they're just talking their talking points, and I know it happens on all sides.

We need to improve this situation. We need to have Parliament be a place in which we are engaging our citizens. People look to us for fresh ideas and ways in which our government and citizens can move forward in our country.

People all around the world look to Canada as a progressive place. I definitely have felt a little embarrassed. When we had the Austrian officials here today, and when we had the Scottish officials here, I think that they chuckled a bit, thinking that we're still stuck in these old times and just can't get out of them. We can't seem to come into the 20th century, as my colleague David Graham put it.

That was quite funny, David, when you said that.

**Mr. David de Burgh Graham:** I'd really like to see us get to the 20th century. We're still around the 17th century with some of these rules. It's time to move forward.

**Ms. Ruby Sahota:** Yes, it is time to move forward.

I know that there was an issue of trust brought up previously, and I did mention at that time, too, that trust goes both ways. If everyone was coming to this issue from a genuine spot and every member of Parliament was perhaps able to submit their idea, such as the debate we did on the Standing Orders previously, we can learn from that debate. That is what this committee was tasked to do. We have a study on the Standing Orders that this committee is engaged in.

This would be the perfect place for us to come up with other solutions to the Standing Orders, those proposed by our colleagues and others that we come up with here at this committee, and even those suggested by the government. There's nothing wrong with that, as long as they're good ideas. If they're bad ideas, we can talk about that too, but there's nothing wrong with the ideas being put out there for us to talk about, because they're ideas that the government is interested in implementing. That's putting yourself out there.

It could have been approached in a different way. Let's say that the government or the House leader had never mentioned some ideas in a discussion paper for you to talk about. We could have just gone on our way. We had made that start, but what's wrong with having inside knowledge or a bit of an idea of what things interest them? They might not be things that we agree on at this committee. It happens all the time in other committees as well. Legislation is sent to committees. There are amendments made at committees. That's the work that committees do. In legislation, you know what the intent is, what the government wants to do.

Similarly, this isn't even legislation. It's just a discussion paper for us to get things started. I think it's a good discussion to have. I really feel that yesterday I had another wake-up call. Had I chosen to bring my family up here, that would have been the wrong choice for me, at least. What would be the point? Even if you have them up here for a day for an event, things can get crazy and it's hard. How do you find child care with five minutes' notice? If you're doing something and you think, it's six o'clock or seven o'clock, and you have something planned, how do you do that? That's not easy for people to do who don't have the supports that parliamentarians may have traditionally had. That's not to say I don't have a lot of support. I wouldn't be here without it, but I just had the realization yesterday again that it's very difficult when you find yourself in that position.

I want to serve. I want to do a good job. I've been sent here to vote, so I understand that we need to be in the House for votes and we need to be performing our roles on committees. Do we need to be doing that 24 hours a day on committee if we're just spinning our wheels and we're not getting to anything productive? I don't know if Canadians necessarily see that as a good use of their taxpayer dollars. What they want to see us do is progress. Whether it's the rules of procedure, whether it's legislation that they voted for, or whether it's the brilliant studies that committees do, they want to see us put those studies out and put those recommendations to the government to see if they'll act on those recommendations or not. That is our job as parliamentarians here, and I'd really like to get back to work and do our job.

There's no guarantee that any of these things will happen. I know there's some fear that these things will be implemented. They could be implemented anyway. What's the harm in discussing those ideas here in committees that have been created for that very purpose, to discuss ideas and to make recommendations? The fact that we have some direction, some ideas about what things the House leader might be thinking about, is a good thing. It gives us some focus, but there's nothing stopping us from including a slew of other things that the opposition thinks need to be done.

I know that the opposition benches and everyone wants to recruit new young Canadians to run for their parties and to be parliamentarians, as do we.

I understand that a lot of times people have said, "Let's not talk about Fridays. What's the big deal? You can trade them off. You can do this or you can do that." It's true. As one of my colleagues said before as well, I do that often. I trade them off so I can be in my constituency office on Fridays. That last Friday when we were up here, I had to cancel about 20 appointments, and boy were people angry, because they think that you're not working when you're not able to meet with them, whether it's an immigration matter, a CRA concern, or whatever it is that they need their services for.

They want to be able to meet face to face with their MP. Sure, I can try doing it, and I do—I moved all those meetings to Saturday, and then I had my events and other commitments Saturday and Sunday. We all do that, and we are willing to do that, but should we have to always carry on that way? Should we not be able to meet with our constituents once a week? Should they have to wait two or three weeks before they can get a hold of us?

I think that's important work, and I think the work that we do here is important as well. We should continue to do it, and I don't think we should sacrifice any of the hours. There are a lot of things that can be done to move the hours around, and there are a lot of ideas. Even if those aren't the best ideas, and even if we feel, at the end of the day, that we must have those four hours that we spend on Friday and there is no other way for this Parliament to move forward on that recommendation or that idea, that's fine as well. Let's have that honest conversation.

I know that this is probably not going to convince anyone on the opposition benches, to have that conversation at this time, because everyone is so wrapped up in winning and losing in this Parliament, not what's right or what's wrong. I've noticed that sometimes parliamentarians are also scared to do what's right, because they learn after a while that it may not be in their best interest, necessarily. Sometimes you try to do something good for people and it might come back to bite you. You never know. After a while, you start getting standoffish. You don't want your name on this, that, or the other thing because you may be called out for having stood up to somebody and said, "No, I think this is a good idea, even though it came from another party" or "I think this is a good idea, even though it came from a group that may not be commonly recognized. I'm going to be their voice, and I will take a stance and talk about these issues, whether it's in this committee or another." For the most part I think we do a really good job working together. I'd like to see that continue, and I'd like us to put aside the partisan issues.

I don't think this is a Liberal issue or a partisan issue. It's an issue of how we make this House work better for all of us, and as a result of that, how we work better for Canadians. Those changes can allow us to do so much more. Many countries have been able to do it. It shouldn't be politicized, and I don't think it is. I don't think it would fundamentally change everything about how we function in this House. I think we can do good work and still have some tweaks here and there when it comes to our Standing Orders, have some changes made—a bit more than what we were able to agree on last time. Last time in our interim report we were able to come out with only four recommendations. It was a little disheartening to know that we had had so many great witnesses and so many interesting ideas that came before us—such as the idea of a parallel chamber, which was a really new idea that a lot of us did not have much knowledge about—but at the end of the day, we spent most of our time talking about buses and things that were already being done and implemented.

The House of Commons has already taken the initiative to provide members with a nanny service that they can call up and pay for on an hourly basis. I think that was a great initiative. I haven't been able to make use of it yet, but we were told by officials that it was already under way. Lo and behold, that was one of the recommendations. It's a great job that the administration is taking action on that. We approve as a committee. I just wonder whether, if they hadn't taken that initiative and started that program, this committee itself would have ever been able to come up with such a recommendation.

I'm very skeptical. I don't think we would have been able to. We would have politicized it. We would have said, "Wow, what does that sound like to the Canadian people?" We wouldn't have talked about the issue as it needs to be. I think sometimes people are playing to their base, or constituents, or to how they feel, rather than just being

true to themselves about what we're really discussing and laying the facts out on both sides.

There's a lot of talk about everyone wanting a free day. No one wants a free day. People want to work for the people in their community. Nobody is looking for a day off. No one here has a day off. Very rarely does anyone take a vacation. If anything, I work a lot less here than I do in my riding. Here, I'm able to get away with sitting in a room day in and day out. Today is our anniversary. For three weeks, we've done almost nothing. Would I get away with that in my riding? There's not a chance.

In a way, it's sometimes a break to come to Parliament. Because things move so slowly, we get the opportunity to have some time to think about issues while we're sitting in the House. Maybe we're not as engaged in debate as we all should be if the debate were formulated in such a way that we would have that back and forth discussion, but that's not what this House has become.

As a child growing up, I watched question period, and it was riveting. It's very interesting when you're watching it on TV. Then when you get in there and you see what's happening day in and day out—you can't even hear each other, and the yelling and the screaming—it's not so riveting anymore. When people come to see it live, they're probably not too impressed either. But I was always impressed with it on TV. I think that was something a little different about me. I enjoyed that back and forth fighting to some degree.

Coming from a background as a lawyer, I definitely thought debate was one thing.... You have to make arguments based on facts. You have to make arguments based on proof and evidence; otherwise, the judge will call you on it. You can't just go into a courtroom and make emotional arguments.

That's been definitely a big change. People ask how a life in law prepares you for life as a parliamentarian. While there are a lot of good skills you bring from a life in practising law—not that I spent a very long time practising law, but I hope to continue that one day—it's extremely different. You get a lot of good skills from it, but it's very different.

You're not focused on a point and refuting that point. Maybe every now and then a good parliamentarian does that. I think most people think it doesn't matter what the issue is, they just want to talk about it in a way that pulls at someone's heartstrings, or they can make some kind of emotional appeal out of it, rather than an argument based on numbers, facts, and some research, which is what a judge would hold them to. It's a good standard, I believe. I don't think it's necessarily a high standard. When you're debating, you should be talking about issues you can prove to be true, on both sides. Usually you can find that in any debate. You can find valid arguments on any side.

I definitely find that here in the House we occupy a lot of airtime not necessarily talking about facts, figures, and valid arguments, but sometimes working on people's emotions. I think we can do better, and the Standing Orders are a start.

**Mr. Jamie Schmale:** It's always possible. Better is always possible.

**Ms. Ruby Sahota:** It's always possible. Better is always possible. I know you've heard that so many times that it's been ingrained in your mind. It's been ingrained into my mind and my heart, as well.

**Mr. Jamie Schmale:** Not in a good way, Ruby....

**Ms. Ruby Sahota:** I think that better is possible, but in order to get better we need to give it a chance, and we're not going to get.... I feel it's going to take another 100 years, or it's going to take us.... I wouldn't want to say anything negative about this Parliament, but hopefully we don't have to begin from scratch when we do make a change; hopefully, we can all come to our senses, if I may use that word, or hopefully we can all come to an agreement whereby we can start talking about these things.

I know we're not going to agree on the actual substance of things—that's fine; I understand—but let's approach them from a genuine spot whereby we're going to talk about them not according to our party lines or what the perception may be but according to the facts and what Fridays mean. My colleagues have brought up often that we can tell Canadians that parliamentarians don't want to work on Fridays. Well, that's a great way to phrase it, because it can enrage many people and make them think, "We're working really hard, so why don't parliamentarians want to work on Fridays?"

Well, it's not true. We have to get into the debate, of course. We have to get into the discussion in order to figure out what we can do about Fridays, how we can make a Friday a valuable Friday, how we can accomplish a lot more for Canadians on Fridays. What is happening right now is, I believe, much more about saving face: we keep the Fridays going. This discussion has been happening for a long time; let's keep that half day in there.

The Friday sitting starts at 10:00. Canadians don't go to work at 10:00. They go to work a lot earlier, but we don't. We have many reasons for doing things differently here. There are good reasons for some of it, isn't that right? The opposition has reasons for some of it. People have to prepare for question period. There are many tactical things that have to be worked on by House leaders. I understand.

We don't talk about it in that way. We talk about it according to the work we have to perform as parliamentarians and how we can better perform that service that we have to do here and in our ridings.

Many of our colleagues have ridings very far from Ottawa. I know that the argument has been made that some people may prefer to stay throughout the weekends or have two weeks compiled together. That's a discussion that can be had as well. There's no harm in talking about that too. We can figure those things out.

If things don't change, you may have members of Parliament such as me and some others, who enjoy this type of life to some degree and so will become involved, but you're never going to break the glass ceiling. You're never going to get to the gender balance we want to see. You're never going to get to having a lot more reasonable people entering these doors, if I may call them that.

I don't think you're going to get to that point because they don't see our job as being reasonable. There's no rhyme nor reason for some of the things we do. There really isn't. I know that for some things there is, but for some things there isn't.

Tell me the rhyme or reason in calling a vote on a motion to have the day's sitting adjourned and then voting against that motion, the very motion that you just called. Tell me the rhyme and reason in that.

**Mr. Jamie Schmale:** The Simms model?

**Ms. Ruby Sahota:** Pardon me?

**The Chair:** The Simms model. He just wants to intervene.

**Ms. Ruby Sahota:** Sure.

**Mr. Jamie Schmale:** You asked a question. I'd love to answer.

I say to my parents' second-favourite MP, I would love to answer that question.

**Ms. Ruby Sahota:** What? They're my constituents, by the way.

**Mr. Todd Doherty:** I'm the first.

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

**Mr. Jamie Schmale:** I don't even think I make the top 10, but here's hoping that—

**Mr. Arnold Chan:**—maybe some day—

**Mr. Jamie Schmale:**—yes, some day.

In fairness, Ms. Sahota, the votes that came at random, which you were asking about, only started after this whole debate started, so it's in retaliation for the actions of the government.

If, as we have said many times, you withdraw what you're doing, we'll withdraw these motions, but they are the tool the opposition has, and it's not the job of the opposition to make life for the government easy. Democracy isn't always clean; it is messy sometimes, and these are the tools we have to let Canadians and people in general know that we are not happy with what you are doing. You have successfully united the free market Conservatives with the socialists. You have done something pretty remarkable, so you know you've crossed the line somewhere.

**Ms. Ruby Sahota:** I'm probably helping you guys out right now, so I'm not even retaliating. What I'm doing is probably helping with your filibuster and giving you some time to think and debate—

**Mr. Jamie Schmale:** You are.

**Ms. Ruby Sahota:** —but retaliation, Jamie, is a very interesting word that you're using here. It's exactly the point I'm trying to make that right now we're in a place where you put forward an idea and we'll oppose it. That's where we are.

**Mr. Jamie Schmale:** No, that's not what we said.

**Ms. Ruby Sahota:** That's what's going to happen. That's the trust that I've lost even going into maybe a fulsome discussion about this study, that if the idea is brought forward by a government member, the attitude has probably become that we will oppose that idea because it comes from that member.

**Mr. Jamie Schmale:** That's not true. We've had a number of unanimous consent bills.

**Ms. Ruby Sahota:** In terms of having a discussion, what has happened is that Mr. Simms has brought a motion that, based on this discussion paper, this committee engage in a study. Wow, that's mind-blowing.

**Mr. Jamie Schmale:** You can't do that with a gun to our head.

**Ms. Ruby Sahota:** That's the work that committees do. We engage in studies every day. All the committees that we have in Parliament engage in those discussions, but what we do here is call for votes. I get that it's a tactic. That's fine. Go ahead. Continue doing that. You have every right and no one is saying that will be taken away by having this discussion either.

However, I think most reasonable people who are watching, coming into this House would think, “Wow, if I called a motion, that I really wanted a vote on something, at least I should stand up and vote for that motion that I proposed.” What happened is that the Conservatives are proposing these motions and then voting against their very own motions. Does that seem reasonable? I think not. I think most Canadians would not see that as reasonable.

I understand that you might not want to see things change in certain areas. That's understandable. We can talk about that. The opposition needs to have some tools in their belt in order to feel as though they also have a valid place in this Parliament and they're able to make an impact. I understand that, but no one is talking about taking away every tool that they have. We've obviously seen parliaments from Scotland and Austria that don't allow for filibusters to go on endlessly. Maybe we could still allow for filibusters to happen, but we can still amend the rules. These are talks we can get into.

There are a lot of things that can happen but don't have to happen if you don't want them to happen in that way, but we can still talk about them. That's the thing. We are being stopped from even engaging in a substantive conversation about these things. Let's not just talk about them with each other; let's have expert people, expert witnesses come in and give us their feedback on what should be done and what doesn't work. I'm sure we're going to be able to find lots of experts who can talk about the role of oppositions and the crucial job they have, to have that input. We can bring people in to talk about that and how we need to maintain the integrity of the role of the opposition. Let's bring those people in and let's talk about that and figure out where we can find some changes yet make sure that we can still keep every member's role an important one in this House.

That's all I'd like to say for today. I think I've said more than I should and have taken more time than I should have taken, but I think it's important to put my feelings on the record as well.

I don't want to see this as being a retaliatory Parliament, where someone proposes and all the others oppose, but that we can work together. We've done it on some private members' bills and I think that's a good thing. I know sometimes, even in regard to that, some members will say that's not a good thing. I think it's a good thing. It shows that regardless what side of the aisle we're on, we're here to serve our constituents, listen to them, and convey their ideas in the House. However, we're also government members. I'm a government member on this side and I ran on a platform. I ran on many things and I'd like to see most of those happen so that I may run again one day. I know it's not your job to help me achieve those things, but as parliamentarians, it is our job to help this place work and function for Canadians. I believe that is what we're trying to do and we can better do that.

Thank you.

**The Chair:** Thank you, Ms. Sahota.

**Mr. Jamie Schmale:** Are we following the Simms model, or no?

**The Chair:** Sure, go ahead.

**Mr. Jamie Schmale:** Thank you, Mr. Chair.

**Mr. David de Burgh Graham:** [*Inaudible—Editor*]

**Mr. Jamie Schmale:** Can we have a vote to make the Simms model something that continues on forever? I think that's just amazing.

**Mr. Arnold Chan:** I thought we were working on consensus.

**Mr. David de Burgh Graham:** If we have a discussion, perhaps we can put that in the discussion. I think it would be very useful.

**Mr. Jamie Schmale:** It was. I think so. I'll do that when my time's up. I'll talk about the Simms model.

Mr. Chair, I have a quick comment for Ms. Sahota through you. I think we have said on this side of the table a million times that we are willing to have that discussion. Even Mr. Reid today in his remarks said that there are items that you—you, being the government side—have brought forward in your discussion paper that we could probably agree on. We could probably move forward, as you're saying it, but we are not going to take a walk down that path when we know there is danger ahead giving the government complete authority to move forward and have that veto.

Your House leader said the government would have that veto. I liken it to taking my dog to the vet to be neutered. He'll jump in the car. We'll take the trip down the road. When we get to the parking lot, he knows something's up and does not want to go in. I liken this to your wanting us to take that ride, but there are problems at the end of that ride. We refuse to do that, and we are united. We will have the conversation. We'll approve Scott Simms' motion. We'll move forward, and we'll start that conversation right away. Do you not see an issue with that?

Would you be in the same position if you were on this side? That's my question. Would you be so agreeable if we were on that side, or if the NDP asked you, "Come on. Let's go. We'll have a discussion, but we're going to have the final say."

**Ms. Ruby Sahota:** May I respond? I don't have the floor anymore.

**The Chair:** You may.

**An hon. member:** The Simms model.

**Ms. Ruby Sahota:** I know. That's what this has become.

Well, as I said about private members' bills, we've had private members' bills on the Standing Orders before. Perhaps I would have been one of the members standing up in the House and voting for those private members' bills in the past. Everything is situational when you're there in the moment and depends on what feedback you're getting. Those were not passed unanimously. I don't think all the good things we do in the House are always passed unanimously.

An interesting thing, sitting on the electoral reform committee, with the words "unanimous" and "consensus", there are such good feelings around the word "consensus".

I thought, when we went to Iqaluit, that we were going to learn a lot from them and their territorial government about their consensus model and their approach. I thought I was going to hear such wonderful things about how we can improve our Parliament at the federal level based on what they have learned from their legislative assembly.

We had territorial representatives come before the electoral reform committee, and they surprised me as to what their testimony was. Guess what it was. They did not like their consensus approach to government. They wanted reform. They wanted to move to a majoritarian system because they felt they did not accomplish much, and through their term, they could not achieve most of the things on their platform, if even a small percentage of them. They were constantly going back, term after term, not having achieved much, not having moved the needle a whole lot. They hadn't progressed in the areas that the citizens of Nunavut want to see progress in.

That was a very good lesson for me. A lot of times I hear those words, and probably before that testimony I would have thought, as I did that very day, "This is going to be great. We're going to learn so much from these guys. They're so much wiser than we are."

That's what I learned. That's what I took away from that. It was very different testimony from what we had in other areas where people didn't have those types of models. They had an ideology of a model like that, how it would work, and how great it would be, but that's not how it worked in practicality.

My worry is that we may lock ourselves into something and not achieve anything, not even move that needle at all. That's what we did with the interim report we had earlier on in this committee on modernizing Parliament and making it more family-friendly.

It was a long title. I can't remember the whole thing, because we couldn't decide on the title. Our title was 10 words long because we couldn't decide. At that time, we had decided that we were going to approach....

There was no uproar on this committee that we were not going to engage in that study or talk about these issues unless up front we had it written in stone that every recommendation out of this committee had to be one that was unanimous. That was never, ever agreed to, but once we started the study, all of the permanent members of this committee decided that, just as we are doing with the Chief Electoral Officer's report, we would talk about the easy stuff and get through it.

We had a lot of witnesses come before us. There were some things we couldn't agree on, so we said, "Let's put out an interim report, and let's put out the things that we do agree on." It turns out the things that people were willing to agree on—and I say, "willing to agree on" because I don't know if deep down in their hearts they.... I think a lot of them did agree on some of those things, but they had to take them back to others to see what their thoughts were on the issues, and whether they could agree or not was not the issue.

A lot of people behind closed doors sometimes say, "I can agree on it, and most of the party wants this change, but we don't want to be the face of this change. We don't want to wear this change. You put through this change and you wear it. We'll be happy to have all the wonderful changes that come about, and they will serve us better as parliamentarians, across all party lines." I hear that. I hear that in the hallways from people of all parties.

That's where I'm coming from. I don't want another watered-down report that does nothing. We'll spend months on end talking about great ideas, and then put our name to nothing at the end.

That, I think, will be a great learning experience for all of us who will be sitting around this committee table. Boy, we'll definitely know how to make Parliament function better, but will we do it? We probably won't.

**Mr. Jamie Schmale:** I have two more questions, Chair.

**The Chair:** Go ahead, Mr. Schmale.

**Mr. Jamie Schmale:** Through you, Chair, to Ms. Sahota, I have two quick questions.

The first is whether she believes that Parliament is supreme or whether she believes that Parliament should report or be a servant to the government.

Second, in your discussion paper, you assume that the Liberals know best and that there might not be a difference of opinion, that it's just one thought on this.

That's two questions. You can answer them in whatever order you want to.

**Ms. Ruby Sahota:** Yes, Parliament is supreme. I don't believe the discussion paper is stating anywhere, from my reading of it, that the Liberals know what's best. It doesn't matter what side of the aisle they come from if they're good ideas, but we can't even have a discussion at this point to figure out whether some of those ideas are good or not. I'm not even going to say whether some of them are good ideas or not, because that's a discussion we have to all engage in.

Of course I have some preference toward some of them, and some of them I may not. I think as a committee, a lot of times colleagues bring up some really valid points and sometimes they can shape the way we think or feel about it, but that only happens once we engage in that substantive discussion and once we have witnesses to give us the facts and give us some studies. I don't want to just be going off of my emotions. My emotions may lead me one way. I want to hear from witnesses. I want to hear from experts. I want to hear from them what works and what doesn't work. It doesn't really matter where my emotions lie, because as parliamentarians, we have to look at that, consider where the evidence is, and then consider how we feel. We have to weigh the two. It can't just be all about our emotional plea and what we want.

**Mr. Scott Simms:** May I get in on the Simms thing?

**The Chair:** Under Simms model, go ahead Mr. Simms.

**Mr. Scott Simms:** I'm not sure what it is, but I'm attached to it for the rest of this session anyway, but thank you for that.

I'll go specifically to what you said, because I think that's the spirit of what we're doing here: to go back and forth on the specific questions or comments.

There are two things. Number one, yes, Parliament is supreme, but I don't think that precludes us from trying to modernize it in a way that is widely encompassed. To me, there's a restrictive order by which you set up a motion. I'll give you an example. Ms. Sahota brought up the McGrath report, and Mr. Christopherson brings it up quite a bit. Everyone talks about how lovely it was in the sense that it was a consensual report. It received unanimity, by which all the recommendations went through. But I have right here the motion that set up that particular study, and this motion does not require unanimity whatsoever.

Let me give another example. Mr. Scott Reid changed the Standing Orders in a private member's motion several years ago, which I voted for. It was on the election of the Speaker. Instead of doing an election each round, it was a preferential ballot. He didn't ask for unanimous consent, not once. Now, I didn't fault him for that. Forty-one per cent of members of Parliament voted against him on his motion, but the majority ruled on that and I think we have an effective rule.

Going back to your second point, the discussion paper, I wouldn't describe it as all-knowing, and I've already admitted to this right now. Scott Reid, the same person, has talked quite a bit but spoke a lot of sense to a lot of things. He questioned our discussion paper and the initiative for the Speaker to take omnibus legislation and divide it. Now does the Speaker have the role by which to do that? In some cases, the Speaker may not. She or he may not have that ability to do it. I was listening to that, thinking to myself that he's got something there. He might be right. Therefore, that part of the discussion paper should be questioned and should be challenged. It inspired me to do the motion, but that discussion paper also challenged me to challenge it.

**Mr. Jamie Schmale:** Yes.

**Mr. Scott Simms:** That's essentially what we're getting to.

Thank you for allowing me to intervene.

**Mr. Jamie Schmale:** It's your model.

**Mr. Scott Simms:** That's very sweet of you to say.

**The Chair:** The next speaker is Mr. Doherty.

**Mr. Todd Doherty:** Thank you, Mr. Chair. Thank you to the members of the committee who have been sitting and having this discussion. Really, that's what it is.

I sat through last week's, a few nights and a few days. I thought the debate was healthy. I thought it was good. I was pleasantly surprised at the give-and-take, the feedback, and the dialogue that went back and forth. I think that's what I said that night. That's what Canadians expect to see from their parliamentarians.

There's been a lot of talk over the last week about parliamentary privilege and freedom of speech. I will start off by saying, Mr. Chair, and to all of the members on the committee, that I am not a procedure or a policy nerd. There is nothing wrong with that. I will defer to all of my colleagues that have spent the time to go through O'Brien and Bosc in every detail. Moreover, I'd like to speak from the heart. I think that is very important.

There are things in here that I want to mention. Forgive me, Mr. Chair, if it's been said before, but I want to bring up a couple of things.

Under parliamentary privilege we have freedom of speech, freedom from arrest in civil actions, exemption from jury duty, and there are more privileges listed on page 61 of O'Brien and Bosc, in chapter 3, "Privileges and Immunities". Again there are people who can debate this far better than I can. I want to make mention of this because I think we lose sight of this over the course of our service to our communities and our country. I was looking at a document earlier which was talking about parliamentary privilege. Parliamentary privilege means the privileged few. The reality is, though, that parliamentary privilege specifically with freedom of speech is described as this:



The privileges of the Commons are designed to safeguard the rights of each and every elector. For example, the privilege of freedom of speech is secured to the Members not for their personal benefit, but to enable them to discharge their functions of representing their constituents without fear of civil or criminal prosecution.

Further on it says, “When a constituency has returned a candidate, it is the electors' right that this chosen representative”—that he or she has the privilege—“should be protected from any kind of improper pressure....”

The privilege essentially belongs to the House as a whole. With respect to the House as a whole, on page 27 of O'Brien and Bosc, the House is defined as the “House of Commons, or lower house, is the elected assembly of the Parliament of Canada”. Going back to that, we are elected. The 338 members of Parliament are elected to be the voices of Canadians. Far be it from us that we know it all.

I appreciate that we have new members of Parliament who are here and think that they know best, but I'm going to tell you this, Mr. Chair. I've only been here for 18 months. I think that's what it is. October 19, 2015 is when I was elected. Far be it from me to tell others how we're going to do things differently or better.

This whole thing goes back to trust.

I will differ from our colleague, Ms. Sahota, who said the reason we're here involves the whole thing about consensus, that we can't get consensus to get something through and are retaliating. That is something that was mentioned earlier. I'll talk to it soon.

I throw this out, as I think I did the other night. The real issue surrounding where we are today and tonight and all the other measures that have been going on over the last three weeks are about trust, plain and simple, and trust has been broken. I think trust has been broken between opposition and our government and the government and the people. I'll go on to describe at length how that happens.

I'm not going to make quotations such as some of our colleagues who are more well-read and more learned than I am have done. I'm going to start off with a quotation that some of you may know.

I have four kids. Hopefully they're not listening to this debate. All of them are in their twenties. We have Jordan, Joshua, Kaitlyn, and Kassi. I don't have any grandkids as yet, and while I'm not prepared to be called a grandfather, I am prepared to be a grandfather.

I've listened to many of the things that are being said over the last while, and it brings me back to this quotation: “Today I shall behave as if this is the day I will be remembered.” Who said that? It was Dr. Seuss, in one of the great books and as one of the great people who are out there who have impacted people's lives in all walks of life. I think there are common quotations and common things that we can learn from the simplest of places—you know, sometimes the words, “out of the mouths of babes”....

I'm reminded of this, because I think we should all always remember—and I'm just as guilty as others—first, why we are here, and second, whom we are here to represent. If we use those as our guiding principles, we will do no wrong.

I'm going to start by going into some of the comments that our colleague Ms. Sahota made. I think she made some valid points, but

I think there are things that should be said. I mentioned that we're not here so much on the issue of consensus, that the issue is trust. Trust starts with us right here, rebuilding trust.

I'm going to throw this right back at you as a great example. The other night, last week, we were here until the wee hours, and over and over again, I believe you said that the buses would be waiting for us. Well, Mr. Chair, I'm here to tell you that the buses weren't waiting for us when we got out there. I'm not blaming you for that at all; I'm just saying—

**The Chair:** I've taken the buses every time. Did you miss it?

**Mr. Todd Doherty:** They weren't there.

I'm just being facetious, actually. These are from my speaking points that were supposed to be for the very next day.

I trusted that the bus was going to be there, but it wasn't—

**The Chair:** Seriously, this is important. It's on the record.

They might have taken someone to the parking lot, but they came back, because when I went out, I think Ruby and I had to wait for a while for the bus.

**Mr. Todd Doherty:** They weren't there.

**The Chair:** It had taken someone to the parking lot, but they did come back, so they had service for the half-hour that they guarantee after the meeting.

**Mr. Todd Doherty:** It's not an issue, Mr. Chair. I was just being facetious.

**The Chair:** Okay. I'm sorry.

**Mr. Todd Doherty:** I was talking about trust and we went down that path, but I appreciate that. I think Mr. Simms and I actually walked. I think it was Mr. Simms' comment that we should bring that up first thing the next morning: where were the buses? That was me deflecting to Mr. Simms.

The other part I wanted to bring up, right from the beginning, was that the comment was made about bringing our family to the House. With all the votes that are taking place, it can really be disruptive in terms of our visits. Far be it from parliamentary business or votes to actually disrupt a visit. However, I need to remind us—I think my colleague, Mr. Schmale mentioned it—that this whole issue and the whole discussion we are having today, the filibuster—I think that is a very strong word for what's going on because a filibuster should be around the clock and we're not ceding the floor until.... I think this is very collegial actually. We wouldn't be here today, doing what we're doing, if the government acted in good faith and if we could actually trust what was being said regarding the discussion paper. I'll get to that point as we move forward.

I want to talk about our family. I think I mentioned this before and I think Ms. Sahota talked about it. I fully appreciate that we have new members of Parliament of all ages, from all walks of life, and all at different stages in terms of their family growth. I have the benefit of having, as I mentioned, four incredible children. The youngest will be 23 and our oldest will be 29 this year, so I guess our routines are set.

**The Chair:** I have two.

**Mr. Todd Doherty:** You have two? Do you have grandkids?

**The Chair:** I hope not because mine are five and eight.

**Mr. Todd Doherty:** Your kids are five and eight?

**The Chair:** Yes.

**Mr. Todd Doherty:** Wow. I am sorry for saying that with any astonishment. I obviously started very young.

Mr. Chair, I think that there are things that we need to do, personally, to make sure that we're managing things better. I don't think it is on us, or on Parliament as a whole, to work around our schedule. I've always said this and I still maintain it. We can never let our personal life interfere with our work life. It is incumbent on all of us to be better managers of our work life. As I said last week, I'm probably one of the worst ones at that. I spent the better part of 10 years, up to 280 days, overseas. There are things that I wish I could do better. I'm trying to do that and this role has actually allowed me to be better at doing things. As I said, I go back every weekend. We try to have family dinners.

**The Chair:** Were you with the military overseas?

**Mr. Todd Doherty:** I was in aviation.

I took a lot of time. My role with aviation was actually to promote Canada on the world stage, as well as to promote the groups with which I was working. I worked very closely with provincial governments, as well as industry groups, and I had a lot of fun. I got to see some incredible sights and I got to do things that most people would only ever read about or see on the Internet. I feel very fortunate, and it has given me a different perspective.

There are things that I would definitely do better. I'll stand up and say that I chose my career over family oftentimes, my obligation to the companies for which I worked. I think I could do better at that. I have spoken about this in the House, so it's on the public record: I hearken to the time that my brother-in-law was discovered deceased as I was loading my suitcases into the back of my car. I was scheduled to speak in Kuala Lumpur, and at a time when I should have been there with my family, I chose my obligation to the people in my occupation. I hugged my wife and got into the car, got on the plane, and went and spoke at the conference. These are things that we can't get back.

My point is that we must do everything in our own power to be better at what we do and how we manage our life.

**Mr. Jamie Schmale:** Better is always possible, buddy.

**Mr. Todd Doherty:** Better is always possible. It is not on all of Parliament to be better and to make things different, it is on us. I say that because of the comment that was made that if we don't modernize, we're not going to see more reasonable people such as Ms. Sahota or we're never going to break that glass ceiling.

I always want to look for role models for my three daughters. I know I've mentioned this already, but I have three incredibly strong, very strong-willed daughters, and I always look for positive role models. I want them to be leaders. To me, it doesn't necessarily have to be a female role model; it has to be leadership role models. I don't want to make things easier for them; I want them to earn what they do. What we should be doing is creating the environment in which they can be successful.

I'll bring this back to one of my daughters, since we're going down this path. I have an adult daughter who is challenged. Her name is Kaitlyn. We have never treated her any differently. We have never made excuses for her. She doesn't know she is any different. She still has the same expectations as all our kids. She has to do the chores, grudgingly, as all my kids do. She has to do the things she needs to do to be successful. She goes out to work and she is one of the best employees. Let me tell you, every day I am so proud of her. She will live with us for the rest of her life. She gets up and trudges through the snow or she gets a ride from us or takes the bus, but she is punctual. She has done some incredible things. She could be sitting here today and you would never know that there is a disability there. She is smart as a whip in terms of working on a computer and the things she can do, but the issue is that there are things she will never be able to do. We know this. It took a long time for us, as parents, to come to terms with that.

My oldest daughter, my first born, may not ever get married, may not ever have kids. Our challenge was this—and I get teared up with this. As parents, it's not our job to make lives easier for our kids, but it's our job to teach them the ways to be successful. It's our job to guard them against people who are trying to bring them down and attack them and do those things.

I use that as a preface to this point where we talk about the gender balance and breaking that glass ceiling. I sometimes take offence at that. It's not because I don't believe we need to do everything in our power to make sure we have strong women, more women in politics. I'm going to give you the same answer I gave when I was asked at the time: there are strong women who are out there who would make incredible members of Parliament. I'm surrounded by them. We have women MPs in this House who are incredible people. My colleagues who are right here; I'm continually amazed at our members of Parliament, our female members of Parliament who have broken that glass ceiling, Mr. Chair, without the need of being propped up.

I don't want any of my kids or anybody else's kids to say they were given a pass to get into this. We have some incredible people on all sides who are strong fighters. I apologize, Mr. Speaker, because I've gone down the path here where.... I wanted to make a comment on this because Ms. Sahota said that if we don't change this, if we don't modernize this, we're not going to see more reasonable people come through those doors, and we're never going to break the glass ceiling.

I think there are other things we can do rather than take away debate or ram things down under the guise of modernizing. If that's truly what their idea is, then perhaps they should have said something, because I don't believe that was actually mentioned in the discussion paper, but I'll get back to that in a moment.

The other comment that was made was that the discussion paper was to ensure that every member's role was important. Mr. Chair, I would hazard that every member's role is already important. It's important that we keep the voice of our electors who chose us to come to Parliament and be that voice, not Ottawa's voice in our riding but the other way around.

She mentioned also that we don't want to see things change. I think that's wrong. Again, that's an incorrect statement. It's not that we don't want to see things change. I think, as my colleague mentioned earlier, it's not about not wanting to see things change.

An alternate fact that's thrown out there is that the Conservatives or the NDP members are afraid of change and that we are putting up the guard because we don't want to see anything change. That is not the truth, Mr. Chair. The reality is that there are things that should be done, but negotiations or discussions should be a two-way street.

I always bring this back to dealing with my kids or dealing with hockey players, because I'm a coach as well. I've coached sports for ever and a day. If I told my kids that they couldn't do something, they would skirt the issue and go to their mom to see if they could get something done that way. There is that trust issue there. We always told our kids that no means no. My wife and I have to be a team on this.

The reality of how we got here today is that the government members decided they were going to put forth a discussion paper. They didn't put it forth to the opposition for a true discussion. They tabled it through the media, "Let's have a discussion through the media." There was no respect in that. Respect is earned; it's not just given. If it were truly a discussion paper, it wouldn't have been done through a presser and then, three hours later, through a motion put forth at a committee to review this.

Mr. Chair, I'm sure you can understand how that would get things up in arms and make us have a bit of mistrust, but it goes a little further back. Let's talk about how we can diminish trust. I'll go back to the conversation we had that night. Mr. Badawey said, "How come we can't just have this discussion?" It was a great question.

I think I answered with two things. Number one was trust. We can't trust that what is being said is going to actually be followed through and that we will actually have a discussion. Again, you shouldn't have to negotiate or discuss through the media. I think that was one of the things that were brought up. This all started with the presser and with issuing it through the committee. Another comment that was made was that it's all about winning and losing. I would disagree with that wholeheartedly. I think where we're at today is that we are all fighting for the voices of our electors.

It was also mentioned that we have gotten nothing done in the three weeks. Mr. Chair, to our colleagues on the committee and those who are sitting in, I would say that we have done quite a bit. We have defended democracy. We have stood up for changes. We have done exactly what those who elected us have asked us to do—to defend their voices, to make sure their voices aren't silenced. I think it's so important, as we move forward, to remember what got us here today. It was trust.

I went away, Mr. Chair, and I looked at how we got to this point. I was doing some research, if you will. There are so many different ways to diminish trust.

We all know that lying is probably the number one behaviour that diminishes trust. It also tops the list of what people say when they think that trust has been betrayed. There are things we can do, however, that do not involve lying; we don't need to deceive or manipulate to diminish trust, but can do it with simple, ordinary,

everyday behaviours. I think it's important that we recognize that every government, every member of Parliament, every person wants to be perceived as trustworthy. I think again, to address Ms. Sahota's comments, that we all want to be able to work back and forth in a trusting environment. We want to operate with trust, such that if the government says they're going to do something, we can trust they're going to do it; yet we've seen that it hasn't happened on other occasions.

Often, we are blind to the impact of our own actions; we operate with an impaired self-awareness, if you will. We can diminish trust without even knowing it, if we blatantly believe that we know best.

I want to go back to the comment that was made earlier on about this discussion paper. Following media reports on the discussion paper that was tabled, the House leader said the more time she spends in this House, the more she feels its need for modernization. Well, I'm going to go back to my earliest comment; that far be it from a newbie who has spent 18 months in the House....

I don't know whether you've seen it or not, but often, even when it's not my House duty, I sit in and listen to the debates. I do truthfully want to hear all sides of the debate. I have suggestions. I think there are things we can do better, but I'm not quite sure that the term for them would be "modernizing". I would not be so bold as to author a paper. I'm not quite sure that.... While she takes credit for authoring this paper, I would be interested to know that, for somebody...unless she has studied parliamentary procedure in a.... I'm sitting here not knowing what her background is, but I'm not quite sure that she studied parliamentary procedure in her former life. Perhaps this is something she may have had just sitting in the wings, so that at the time she was elected she could come in and—hallelujah—modernize Parliament.

It baffles me. She has a pretty weighty role, being a House leader, to have actually had time to author something like this. I know my schedule, in terms of the committees I sit on and the issues we deal with, and with our constituents. I've done some pretty incredible things, I would think, as a new member of Parliament. I have tabled four private members' bills, one through very collaborative efforts and with all-party support.

I'm very happy to see that my Bill C-211 was voted on at second reading and passed unanimously. I think we sent a strong message to our brave men and women who put uniforms on every day to serve our country and our communities and who are suffering from PTSD or mental health injuries. I would challenge the government that it's been three weeks now since we all voted unanimously, and we need to get it to committee so that we can move this project forward, because we've done nothing, with the exception of actually creating more hope.

My point is this: that while there might be some good things in this paper—and far be it from me to pick at some of this stuff, and I'm not going to call her a liar, Mr. Chair, and far be it from me to say that—I can't honestly believe that these are actually her words that she has put onto paper here.

On that note, I do appreciate Mr. Simms' comments in the House last week or the week before where he talked about the time lag in seeing this. He admitted that he actually saw it beforehand. We've done a lot of work with Mr. Simms on our fisheries committee. He is chair of our fisheries committee, and I enjoy him and his self-deprecating humour.

**Mr. Brian Masse:** There's lots of it, too.

**Mr. Scott Simms:** There's lots of material.

**Mr. Todd Doherty:** There's lots to say.

My point is this. Going back to our fisheries committee, I came on as a fisheries critic in September, and I'd heard lots of stuff about the fisheries committee and whether there was a lot getting done or whether there was a lot of disorganization. I'm not saying it was my entrance that caused it to be far more effective, but I can tell you that our fisheries committee has done some incredible work over the last six months, partly because we have a great working relationship. We trust—there's that word, “trust”—that we're all there for the right reasons, to make sure that we're looking after the communities that depend on fisheries for their living, looking after our waterways and our oceans, and protecting our fish habitat.

At this point, I want to give kudos to Mr. Simms in terms of standing up in the House, talking from the heart and saying he did get a chance to see this in advance, which then led to him tabling a paper. Again, I don't agree that these were Ms. Chagger's words; far be it. However, it's interesting that her comments are that the more time she spends in this House, the more she feels it needs modernizing.

I spend a lot of time in the House during debate. Outside of QP and maybe the odd time where she comes in and says something, I haven't seen Ms. Chagger in the House. With respect to her comments about the more time she spends at that, maybe it was a general term. I would never be as bold, being a new member of Parliament, as to think that I know it all and that I have all the answers, nor would I be as bold, as a new member of Parliament, as to think that I would put forth a paper thinking I'm going to revolutionize this place and make things better for all involved. Again, this goes back to the trust and perhaps that there is an ulterior motive; maybe there's something behind what we're talking about.

I talked about Ms. Sahota's comments and I really do appreciate the feedback that she has given. I think it is important that we have this dialogue. We're not always going to agree, but if we can have this respectful dialogue, it's so important.

I'm going to go back to another comment that was made the previous night that we were here: it is easy to play the game.

I'm a coach. I've coached junior and major midget hockey teams. My major midget team won the provincial championship in 2008. Just last week, nine years later to the date, they again won the provincial championship. They're hosting the 2017 Telus Cup, the

national midget championship, in Prince George, which I think is great.

Mr. Chair, you were leaning in to talk about relevance. I promise you there's relevance to this. I bring this back because we can all play the game when we know the rules to the game. It's not for one side to arbitrarily change the rules. The Standing Orders are the rules of the game, governing how we move forward. The Standing Orders state very clearly how the government is to move forward in governing the House or governing our country, but they also provide the framework for how the opposition holds the government to task. That's really what our job is. Our job is not to always agree, but to hold the government's feet to the fire.

If the government chooses to come in and be heavy-handed, if it doesn't like the way things are going, which we've seen over time—again, going back to kids—it's like, if I don't like the way you're playing, I'm going to go back, grab all my toys, and go to a different sandbox; I'm going to change the rules of the game.

I don't know if you've ever played shinny, parking lot football, or baseball. If there's a side whose players are making up rules as they go, sooner or later someone's going to get mad, correct? That's kind of where we're at, and it is really tough to build trust when you continually see things shifting. I think it's fair when all sides know the rules and know how to play by them.

I want to go back to another comment that was made the other night. It deals specifically with the shortened workweek. I think Ms. Sahota mentioned it as well. We all know that our jobs are 24 hours a day, seven days a week. Our constituents work 40, 60, or 80 hours a week. I talked a bit about my travel. Here's my issue with Fridays off, or a shortened workweek. I already travel first thing in the morning on Fridays, but very often, as we've seen, I'll travel in the afternoon on Fridays, so I get back into British Columbia at 1:30 in the morning on Saturdays. I spend all day Saturday in the riding, wherever it is. I mentioned before that I've travelled 1,700 kilometres, round trip, for one meeting. I'm not complaining. I just take that as part of my job. Then I'm on the plane on Sundays at 5 a. m. to come back.

That's important to note, because for those of us who actually have to travel long distances to get here, if we were to have a Friday off or a shorter sitting week, now all of a sudden it's a Thursday I'm looking at. Is it Thursday morning that I leave? Really, then I'm sitting in the House for three days. Is it Thursday night? That would make little difference to me. Again, this isn't about me. If we're talking about shorter sitting weeks, I go back to the comment I made earlier. Our constituents elected us to work and represent them. They know our job is here in Ottawa. Our job is also back in the riding. I knew exactly what I was getting myself into when I signed up. I don't see using that as an excuse.

I think the wording was that our job is to be at the hockey rinks, the baseball fields, the soccer fields, and the events. I am already there, even though I have probably one of the craziest schedules. I should ask the Chair what his travel schedule is, because I think his might rival mine. My travel day is 12 to 15 hours. That is not a complaint. It's just what I live with.

I have learned that I have to find efficiencies within my personal life. Even in my own office, we are continually looking at better ways to serve our constituents. That means that, when I am in the riding for any length of time, like next week and the week after, there are things we can do more efficiently. We get one riding week a month if we're not doing committee travel or other parliamentary association travel. That allows us the opportunity to connect with our constituents.

There is new technology. I know some members of Parliament have been experimenting with video conferencing in their offices back in their ridings. Unfortunately, I wasn't one of the ones picked to do that. There are things we can do differently as a House that can still connect us to our ridings.

I'll use an example. Ms. Sahota said that we don't start our work day until 10:00 a.m. on Fridays. Again, I'm going to differ from that. I'm in my office usually at 6:00 a.m., no later than 7:00 a.m. I try to beat our colleague Jim Egliniski in. There's always a battle to get the parking spot that he has. We have busy days. There are things we have to do. I take that as a given. That is part of being a member of Parliament.

When the House rises, if I don't have House duty, I'm back in my office in the afternoon. I'm not a big event person, so I don't usually find myself at one of the 30 or 40 daily events that take place in the evenings. You're not going to find me there; I'm usually in my office and making calls back to my riding. Frankly, I find this a benefit. That time change is a huge benefit for us on the west coast. I go back into my office and I'm able to make calls to my constituents for another three or four hours. I normally don't leave my office until quite late. There are usually a couple of other people there. I know our colleague Mr. Robert-Falcon Ouellette is here, and I think he usually stays until 2:00 a.m. I'm not that crazy, Mr. Chair; not to say that he's crazy—

**Mr. Robert-Falcon Ouellette:** I think I am crazy, Todd.

**Mr. Todd Doherty:** I do see it quite—

**Mr. Robert-Falcon Ouellette:** You have to say the truth, Todd, always the truth.

**Mr. Todd Doherty:** I was not saying that you were crazy. I was just saying that your schedule is crazy. I do want to give compliments to a lot of members of Parliament who work long hours here.

Again, I'm not quite sure that taking a shorter day or a shorter workweek sends the right message. It is about optics. It is about logistics. If we automatically say that we are going to sit Monday to Thursday, and take those Fridays as constituency days, I'd like to know how they propose.... Are we sitting longer in the mornings? I have no problem; I'm in my office anyway. I just don't know how we would make that up because, for somebody who travels to the west coast...

And Mr. Chair, I assumed that I had one of the craziest travel schedules, but how long is your travel day?

**The Chair:** Well, to come here for this meeting, I left on Sunday at 4:30. I was on a plane, and I didn't get here until I walked in on Monday morning, so that means I didn't sleep on Sunday night at all, and because I was in economy, there was no breakfast or dinner, so I didn't have any breakfast. I think I went 40 hours this week without any sleep.

**Mr. Todd Doherty:** That's my point. A shorter workweek or a shorter sitting week wouldn't help you or me or those on the west coast who have to travel great distances. Maybe we're going to take an extra day to try to get home, which means that we're only here for three days. What message does that send back to our constituents? Are there things that we can do to sit longer during the week, in terms of starting the House earlier and staying later? I'm one of the ones who says that, look, if we need to be here 24 hours a day, we need to be here, and I'm okay. I don't have kids here.

I think it would be sending the wrong message if we said we were going to do a shortened week. I believe that firmly. My constituents in Cariboo—Prince George elected me, and here are the things that I was elected on. They wanted to know that I was going to go to Ottawa and be a strong voice of Cariboo in Ottawa and not be Ottawa's voice in Cariboo. I think I've done that. I've tried to follow through with that. The other part was that they wanted to make sure their member of Parliament was visible and present. I have to tell you, Mr. Chair, the comments that I have gotten back, over the last 18 months.... And I'll be the first to say, we can always do things better.

**The Chair:** Better is always possible.

**Mr. Todd Doherty:** Mr. Chair, there is nobody in this House who can put greater pressure on us to be better and serve our constituents better than me. I'm always challenging our team, saying that we have to be able to maximize things a little bit better, whatever we're doing. The comments I'm getting, however, are that they've never seen their member of Parliament more and have never heard from their member of Parliament more. That's not to say anything negative about my predecessor, who was here for 22 years and who, I would say, represented our region very well.

It is to say, though, that there are various ways of doing things without actually impacting others. I use video messaging to wish constituents happy birthday. If I can't attend an event, I send greetings via video. I make sure that we reach out, as I said, Monday to Friday, if I'm able to. I call constituents after the House rises. I do things a little bit differently. I schedule conference calls earlier in the morning for those who are beyond eastern standard time. I make sure that we're maximizing our time in the House or in our office.

We were represented for a long time by a great member of Parliament, and he did some incredible things for our region. We are not doing things better per se; we're doing things differently.

The whole point of this is that it's incumbent upon all of us, I think, to find ways in which we can be more effective in our own offices. We can talk about best practices among ourselves: "How's this working out for you?" I love our committee travel and the stuff that we do, because we actually get the chance, non-adversarially.... When you're travelling with somebody, you truly get to know the person.

We were just on a 15- or 17-hour flight. Far be it from me to sneak into the bathroom as soon as we board and get into my Lulus and my t-shirt, that's what I travel in, on long distances—

**Mr. Scott Simms:** As a point of clarification, Mr. Chair, could I please know what a Lulu is? If Mr. Doherty would be so kind—

**Mr. Todd Doherty:** They are my travel clothes, and Mr. Schmale can tell you, probably, that you don't want to see me in my Lulus.

**Mr. Scott Simms:** Thank you.

**Mr. Todd Doherty:** There is relevance. What I'm saying, Mr. Chair, is that there are things we can do away from the House, when we're having conversations with our friends about discovering best practices, and I think they're really important. When I have a conversation with Scott or some of our other colleagues talking about how they deal with such and such an issue, there is so much that we can learn from.

One thing I don't know that we've had yet, outside the interventions of Mr. Reid, perhaps Mr. Simms, Mr. Masse, who has been on the list here—I don't know whether he has been able to speak yet.... Mr. Christopherson spoke, and I listened intently to his very animated, very long, but very well thought-out speech. There are things we can learn from those who came before us, and I think that is very important.

I'm looking around the table. Apart from Mr. Simms, Mr. Masse, Mr. Reid, and you, Mr. Chair, I don't know whether there's really much parliamentary history at this table.

The value we have collectively as Parliament is that those who came before us, that which has worked...and not deciding that we know best. I think that's what we've seen with this discussion paper. It's not really a discussion paper; I think it's actually a plan to move some things forward dressed up as a discussion paper. As much as they'd like to say it's a discussion paper, I don't think it truly is a discussion paper.

I'm going to go back to trust, Mr. Chair, because this is the reason we're here. We've seen many things over the last while. I'll tell you that I'm not here to defend things that were done before. I'm a new member of Parliament. I don't have the privilege of having been part of the last Parliament, but I can tell you what I've seen in the last while.

I'm going to go back to May 17 of last year, when things weren't moving well, or it wasn't felt that they were moving well. We saw a motion, motion six, put forward by the government. The way it was done was very heavy-handed. I really think it was at that point that things went sideways. Some would argue, probably some even in my own team, that they went sideways even long before that. I think motion six was one where the term "draconian" was used.

I'm not a parliamentary history buff, so I can't say with any certainty that this has never been done before, but I believe words were used such as that "it has never been done in parliamentary history" that motion six was levied. It was all about taking away any of the perceived powers the opposition have. What they were going to do, if the government didn't like the way things were going, was just ram it down our throats.

Essentially what we saw was a very angry Mr. Trudeau, who didn't like the way things were going, and so he was going to show us. Whatever happened—I think it was called "elbowgate".... Anyway, there was much ado about nothing, but the point of the matter was that the government decided they were going to deliver motion six, which was going to take away any of the powers or perceived powers that the opposition had. They were going to show us that if we were not going to follow their rules, they were just arbitrarily going to deliver them and impose them on us.

Mr. Chair, I was right there when the whole whatever happened, and I was asked to speak the very next day about what I saw and about intent and what have you. I guess my comments were these: that it was not for us to describe what the intent was. How would we know the intent of the person who committed the actions at the time. I'm not a mind reader. It's not for me to explain; it really is for the person who did it to explain their intent.

I think we saw a number of things from that point forward that really have led us to question this government's integrity in some things. That's not to paint all of our members of Parliament on that side with the same brush. We have some incredible members of Parliament there.

I'll go back to this. I don't think that Ms. Chagger actually authored this paper. I think this is coming from other places, and I think the actions we're seeing out of the PMO are what is leading people to mistrust it. We're even seeing it in the media, where much was being said about our previous government. The one thing the media said, however, was that at least with Prime Minister Harper you knew where you stood.

Forgive me, I can't remember the exact quote, but it was the one thing that remains true: "the Liberals are not to be trusted". Those are not my words, Mr. Chair; that comment is from the media, which for the most part have been very kind to the government. It could be argued that they are very, very kind.

Even the people in the media, who have in the past while been very favourable, are asking what is going on. They're even questioning this as well, so it's not just the opposition. I would think that probably the majority of Canadians don't even know what we're debating, but the media are actually taking notice of some of the things that are going on.

One of the news clippings I have says that Mr. Trudeau's legacy will be that of arrogance. It speaks to the other point that I wanted to cover. What we're seeing, in terms of this discussion paper, of motion six, and of some of the actions that we see every day, is that there is a real contempt for the House and the opposition. There isn't respect.

I can't say how things were when I wasn't here—I think that will be spoken to as we move forward—so I hope you don't fault me on that. I will be the first person to stand up and say, when we were wrong, that we were wrong. I think that's very important. What we've seen out of at least the PMO, however, is that there's a real contempt for the opposition. Whether it's motion six or this discussion paper, Mr. Chair, “This is how it's going to be.”

I guarantee that this is more or less the way it was discussed: “Listen, we know that the media are on our side—they love us—so what we're going to do....”

This is probably the way the workings went: “I know what we're going to do.” They had all the people huddled together and they said, “Listen, we're going to get their goat. How about this? We're going to call a presser, and because we're all about reforming things and getting things better, we're going to issue this paper. We're going to get the public on side with this, and then the opposition is not going to have any say, because we're just going to kind of ram it through.”

It fell short, it backfired, for the first time, because the media are not as silly as we think they are; they're very smart and learned people. They can see straight through this. I think that this is the kind of backlash we're seeing. It speaks to the overall theme in the House, which then leaks into these discussions in the committee.

You know, Mr. Chair, if you and I were riding on a bus, and you told me that the sky was blue and it looked as if we were going to get showers later in the afternoon, I'd believe you.

If all of a sudden we come through the doors and you tell me that the sky is blue, I'm automatically going to say that, no, it's black. We don't have that trust. We've broken that trust. Somehow, whatever it is, we've broken that trust. I'm going to tell you this, Mr. Chair, with complete sincerity. People are probably going to laugh at this. I'm very proud to be a member of the Conservative caucus, but I'm probably one of the most non-partisan people you'll see when we're away from this House.

See, I told you people would laugh.

When I was elected by the good people of Cariboo—Prince George, what an incredible honour that was. Some people even brought up to me why they didn't vote for me, but I told them it was okay. Whether they voted for me or not, I represent the entire riding. Whether they vote for Liberal, the NDP—shame—or the others, I represent all people. I represent everyone. The media was saying, wow, the national result wasn't what you.... How's it going to be? What are you going to do? Now you're going to be in opposition; oh, heaven forbid.

While I was disappointed at the national result, I was looking forward because I think, if you talk to anybody I worked with in the past, you'd see that the best work we do is when we can find a common ground—whether it's in aviation or other areas. It's not about winning or losing. I think in a healthy relationship—I've been married for a long time—there's a give and take, and we have to recognize that.

The government has a job to do. Opposition has a job to do as well. I came here bright-eyed, very altruistic, and I said I'm going to do everything in my power to build those bridges, to work

collaboratively. I had the background for my bill C-211 already built. I knew what I needed to do. I was disappointed, but I saw this as an opportunity.

I think a lot of our new colleagues were the same. We brought energy, and we all said the same thing, probably like that puppy dog. That's the great thing about puppies and dogs. Somebody said you could lock them in the back of your truck for an hour and then when you come back, they're still wagging their tails, happy to see you. I have a great black Lab that I don't get to see as much as I would love to, but that's my choice. I tell you this, Mr. Chair: every time I arrive back, it's as if he knows when I'm coming in. They probably wind him up for me just before I get in. He is so happy to see me, and he's raring to go.

It's probably how we were. The senior members of our caucuses probably saw us as being these bright-eyed and puppy-dog type of people. We were very eager to try to make new friends, even though it was across party lines.

Let me tell you this. I don't think we would be able to do what we've done with my Bill C-211 if we didn't have the kind of attitude that we would work very closely with others from across the floor. We've seen other government members who had private members' bills that have moved forward. The member from Coquitlam—Port Coquitlam, Mr. McKinnon, I believe put forward a great bill. I think that sends hope to Canadians that we are able to work together.

My point, going back to it, is that I've become a little bit frustrated. If I can say it, I think the Prime Minister let me down, and let us down, with his actions that day, May 17 last year, and the subsequent actions that went forward. I expected better. I think Canadians expected better. I think, indeed, that those in your own government, in your own caucus, although they might not say anything publicly, would privately say they expected better.

Indeed, I've had conversations with members from all parties. Privately I think they were very forthcoming with some of their comments about some of the promises made during the campaign that were subsequently broken once you got into office. I remember one member actually saying, “I essentially lied, on the doorsteps, to my constituents, because I believed this was something we were actually going to do and be able to follow through on.” They bought in. I think Canadians, for the most part—as we saw, 39%—bought into the change Mr. Trudeau was putting forth.

That brings me back to another comment I wanted to make. Governing is hard. It requires a plan, but it also requires that the person delivering the plan, if there is a plan, or the person who's in charge—I think we all agree that regardless of where we are, there always should be somebody in charge—not rule with emotion. There should be principled leadership and a plan. I think Canadians also want to see that there's a plan. We haven't seen that. We've seen a lot of big things, but no real plan.

I think what we're seeing in some of the scambly manoeuvres, the reshuffle, the new House leader, and the moving things around is that while they campaigned on having a plan, there really was no plan. Maybe even, Mr. Chair, if I can boldly pronounce.... I don't think they expected to be elected. They thought, this is what we're going to say, and we'll see if people actually buy it. When it got closer, perhaps they were like, "Holy crap. I think we're actually going to be elected. How are we going to do this? Don't worry about it. Budgets balance themselves, right?"

We've kind of proven now that this doesn't happen. We've made some promises to Canadians from coast to coast to coast, and we have done some big things, but we're spending beyond our means. I think that's the challenge. What we're seeing right now, perhaps with the PMO, is that they are scrambling. There's no plan, so they are ruling by emotion.

Again, going back to this paper. I doubt very much that Ms. Chagger actually had anything to do with it. Perhaps she was in the room when some ideas were being put out. I don't know. I'm just putting words in people's mouths. I'm just speaking from the heart. That's all I know how to do.

Let me take you back, if I can, because it does have relevance, Mr. Chair. I never debated prior to being elected. I can argue like the best of them with my wife. I always lose, which is okay. I always lose with my kids as well.

We had a debate. I thought I was very prepared. I had every document on every issue that was going to come up, and I was very prepared. I was ready to go, kind of like right here. We got to the venue where the debate was, and no papers were allowed. You were not allowed to have any supporting documents with you. You were on your own.

I'm not ashamed to say that I bombed miserably. As a matter of fact, the next day I was waiting for feedback—this was one of the biggest debates—from my campaign, and I knew the feedback already. As I said earlier, I'm my worst critic, so I was waiting for it. I was waiting for the feedback to say, "This where you went wrong; this is what you should have said", all this stuff. It never came. The next day, as you and others here are probably aware, Mr. Chair, from your own ridings, we had debates. Every riding had tons of debates. The very next day I had three debates from one end of my riding to the next. I needed the feedback. I wanted to know where I went wrong.

My campaign manager, who I had been feverishly texting, never got back to me. He finally got back to me on October 9, 2015, which happened to be my birthday, at about one o'clock. It was just before I was about to leave for the third debate that day, and he came in with a sticky note and he slammed this on the desk. That's it, and he turned and walked away. That sticky note said, "Speak from the heart because if you speak from the heart you can never go wrong."

I think others from the other side have mentioned a few times that it's important we don't get caught up in "he said, she said" and "winning versus losing." We have to speak from the heart. All I know how to do is just tell them how it is. Whether we like it or not, that's how we do it in the Cariboo.

You know, the Cariboo is a great place. It is unbelievable. I'm very proud to be from the Cariboo. Mr. Chair, it is a place where we look you in the eye, we ask you how you're doing, and we mean it. We say, "Bless you" when you sneeze. We say, "Gesundheit". We open doors for people. I have some incredible constituents. I worked a lifetime overseas, as I mentioned earlier, representing my region all over the world. I got a little feisty when we would be in a boardroom somewhere across the country, and somebody would ask where I was from, and I told them, and they kind of wrinkled their nose asking, "How is that working out for you?" I'll tell you, we have salt of the earth people. We have hard-working pioneer folks in the Cariboo.

**Mr. Robert-Falcon Ouellette:** Todd, I just want to say that's what we really love about you. You're so hard-working. We know you are all hard-working. You're passionate about what you do. That's good.

**Mr. Todd Doherty:** I'm not talking about myself, but I appreciate my colleague for recognizing my hard work. I was talking about my constituents. I'd rather talk about them than myself because we have some incredible people there, Mr. Chair. You know it is really, for us, why we're fighting. This is why we're doing what we're doing. The comment was made earlier on that we're doing nothing. I think I've said that I would vehemently reject that comment. We are defending the voices of our electors, of all Canadians, and I think it's important that we're doing the work that we're doing today.

I have lots of notes, Mr. Chair. I want to talk about being a new member of Parliament. I had the incredible opportunity to work overseas. I mentioned before about representing our region on the world stage. I think the greatest honour that I've ever had in my life, aside from being called a dad, a father, or "faud"—I don't know why they call me "faud", my daughter calls me "faud"—is serving the constituents of Cariboo—Prince George and, indeed, all of Canada.

Even before I was elected I wore a pin, whether it was a maple leaf or the little plastic doodad flags that always turn around upside down just at the wrong time, and when you get a picture taken, the flag is upside down. It's terrible.

**Mr. Scott Simms:** It happens to all of us.

**Mr. Todd Doherty:** We have to do something different. I wear this type, because it doesn't turn around as easily.

My road to being elected wasn't an easy one. I've done many things. I would say the nomination battle was probably more vicious than QP. It's probably the ugliest part of being elected, and I'm not a mean person by any means.

I didn't get into politics to ruin anybody. I didn't get into politics to hurt people, and the people are hurt most in things like nominations, or even being elected, from social media, and how vicious it can be that way. I want to talk about that a little bit later as well, but the nomination process was one that really made me doubt whether I was doing the right thing. That was not so much because of our desire to serve, it was really about what we were putting our families through.



We always have to remember that first and foremost, people, whether they are on our side of the House or on the other side of the House, whether it be somebody who is running against us in a nomination or in a campaign, are somebody's mom, somebody's dad, somebody's brother or sister or cousin. The things that are done and said are oftentimes very hurtful. If I were going to put forth anything, there would be things we could do differently, and that could probably start with me as well. I'm probably just as much to blame, but I try not to be mean-spirited. I will tell you this unequivocally, if I am taking you to task or holding your feet to the fire, it's not frivolous. It is with merit, and there is reason to it.

I'm also not somebody who just stands and reads something for the sake of reading it, as was mentioned earlier on. There was mention of truth versus half-truths. When you stand in a court of law to argue over a piece of legislation, a civil issue, or a criminal issue, you are supposed to speak the truth. I would hazard that when we are in the House, we should be speaking the truth as well, and I would like to think that is done. When we stand, or when I stand, it is based on truth not half-truths, unlike what was mentioned earlier.

I'm going to get back to the election. I was nominated in December 2014. I started my campaign for the nomination in August 2014, won the nomination in December, and then kind of pushed through. That was the longest campaign, because, really for me, when the writ dropped, it was the whole cumulative part, so from August 2014 to October 2015.

**The Chair:** Relevance?

**Mr. Todd Doherty:** There is relevance to this, Mr. Chair. The beauty of Parliament is that there is no cookie-cutter approach. We are all elected from our 338 ridings to be the voices of our constituents in Ottawa, and not the other way around, and we all come with diverse backgrounds. That is incredibly important. As I said earlier, I don't know Ms. Chagger's background in terms of this paper. If she actually went to school and studied parliamentary procedure, and had this sitting on a bookshelf waiting for the time she was elected, I will be the first to apologize to her.

**Mrs. Karen Vecchio:** According to Wikipedia, she went to the University of Waterloo.

**Mr. Todd Doherty:** There you go. I'm not quite sure if she's a poli-sci student—

**Mrs. Karen Vecchio:** No, nursing.

**Mr. Todd Doherty:** Nursing, okay, that's an incredibly admirable industry. I just had the nurses' association in my office today talking to me about Bill C-211 and some of the things that we're doing with that bill.

Let me get back to the other part because I don't want you to question my relevance on this. I signed on the dotted line, put my name forth, because I wanted to make a difference for those in the riding of Cariboo—Prince George. I think every member of Parliament wants to do that. I think we all come here with the best of intentions. I think maybe we all come here with big ideas that we're going to change the world and we're going to break the bureaucracy. I too think that the wheels of bureaucracy move slowly at times and I'm not one to sit and say, that's the way it is, that's the way it has always been.

I think the people on my fisheries committee could probably see that I'm not one who likes to say, that's just the way it has always been. I think there are efficiencies that we can find in all ways, and we can move forward in being an efficient Parliament.

One of the comments that was made earlier tonight was that if we want to keep going because we're afraid of change and it's not going to be...you know, that's the furthest from the truth. The best way to find a solution is to find a common ground.

Finding a common ground starts with—and I'm going to bring it back to the word we started with earlier—trust.

I think it was mentioned that this whole Parliament is going to be wasted because there's no consensus that's going to be able to come. That's a very authoritarian or maybe not a very realistic way of thinking. If we threw our arms up every time and stomped off because we weren't able to come to an agreement on something, that's not a real-world way of thinking, to begin with.

Mr. Chair, I'm a small business owner. I think I mentioned that before. I own a hair salon. Don't judge, I do it myself. My colleague is staring at me. Yes, I own a hair salon, but I've owned many different businesses over the course of my lifetime. I've been a small business owner from right after graduating from high school. I believe that entrepreneurship is the way to independence and to wealth. It gives one a real sense of accomplishment when they can build something from the ground up and move it forward. These are words to live by. About my hockey players, I'm going to put this out there and this is going to be very embarrassing but I think if my colleague Mr. Simms—he's not even here—can use self-deprecating humour, I can do the same. I'm a big chubby guy, I'm bald, and I wear Lulus on the plane, so it should be fairly easy to pick on me.

**Mr. Jamie Schmale:** It is true. I can attest to that.

**Mr. Todd Doherty:** My players who I coached for a long time called me TDids and my son JDids. I always come up with little nuggets, words to live by, by TDids. I don't refer to myself as TDids, just to make that clear—

**The Chair:** Good.

**Mr. Todd Doherty:** —and I don't refer to myself in the third person at all as in “Todd's getting very angry.”

**Mr. Jamie Schmale:** Not any more.

**Mr. Todd Doherty:** Not any more, not after this point, moving forward.

I'm just going to say this. Any successful business people I've met with over the course of my lifetime were great negotiators. Part of being a great negotiator is you're a great communicator and you're able to find common ground. There is give and take. Again, Donald Trump might say that we beat people over the head and it's our way or the highway. That's not for me to say. I've read his book, *Art of the Game*—

**Mr. Jamie Schmale:** *The Art of the Deal*.

**Mr. Todd Doherty:** *Art of the Game* is something else

**Mr. Jamie Schmale:** I am paying attention.

**The Chair:** There is also a book called *Common Ground*.

**Mr. Todd Doherty:** Yes. I think that is so important because we've seen this time and again with the PMO.

I'm not going to say it.

Again, I say this with all due respect to my colleagues across the floor, because I don't believe, Mr. Chair, that all of the members of their caucus believe 100% in where we're going. I think that there are some very wise people on the other side.

Indeed, over the course of the last three weeks, we've had the backbench actually standing up and voting their conscience, probably against the wishes of the front bench. I think the more we see that we have that ability, perhaps Canadians won't want electoral reform. You don't need it.

That's not to say that there isn't a time and a place for ensuring that we vote as one. Moving forward in different areas in terms of sending messages to Canadians, I think they need to see us working together.

Going back to my comment about common ground, it is so important that we find a way. Whether it's sidebar conversations.... We always used to talk about this on one of the work sites. It's called the urinal conversation, the bathroom conversation. You meet somebody in the bathroom, or in the hallway for a hallway conversation, and you find a way to ask, "What are you thinking about this? Is there a way that we can...?" Sometimes the best ways of getting deals done aren't at a desk or sitting across the way from one another.

I'm not saying that the best deals are sometimes made at a urinal, or in a bathroom for that matter. I'm saying that sometimes the best way of finding common ground isn't in an official setting. It is in an informal setting where you can be truthful and speak your mind without worrying that somebody is going to tape you or use the words that you're saying against you.

I think we've gotten away from that. I don't know why or where. I'll bring you back to where, for me, it kind of went sideways, which was last year on May 17. That probably was one of the things I was most disappointed in.

I think that we can be better. When we talk about this discussion paper and the discussion that we're having back and forth, it truly is about being better and how we do it, but ramming somebody's ideas down....

This isn't my idea. It's not Ms. Vecchio's or Ms. Duncan's or Mr. Schmale's or Mr. Reid's. These aren't Mr. Reid's ideas. This is somebody telling us that they know better; they know the way. I'm not even going to say that this is Ms. Chagger's. I don't believe that she actually wrote this, if I'm not on record already as saying that. I think this came from somebody else.

Mr. Chair, I think that there are things we should be doing, having that conversation about how to make things better.

I believe the take-note debate on procedures was last fall. I stood in the House and provided some ideas as somebody who had only been in the House at that time for less than 14 months. I think I started it off by saying that I am not a procedural nerd.

I can't say that I've read this cover to cover. As a matter of fact, I was worried when I came here tonight that there would be a test on this.

**Mr. Jamie Schmale:** There is.

**Mr. Todd Doherty:** I was reluctant to come before PROC because I don't know everything that's in this.

I said earlier on that there are brighter people than I am, people who are more learned than I am, but I think if we go back to the fundamental rules and reason why we are here, and just bring it back to the privilege, the privilege isn't ours. The privilege of freedom of speech isn't so that we have the freedom to say whatever we want. The privilege is that we have the freedom to be the voice of those who elected us. I think we forget at times that the House doesn't belong to us. It belongs to the people.

I'm getting animated. I'm thinking back to my colleague Mr. Christopherson, who I sat here and listened to for hours. It was awesome, sitting watching Mr. Christopherson be so animated, and then watching our translators be just as animated. I loved it. I wish I could have taken a picture of it.

Mr. Chair, I know it's probably been said. I haven't read the blues. I'm being completely honest with you. I wanted to come here—whether it's today or last week—and get something off my chest that had been bothering me for some time, clearly. Thank you for tabling this discussion paper, which will allow me the opportunity to say at length, if I wanted to, which I do, that this House doesn't belong to us. It belongs to Canadians. Whether or not it's been said before by other members, we forget that. I think sometimes our Prime Minister, or the PMO, forgets that.

The contempt for the House is shocking. I don't know what was done previously. I know that the blame game goes on a lot. I can only tell you what I know and what I've witnessed. When I'm sitting there listening and watching QP, whether I'm participating or not, I can feel the contempt. Whether it's real or perceived, I think there are things we can do differently. It starts with the top. It starts with the guy who was elected to be our Prime Minister, or was nominated by his party to be the leader, and then subsequently his party was elected, and all of a sudden now he's the Prime Minister. It starts with that.

We talked about this last May, about parliamentary and unparliamentary behaviours, and how the actions in the week of May 17, after motion six was tabled, were very unparliamentary. I'm shocked at times. I think there are things on each side that go on, and we get very heated at times. I think all sides do. I love QP. The people from Cariboo elected a fighter. I love the art of the jab and the heckling. I'm one who likes that, respectfully. I always tell people that what they see on TV and what really happens are two different things. Usually we work very collegially and very collaboratively across all sides. That's the way it's supposed to be. Our QP is the opportunity—

**Ms. Linda Duncan:** To hold the government accountable

**Mr. Todd Doherty:** Exactly, Ms. Duncan.

What we saw with this discussion paper.... I don't believe Ms. Chagger actually authored it, although she put it forth that the more she sits in the House, the more she feels it needs modernizing.

The idea that we're going to limit....but now they're saying that they're not going to limit the Prime Minister, that it was never the intent; it was 45 minutes...that he would answer back and forth.

We know, Mr. Chair, that last week the Prime Minister stood in the House and answered...not every question. As much as the Liberals would say that he answered every question, there was one that he didn't answer. We can all agree that there was one question he didn't answer. Isn't that correct?

**An hon. member:** Yes.

**Mr. Todd Doherty:** Right, so far be it from me to bring it up. I think somebody else will bring it forward. The point is, Mr. Chair, that there wasn't a need to change the Standing Orders for that to happen.

**Mr. Jamie Schmale:** Absolutely.

**Mr. Todd Doherty:** He was still able to stand and answer every question.

Mr. Chair, if the Prime Minister is there every day, he can stand and answer every question or any question that he chooses. Personally, I know there are times.... I think I asked him a question last week that he didn't answer—it went to another person—but he was in the House, which was great. It's always great to see our Prime Minister there; it gives our opposition leaders an opportunity to ask the questions.

I like the idea of having a prime minister's question period. I think it's a great idea. The one thing I would love to see done differently in question period is to give actual answers. I think that is a novel idea. I brought it up before, when we stood in the House in a take-note debate and talked about changing the way Parliament operates.

I don't have the benefit of having been in the House when things were done in the last Parliament, but I can tell you this. The gobbledygook or verbal gymnastics that we hear from a minister or a parliamentary secretary holding on to and reading from their speaking points is—

**Mr. Mike Bossio:** It's [*Inaudible—Editor*]....

**Mr. Todd Doherty:** I think that is true; it is insulting.

**Mr. Mike Bossio:** I said, “salty”.

**Mr. Todd Doherty:** Oh, salty? Well, it's insulting, actually, too. It's insulting to Canadians, with all due respect.

There are parliamentary secretaries and there are a couple of ministers across the way who know their file inside and out. Whether we like to hear the answer or not, they actually answer the questions fairly well. That's important, and if we were to move to a PM's question period....

It's not performance art. We know that his background was in drama, and sometimes I feel as though I'm watching an audition. Honestly, Mr. Chair, I don't mean to poke fun, but when my kids can

say, “Oh, he has his dramatic voice on”—that's not me, but my kids, who are not the most political people in the world.... When our Prime Minister stands up and has a very dramatic voice, they know that....

I digress. I think it's important, if we are going to do a prime minister's question period, that we actually get answers.

I don't believe we should be supplying questions ahead of time. I think it's important that the opposition members have an opportunity...not to surprise, but I don't think we should be providing questions in advance for a canned answer. I just don't think that's right.

**The Chair:** Just a moment. Let me tell everyone in the room, especially House of Commons staff, that you're all welcome. There's lots of extra food. Whether you're a witnesses or House of Commons staff or interpreters, help yourselves.

**Mr. Scott Simms:** Mr. Chair, on a point of order, it's becoming a bit noisy in here, too.

**Mr. Todd Doherty:** With that point on question period, and opposition asking the questions and expecting an answer, let's get back to the reason we have question period. That is the opposition's opportunity to really question the government and to hold them accountable. As much as I respect the parliamentary secretaries, I would prefer to have a minister to tell me what they're doing on their file. I would prefer to have the Prime Minister in here, actually answering a question.

I'm going to back to the wisdom of Dr. Seuss. I have another quote, “Sometimes the questions are complicated and the answers are simple.” Isn't that the truth? Questions are complicated, and answers are simple. Sometimes we get so carried away with our talking points.

I'll use an example of that. I was speaking to a group recently. God love our office and our team. We have an incredible team. How it usually goes is they build the background to a speech on a topic we choose and the group we're meeting with. Then they flavour it with some of the suggestions I have. Then I go back and rewrite it. Or if it's bang on, then we'll run with it.

Well, there was a speech that was done through my office. Nobody else was involved. We write our own speeches. I looked at it and I asked what we were trying to say. Who's our audience? The reality is that it might have been 10 or 11 pages. Four of those pages were trying to get a point across. I'm saying to them that we could say the very same thing with fewer words. The question is very complicated when the answer is very simple.

I think the answer is very simple with the question that we have before us here.

**An hon. member:** It's yes or no.

**Mr. Todd Doherty:** Right. Very often, the opposition asks the government, and it is a simple yes or no.

We get this gobbledygook, bafflegab, buzzwords that mean nothing. Canadians at home and in opposition are sitting there scratching their heads. I think the reason people tune us out is that they see that.

There are things we can do without changing the Standing Orders at all. If the government wants us to be better, we can always be better. Then they should be better at that. That makes sense, doesn't it? It's common sense to me. I'm just speaking from the heart. I'm a good ol' guy from the Cariboo, where we have some incredible people, salt of the earth.

**The Chair:** Ms. Duncan could confirm that this is a long-standing problem.

**Mr. Todd Doherty:** I can only speak to what I know today. I don't have the benefit of being part of any other previous Parliament. I'm glad we have others who have been here a longer time than I have.

Ms. Duncan, could you tell me how long you have been in office?

**Ms. Linda Duncan (Edmonton Strathcona, NDP):** I'm losing count. It's between eight and nine years.

I have a strong recommendation to make, though, regarding the rules. I was going table a motion one day to just change the name from "question period" to "answer period".

**Mr. Todd Doherty:** There you go—"answer period", AP. That's great. It's time for AP.

Ms. Duncan will appreciate what I'm saying here. I'm a new member of Parliament. If you look around the room here, very few of us have been here more than 18 months.

I don't know what you did in your previous role, or if you were a business person, but I would never go into somebody's business....

Well, I can't say that. I was a consultant, actually—

**Voices:** Oh, oh!

**Mr. Todd Doherty:**—so let me rephrase that.

Without knowing everything, I would never go into somebody's business, or go into somebody's household or home or team, and say, "This is the way it should be done. The more I watch you, the more I think you're doing it wrong." We can always armchair-quarterback things. I'm the best at telling you how my Seattle Seahawks are going to win. And don't bring up the Super Bowl, because the wounds are still too raw from that failed attempt. That was a couple of years ago. I can armchair-quarterback like the best of them.

To Ms. Duncan, the point is this. I don't think that we, as newbies, should be coming in and arbitrarily ramming down thoughts.... I think it's something that, truthfully, to spur a discussion...but this wasn't to spur a discussion. When you're mediating, or actually going through the media with this....

They were hoping that this was going to get a favourable response from all, and that the fear from the opposition was, "Oh, they have the media onside. We can't do anything about it." But little did they know that we can do stuff about it, and we will continue to do it for as long as it takes, so that we can find that common ground I was talking about.

Mr. Chair, we talked a little bit about leading up to the election and then getting elected. A couple of weeks after being elected, I actually managed to set foot here. I was chomping at the bit. I was ready to go. I think we put 65,000 kilometres on my truck during the campaign. I can't remember how many doors we knocked on, I think

30,000 or 70,000, and the phone calls we made were close to the same amount. But I was ready to go. I was not tired. I was ready to go on October 20. I couldn't get here fast enough.

I arrived in Ottawa with two pieces of paper: a SWOT analysis of Cariboo—Prince George, the opportunities and challenges, where I thought we could make an impact; and background on Bill C-211, on which I worked with the legislative committee to try to get it to where we are today. As I've said before, I came at it with pure intentions to work collaboratively across the floor.

I have to bring it back to where I think we've kind of gone wrong. I can only speak for myself, but I bring it back to that week of May 17, when motion six was tabled and there was elbowgate or whatever you want to call it. There was the kerfuffle around that, the apology, and the questions about intent and what have you.

I think it's really important to go back to one of the things Ms. Sahota mentioned. I highlighted it, Mr. Chair, when she mentioned it. I bring this up with all due respect. She said that if you're really going to truthfully set forth with pure intentions, you don't politicize something.

Are you kidding me? Who politicized this? If this really was a discussion paper, if you and I were going to have a discussion, if we were going to talk truthfully and have a good discussion as a group or a committee or House leaders, would I go to the media first and say, hey, by the way, here's what we're going to discuss?

How would that make you feel?

**Mr. Robert-Falcon Ouellette:** Mr. Doherty, I have a question for you. You were talking about when you first came to Parliament, and you brought those two pieces of paper. I also remember that when you first came, you did three private members' bills, right?

**Mr. Todd Doherty:** I did.

**Mr. Robert-Falcon Ouellette:** You were the first one to get up, right off the bat.

**Mr. Todd Doherty:** I love this guy.

**Mr. Robert-Falcon Ouellette:** It was pretty incredible. You should tell us about those.

**Mr. Todd Doherty:** I will, but first I want to....

I really appreciate that, because I actually—

**Mr. Robert-Falcon Ouellette:** No, seriously, I'd really love to hear it, Todd.

**Mr. Todd Doherty:** I appreciate that. That's actually on here. I will go back.

**Mr. Robert-Falcon Ouellette:** Okay.

**Mr. Todd Doherty:** I just want to go to this point about politicizing an issue. You know, there are times and situations when all sides have gone to the media and have done our negotiations not across the table but perhaps through the media. There are times when that happens.

I find it interesting that this would come from the other side, about politicizing an issue, because it wasn't us who politicized this.

I'll go back to the comment I had about how we diminish trust. I'll use this as an example. Have you ever gotten mad at someone, whether it's in your caucus, or maybe in a previous lifetime, and instead of trying to work it out with each other, you escalate the issue by hitting "reply all" or copying everyone, your boss, their boss, or your boss's boss? That's how you escalate an issue. I'm using this as an example because I would say, with all due respect, the government House leader escalated this issue and maybe miscalculated it by going to the media.

I'll go back to the document I produced here. You're bypassing the person or group involved. What you're choosing to do is trying to skirt the issue....

Maybe I'm talking too much. It looks like the hook's coming in.

**Voices:** Oh, oh!

**Mr. Todd Doherty:** I'm here now. I've waited.

Let me tell you what happened last week when I was supposed to be here. Little did you know—

**An hon. member:** You still have three bills to talk about.

**Mr. Todd Doherty:** How do we diminish trust? That was a question that was brought up last week. A number of different things were done that have diminished the trust. It goes back to my comment that I and others arrived here with the best of intentions. We weren't jaded when we got here. We're not jaded now, but trust has been broken.

This goes to the point where I said that you bypass all the people there. You choose to email, text message, or delegate the delivery of a difficult message to others. Whether Ms. Chagger wrote this or not, I think it came from the PMO and was delivered to her to delegate that message. I think that's a big one. You tell half truths, use spin, avoidance, weasel words, and communication not grounded in integrity, forthrightness, and honesty. That impacts trust.

That's where we sit today. When one side is deliberately opaque or evasive and uses evasive communications, it offers a different kind of transparency. Now, there's a word we've heard quite a bit over the last 18 months. This government was going to have a new, open, and transparent way of governing. Perhaps as things have gone on, they've had the best intentions that this was going to be the way, but maybe there wasn't a plan on how they were going to deliver that, so they're making it up as they go. As a government, we have a very effective opposition, one of the strongest we've seen in a long time. Maybe what we're seeing on the other side is scrambling because we have been so effective in what we're doing. Ms. Duncan is nodding her head. I think that's perhaps...or maybe that's....

At any rate, here's another way you diminish trust, Mr. Chair. You over-promise and under-deliver. Some call it hype. Others reference it by saying, "all hat, no cattle". That's a saying we use back in the Cariboo. The yield is the same, that if you don't take your own words seriously, why should anyone else trust them? That's what we've found over the course of the last while.

Again, budget 2017 was tabled....

You're going to ask me why I'm saying this, Mr. Chair, and getting to the point of asking if this is relevant, really, to what I'm saying. It absolutely is, Mr. Chair. For the reason as to why it's relevant, I'm going to go back to why, in my opinion, this paper was tabled at the time.

What happened the very next day? The budget was tabled. The government knew that things were weak in that area, that it probably wasn't going to be the flash-bang, whiz-bang budget they were looking at. They needed a diversion, a smokescreen if you will: whiz-bang. It was a diversionary tactic.

I would offer this up, Mr. Chair. Again, I don't know whether this is true or not. Who knows what goes on behind closed doors? That's above my pay grade. But I would think that the diversionary tactic of tabling this paper is taking away the discussion about the budget, and how it maybe fell down in areas. What are we talking about instead? We're not talking about how softwood and forestry companies weren't mentioned, not even once, or a plan to get a softwood lumber deal, which is so important to my riding of Cariboo—Prince George.

Mr. Chair, I don't know whether you've heard me speak in the House about this. There's relevance here. Over 140 communities in the province of British Columbia are dependent on forestry. These communities were waiting for budget 2017 to come out in order to see what the plan was to hopefully get either some relief—I don't know what that looks like—or get a deal done. They never saw that.

I know you're leaning into the mike about relevance, but trust me, it's all structured.

The reason this paper was tabled was to really steer away from what the budget was or was not going to do for Canadians. For the last three weeks, this has really monopolized a lot of the discussion in the House, and here in this committee.

I'll go back to the document that I built here. It's interesting, because as we talk about trust and perhaps why it was broken, we play the blame game. We've seen that a lot. I don't know if that was done in previous governments, or what have you. It's, "Well, this government did this, and Conservatives did that, so we're going to continue doing it this way", or "We're not as bad as those guys; the reason we're not getting something done is because these guys left it behind."

I offer this: if you truly had a plan to govern, you wouldn't need to play the blame game. You wouldn't need to play that game. There is a time when you need to lead, but there's a time when you have to build consensus. True leaders build consensus. They're really consensus builders.

Think back to some of the best leaders you've ever had, the best coaches you've ever had. I don't know whether you've played sports at all, Mr. Chair. As I mentioned, I coached for a long time. There are times when you have to lead, but you have to have a plan on what the goal is, on how you're going to move forward. Then you have to build that consensus as you move forward.

To go back to what I said earlier on, the Standing Orders are the rules of the game. You can't just arbitrarily change the rules of the game because you don't like what's going on. It's not for you to do that, to arbitrarily change the rules, take away the voice of Canadians, silence the opposition, because you don't like that the opposition is actually holding your feet to the fire, and actually standing up for the electors. Fundamentally, it's wrong. That's why you're seeing our backs up against the wall.

Mr. Chair, I don't know how many hours you've sat in that chair over the last while, but when you look to point blame.... I don't think we should have blame anyway, but there's been a lot of blame shuffled our way. We're here doing our job, and that's being the voice of the electors. If I take you back to O'Brien and Bosc, our *House of Commons Procedure and Practice*, it brings you right back to what it is we're talking about.

I mentioned freedom of speech. It's not about our being able to stand up and say the things we want. It's about being the voice of our constituents. We are fighting for our voices and for our constituents' voices. I think that it's interesting when you have leadership in the House from the government standing up and saying that we could be getting on and doing better things and more productive things. I'll tell you this. My electors, my constituents, expect me to be a strong voice, to fight for their voices here in Ottawa, and to make sure that in no way are those voices silenced or lessened—and that is what we're seeing with this discussion paper.

I've gone on a bit about how we build trust and how we've diminished trust, how that happens. I want to talk about how trust flourishes. I think it's important that leaders who build trust operate with three trust basics: they give trust first; they communicate effectively; and they authentically show up. Isn't that amazing? They authentically show up. I think that's important, because it goes back to my comment about contempt for the House.

Again, I can only speak from what I know. Sometimes it feels to the opposition that QP—or, as Ms. Duncan would like to call it, AP, answer period—is almost like an inconvenience for our Prime Minister to be there, and perhaps for some of his ministers. They have better things to do, rather than be held accountable to the people, which, again, is what we were elected to do.

It's very interesting. I'll go back to the comment that they authentically show up. Leaders who build trust operate with three basic trust elements: they give trust first; they communicate effectively; and they authentically show up. If we are truthfully going to have a conversation and be relevant, here's a novel idea, Mr. Chair. If we are going to modernize the House, how about our Prime Minister showing up and being truly engaged? That's a novel idea. How about our ministers showing up? I'm not going to say “all” ministers, because I think there are some ministers who, as I said earlier, actually answer some great questions. They don't need speaking points to actually answer; they know their files pretty well.

But if we are to be better, let's have true engagement. Let's not look at it like they're bored, like we're beneath them. I'll remind them through this, and through you, Mr. Chair, that they were once in our position. Again, going back, I've seen some comments from those who were in opposition previously, and some were pretty good hecklers, too, if I do say so myself. How soon we forget what it's like to be on the other side.

Second, effective leaders understand workplace trust that thrives and creates these pockets of excellence. It goes beyond the basics. Here is another way we can make trust flourish in this area: we become really good at what we do. I always said to my team, when I was in aviation or when I was coaching, “Look, if you're a goal scorer, be the best goal scorer you are. If you're a fighter, heaven forbid, do what makes you famous, but be the best at what you're doing.” My thing is this. Whatever file I'm on, whether it's the fisheries file or our work with PTSD, which my Bill C-211 is about, I want to become an expert on what I'm doing. This is the greatest compliment I can get.

To give you an example, I'm overseas and I'm meeting with FedEx. I'm sitting there with FedEx VPs across the way from me. I'm a lowly Canadian aviation executive, and I'm having the conversation with FedEx.

Mr. Chair, regardless of what is being said across the way, I'm having a conversation with you. If they choose to listen to it or not, it doesn't matter.

The greatest compliment I had was that I knew their industry. I knew their business. I knew FedEx inside and out. I think that's incumbent on us, as members of Parliament, to be the best members of Parliament we can. Be interested, be relevant, become the experts, and be good at what you're going to do.

To go back to the comment I made earlier on, about sometimes our Prime Minister seeming disinterested, I don't know whether that's true or not. I really don't. I've had some constituents who have been here and who have wanted to meet him. He's been gracious. He's actually met with them, or taken a picture with them or what have you. Honestly, he is.... I'll give compliments where compliments are due.

As I mentioned, just being a kid from the Cariboo, I'm not one to follow procedure. I don't know the politically correct thing to say or do. I had my mayor from Prince George here. I'm very proud of our communities and I'm proud to show them off. It was funny, because I said that it wasn't so much I wanted them to meet the Prime Minister, I wanted the Prime Minister to meet my mayor. That's really what it was.

So I knocked on the door. Like, who am I to barge past the security? They asked me what I was doing. I told them I was a member of Parliament—“Don't you see the ring?”, that type of thing—and talked about privilege and what have you. To the Prime Minister's credit, he took 10 minutes out of his busy schedule and he actually met with my mayor.

I don't know whether he's disinterested. I don't know whether he is...if this is above him or not, but that's the look that we get on his face.

**Mrs. Karen Vecchio:** Yes, today.

**Mr. Todd Doherty:** Not just today, every day.

I don't even know if he's listening. Far be it from the Prime Minister, because I'm sure he has bigger and better things to do, but here's a tip. Here's a point. I have seen this, and I'm on record as saying this. Regardless of who's speaking, if it's not the front bench, if it's a backbench MP and they're literally showing emotion about something that's going on in their constituency, don't sit there and twirl your earpiece and laugh and smile. This is regardless of whether he's smiling at the person who's actually delivering the message or he's smiling because somebody beside him has said something.

Mr. Chair, I bring that up because it goes to my earlier comment about being self-aware. He is, for all intents and purposes, the captain of our team. He's running our country. I talked about parliamentary behaviour, and behaviour being unparliamentary. I think regardless of who's asking the question, he should be paying attention and making eye contact.

That's just me. I can only offer what I see.

Regardless of whether I like hearing what is being said, when I'm in the House, for the most part, if there's not somebody talking in my ear, I pay attention to the debate. I give respect to the people across the floor or down the hall. I think that's something we should all be doing.

It starts with him, because people look to him, as the prime minister, as an example.

Mr. Chair, I know you're not going to say yes or no or anything like this. There may be some things he's done very well, but I would have to say that I don't think he's been a very good role model within the House. He hasn't set a very good example.

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

**Mr. Todd Doherty:** He wants me to get away from what I'm saying.

That's why I love going to Vegas.

I'm not a big gambler. My wife loves going to Vegas. I hate going to Vegas. I work hard for my money.

No, it's relevant, Mr. Chair, trust me. I've stayed on topic for the most part.

**Mr. Robert Morrissey:** We've noticed that.

**Mr. Todd Doherty:** I love watching people, watching mannerisms. I do that. It's interesting when you sit in the House and you

watch other members of Parliament and how they react, don't react, what they stand to, and what they clap to.

I'm going to tell you today that one of our colleagues was talking about Coptic Christians. There were three members on the other side of the House—only three members—who stood and clapped, only three members who stood and clapped on an event that was absolutely horrific. Regardless of what your beliefs are or whatever, you know, we have members of Parliament from all sides who do S. O. 31s, and it's our opportunity to talk about groups, events, or things that we hold dear.

Mr. Chair, while I'm not perfect, I give each and every one of our members of Parliament my attention as best I can, unless there's a conversation going on beside me. Actually, when there is debate, as I think some of my colleagues probably do—I would hope they do—I actually listen to the debate, to all sides. I listen not to respond. I'm going to offer you that. I think it's so important.

I'll give you an example of what I did, which is completely what I'm talking against right now. I think it's important that we, as members of Parliament, don't ask a question with a preconceived notion on the answer that we're going to get back. I think far too often we listen to respond rather than listen to learn, and I think that's important. I'll give you a case in point.

Last week I asked a question. I already had my response in place. The minister actually answered the question, but I already had my response in place. I fired back with a question saying that it was not an answer. I watched my video over. I was man enough to go to the minister and say, “You know what? I was wrong.” Publicly, I'm telling you right now, I'm not above saying I was wrong. I'm just saying that we should be better. Setting a role model starts with the guy who has been tasked to lead not just his caucus, our caucus, but our country. I think that's so important, that he can authentically show up. If you want to build trust, show that you're truly interested in what we're doing, that you're not just interested in ramming down if you don't like the way things are going when people are asking you tough questions. Questions are going to be tough. Governing is tough. Our job as an opposition is to hold your feet to the fire.

I'm going to go back to what I was talking about, about being passionate. Another thing about trust is that you're passionate about your work. Passion isn't about cheerleading, platitudes, or cranking up fake enthusiasm. It comes from an inner desire, determination, and drive. I think that's important.

I remember the very first conversation I had with you, Mr. Ouellette. You were campaigning to be the Speaker, I believe, at the time. I don't know if you remember the conversation. I do. I remember the call. I didn't know who you were. As we were on the phone, I was Googling you, this guy who was calling me. When I got off the phone, I said, “I don't know who this guy is, but the fact that he took a moment out of his day to call me...”

You actually did some homework on who you were talking to, too, if I remember correctly. It showed me that you had passion, as we were moving forward. Passion can be shown in so many different ways. It's not about the cheerleader “rah, rah, rah, this is what we're doing, sis-boom-bah”. Passion is shown by interest, true interest. I think that's really, really important.

Third, Mr. Chair, they operate with self-awareness. I'll go back to my comments about operating with self-awareness and knowing that with every action, every time you are out in public, every time you are in the House, every time you interact with somebody, you represent Canadians. You represent us. I think that is really important.

There are things we do sometimes where we go, "Yikes, that was the wrong thing to do." I just told you about something I did. I think there are ways we can do things better. To bring it back to what I said, it starts with the guy at the top and that office, the PMO. I think that's really important.

I'm going to skip through some of the things I have, but they are relevant too.

I think they have to truly care about people. Far be it from me to say whether the folks across the way truly care about people, although I think they do. That's why they went into serving the people. I am talking about how we build trust, that the other side or the group you are working with truly wants the best for you. I'm not quite sure we feel that from the other side. They are operating under the guise of making things better for everyone, for us, and we're going to have a better life. Everything is going to be rosy. As one of our colleagues said, there will be unicorns and rainbows, and things are going to be better. I don't think they truly mean well for all. I think they mean to do well for themselves. Again, it goes back to building trust. We have to trust that they actually mean well.

Another way that trust flourishes is if they listen, if leaders listen, truly listen and understand. They don't just say it. They really care. They truly listen. That's not just listening internally or externally. They listen to all involved. The reality is that what's being proposed impacts not just the 338 members of Parliament but also Canadians. I'm not quite sure that 39% gives them the mandate to actually change that. I truthfully don't believe that.

Another way that trust flourishes is when those who are leaders have perspective. In the real world, they know what matters in life. Trust-building leaders have that perspective. They know that you can't make a decision based on emotion, that you should take a step back, that if you don't like the way things are going, you don't just grab somebody and do things.... I know that the Prime Minister regretted doing that, or he said that he regretted doing that. To me, that gave us a snapshot into the psyche or the person. Maybe it was frustration. Again, we all do things out of frustration, but we have to have real-world perspective.

Again, it goes back to my comment. I don't have enough perspective, being a member of Parliament for 18 months, that I would offer a paper called "Modernization of the Standing Orders of the House of Commons". Really, if we were to do something, I would better trust having an all-party committee based on folks such as my honourable colleague Mr. Van Loan and others who have been here much longer than we have. This paper basically implies—I don't know how long ago Mr. Van Loan was elected, as I don't have the parliamentary history—that, "You don't know anything. Those who have come before us know nothing. Ms. Chagger knows best."

I'll again go on the record as saying that I don't believe Ms. Chagger actually wrote this. I think it's coming from somewhere else.

Again, if we were to truly have a discussion, which is what the government wished to have, we wouldn't have negotiated through the media. We would honestly have had that discussion truthfully.

Mr. Chair—

**The Chair:** I'll make just a short point. I think you have grasped the relevance point very well. There's also a point of repetition, too, so try not to repeat some of the points you have already made.

**Mr. Todd Doherty:** Absolutely. I apologize, Mr. Chair. As I said earlier, I didn't have the benefit of actually listening to all of the committee work done in the past, but I think I built off of what I've been saying. Sometimes I might have to go back just to add to the point that we are moving forward with. I've tried to make sure there has been no repetition. I understand there is some along the way. I think there have been others here before us who were far more repetitive.

**Ms. Linda Duncan:** Hear, hear.

**Mr. Todd Doherty:** I think I'm trying to keep it fairly structured.

Our colleague Mr. Ouellette asked me to mention my bills that I came to the House with. As I said, I took the nomination back in 2014. I had the year to work to getting elected. I arrived in the House two weeks after being elected. I had the framework for Bill C-211, but I also had a framework or some ideas for three other bills I wanted to do.

One was with respect to a national appreciation day for first responders. The other one was a bill that dealt with prolific offenders and their release, making sure that it wasn't just up to a judge to decide whether the community or the victims were notified upon their release, that it was mandatory that if high-profile offenders, schedule III, were being released, we didn't rely on the whim and whimsy of a judge to decide: it would actually be mandated.

The other one was to deal with the Canada Evidence Act and a standardized date format with respect to evidence. Mr. Chair, let's say you were pulled over. Maybe there was something in your car that was untoward or what have you and it was entered into evidence. If the well-meaning RCMP officer or police officer at the time entered it into evidence as "010103", what date is that? Is it January 1, 2003, or is it March 1, 2001? There's an issue. That was another one of the bills.

Then, of course, there's Bill C-211 that I entered and that we are moving forward with.

I hope that satisfied—

**Mr. Robert-Falcon Ouellette:** The reason, Todd, I wanted you to talk about it is that it shows you understood the rules and regulations of the House, and you were able to use them even as a rookie MP. I was pretty darn impressed by it.



**Mr. Todd Doherty:** I appreciate that.

**Mr. Robert-Falcon Ouellette:** I said, “Wow, look at that. Three bills right off the hopper. There he goes.”

I said to my staff, “Hey, how come we don't have three bills ready to go? Let's go, guys. If Todd can do it, I'm sure we can at least do half of what he's doing.”

**Mr. Todd Doherty:** Absolutely.

My colleague makes a great point. If you know the rules, if they haven't been changed on you, we can all play the game. But changing the rules as you are partway through the game, in the third period or overtime or whatever, doesn't do anybody any good. That's not the way we should be moving forward. It's just not right.

I want to go back to a few different things here. I read the report of this committee that was referenced a number of times, entitled “Interim Report on Moving Toward a Modern, Efficient, Inclusive and Family-Friendly Parliament”. I think one of the unique things in this report—I think Mr. Christopherson mentioned it at the time as well—is that while great recommendations were put forth, in the areas where there was no consensus the committee agreed to not put it forth as a recommendation.

We can table reports—we've done it in the fisheries committee—where we've done a study and not always agreed. We can table differing points of view, and I think that's important.

I'll go back to some of the comments that were in this document, because I think it's important as we move forward.

You can table this and you can say, “Given the lack of consensus the Committee has heard regarding whether the potential benefits of eliminating Friday sittings outweigh the potential drawbacks, the Committee does not intend to propose a recommendation regarding this matter.” Our committee members sat through a study, if I'm understanding this—I've participated in a number of committee studies now—which, I assume, brought witnesses forth. Correct? Depending on the testimony, there was probably some good testimony about eliminating Friday sittings and there was some differing testimony not in support of eliminating Friday sittings.

The committee went back and looked at it. Probably there were some on the government who said, look, we should really put forth a comment about eliminating Fridays. Then those on this side probably said....

I'm just surmising. I don't know how it went back and forth. I don't have the privilege of having that. But it's important to say, because they wrote it down in this interim report, that there was no consensus, meaning there was probably no consensus on the committee and no consensus from the witnesses as well, probably some experts on parliamentary procedure or what have you who came before them. We try to have the best witnesses come forth. These are either industry experts or subject matter experts. We try to bring them forth so that they can give us, outside of this bubble, learned testimony as to the issue at hand that we're studying.

Far be it from me to repeat it, Mr. Chair, but here it said this: “Given the lack of consensus the Committee has heard regarding whether the potential benefits of eliminating Friday sittings outweigh

the potential drawbacks, the Committee does not intend to propose a recommendation regarding this matter.” I believe that was tabled sometime in November of last year. Yes?

Here we are four months later. The government has decided now, all of a sudden, that they are the experts. They want you to discuss it again. Talk about a useless waste of taxpayers' dollars. Are there not better things that we can be studying?

**An hon. member:** Probably.

**Mr. Todd Doherty:** Again, I'm not part of this committee. I'm sitting in. I'll hopefully get the chance to come back.

The committees are supposed to be at arm's length, are they not? I know that the fisheries committee, which I've talked about before... Mr. Morrissey is here now. I'm very proud of the work. I've said this time and time again. For the most part we set aside our partisan beliefs. We have come at it from a very unified point of view, that we truly want to make some differences on this file.

There is a time and a place for us to hold the government's feet to the fire, but as a committee, we've actually pushed back on the minister, on the department, on things like that. I'm so proud, because the people across the way have actually challenged the minister and their own department. I'm just telling you that they've done a very good job. I think that's the way things are supposed to be.

My point is that committees are supposed to be at arm's length. While it's not gospel, and we don't expect the government to act on everything we say...because far be it from a cabinet minister to listen to a committee—

**Ms. Linda Duncan:** Be the voice of the members.

**Mr. Todd Doherty:** —be the voice of the members. Exactly.

We already had experts here. I don't know how long the PROC committee actually studied this. This is an interim report, so maybe this is the next step.

**Mr. Jamie Schmale:** [*Inaudible—Editor*]

**Mr. Todd Doherty:** Yes. I read the document. I think it was a good study.

All of a sudden now Ms. Chagger has said, again, that the more time she spends in this House, the more she feels it needs modernizing.

Holy smokes.

**Hon. Peter Van Loan (York—Simcoe, CPC):** [*Inaudible—Editor*] for years.

**Mr. Todd Doherty:** Yes: 18 months, and we had witnesses. I am only assuming that the committee had witnesses who appeared before it, and that there was no consensus.

**Mr. Jamie Schmale:** You could have asked.

**Mr. Todd Doherty:** Well, I'm just saying. I've spoken to members on all sides. I think this committee has done some great work, and I think you're doing good work here, now.

As I said, I was not expecting this type of filibuster. I was prepared, when I came last week, and I was shocked when Mr. Badawey made his intervention. I was like, “No, we’re not going to do it. What are we doing letting this guy speak? I’m not ceding the floor.” But we had a great discussion. I think perhaps that’s a great way that we’re changing the way things operate.

Who is the House leader to tell the 337 other members of Parliament that she knows best? I have a hard time with that, obviously. I’m not saying anything about her ability. I don’t know what her education was. She wanted to be a nurse, I think.

I would just never march into Parliament, say, “I have all the answers, here they are”, and then have the nerve to actually stand before the media and say that this was the way they were going to bring Parliament into the 20th century.

Is that what they said...?

**An hon. member:** The 21st.

**Mr. Todd Doherty:** The 21st century.

That’s what Mr. de Burgh Graham said. Actually, I wish I’d been here to hear his intervention last week.

It’s interesting when we see the suggestion about making electronic voting. I think it’s important that we have members of Parliament in the House. We’re doing it right around the clock and we’re having votes. I think Ms. Sahota said that it was a good thing she didn’t bring her family, because it would have interfered with her family time.

I understand what it’s like to have your family nearby and get a vote called or whatever. But this is what we signed up for. I never want to take away somebody’s family time. I think you heard earlier how passionate I am about my kids. I did things differently in my previous role. This job has allowed me, has afforded me, to be a better father, as a matter of fact. Regardless of whether I’m away from home or whatever, I think we know what we’re getting ourselves into when we’re doing it.

Getting back to the votes, electronic voting may be a way to modernize it, but there has to be a different way. I think you have to stand to be counted. I think members of Parliament have to be able to stand, on the record, whether they are for something or against it. That’s what the electors want us to do.

One thing that my electors asked me on the doorstep was this: “If something’s against your party policy, but we in Cariboo—Prince George feel very strongly for it, how will you vote?” You have to vote your conscience. You have to vote your electors. Ultimately, it’s not me.

I want to bring you back to Bill C-14, which dealt with physician-assisted death. We spent a lot of time debating other things, considering the amount of time we spent on a piece of legislation that I feel is probably one of the most important pieces of legislation our Parliament would see. Do you want to know why? It was because closure was invoked on it, which I think is sad.

People asked me how I was going to vote. Regardless of my personal beliefs, I listened to my constituents.

I consulted a good friend of mine who is a minister, and I said that I didn’t think there was enough time for me as an elected official, that I didn’t think there was anything to prepare somebody to be able to really understand the magnitude of voting on something such as that. I was struggling with it, so I went to my minister and asked for guidance.

I heard from our constituents loud and clear, and it varied, but overwhelmingly I heard that... When we’re talking about invoking closure on important debates, I think it’s important... I don’t know how many days we debated the question of changing the words to our national anthem. I think we debated that longer than physician-assisted death. To me, for fundamental pieces of legislation such as that, invoking closure on something because you don’t like the way the conversation is going... We heard on the other side that they were indeed twisted in how they were going to vote as well. We’ve seen that a number of times.

Mr. Chair, I can’t talk about what we did as government, but we have seen that over the course of the last 18 or 16 months this government has invoked closure a lot of times because they didn’t like the message they were hearing. They didn’t like the fact they were getting, perhaps, even some opposing views within their own caucus. I think that is shameful.

We need to make sure that the voices of our electors are never silenced, that we have the ability to bring those forth. Whether we like the answer or not, I think that is important to do. There are things I may not always agree with on the other side, or even within our own caucus, but I listen and respect those views, recognizing that they are the constituents’ views of the members. I do my very best to try to educate myself on why somebody feels that way, and I think that’s important.

I read Ms. May’s paper. As I said, I try to understand all points of view. I can honestly say that, while I may not always agree with Ms. May, there are some things that she says in here that really resonate with me. On electronic voting, she states, “For my part, as the leader of an unrecognized, but nationally engaged parliamentary party, I find the current voting system valuable in many ways.” I agree with this. It is important that members be physically present. Voting from our offices or our home ridings is not an acceptable option, and it is a dereliction of duty. I truly believe that. It opens it up for manipulation.

This is my saying this. I think what we need to do is to make sure that members of Parliament can’t absolve themselves of the responsibility of voting. We must not make it easier for them to say, “I wasn’t there, I didn’t vote on it”, or “somebody else pressed the button”. Instead, stand and be counted. If you are truly there to represent your electors and your riding, find a way to get yourself to the Hill and vote, and be on the record for how you feel.

I want to go back to some of the comments that we’ve heard regarding the opposition. Again, I don’t know the history, but has there ever been a time when the Conservatives and the NDP have co-authored a paper and signed it, and the leaders have stood together on something and had a unified voice? Probably not in the last 10 years, anyway.

This is what the government of the day has done. It's managed to actually unite, for the most part, the full opposition. We've got a letter here from last week written by the Honourable Candice Bergen, our opposition House leader, and Murray Rankin, the NDP House leader, talking about modernizing the House. It brought forth a 2001 motion to create the Special Committee on the Modernization and Improvement of the Procedures of the House of Commons. I'm not going to go into this because I think it's been read to death. But what I'm going to say is that I think it's interesting that I see a lot of kind of grumpy people, angry at what the opposition is doing. They say, "Can you imagine the gall of the opposition to do all these different moves and manoeuvres, and shame on them". Well, who started this, Mr. Chair? All you've done is galvanized us on this, which is great because for once the guns are pointed squarely across the way and not askew a little bit, because I see that sometimes too. I think it's important that it this on the record as well.

Mr. Chair, it's interesting when we go down the path that we've gotten to at this point. I'm sure every member of the government or the Liberal Party.... And it's all backbench; we don't see any ministers here. Of course, they're busy doing whatever they're doing. Far be it from them to come to talk about their ways, what they think would change or modernize the House. I know they're busy doing things. I'm being facetious. It has been the backbench folks, the newbies who have really been holding up the end for the government—and you, of course, Mr. Chair, who have been doing a great job. I think it is very commendable.

I would love to be a fly on the wall in your conversations behind closed doors. I really would. I'm sure it's not all roses, bouquets, rainbows, and unicorns, because I know that you've got some very strong, well-meaning, very smart, very capable members of Parliament who perhaps don't get a chance to say as much as they would like, or don't get a chance to be the voice of their ridings as much as they'd like. As a matter of fact, just before Christmas, there was a member of Parliament who stood up—and forgive me, because I don't know his name; I should know his name—and was heckling me, and I was looking across the way. It was the first words I think he had said in the House in the 14 months after being elected. I thought, "Is that the best you've got after being elected for 14 months?" It was the first time he was able to stand in the House and be on record. That's the point that we've said. I've stood up a number of times in the House to say—and I'm saying it over and over again here—that the 338 members of Parliament, incredible, strong, well meaning, capable, elected from all walks of life, bring differing points of view and perspectives to this House.

I'll use the Prime Minister's words against him here, that "Canadians know our country is made stronger because of our diversity, not in spite of it." Does that ring true, that everyone around the table has a say because we come at it from different vantage points? We've probably got people who have been CEOs of major corporations. We've got scientists and microbiologists or marine biologists, and we've got people from all walks of life. We've got ministers. We've got an astronaut, for heaven's sakes. So we've got people around the table who are from all walks of life, who bring us different points of view. Can't we come to some form of consensus or be trusted to sit around the table and come up with something or find ways of making things different and better?

It's interesting, too, Mr. Chair—

**Ms. Linda Duncan:** Mr. Chair, I have a point of order. I'm actually listening to the member, and it would be good if we could have a little more respect from the other members of the committee.

**Mr. Todd Doherty:** I appreciate that. Thank you.

Mr. Chair, as I mentioned this earlier, what's really neat is that when we get a chance to travel with our colleagues from across the way, we really find out about them. I don't know if "belong" is the right word, but we really get to know them a little better. We put away our partisan politics. We can do it over breakfast, lunch, or dinner. We have discussions on a bus or in a plane. We really understand that they are human across the way. We forget that at times, don't we? We are all just human, and we're all here with the right intentions. We all want to do better for our communities and our country. I think this is something that gets lost at times.

Indeed, when trust is broken, regardless of who is sitting across the way from us, respect gets lost as well. I think we've seen that. As I mentioned before, respect is earned; it's not just given.

Are there things we need to do on all sides? I would say, yes, there are. I think respect is a two-way street. So is coming to a common ground, negotiating. We can either beat somebody over the head and make them understand our point of view, or educate them on our point of view and explain the reasons why we're doing the things we're doing.

Mr. Chair, maybe that is exactly what Ms. Sahota meant when she said—in her way of educating us—that the true intent of the discussion paper was to break that glass ceiling. She made the comment that the idea is that if we don't adopt reforms or new ways of doing business, we're never going to break that glass ceiling and we're not going to see more "reasonable people" enter this House, insinuating that we are not reasonable people. That's kind of what the comment was. I didn't take offence. I didn't get a chance to question her on it because my colleague Mr. Schmale was asking all the questions at the time, while I was patiently waiting to get to the floor.

I will inform you now, Mr. Chair, that I'll probably cede the floor shortly—not now, but shortly. I know I have other colleagues who want to have an opportunity. I think that's important. I said this at another point. I like the way we had the Simms rule or the Simms procedure. I would really like to see the 338 members of Parliament come in here and spend 10 minutes talking about how they feel about this. This impacts all of us. It doesn't impact just the opposition. One thing to remember, Mr. Chair—and for all our friends around the table and people who are listening—is that sooner or later the shoe drops and you're on the other side of the floor. How soon we forget. The changes that are made will impact those who come around next time.

Mr. Chair, I'm going to go into a couple of different areas, if I may. I'm almost there, Mr. Chair.

I appreciate that my colleague Mrs. Duncan is listening. Is it "Mrs." or "Ms."?

**Ms. Linda Duncan:** It's "Ms".

**Mr. Todd Doherty:** Ms., I'm sorry. I appreciate Ms. Duncan listening, and hopefully I haven't bored her.

I'm going to go back to the tradition for changing the Standing Orders and harken back to the report done on March 28 for the House of Commons Standing Committee on Procedure and House Affairs. I was given this the last time we were here.

I believe it goes back to 1913. From 1913 to now, there have been 39 changes to the Standing Orders. For a great portion of them, if not all, members were able to come to unanimous consent. There might have been recorded divisions, but, nonetheless, the changes passed.

The reason I say that is that members of Parliament had the opportunity to vote and have a say. What we're seeing right now and what we've heard from the House leader is that she specifically said they will not give the Conservatives a veto over their campaign promises. Talk about being open and transparent. Talk about being arrogant. That was an arrogant comment. I'm not assuming that Ms. Chagger is arrogant in her personal life or away from the House, but that was an arrogant comment. It's no different from when Ms. Sahota made the comment, and I think she said this last week as well, that they never said there would be consensus or that consensus was needed, or their comments that they didn't want things to change and that every member's role would be important.

These comments can be taken out of context. They may not have been put forth arrogantly, but it's like sending an email in all caps. When my kids text me, Mr. Chair, and it's all caps, I'm like, "Why are you screaming?" They send me back a question mark or an emoji, or whatever it's called, with a weird face, and I say, "Look at what you sent me".

It goes back to my comment about intent. There's a method to my madness. It's not for me to understand what that person's intent is. The responsibility lies solely with the person to communicate better.

The comment she made was that they would not give the Conservatives a veto over their campaign plan. How is that working collaboratively? It's not, so what's the message we get as the opposition or as Conservatives? They didn't mention the NDP. It's that our opinion doesn't count. It's not even our opinion. It's those who elected us.

Again, we're not here for people to hear my voice. Going back to the privilege of freedom of speech, I'm here to speak on behalf of my constituents. The comment that they are not going to give the Conservatives a veto over their campaign plans is really saying that they will not give those ridings that elected Conservatives a voice. They don't care what they say. She also meant the NDP, so far be it for the NDP and the ridings that elected an NDP representative or a Conservative—

**Ms. Linda Duncan:** Three times.

**Mr. Todd Doherty:** —three times.... They want to silence those ridings, because that's silencing my voice. They're silencing the voices of our constituents, those who elected us.

I'm going to bring it back to this:

The privileges of the Commons are designed to safeguard the rights of each and every elector.

Amazing!

Then there's this:

For example, the privilege of freedom of speech is secured to Members not for their personal benefit, but to enable them to discharge their functions of representing their constituents.... When a constituency has returned a candidate, it is the electors' right that this chosen representative should be protected from any kind of improper pressure....

Privilege essentially belongs to the House as a whole.

It goes on and on.

Let me remind you of what the House is, because I believe that is important as well, Mr. Chair. The House is not the government. It's not.

I'll direct it to you.

**Mr. Majid Jowhari (Richmond Hill, Lib.):** I'll listen for a while.

**Mr. Todd Doherty:** The House of Commons is the elected assembly of the Parliament of Canada. This House does not belong to Mr. Trudeau. It's not his. It's not the government's House. They have been tasked to manage the House. The House is ours. It is Canada's. It is the people of Canada's, the electors. All the time I feel that has been lost as a result—maybe not because of all the people on the other side.... I'm not going to paint everyone with the same brush on the other side, but definitely from a centralized group, they have used every opportunity to show contempt for the House and those in it. That is shocking. I've been on record for that enough.

I'm going to go through a few other things, and then I'm going to cede the floor.

I think it's interesting the government feels it needs to change the Standing Orders to ram some of these things through. We know that the Prime Minister already has the ability, if he chooses, to answer every question in QP, as long as he shows up for AP, answer period, which would be great. It isn't necessarily a QP. Answer period would be great. Let's just start calling it answer period. That would be a great change, actually.

He can answer every question if he chooses. He can stand up. He can pick and choose which members he wants to respond to. One day he might want to answer a question from a kid from the Cariboo who is standing up fighting for softwood—

**An hon. member:** Hear, hear!

**Mr. Todd Doherty:** —when that latter asks when a softwood lumber deal is going to be in place. Did I mention that more than 140 communities in British Columbia depend on forestry? He can answer the question when I ask about what I'm supposed to tell the young lady in my riding who was sexually assaulted. She wrote to me when she heard our Prime Minister's comments about the gentleman.... I don't know the court case; I don't have it in front of me, but the Prime Minister stood in the House and said he backed the decision of the judge who let off a person who sexually assaulted someone.

I'll go back to what I said before. There are common things that are easy to do, and it's the way we treat each other. I'll ask those who are in the House. I'll tell you the same as I tell the people in my riding, and I mentioned it earlier. If I am taking you to task there is a reason. I don't do it frivolously and I don't do it just for the sake of doing it. If I'm taking you to task, there is a reason I'm doing it. However, away from the House I'll treat you with every respect. I'll open the door for you. I'll ask you how your day's going. I'm genuinely interested in that. I told you before, and I say this in public, that politics is really for QP and campaigns. Truthfully, that's what it is, because we do a lot of work collaboratively behind the scenes. The great work that we do in committees is an extension of being able to have that time at QP to really challenge and hold the government to task. Committees are supposed to be at arm's length from departments. We mentioned that. It's an opportunity for us to actually make differences if the government heeds our information and our studies.

I had the opportunity earlier on, when I was deputy critic for indigenous affairs, to talk about the suicide epidemic within our first nations, Mr. Chair. I'm on record, in an emergency debate, talking about things we can do as Parliament to leave a legacy of action, a true legacy of doing some good things...where perhaps Canadians wouldn't question about electoral reform, where our backbench is actually standing up, having a voice, and not being whipped all the time—depending on the point at stake—but voting their conscience.

I think as a House we can do things differently. I use that term again, the “House”, which means all of us. It's not about arbitrarily ramming things down one's throat. I think if you set forth proposals with honest and good intentions, then you can try to find a way to common ground. You can't just stand up and say, “I really wish we could have this discussion.” Mean it, because when you make comments that drip with insincerity, people can tell. Mr. Chair, I think it's important that we remind ourselves that people can see through what we're doing.

I'm going to tell you what I was told early on in my life, that at the end of the day, the only thing we have is our integrity, and so we should lead our life that way. There are going to be bumps along the way, but if we learn from them, I think that is so important.

I'm nearing the end, Mr. Chair, just so you know, so indulge me in this. I talked about being elected on October 19, and I consider it a distinct honour. I remember getting my first pin.

Ms. May, how are you?

**Ms. Elizabeth May:** I'm well.

**Mr. Todd Doherty:** You missed it. I was talking about your paper that you—

**Ms. Elizabeth May:** I'm honoured that you would speak of my Standing Orders paper because I know your time is short, and it's hard to fit everything in.

**Mr. Todd Doherty:** I know, but I actually thought you said some valid things in it, so I give credit where credit is due.

**Ms. Elizabeth May:** Thank you.

**Mr. Todd Doherty:** Marnie says hi, by the way.

**The Chair:** Mr. Doherty, I'm going to take a minute to welcome Elizabeth May and tell her that, as well as using the regular procedures here, we're also using the Simms' procedure.

The legal procedure is that, when the person has the floor, they can talk for 12 hours, like some members have, and you normally wouldn't have anyone else talk, but what we have done here is, if someone wants to comment on a particular point that that person's making, at the leave of that person—and everyone has been flexible on this so far—you can actually make a short intervention on the point they are making. I say this just so you understand the unique way we've been operating here.

**Ms. Elizabeth May:** If I may, Mr. Chair, and with your permission, Todd, I was at the Parliament of Westminster a week ago Monday and was fascinated to see how they manage the speaking time of members. As a general rule, when someone is presenting in our Parliament, we usually have 20 minutes or 10 minutes and no interruptions unless the Speaker recognizes another member, but in the British Parliament, when those 20 minutes are allocated to basically a representative of a party on a particular point, that person, while speaking in the chamber, may, in their language, “give way” at any point. If they give way voluntarily—I think it's something we might want to consider for our standing rules—it animates the conversation, because a member who hasn't been recognized by the Speaker....

The Speaker was busy chatting with someone off to the side, and I was wondering what was happening; the proceedings were running amok. People were standing up and interrupting. If they thank the member who's speaking for giving way, and then they ask a question that amplifies one of the points their party wishes to make on the issue at question, it creates a much livelier presentation.

Of course, their Parliament, like ours, does not allow the reading of written speeches, but their Parliament, unlike ours, actually honours this rule. It really helps a speaker who has a big time slot to fill to be able to have a member say.... The day I was there they were debating transit policy and a new bus bill. Labour members would interrupt a Labour member who had the floor, the member would give way, and then the member who had a point would say, “I'm concerned. In my constituency what I hear is that people have trouble affording their bus passes and that sometimes it's even cheaper to take Uber when you have a large family, and what does the member think of that?” Then it goes back to the member who holds the floor.

Anyway, I think it's a wonderful procedure you're using here at the House affairs committee. I thank you, Mr. Chair, for allowing me to say a few words about the procedure you have chosen to use. It certainly has its precedence in the British Parliament, and we might want to consider that it might work well in our Chamber as well as here at this committee.

But, as ever, Mr. Bagnell, a friend of mine for a very long time, you are willing to innovate, and I thank you for it.

I'll now thank Mr. Doherty for the chance to say a few words and listen attentively to the points he has to make. Thank you very much.

**Mr. Todd Doherty:** Well, I'm actually almost done. I don't know how much longer I will go on, but I really appreciate the chance to get a drink. Last week, when Mr. Badawey made his first intervention, I was ready to fight. I wish Mr. Nater were here for whatever parliamentary procedure he could figure out to say that this was not the right thing to do. Anyway, he calmed me down and we managed to get on with it. I've actually enjoyed the conversation. I think that's more what we're doing here. This is probably what Canadians would expect us to do—to have that conversation.

I want to go back to my pin. When we were elected, I think I talked to you a little bit about it.

I'm going to digress just a little bit because I'm conflicted. I'm a heavyset, chubby guy and my colleague shows up with cake and I think pizza. If I left right now, everybody would say I was only leaving because there is cake and pizza. So now I feel the need to go on a little bit further. I am going to say one thing for my colleagues who are here.

**Mr. Blake Richards:** You're making me feel bad because now here I am eating this cake.

**Mr. Todd Doherty:** No, it's all good. I'm just going to say one thing. I know that over the course of the three weeks there is pizza and other food brought that is perhaps not shared with everybody. I told the guy last week who asked me why I was taking one of your pieces of pizza that it was because the Chair and Simms told me I could—not that it would have mattered. I'm just joking.

**Mr. Blake Richards:** He was taking pre-payment for doing your work.

**Mr. Todd Doherty:** Exactly.

I'm just going to say that there is gamesmanship at all times.

Anyway, I'm going to go back to my ring.

Actually, I'm not a big dessert guy. That might come as a surprise.

I talked a little bit about our nomination and how vicious and kind of bloody it was. Our campaign, I think, was great. We had a healthy debate. I respect all those who put their names forward. When you get a chance to take your oath and sign the book, you get this pin, and they tell you it gives you privilege to the House 24-7.

**Mr. Blake Richards:** That's until the Liberals try to take it away from you.

**Mr. Todd Doherty:** It's for the rest of your life, I guess, until someone tries to take it away from you. That's is the point I'm getting at. I was told that during the terrorist attack in 2014, when the person was coming onto the Hill, they were looking for the pins. They were looking for somebody wearing the pin. So it was recommended at the time that you find a way to display it differently.

I have a good friend who's a first nations artist and does incredible work. If you're okay with it, I'm going to mention his name, Keith Kerrigan. He's incredible. He's a lawyer. He was my business lawyer to begin with. However, he's a far better artist than he was...I'm sure he was successful. Anyway, he built this ring for me and I wear it every day. To me this is my Stanley Cup ring. This is my Olympic

gold medal ring. This is my Grey Cup ring. It means the world to me. The reason this means the world to me is that I get the opportunity to serve Canadians. I get the opportunity to try to make a difference in people's lives, and I think we're doing that with Bill C-211.

**Mr. Blake Richards:** I have a point of order, Mr. Chair. It's actually just more of an interesting bit of information, a bit of a lighthearted side note, I guess.

I heard Mr. Doherty talking about this being his Stanley Cup ring. When I was a kid, I had two dreams. I wanted to be an NHL hockey player. I wasn't too bad of a hockey player, but I wasn't that good, so I didn't quite make it. The other was to be a member of Parliament.

When I got elected I thought, "I was able to achieve one of two dreams," and I wondered which one was the rarer achievement. I actually did some research and discovered that there had been about 6,500 people who had played at least one game in the NHL and less than 4,000 people at that time who had been members of Parliament. The rarer feat is to become a member of Parliament, so this is like a Stanley Cup ring. He's right.

I just wanted to share that with you.

**The Chair:** That's very interesting.

**Mr. Todd Doherty:** I thank my colleague for doing that. He completely stole my thunder because I was going to use the same analogy actually.

**Mr. Blake Richards:** Oh, I am sorry.

**Mr. Todd Doherty:** I'm just kidding.

He makes a very good point. We are so fortunate to have the opportunity to serve Canadians and our ridings. I mean this with all sincerity. The other part of why I cherish this so much is that I get an opportunity to come to the House every day. I get a chance to work with people from all walks of life, regardless of whether they're from the Conservatives, the NDP, the Green party, the Bloc, or the Liberals.

I truly cherish other people's points of view. I think it is an incredible honour to walk through those doors, to represent our country, and to be able to make a difference in people's lives.

I remember the day that I was elected, October 19. I will remember it forever. I think we all have the same emotion, whether or not we've been a member of Parliament for a long period of time. Perhaps we're jaded. I think that was the word used earlier. I think we forget at times why we've been elected, why we've been sent to Ottawa. As somebody mentioned before, we get caught up in a bubble.

It's not so that you can hear Todd Doherty blather on for five hours, or hear John Nater go on about procedure; he's the guy who knows this book better than I do. It is to make a difference in people's lives. We do that through legislation. We do that by investing in areas that perhaps the previous governments didn't; or other governments did but maybe not to that degree.

I've said this before. I think every government sets out with the best of intentions, and I think every member of Parliament sets out with the best of intentions, but we get caught up in our little bubble, thinking that we know best.

The reality is that we should be looking at those who came before us as examples, remembering that the reason we have what we have today is that the people who came before us were probably far more learned than I am. The reason we have the flag that stands up there and allows us to be the true North, strong and free; and the reason we have the opportunity that we have is because there have been people who have laid down their lives for us.

We have the opportunity to do the things that we do because of those who have come before us, because of those who have sacrificed for us. We should never lose sight of that. We should never lose sight of why we truly are here.

I'm kind of a goal-oriented guy, whether it may have seemed like structure or not. What I want to bring to you is that we're not here to win or lose, as was mentioned before. We're here to represent and build the best Canada that there is, truly, and to give Canadians every opportunity that there is.

By muting or taking away Canadians' voices...because really, truly, if you read this discussion paper you'll see that that is exactly what is being proposed. Someone doesn't like being told that that's wrong or that they're wrong, or they don't like being held accountable.

Fundamentally, Mr. Chair, I think that is wrong. That's the reason we're here. I think we lose sight of that very often. I think there's always a voice of reason in the House. Sometimes I lose sight of it. I admitted earlier tonight that I listen to respond rather than listen to learn. I think if we take a step back and listen to learn at times we would be far better.

With that, Mr. Chair, I'm going to leave you with one last quote from Dr. Seuss. To Ms. May's information, I've used two. I'm not going to quote any literary giants beyond Dr. Seuss because I think we have some very valuable lessons here. Here it is for you, Mr. Chair: "I know, up on top you are seeing great sights, but down here at the bottom we, too, should have rights." I think that's pretty appropriate to what is happening today, because what we're really talking about is taking away the voices of Canadians. I think that's wrong.

With all due respect to those who are here and all those who have spoken before, and those who will speak moving forward, I just want to say thank you to the committee for the opportunity. I appreciate those who have sat in. I truly appreciate the feedback and dialogue that we've had. If I get a chance to come before the committee again, I will do my very best to make sure that I don't replicate any of what we've said. I hope at least, Mr. Chair, and those who are here and Canadians who are listening, that you've heard maybe not so much on procedures and policy, but really from a member of Parliament who cherishes the opportunity to be the voice of his constituents.

My fear is that, despite the protestations of those across the way—not this group here, but the leadership of the government—it's not with good intentions, not with the best intentions, that the leadership put this discussion paper forward. I would offer you this, that if it

truly were a case of the best intentions, they would not have tried to do their bidding or their negotiating through the media. They would have truly tried to have a discussion.

Perhaps there is a way to find common ground. Maybe it is just through discussion. Maybe there is somebody listening to us who can take little nuggets of wisdom from this. I know that I've listened to those who have spoken while I've been here. Mr. Christopherson, in particular, made me giggle the whole time that he was speaking. I learned quite a lot from him.

I think it's important as we move forward that we recognize that every person has a valuable point of view and that with respect we come to understand that we have much to learn, that we really don't know much beyond what is outside our own backgrounds. We have so much to learn. I think there's value in asking those who have come before us, those who have been here a long time, how we can do things differently, rather than the new generations coming forth with the best ways. I think it's important that we take a breather and walk a mile in somebody's shoes before we choose to throw them out and say that we have a new pair of shoes.

With that, Mr. Chair, I'm going to thank everybody for the time and I'll leave you at that.

Thank you.

**The Chair:** Thank you very much, Mr. Doherty. It was a very interesting talk for the last few hours. It's great to hear the perspective of a new MP and your thoughts on your riding.

Now we move on to Mr. Nater, who was very interesting last time, so I'm delighted to hear him back. I want to—

**Ms. Elizabeth May:** Mr. Chair, I found what Todd Doherty shared with us to be just so sincere and so moving. I just want to thank him for sharing what he personally feels as an individual member of Parliament in representing his constituents. I think that is something we around this table all share.

I just want to throw in my two cents before letting Mr. Nater take the floor. That is, I think this place would be better if we didn't have political parties. It's a radical notion, but it's what they do in Nunavut. It's what they do in the Northwest Territories. If individual MPs knew that their job was to do the best they could do for their constituents, I think we'd have a very different and more consensual Parliament.

I still think that's an option. I put it forward in my recommendations for the Standing Orders. I recognize how unlikely it is. I'll be honest about this: it's impossible, because the people who will control the decision, if we ever were to consider getting rid of political parties, are the people most invested in partisanship. We are at our best when individual members of Parliament, like Todd, stand up and say, "I'm here for my constituents. This is how I want to work. I want to work respectfully. I want to listen to people. I want to learn from people."

I just want to thank him before his words fade too much into our memories.

Thank you very much, Todd.

**The Chair:** Thank you, Ms. May.

Go ahead, Ms. Duncan.

**Ms. Linda Duncan:** I just want to add something here. I know Ms. May has spoken about this often, that we'd be better off if we didn't have parties, but with all due respect to Ms. May, I find it disrespectful. Each one of the parties has the opportunity to develop its own policies and positions. I wasn't a big-P partisan before. Frankly, I joined the NDP to vote for Jack Layton as leader—I have no regrets—and then eventually I decided to run, for various reasons that I made very public.

I think there's a lot of good work done in parties. The wonderful thing about my party—and I presume the other parties are the same—is that the positions I take come from the grassroots. By having a party behind you, you have people across the country who are helping you develop your policies. You have people you can turn to.

I think there's lots of good work done on this Hill. Mr. Doherty talked about a lot of good work done in committees, across party lines. We need to remember that. That was one good reason why we decided not to have parliamentary secretaries on committees, because a committee is supposed to represent the views of the individual members. You are there on your own and you're expressing your view.

As much as I'm a very small-p partisan, and we get very upset sometimes when things become partisan, I think we need to remember that there is a lot of value in those parties. Our members would be horrified at the suggestion that their views aren't valued. Certainly in my party, our policies come from the grassroots.

**The Chair:** Go ahead, Ms. May.

**Ms. Elizabeth May:** I just want to apologize to Linda Duncan if this came across as disrespectful. I am the leader of a federal political party, and we have a very grassroots process for developing our policy, and that is an important part of who I represent here. What I find lamentable—and I've been doing, goodness knows, over decades, a lot of reading and developing a larger sweep of history around it—is the growth in power of political parties. Maybe that's what I should have said.

I turn to one of my favourite political scientists in this country, Peter Russell, a professor emeritus of political science at the University of Toronto. He wrote a terrific little book. It is short. It is, I think, essential reading for people interested in our democracy. It is called *Two Cheers for Minority Government*. He goes through the

history of false majorities and minority parliaments, and what minority parliaments were able to accomplish. The point he made in that book was that he put a lot of the difficulties in our political culture down to the growth of well-organized and powerful political parties.

When I first worked in this building, I was senior policy adviser to the federal minister of environment from 1986-88. Linda and I were already friends. We've been friends a long time. In 1986-88, when I worked for the federal minister of environment in the Mulroney administration, there was much less partisanship in Parliament. There were shots taken in question period, for sure.

**Ms. Linda Duncan:** John Fraser helped to maintain that.

**Ms. Elizabeth May:** Yes, John Fraser was Speaker of the House, and he's a dear friend of mine and Linda's. The nature of partisanship was that it did not continue past the election. The party strategists controlled the House business, and there was far too much engagement by partisan strategists who were looking for their big win in the next campaign, as opposed to looking for how to serve the people who elected us and sent us here.

I would love to see the spin doctors and the strategists be given a nice long hiatus between elections, and stay out of the business of Parliament. While that role is here, it undermines.... On this, I agree with Linda. There's good in having a political party that lets voters know the general thrust of the issues that engage the different candidates who represent them.

When you look at the growth of political parties, I remember I was shocked the first time I realized that up until the early 1970s, Canadian voters looked at a ballot with just the names of their candidates on it. No party was referenced on the ballot. One problem they had in Quebec, apparently, was that quite often they'd end up with candidates with the same name. So what do you do when you have two Pierre Lafortes or two Ayottes? They thought they had to identify them differently.

**Ms. Linda Duncan:** Use an initial.

**Ms. Elizabeth May:** They ended up deciding to put the name of the political party next to the candidate's name. Then they had the problem of deciding whether that person was really the candidate for the Liberal Party or the Progressive Conservatives. How would they know that the party wouldn't say, "Wait a minute. That guy can't run under our banner. That person's a nutbar."

That's when they accidentally—and I do believe in the law of unintended consequences, because this is a big one—decided that the leader of the party must sign the nomination papers of every candidate. For the first time, they gave the political party structure supremacy in this place, with a big stick to discipline an MP who wasn't towing the line, and also to tell candidates what issues they could not mention, or they would find themselves replaced by another candidate because the leader's signature could be withdrawn.



So the power given to party leaders in the 1970s—and I think it was an accident—was all about helping voters know which candidate represented which party. Since that time, the power of organized political parties has taken off, and that's why we're around this table and will be until midnight. The decisions around how to resolve a conflict that sensible people could resolve with good will are in the hands of House leaders who, with all due respect to the individuals involved, are getting advice also from people who are looking at the next election instead of how to make this place work better.

So again, if you hear me say anything in this place around this table...and I know I'm not a member of the committee, and I'm grateful, very grateful for the leniency you are showing me, Mr. Chair. The reality of partisanship in Parliament and politics is that the more politics and partisanship we let in the door of the House of Commons, the less functional we are as a body. This is why I'm hoping that with the sensible voices here, like Todd, whose presentation I found to be extremely sensible and sincere, that all of us would rather talk about moving ahead on the Standing Orders, some of which certainly could use changing, and some we might not want to change. The sticking point is how do we, in fairness, come to decisions that are in the interests of Canadians and the Parliament of Canada without this being a zero sum game for political party backroom guys who are looking—

**Mr. Todd Doherty:** Not about making our job easier.

**Ms. Elizabeth May:** No.

**Mr. Todd Doherty:** It shouldn't be about making our job easier. We knew what we were getting ourselves into.

**Ms. Elizabeth May:** I'm not trying to make our jobs—

**Mr. Todd Doherty:** No, no, but that's what I'm saying. We lose sight of that. This modernization shouldn't be about making my job easier. It's how do we do things differently, so that we can best represent our ridings. I don't agree with the premise that this is what it is. You missed my comments. I don't believe for one second that Ms. Chagger actually authored that paper.

Your comment was that perhaps there were others around who were thinking that this was going to be a win in the media, but it has backfired. We always have to remember, and I've said this a number of times, that if you go back to parliamentary privileges, one of them is freedom of speech. It's not freedom of our speech; it's freedom to be the voices of our electors. We should never do anything that mutes, limits, or takes away their voice. That's so important.

I'll leave it at that. I've talked enough. I really appreciate your comments, and I'm going to leave it there.

**The Chair:** Thank you.

We'll now go on to Mr. Nater, who, as I said, spoke on some very interesting information, new information the other night. We look forward to your continuing input to the committee.

**Mr. John Nater:** Thank you, Mr. Chair. It is a pleasure to be back here. I say that in all honesty, as I do enjoy this committee. I enjoy interacting with the members of the committee. I think it's a worthwhile enterprise. I do want to thank Ms. Duncan, Ms. May, and Mr. Doherty for their comments. That's another interesting conversation as well. I think if we could get past this impasse, what

I've called the Standing Orders stand-off, I think we can legitimately have a meaningful dialogue.

I think there have been offers put forward that could make this work. Unfortunately, those haven't been accepted for whatever reason, and that's not for me to judge. I think there are opportunities for us to have a meaningful discussion. I think there are voices around this table, voices outside this room, as well, in Parliament. There is a worthwhile conversation to be had. I will it at that, other than to say that I think it would be nice for us to move forward on a meaningful dialogue.

Mr. Doherty did quote from Dr. Seuss. I can't promise any Dr. Seuss quotes this evening. However, I do have the Anglican *Book of Common Prayer*. Believe it or not, there's relevance in this. I will be citing it a little later. As a good Lutheran, I'm more likely to quote from the *Small Catechism*, but tonight I'll be quoting from the Anglican book of prayer, and I'll be moving forward there.

**A voice:** [*Inaudible—Editor*]

**Mr. John Nater:** Oh, excellent. You can correct me if I've misinterpreted anything in this discussion as well.

Before I go to that point, I just want to briefly mention something that we as parliamentarians often forget. I think there are people in this place who do exceptional work for us. I said this at the beginning of my last commentary as well, but I think it's worth thanking once again those who help us in our duties: our clerks, our interpreters, our technicians, all of those who serve this committee. They do an exceptional job of serving us as parliamentarians. I do want to thank them for that.

This afternoon in the House of Commons, I want to talk very briefly about the question of privilege that I moved last Friday. As MPs know, last Thursday there was a question of privilege raised by the members from Milton and Beauce. The Speaker found it to have been a *prima facie* breach of privilege. I have a great deal of respect for the Office of the Speaker, as I do for the office of the chair.

I think the Speaker is more than a referee. I think too often we see the role of the Speaker of the House of Commons as a referee. We use the sports analogy. I hear it all the time in the media. I hear it from our groups. I hear it from members of Parliament when they refer to the Speaker as a referee. Certainly there are times in the House when that seems to be the role that the Speaker of the House plays. He is there to maintain order.

But the role of the Speaker, in my view, and I think in the view of most parliamentarians, is much more than that. The Speaker is there as the protector and defender of the rights of parliamentarians, of each and every parliamentarian, whether they are a member of the government caucus, the opposition, the third party, or an independent. Each member of this Parliament is equal under the law of parliamentary privilege. We each have rights and privileges as parliamentarians.

We saw last Thursday the unfortunate incident of a member of the Liberal caucus moving a motion to move to the orders of the day, thereby killing a question of privilege. Never before in Canadian history has this happened. It is entirely without precedent, and the Speaker acknowledged that today, in once again finding a *prima facie* question of privilege. I then had the great honour, the unfortunate honour, I think, because I would rather have not moved that motion, of moving that the matter proceed in the appropriate manner, namely, that it be referred to the Standing Committee on Procedure and House Affairs, where we now sit.

I bring this point up, first of all, to reacknowledge the exceptional role that the Speaker has. Once again, this *prima facie* case of privilege was unprecedented.

My second point is to comment on the negative side effects that this discussion paper has had. I ask this rhetorically. But I think many of us in our hearts of hearts—and I look at both sides—could answer this in the same way: is Parliament functioning better now or worse than before this discussion paper was tabled? Again, I shouldn't say "tabled", because it was never tabled. I think if we were to honestly answer that question, each of us would say that Parliament is not functioning as well as it was before this paper was brought forward. I think that's truly unfortunate.

The Standing Orders, the duties of this House, belong to all parliamentarians, not one party. I say this in complete honesty.

This has been an unfortunate time in our Parliament, and I wish we could get beyond it. But the House is not functioning as it ought to be, and the reason for that, without question, is the introduction of this Standing Orders discussion paper.

**The Chair:** Sorry, I just want to ask about the context of that question of privilege you were just talking about. We were here, so I'm not sure what exactly was happening, but my understanding is that they were actually filibustering the motion of privilege and the amendment. It was carrying on a lot longer than the debate on a motion of privilege normally does. Is that true?

**Mr. John Nater:** No, the discussion was last Friday. I raised the question of privilege last Friday morning, the first opportunity I had to raise it. It was basically reincarnating the question of privilege by the members for Milton and for Beauce.

**The Chair:** No, I meant the original one, which was adjourned.

**Mr. John Nater:** That, I can't say. I wasn't in the House when it was debated. I wouldn't say it was any longer. In the past, there have been questions of privilege that have been discussed for several days. That one only went to question period that day, so the length of time was significantly condensed. We didn't go past question period until the motion was moved. I would say no. That certainly could be an argument that certain members are making, but it was from 10 o'clock to two o'clock, so we're talking about fewer than four hours of debate on a question of privilege. I wouldn't say that it was exceedingly long.

As I said, in the past, discussions of questions of privilege have gone on for many days. The government does have within its rights the ability to shut down a debate on privilege and force a vote, which is the method that has been used in the past, with a motion of closure requiring that the question be put. That would have been the

appropriate manner. At least the House could have said yes or no and taken the appropriate action.

Moving to the orders of the day killed the question of privilege. Under the rules of our House, under O'Brien and Bosc, there is no way to revive a superseded question of privilege. For a concurrence motion or any other motion of the House, there are other mechanisms to do so; even an opposition day motion would be brought to a vote. But in this one case, by moving to the orders of the day, the government killed a privilege motion. Again, this is unprecedented. There's no alternative. The Speaker ruled today that it is an unprecedented situation in which he, as Speaker, was actually finding new ground, new territory, that will in the future be used for very interesting precedents.

**The Chair:** That was the question of privilege when their bus got stopped and they couldn't make it for the vote.

**Mr. John Nater:** Exactly. Of course, I haven't been here as long as some members, but Mr. Christopherson spoke briefly in the House when the original question of privilege was made, and he commented that this has happened time and time again. It's an unfortunate situation because as parliamentarians, we have—as it says on the back of our badges—the right of access to these precincts by virtue of our membership in this House.

I raised that just as a starting point because I think it is important to acknowledge what is going on in the chamber—some of the games—and I use that term with some deal of advisement because I think it is unfortunate that some games are being played. I think it's unfortunate, because we need to get to the point and to the heart of the matter.

I will leave the discussion on privilege there, but I think it's something that we as parliamentarians and this committee will be coming forward with at some point, because I suspect that the appropriate mechanism will be for the question of privilege to come to this committee, which is the standard practice of the House.

I wanted to start this evening by talking about the role and the importance of the opposition. Parliament, I think, functions best when there is a strong opposition and when there are strong interaction and accountability mechanisms that are held by the opposition party. I recently had cause to review some of the work by Senator Eugene Forsey, who I believe was a member of the Liberal caucus when he served in the other place. He has a discussion here, which I'll be referencing a little later, on the question of confidence.

The question of confidence is an interesting one. It goes beyond simply the written texts of the Standing Orders and the written texts of the authorities, and really helps to inform a lot of the discussions and the machinations that Parliament and governments go through from time to time. I want to discuss a bit this idea of how that operates and how it affects the operation of this House.

Before I do that—this is relevant, Mr. Chair, and if you'll indulge me I will explain this—this is the Anglican *Book of Common Prayer*. I do not have a publication date for it. All I have is an inscription on the front page—

**Ms. Elizabeth May:** Perhaps I could help. I believe that Archbishop Cranmer developed the *Book of Common Prayer* in 1548, but I may be off by a few years.

**Mr. John Nater:** Perfect. I know Ms. May does have some education in theology.

**Ms. Elizabeth May:** Before politics, I was hoping to become an Anglican priest. I have found a different calling, and I'm afraid I do still sermonize.

**Mr. John Nater:** Thank you, Ms. May.

This official copy is inscribed by a J. Davison from Whitby Terrace, York, dated May 27, 1862. I thank my staff for the copy of this. Jane McKelvie in my office was kind enough to loan it to me so that I could read from it this evening.

I want to quote from it, and again, Mr. Chair, the relevance will be explained afterward. It is from the Form of Solemnization of Matrimony, and it reads as follows:

DEARLY beloved, we are gathered together here in the sight of God, and in the face of this congregation, to join together this Man and this Woman in holy Matrimony; which is an honourable estate, instituted of God in the time of man's innocency, signifying unto us the mystical union that is betwixt Christ and his Church; which holy estate Christ adorned and beautified with his presence, and first miracle that he wrought, in Cana of Galilee; and is commended of Saint Paul to be honourable among all men:

Here is the important part:

and therefore is not by any to be enterprised, nor taken in hand, unadvisedly, lightly, or wantonly, to satisfy men's carnal lusts and appetites, like brute beasts that have no understanding; but reverently, discreetly, advisedly, soberly, and in the fear of God; duly considering the causes for which Matrimony was ordained.

There is relevance to this, Mr. Chair, and it has a connection with Senator Forsey. The role of the opposition is, as its name applies, to oppose. There is no question that is the way our current structure is, but Senator Forsey actually uses the comparison of the marriage ceremony in the Anglican church to the role of the opposition. He writes that "Obstruction, like marriage in the Anglican Prayer Book, is 'not by any to be enterprised nor taken in hand, lightly, unadvisedly or wantonly, but reverently, advisedly, discreetly, soberly and in the fear of God.'"

In the case at hand, this filibuster, this opportunity to discuss this matter without end, is not an easy decision for us to make, as opposition MPs. We do so with great consideration and great thought given toward the challenges of so doing. Certainly we will all, each of us, at some point be subject to our electors back home. We are subject to media scrutiny. Certainly by undertaking this debate over great lengths of time, there is the distinct possibility that we could hurt our case. We could challenge ourselves for not doing so, but as

the Anglican *Book of Common Prayer* notes, we do so with the fear of God, with the concern that we could very much find ourselves in a challenging situation by doing what we're doing. But in our case, in the case of the Conservative Party official opposition, and of the third party as well, we are doing so because we believe it is a fundamental purpose for our being here.

I want to quote from another book as well, and Mr. Chair—

**Ms. Elizabeth May:** Excuse me, Mr. Chair. Would you be able to forfeit your time for just a second, John?

I thought you were going to go in a completely different direction with *The Book of Common Prayer*. I thought you were going to point out how difficult it was to change the rules of an institution.

*The Book of Common Prayer* was a revolutionary change in the form of worship. For one thing, it allowed people, who were participating in worship, to actually have a text they could read themselves, and not be dependent on someone to translate the Latin for them. It democratized worship. It provided a way that people could go forward in worship. However, it wasn't easy.

There's wonderful book called *God's Secretaries* about the process of Bishop Cranmer, who was, by the way, horrifically martyred and burned for heresy because he was part of the Reformation. These were sticky issues.

Most Anglicans no longer use *The Book of Common Prayer*, because we have modernized the language to be more gender inclusive and so on. However, the book and the literature is still exemplary. In the process, which is described in the book *God's Secretaries*, they had to consult widely. It took a really long time.

I hope I'm not stealing your thunder. You're not going in this direction later, are you? I thought it was a message to the government that it should take a leaf out of Bishop Cranmer's book, to ensure that it wouldn't rush to something too quickly, but consult widely, and recognize that the things that end up being written down last a very long time, and that when we reform the rules of this place, we could be living with them for decades.

I appreciate your yielding the floor to me. Also, I do plan to come over and ask to look at the copy of a book that is dated that very long ago. The member of your staff has quite a coveted and valuable copy of *The Book of Common Prayer*.

I don't want to press on your time. I was just struck by the parallels between that effort and trying to get our Standing Orders right. It will take time.

**Mr. John Nater:** Thank you, Ms. May, and thank you, Mr. Chair, for allowing that intervention. That is a fascinating discussion and it's an appropriate parallel as well.

Being a Lutheran, we're traditionalists ourselves. We still use Luther's *Small Catechism* and his *Large Catechism*. It allows for that comparison. Certainly, some of those things talk about democratization. Some of the great things of the past still apply.

I would say that I will, when I quote from different documents, try to provide the reference as best I can. I know that our Hansard reporters do exceptional work, and they do have verification practice. I will try to make their lives as easy as possible. In my last intervention, there were many questions arising from what I quoted from. So I will provide them with as much information as possible and save my staff some problems in trying to read my mind about where I got different things from.

I'll be quoting from Ned Franks, C.E.S. Franks, *The Parliament of Canada*, University of Toronto Press. I believe the publication date is 1987. This is now a 30-year-old book, but it is still one of the go-to books on Parliament and parliamentary democracy. Certainly, Professor Franks is still very active, though he is now an emeritus professor.

In his book he talks about many of the different functions and aspects of Parliament. He quite rightly talks about the role of Parliament itself, from a broad standpoint. He also talks about some of the reform proposals in his book. I might go into those a little later, but I want to talk more about the key functions of parliament and how it applies to where we're at today.

On pages 4 to 5, he identified four functions:

to make government, that is, to establish a legitimate government through the electoral process; to make government work, that is, to give government the authority, funds, and other resources necessary for governing the country; to make a government behave, that is, to be watching over the government; and to make an alternative government, that is, to enable the opposition to present its case to the public and become a credible choice for replacing the party in power.

The third and fourth functions are being eroded, as Mr. Richards comments. There's no question that the government has a legitimate and fundamental role to govern. We had an election; my party lost. Very clearly, that's not in debate. We won 99 seats. As our then prime minister said on election night, the people elected a loyal opposition, but they also elected a government. Certainly, the Prime Minister, his cabinet, and his members have the right and the privilege to govern this country by that virtue. There's no debating that. It's clear, it's legitimate, and it's a majority government at that.

The second of the four functions is to make government work. There's no question that the government has the right to put forward a legislative agenda, supply bills, and a budget. We saw a budget put before the House on March 22, and that is certainly within the right and purview of the government—so much so that only a government, only a minister of the crown, can put forward an authority to spend money. That is certainly a long-standing right of the party in power, the government, a minister of the crown, and this dates back to Magna Carta.

**The Chair:** Mr. Reid already read Magna Carta into the minutes, so you don't have to repeat that.

**Mr. John Nater:** I will avoid going back to Magna Carta, other than to say—

**Mr. Blake Richards:** Mr. Chair, I think he had a different version of the Magna Carta than Mr. Reid, so I think it's okay. It wouldn't be a complete repetition, only a partial repetition.

**Mr. John Nater:** I will say, just tangentially, that I had the opportunity, in the fall, to attend a Commonwealth Parliamentary Association meeting in the United Kingdom, in London, where I had

the opportunity to go to the British Library to see one of the four surviving copies of Magna Carta. For me, as a lover of parliament and as someone who enjoys it, that was quite the moment.

**Ms. Linda Duncan:** Mr. Chair?

**The Chair:** Yes?

**Ms. Linda Duncan:** The honourable member could have saved the airfare and come to Edmonton, because we had it displayed in our legislature.

**The Chair:** Thank you.

**Mr. John Nater:** I would have quite enjoyed that as well. I had the opportunity to go to Edmonton once, but it was for a conference. I didn't have time to enjoy the beautiful city that Edmonton is.

**Mr. Blake Richards:** While he's in Alberta, I think he should try to make sure that he visits the most beautiful places in Canada and come out to see Banff, Canmore, Lake Louise, and the Rocky Mountains. There's still skiing. You can still ski at this point or snowboard, if you like. We have some great skiing still.

We would welcome you to join us out there in the mountains, while you're in Alberta.

**Mr. John Nater:** I would love to do that.

**The Chair:** Really, to use the prerogative of the chair, as everyone knows, Yukon is the most beautiful riding in the country.

**Voices:** Oh, oh!

**The Chair:** Mr. Nater.

**Mr. Blake Richards:** I almost feel as though I can't argue.

**The Chair:** Did you want to challenge the chair?

**Mr. Blake Richards:** I would like to challenge you, but I almost feel that I can't, because I want to be able to speak again at some point.

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

**Mr. Blake Richards:** We'll then have to agree that it's a tie, maybe.

**Mr. John Nater:** Indeed, Yukon is one of the few places in Canada I haven't had the honour of visiting yet, and along with visiting the Northwest Territories, I do hope to see Canada's beautiful north before too long.

But backing up a little bit, we did talk about the Magna Carta. I'm not going to read it, but I would point out that an interesting fact happens throughout history, beginning with the Magna Carta, going through the Glorious Revolution, and the Reform Acts, and through a number of different activities throughout the development of the United Kingdom's Westminster system. Throughout history, when the monarch, the crown, meaning the queen or the king, gives up power, that power goes somewhere. At times that power goes to Parliament, and at times it goes to the executive. More often than not, in our shared history of the Westminster system, that power has tended to go to the executive, though at times it has gone to Parliament as well. That balance has developed over many years, and unfortunate or fortunately, depending on how we look at it, there are trade-offs. Often it goes to the executive branch, and often it goes to the parliamentary branch.

In observing this, in making this observation going forward, my point is that we are products of our history. We are products of our forebears and those who have gone before us. Certainly, being a Commonwealth country, being a product of the "Mother of Parliaments", as it's often called, we do pick up many of the traditions, including the role of government and the role of Parliament, as Franks already points out.

Carrying on with his second point, the government certainly has the opportunity to present its legislative agenda. It has significant tools and authority to do so, within the Standing Orders, in the usual practices of the House, and within the apparatus of the public service that goes with it. The government, rightly so as government, does have significant resources at its disposal.

When we go to the second two functions of our Parliament, that is, to hold the government to account and to provide an alternative government, there are fewer resources available to that side. As the opposition, we have to acknowledge this and look at the tools that we do have available, the tools in our tool box, if you will. They are significantly limited when compared to the government's. A government holds the ability to call bills at its discretion. A government has the authority to decide how many hours, how many days, of debate there will be on a government bill. The length of some debates are set out in the Standing Orders, but most are not. The budget motion has a four-day sitting schedule. It's debated for four days, but most bills do not have that length of time. A bill could be debated for five minutes, or it could be debated for five days or five weeks. That flexibility, that option, is entirely in the executive's hands, and it has the ability to do so. An opposition that wants to extend debate has very little options for doing so. In fact, other than the provision that a bill must be debated a minimum of one sitting day before a time allocation motion is introduced, a government that is willing and wishing to proceed with a shorter time frame to debate can do so, and can do so in a maximum of two days, if that is its preference.

I know that in the discussion paper that has been presented, there is a discussion of programming, a discussion of what could be considered permanent time allocation. That is a discussion that has been brought forward. Personally, I think that it would be unfortunate if we were to go that route. The constraints that such a move would place on both the government and the opposition would be unfortunate. You can imagine situations going forward in which a

government might indeed wish to have further debate on a matter than what might be allowed within a programming set-up.

I bring these points up to show, first and foremost, that the tools are significantly swayed toward the government within the House, and the opposition is therefore forced to use what tools it has to extend debate, to encourage a more lengthy debate, and to bring attention to certain matters, as the case might be. We're seeing that happen now in the House. We're seeing that playing out now, whether through points of order or through votes in the House. It's making a statement. The opposition is using the limited means it's been provided with.

**The Chair:** Sorry, this is just a point of interest on this topic. We had representatives of the Austrian Parliament here today, and they made the fascinating point that I don't think any of us expected, that their equivalent of the House of Commons meets only three days a month. They have other weeks for committees, but it only meets three days a month. I asked them how long each bill takes, and they said it's up to the group, but it takes a few hours. I thought that was fascinating.

**Mr. John Nater:** That is fascinating. I didn't realize there was such a constrained legislative calendar, if you will. That is interesting. Perhaps it gives me a quick opportunity to talk about our parliamentary calendar very briefly, Mr. Chair, that is, how we could better coordinate our legislative calendar.

We look at this calendar year, for example. In February, we sat the entire month without a constituency week. Like most parliamentarians, that meant that my weekends were spent trying to catch up on meetings with constituents, which wasn't always possible. Had we been able to readjust that so there was a constituency week, perhaps the Family Day week, it would have allowed us to catch up while keeping the same number of sitting days in the year.

The other example I like to use is November 11. Certainly as federal MPs, we have one of our busiest times then, especially in rural ridings. I have 13 Legions. I believe I have somewhere in the neighbourhood of 16 or 17 Remembrance Day services, most of which take place the week prior to Remembrance Day. Remembrance Day this year falls on a weekend, but our constituency week falls the week after Remembrance Day, when all the Remembrance Day services have been completed.

I think that's an unfortunate effect of the scheduling of the weeks that we sit, and I think it would be worthwhile perhaps in the future to ensure that the constituency week is the week before Remembrance Day, to allow members, especially those who do have large ridings with many jurisdictions, to attend as many services as possible within—

**Mr. Blake Richards:** I will point out that the practice isn't the same in all provinces. I know that in my riding in Alberta, all of the Legions hold their ceremonies on Remembrance Day itself, so that change would accommodate some and not accommodate others.

I think that's probably one of the key points that we've kind of heard throughout this exercise that we've been put through. We know that, whether it be the family friendly study that we had or whether it be some of the conversations here, when these things are contemplated and changed, the discussion and having different perspectives of the different parties and different viewpoints is so important. What happens is, of course, that changes can have consequences that are different for some than for others, and they can be unintended consequences as well. That's why it's so important to include the different perspectives, and that really comes back to the very reason for this amendment, why it is so important.

So I'm glad that came up, but it was another opportunity to sort of raise that point because, in Alberta, it is different from in Ontario apparently, so that change would maybe help some and hurt others. That's why we have to consider these things.

**Ms. Elizabeth May:** [*Inaudible—Editor*]

**The Chair:** Sorry, Ms. May, I just want to get clarification.

Blake, are you saying that you don't have any services or events before Remembrance Day in November, and it's okay to have the break the week afterward? Is that what you're saying?

**Mr. Blake Richards:** I'm saying that the practice as it stands now is that our constituency week always seems to fall within the week that Remembrance Day falls. That seems to be the case, the way it falls, and it works well for me personally, because in our riding generally the schools all hold ceremonies the day before, on November 10, or whatever the last school day before November 11 is, because the schools generally do have a holiday in Alberta on Remembrance Day, which I know is not the case in all provinces. Then on November 11 itself, that's when all the other ceremonies are held.

I know that in my case, for example, with the exception of one Legion, they all have their services in the morning. Some start at 10 and end at 11, and others begin at 11. I try to rotate around, obviously, but in one case there are two communities where one starts a little earlier and closes at 11 and the other starts at 11. Because they're close enough, I can actually attend both. In every other year, I can pick one place and go to one ceremony. Then there is one Legion that does it in the afternoon. It happens to be my home Legion, so I'm always able to attend that one. But that's how it works in Alberta on Remembrance Day itself.

**The Chair:** Ms. May.

**Ms. Elizabeth May:** With John's permission, this is a really important point, and I thought that you said we have to look at different perspectives.

I know members have seen the paper that I presented to the government House leader and shared. There are other considerations, too, in terms of our schedule.

We have the ability, through technology, to fly home every weekend to do constituency work. We are working in our constituencies. The Liberal proposal for four days in Parliament is not to suggest that parliamentarians only work four days a week, but it does look like that to the public, perhaps.

The impact of working four or four and a half days in Parliament and having the technological ability to reach even the most far-flung riding, which in this case is that of our Chair... I think the Yukon is the longest travel distance for any MP from Ottawa, but there are others that are also difficult. Certainly Nathan Cullen in Skeena—Bulkley Valley has quite a hike, and the riding is huge.

My point is that because of technology we've fallen into a habit of a parliamentary schedule that involves a lot of expense for the public purse, and I would love to see a calculation of what the Government of Canada writes in cheques to Air Canada and WestJet every year. Because we can fly, we do. We have to, because our constituents expect us to.

Also, wrapped up in that is a lens that we should apply. I'm sure the Minister of Environment and Climate Change would like to see us apply the lens to our parliamentary calendar of what the carbon footprint is of flying home every weekend. Many of us of course have small children at home, and it's our only chance to see them.

There's not going to be a perfect answer for everyone, but in the discussion that I hope we will eventually have about how we come to a consensus around the best schedule for parliamentarians, we should take into account what it costs in terms of public spending for all those flights and what it costs in greenhouse gases for all those flights.

I will also say—and I hope you'll forgive me for this, Mr. Chair—I agree with the point that was made earlier by Todd Doherty; we're not looking at changing the rules for our own convenience. However, there certainly is a physical toll, with an eight-hour transit in one direction, an eight-hour transit back, and a three-hour time-zone difference, on the way we work from a Sunday to a Monday and then from a Friday to a Saturday.

For the first time in the history of this place, I would like us to look at how technology has...without any real forethought or analysis of the costs, and to look at the financial and ecological costs of flying home every weekend, to see if we can find a family-friendly approach, what I'm calling the Fort McMurray work schedule.

I'm from Cape Breton. I have a lot of family friends who have gone through the experience, which is tough on families, of flying into Fort McMurray, doing a three-week stint, and then—usually the dad—flying home to Newfoundland or Cape Breton for three weeks at home.

For us as parliamentarians, if we extended our work week to five-and-a-half days per week—so we would work Monday to Friday, and a half-day on Saturday—we would actually have a more usable Monday because we would be in Ottawa on the Sunday.

One of the reasons Monday is a hard day and nothing much happens before noon is that people from the Maritimes are still flying back on Monday morning and those of us from B.C. are often landing in Ottawa at 1:30 in the morning. This Sunday we experienced a flight delay, so we landed in Ottawa just before 3:00 a.m. It makes it harder to work effectively on Monday morning. I just want to throw that out there so that people are thinking about it.

Can we consider putting a climate lens to our parliamentary work schedule? Can we consider reducing costs to the public purse and still making it livable and bearable for those who have small kids? There's no perfect solution to our calendar.

Above us is a picture of the Fathers of Confederation, and by the way, the mothers of Confederation were out of the room making tea. However, in this painting of the gathering in Charlottetown, we can spot Sir John A. Macdonald, and we can spot the founders of this great country. They were not able to fly home on weekends—it's obvious—but the parliamentary schedule of that era was very different than it is now, without any deliberation about what worked best for Parliament.

We have a unique opportunity now in 2017, at our 150th, to figure out what parliamentary schedule works in light of the climate crisis, and in light of a technology that we don't have to be enslaved by. We should be able to say this is what is livable, and what's workable for all of us. I appreciate the latitude.

Just to remind you, it's in the Standing Orders proposal the Green Party has made. It would actually let us live longer as individual human beings whether we're parliamentarians or not. Our longevity matters to some of us, I think, our nearest and dearest more than anyone one watching on CPAC right now.

Certainly, the carbon footprint of this place is horrific. We could deal with it at this juncture.

Thank you, Mr. Chair.

**The Chair:** Thank you. In a minute, I'm going to go to Kevin Waugh. Just before I do though, I want to make three quick points.

First, I want to welcome the NDP House leader, Murray Rankin, to filibuster light.

Second, Ms. May mentioned the cheques that the House of Commons wrote to WestJet and Air Canada. I would like the minutes to also include: Air North, First Air, and Canadian North.

When John and I talked about this earlier, I also committed that I would emphasize the point about the holiday of Remembrance Day, on or before, to the Board of Internal Economy, who I think makes that decision. If they could take this part out of our minutes, and really look at that the next time they make that decision, that would be helpful.

Mr. Waugh.

**Mr. Kevin Waugh:** Thank you, Mr. Chair.

That's what I was going to talk about. I know Mr. Nater was going to talk about Remembrance Day.

It's our job as parliamentarians to go to schools in our ridings the week before. Saskatoon has the largest indoor service for

Remembrance Day in this country. Over 9,000 each year come to SaskTel Centre. What isn't told is that every day starting Monday, Tuesday, Wednesday, Thursday in schools, we have Remembrance Day services. We bring in the veterans. We've missed a major opportunity here.

I've used the Library of Parliament to bring gorgeous books on the history of this place. You're talking in the classrooms, and you're dealing with 1,500 students at a Remembrance Day service at Walter Murray Collegiate. You have all the library resources there, and you're there. These are our future voters. To make that contact is fabulous the week before when we have a constituency week off.

Then I look at 2017, Mr. Chair, and you're right. I am so disappointed that I can't reach out to students in my riding previous to that week because we're here. I only have the Saturday, and then we're going to have the big celebration in Saskatoon. Then we'll deal with the Legions after. That was an oversight.

The other oversight I would like to mention, and maybe the NDP want to comment on it, is the March schedule that we just finished. We finished a heavy schedule in February. Then we had one week off late February early March. Then we were here for a week. Then we were gone. Then we were here again on the 20th. Then we were gone again. Well, that was ridiculous. We were all dead tired. We all talked in the lobbies that the March schedule was killing each one of us.

When you're here, you're here, at least a minimum of two weeks. Please, when we're here, give us a minimum of two weeks in Ottawa to do our work here. Look at you. I saw you, Mr. Chair, last Friday. I saw you and Mr. Simms at the Toronto airport. I tried to do a little play-by-play because one was going east and one was going west. I don't know when you got home, three in the morning? You were talking about that.

I got home that night, but I thought of you, the rest of Friday night to midnight saying you're still on a plane somewhere going home. I don't know how you can do that, be here one week, back in your constituency another week, then back here. That was asinine.

Anyways, thank you. Mr. Nater is going to talk about Remembrance Day, I know.

I just want to agree with Ms. May, because we have to consider you people going long distances. I thought about you Friday night until midnight. You weren't even halfway home yet. You never got home until three in the morning.

**The Chair:** When I came back, I left Sunday at 4:30 and I flew all night. I walked into the House of Commons in the morning right off the plane. I didn't even sleep for 40 hours.

You're point about us going into the schools is a great segue.

I don't usually speak as the Chair, but the point I was making earlier was that there was some suggestion to extend longer into June. For me, June's the busiest month, because of all the graduations. If we're going to extend the weeks, to me any month of the year would be better than June.

**Ms. Elizabeth May:** January would be good.

**Mr. Kevin Waugh:** We do have the last week in June off. Most high schools and collegiates have their graduations that last week in June.

**Mr. David de Burgh Graham:** Jenny would like to address the Simms method.

**The Chair:** Jenny, go ahead.

**Ms. Jenny Kwan:** Thank you, Mr. Chair.

This is my first speaking opportunity here at PROC, and I'm enjoying this debate. I know it's not really my turn, so I appreciate my colleague's yielding the floor to me for a minute.

People are talking about schedules. I'm not sure if there is a perfect schedule. I certainly understand and appreciate the difficulties for members who travel back and forth. I am from British Columbia, and it's a bit of a trek. I go home every weekend, for a variety of reasons. I believe that I need to be in my constituency and be with my constituency staff, at least to touch base with them. Although I talk to them regularly on the phone when I'm here, it's nothing like making that face-to-face connection. Most importantly, it is to connect with my constituents. I'm sure it's like that for all MPs. When you're back in the riding, in your constituency office, your day is just jam-packed. I have half-hour and one-hour meetings all day long until the day ends, and then I attend events into the weekend.

Aside from that, of course, we have family. I have two young children, an eight-year-old and a 14-year-old going on 17. That's always lots of fun. As we talk about extending days, whether in June or in January, no matter how you slice it, for some of us it takes time away from our constituency in the riding and time with our family.

For me, personally, if we stay with the Friday sittings, as we do, I know I'm here for the week. I get home every weekend, even if it's for a day and a half. But if I lose some weeks by extending and changing the schedule in January, then I'm jammed in January. Usually, for me, it means that the kids are getting back to school and I'm trying to orient them back into the school system from the holiday period. That is never easy, because they get into a sort of slug mode over the holidays and I have to ease them back. As a part-time mom already, as it were, because I have to travel so much, I feel that I need to be there to bookend these things when they transition back into the school system. Likewise, in June, we are into the last month of school for the kids, which is usually very busy with exam time, among other things to help the kids with.

Then, as was mentioned, for our own ridings, graduation is a very big moment, and if we lose those moments and are not able to attend those graduations, it means something. In my own riding, there are

several aspects to our graduations. My riding is one of the poorest in the country. Many of my constituents, family members and students, have a hard time actually making it to graduation. When I talk about graduation, I'm not just talking about high school graduation. Elementary school graduation is a big deal for me and for the kids in my riding. I try to go there to support the kids and encourage them to make it through to the next phase. Those moments are really important, and when we talk about not being able to be there for those times by stretching our days here, we lose somewhere along the way.

For me, keeping the five-day sittings works way better than stretching it out and doing this other thing.

The other thing that I think people need to remember as well is that it's not just us. I know we all think that it's all about us, but I tell my children, "It's not all about you, because the world is much bigger. Things evolve around you, and you need to be mindful of all the things around you as well." Let's be clear. If we extend our days to make them longer, which is one suggestion that's being proposed, we have to think about the staff and the people around us as well. For the beautiful people who do the translation, it means their hours are extended and stretched, as well as for all the clerks, the pages, and everyone. We all do this together. I don't know how many hours our staff from our own offices can work. We can sort of work like machines, I suppose, in some ways—it's expected of us, because we are the elected and we're supposed to do that—but all the other people around us are doing that too. Look at all the staff sitting around here today. They're going around the clock. You have to consider them as well.

I remember that when we first came to this place, people were talking about being family-friendly. Family-friendly means more than just us. Family-friendly means all of us, the entire family that makes this place work. It is really important to never forget that, which is so easy when we are talking about changing the rules and what works, and we are only really considering what works from the government side. It's much more than that, and bigger than that.

Mr. Chair, I could go on, and I would love to have another opportunity to interject, but I with that, I want to thank my colleague for yielding the floor to me at this time.

**The Chair:** Thank you.

Mr. Nater.



**Mr. John Nater:** Thank you, Chair. I appreciate the intervention, because I think this is part of the discussion that is fundamental to this committee going forward. I think Ms. Kwan, Ms. May, Mr. Waugh, and Mr. Richards have all contributed to a worthwhile discussion.

Hearing some of the challenges faced for different ridings, both in terms of the ridings themselves and the MPs who represent them, I feel almost guilty, Mr. Chair, because of my travel schedule. If I fly home, I can leave Ottawa on a 4:05 flight. I can land in London, Ontario, at about 5:15, and an hour later, I'm in my front door. I feel almost guilty to say that, because it is a privilege for me to have that opportunity. Even driving, it's a six-and-a-half-hour drive, which I can do before you, Mr. Chair, are probably at your first stop along the way. I almost feel guilty.

It's part of the discussion, I think, to recognize our regions, to recognize our diverse country and how one thing may affect one MP one way and another MP a different way, as Ms. Kwan rightly pointed out. Depending on the region and depending on the family situation, each change is different.

I'm speaking from personal experience. I have two kids, but neither are school age. That means that I have the delight and the opportunity to bring my family with me to Ottawa from time to time. They don't come every week, but they come more often than not, and they have the opportunity to come up to the Hill for lunch. We have lunch together often in my office. Sometimes I'm home in time at night to put them to bed, to do the bedtime bath and the bedtime story, but that's me. That's one perspective. Others don't have their families with them.

**The Chair:** You would support my idea of a playground for Parliament Hill.

**Mr. John Nater:** Absolutely. I didn't know this proposal, but I think that's an absolute—

**Mr. Blake Richards:** I think Mr. Nater supports it more, because he wants to be able to use it, but that's a different story altogether.

**Mr. John Nater:** I hadn't heard that proposal, but I think it's an exceptional proposal, Chair, and a way we can make Parliament that much more family friendly.

A couple of weeks ago, my daughter was on the front lawn of Parliament blowing bubbles. She had her bubble machine out, and she was having a whale of a time. She's a little over two and a half, and she knows that this is Daddy's office, but perhaps a few years from now, she'll understand the significance of her blowing bubbles on the front lawn of Parliament.

Going back, that's my family's perspective, and others have different viewpoints. Those who have school-age children are more eager to return to their ridings as quickly as they can, because that's where their families are. I'm lucky that they can come with me. Others don't have that opportunity.

Others have different considerations as well. Travel is one of them. Acknowledging the diversity of viewpoints and diversity of family situations I think is essential in this debate. I think these interventions, operating under the Simms' protocol, are exceptionally important, so I appreciate these interventions.

Briefly, before I move on, my staff was kind enough to look at my schedule in November. From November 5 to November 10, leading up to Remembrance Day, I had 14 different remembrance events, whether they were school visits or at Legions. That's in addition to the other meetings I took that week. For us, especially in the rural communities, that week prior to Remembrance Day encourages the opportunity to remember those who have served our country. This year, it fell on a Saturday and we missed a lot of those opportunities to encourage remembrance. I thank my staff, Mr. Keith Mitchell, for reminding me of that.

I think perhaps this is relevant. Ms. Kwan brought up the concept of staff who work for us on the Hill. We need to be mindful of that going forward. I know that often I need to send my staff home at the end of the day. They are often still in the office at eight or nine o'clock at night, and I try to tell them that we operate under certain labour laws and would like to see our staff respect those as much as possible. I don't want to burn out my staff. It is an issue when we sit late, when we attend committees. I am lucky—and I think he's still there—to have my staff sitting behind me. They serve us in our duties as parliamentarians.

I think it is a discussion that must be had, because it isn't just the 338 MPs. It's our staff. It's the administration that serves this place. I think that's a discussion.

I hope that when we get to the heart of the Standing Orders and the discussion about where we go forward that we're able to hear from some of the people who—

**Ms. Elizabeth May:** Thank you for showing audiovisual aids.

**Mr. John Nater:** Thank you, Ms. May.

Ms. May was showing us a picture of my two kids reading O'Brien and Bosc.

**Mr. Blake Richards:** Why am I not surprised your two kids were reading O'Brien and Bosc?

**Mr. John Nater:** It's some good bedtime reading. We read some Nancy Tillman books, we read some Dr. Seuss, and we read some O'Brien and Bosc. It's all part of the bedtime routine. They're always wanting one more story. If they convince me to read O'Brien and Bosc, it really stretches out bedtime that much further.

I just make these comments off the beaten path of where I was actually going, but I do think the discussion of Standing Orders is fundamental. The diversity of views we hear around this table really ought to be reflected and understood.

I'd started on Professor Franks' comments on the four functions of Parliament. Going back to the last two, the first is to hold government to account. Looking at it from a standing order perspective, we have to look at what tools are available to individual MPs. From that perspective, we have to remember that the government is only the cabinet. The government itself, from an executive perspective, is the cabinet, and arguably the parliamentary secretaries, but formally it is the cabinet. The ability to hold government to account also rests with individual MPs of the government caucus as well. When we change the Standing Orders and change the way we operate, the impact it has on government MPs as well as opposition MPs has to be considered as well. We look at the tools and the avenues that are available to hold the government to account. We have to be cognizant that we don't step on them.

I don't want to get into a discussion of question period. I think that could be its own month of discussion, if you will, but I would point out that question period is traditionally acknowledged as one of the key accountability features. There's no formal mechanism attached to it. You can't compel any government to answer, or compel the quality of the answer, but it is a clear accountability mechanism in terms of court of public opinion and in the media. When we make changes to how that operates, it certainly changes the way in which government functions.

I want to very briefly compare it to the example in the United Kingdom. This is something that's often talked about, Prime Minister's questions. It happens on Wednesdays. It's like our question period, the focal point of the calendar, to see Theresa May being questioned by MPs. One thing I would point out is that in the U.K. Parliament many of the questions come from individual MPs who happen to catch the eye of the Speaker. There is a slight roster system, but there are also MPs who seek to catch the eye, so it's not as regimented as what we have in Canada, where our party whips typically distribute the rosters beforehand and do it that way.

Solely focusing on the Prime Minister's questions fails to look at the broader context of the United Kingdom, because that's not the only accountability mechanism that's available for the Prime Minister. There are multiple opportunities. I want to focus on another example, statements by the Prime Minister. The Prime Minister is subject to PMQs on Wednesdays, but when Prime Minister May makes a major policy decision, she is required by protocol and by precedent to speak in the House and to submit herself to questions from the House. When she returns from a major international conference, a summit, she's required to return to the House and brief the House on that matter. On a regular basis, she's required to appear before the Liaison Committee, which is similar to our Liaison Committee in terms of its makeup. It's made up of select standing committee chairs, like ours.

She's also required to appear on an emergency question basis. Through the Speaker, the Prime Minister can be caused to appear before the House to answer questions.

One example was very recently. It was March 29, 2017, and this is from the debates of that date from *Hansard*, United Kingdom. Prime Minister May enacted Article 50, as a result of the referendum on leaving the European Union. That was the official triggering of that negotiation.

I always feel I'm talking about Ms. May down the way, but—

**Ms. Elizabeth May:** I just have to say for the record that, as far as I know, we're not related, and I bitterly resent that even I now find the sound of "Prime Minister May" to be distressing, although in the Canadian context I think it would be quite encouraging. Theresa May is wrecking it for me. I just want to say that—

**Voices:** Oh, oh!

**Ms. Elizabeth May:** —and I'll pass it back over to you, John.

Oh, there's one other thing, though. The prime minister of the U.K. is inherently more held to account than the prime minister of Canada, and this goes to the efforts that Michael Chong tried to make through his reform bills in the 41st Parliament. We have, without even examining the process, made ourselves unique within the Commonwealth in that we do not have a parliamentary caucus with the ability to oust a prime minister by replacing that person as the leader of our parliamentary caucus. We have presidentialized by custom and tradition without ever examining the fact that this has created for Canada a presidential-style prime ministerial role with far more power in the executive in Canada than in the executive in the U.K. or the U.S.

The U.K. system is different, and I did find it unusual that the proposal for changing our Standing Orders from the government House leader picked on this one thing of prime minister's questions on Wednesdays without looking, as you are, at the whole gamut of differences between a Westminster Parliament and the Canadian Parliament as we've evolved.

I'll raise one other thing with you. As I mentioned earlier, I was just in Westminster Parliament during our break week for other business. It was very useful to attend both the House of Commons and the House of Lords, study their rule books, and buy different books while I was there. The questions that are asked are submitted in advance as well. Even a question that's called an urgent question is submitted to the Speaker of the House the day of, so the Speaker vets the questions even though the Speaker has some flexibility, as you said, about who gets recognized. There's no such thing as a party whip handing a list of names to the Speaker, which, by the way, isn't in our Standing Orders either, but happens by custom.

Just to trespass on your time a little bit more, John, when the Speaker of the House was Jeanne Sauvé, she claimed—and it may be my faulty memory, I don't want to disparage her memory—that she had trouble seeing members all the way down the rows, and in order to aid her eyesight, she asked whips to submit to her the list of MPs who would be standing and the order in which they would be standing, so that created yet again more control from political party apparatus over our process in Parliament than would otherwise occur, and certainly more than currently occurs in what we know as our Mother of Parliaments in Westminster.

Thanks again for letting me break in on that point as you discussed Prime Minister May.

**Mr. John Nater:** Thank you, Ms. May.

Thank you, Chair.

Ms. May is quite accurate in terms of some of the other mechanisms of the U.K. Parliament and how it works. We do have to look at it from a holistic approach. Often we hear proposals come forward from whatever side of the House that may sound good in isolation, but when you look at it in the great scheme of things, it's not always exactly the right way of doing things.

On March 29, 2017, Prime Minister May stood in the House, and I'm just going to read a very brief introduction:

Today the government acts on the democratic will of the British people. And it acts, too, on the clear and convincing position of this House.

A few minutes ago in Brussels, the United Kingdom's Permanent Representative to the EU handed a letter to the President of the European Council on my behalf, confirming the government's decision to invoke Article 50 of the Treaty on European Union.

The Article 50 process is now underway. And in accordance with the wishes of the British people, the United Kingdom is leaving the European Union.

That was a very significant statement by the prime minister. She speaks at a relatively brief length on the matter, from 12:35 to 12:50 p.m., but provides a fundamental statement.

What's interesting, then, I think, is that she then submitted herself to questioning by the House.

**The Chair:** For how long?

**Mr. John Nater:** That's where I'm getting to, Mr. Chair.

At the end the Speaker, Mr. John Bercow, said this:

May I thank all 113 Back-Bench Members who questioned the Prime Minister? May I also thank the Prime Minister, who has been with us for the past three hours and 21 minutes...

A significant—

**Mr. Blake Richards:** Justin Trudeau wants to do that. That's in only one week he wants to do that amount.

**Mr. John Nater:** That's one sitting in the House. It's a significant devotion, if you will, to—

**Mr. Blake Richards:** You guys suggest that Trudeau does 45 minutes a week. That will be six weeks' worth.

**Mr. John Nater:** Exactly.

This is several pages long, so I'm not going to read it into the record because I have other things I want to get to.

When you're debating an issue such as this or discussing an issue such as this, we can think it analogous to the NAFTA negotiation. It's a complicated subject. Anyone speaking on it ought to know their files. If you look at this example, we talk about question period being question period, not answer period. This is an example of a legitimate answer period. If you look at some of the questions that are asked to the Prime Minister, she actually responds to the questions. There's a legitimate effort made to respond meaningfully to what is asked. This is not something that you can enforce in a standing order. It's not something you can enforce through a Speaker, at least not currently. It's a fascinating discussion, an ability to read a question, and sometimes a very specific question, and the answer that comes back, whether it's something as simple as how negotiations will be undertaken or what trade deals might come into play afterwards. There are meaningful responses.

Here's one example. I won't go into too much depth. One MP, Hilary Benn, from Leeds Central asks the big question about whether in the event of Brexit we would be able to negotiate a new free trade agreement with the EU and on what terms.

The Prime Minister responds, "As the right hon. Gentleman will be aware, we do not yet know how the European Council will choose to frame the negotiations".

She acknowledges that there's a lot of uncertainty. She mentions:

...it will meet on 29 April to determine that. There will be two parts, if you like, to the work going forward: one is the process of withdrawal and the terms of withdrawal; and the other is what the future relationship will be. It is clear in article 50 that the former should be done in the context of the latter, so it is not just reasonable but entirely right and proper that we look at those two issues alongside each other.

As I have said in answer to other questions, the point about a comprehensive free trade agreement is that we will not be operating as a third party, such as Canada, for example, when it started its negotiations with the European Union. We are already operating on the same basis—we already have free trade between the European Union and the United Kingdom—and I believe that sets us on a better basis on which to start the negotiations...

She acknowledges that she may not be able to fully answer the question to satisfaction, but nonetheless provides clear details, clear strategies that the government could follow going forward in its negotiations with the European Union.

I cite this just because there is a lot of discussion that we have on question period, on how it operates. I don't think we can simply say we'll have a Prime Minister's question period on Wednesday, wipe our hands, and say, good job, let's carry on. It has to be looked at in context. What other mechanisms are we going to change or are meant to go with it? The U.K. Parliament is a good basis because we do share that history, but it's not the only Westminster system in the world, it's not the only Commonwealth country in the world. Having the opportunity to look at some of these different parliaments is where we need to go on issues such as this.

**Ms. Elizabeth May:** Can I just interject?

There's no question in my mind that one thing degrades the value of our question period. It wasn't the case when I first came here and worked as a member of the minister's staff for the minister of the environment in the 1980s, and I've mentioned this earlier. In that era of 1986 to 1988, when I worked here, questions were not read and answers were not scripted. You had the sense that people had certain points they wanted to put across. In the U.K. Parliament, they absolutely do not read questions, and they absolutely do not read answers. Part of the problem that I think has infected this place is the mania for what is called "QP prep". I mentioned this in my Standing Orders proposal. I was horrified the first time I heard about it in the 41st Parliament.

We prepared the minister. I was senior policy adviser to the federal minister of the environment. We prepared him for question period. He had a big, fat binder full of things we thought might get asked, but he knew his brief and he could stand up on his own two feet and come up with a really good answer, actually germane to the point, and generally try to answer the question. If he had had to go through a preparatory practice, like a kid practising for a school play, and read out an answer, and do it within.... And I think the time limit of 30 seconds also isn't used in the U.K. question period. It's a more open process and nothing is scripted. It is actually still against the rules of our Parliament to read a question or read a speech or read an answer, but we've fallen into this trap, again, because of the political spin doctors, of pre-prepared questions. That also means that individual MPs don't have the latitude, because their party masters wouldn't like it if they did, to switch up a question because the question they just asked was asked 10 minutes before by a different member of Parliament and a different party. They slavishly read the identical question that the minister has already answered.

Then we have the worst. Another mania—forgive me for venting—is to ask a question in English, and then have a francophone member ask the same question in French to get the minister to answer it in English and in French. This is imbecilic behaviour that is imposed on bright, capable members of Parliament by their political party backrooms. If we could get to that in reforming.... We don't have to change the Standing Orders because there are no orders that require that kind of scripted, pre-planned, rehearsed behaviour.

You don't see that in the U.K. Parliament and that's one of the things that makes their exchanges more useful. They aren't striving for a "gotcha" moment for the evening news, and they're not striving for a political response to just bat the question away.

If you have any thoughts on how we can get rid of QP prep.... I don't want to take you off what you planned to say here, but I think QP prep is an abomination.

**The Chair:** Thank you.

Ms. Kwan.

**Ms. Jenny Kwan:** Thank you, again, to the member for yielding the floor to me.

I just want to interject here for a minute because I think this is an interesting debate around QP. I am quite astounded about QP, because what you have is this. You ask a question and you have an answer. Now, I come from the provincial parliament in my previous days and often we joke about this, that question period is not really a place where you get answers. It's a place to just ask questions. And you see it play out, for the most part, here in the House of Commons as well.

What astounds me is this. You actually have government members who get up to ask "lob" questions, softball questions, and then the cabinet ministers inevitably always thank the members profusely for how hard they work and for the question that they've asked, and then proceed to read out the answer to the exact question they knew would be asked.

I always sit there, and I think, really? Is this a best use of our time in terms of accountability? Surely the government backbench MPs can walk up to a cabinet minister and say, "Hey, on this issue, I have some thoughts and my constituents have these views," and share those thoughts with each other. Often the answer is just the message box. I'm sure that they all got it, and I'm sure that they don't need to just read it in the House again for everybody to enjoy, and then to compliment each other about what a great job they're doing. That to me is quite something, and I'm quite taken aback by that.

**Mr. Scott Simms:** It's similar to when the NDP member asked the NDP chair when they could have just walked over, but I digress.

**Ms. Elizabeth May:** Can I add to Jenny's point?

You don't want to yield to me. It's all right; I'll wait.

**The Chair:** Okay, order here.

Go ahead, Ms. May.

**Ms. Elizabeth May:** I wanted to add and support what Jenny is saying. It also is offensive to the principles of Westminster parliamentary democracy, because the concept of responsible government is that every member of Parliament in the House is there to hold the government to account, whether they're backbench members of the government party or not. This goes back to some of our deeper traditions.

That's one of the reasons that it's even more offensive that we have these lobbed questions, because whether in the 41st Parliament when it was backbench Conservatives or in this Parliament when it's backbench Liberals, the job—which of course people have forgotten over time—of every member of Parliament is to hold the government accountable.

It was such a strong rule that in the past if backbench members of the government party were promoted to cabinet, their job had changed so fundamentally that they were expected to stand down and run again in a by-election. This isn't about crossing the floor; this is about going from Liberal backbencher to Liberal cabinet minister, because the job was seen, until that ascension to power, to be representing constituents on holding the government to account, so it's doubly offensive.

I'm sorry for interrupting you, Jenny.

**The Chair:** That was mentioned at a previous meeting.

Go ahead, Jenny.

**Ms. Jenny Kwan:** I'll say this. In that instance, the NDP member who was asked the question was the vice-chair of a committee, and often in this House we don't know what goes on in committees and what's happening there, and that information was shared for all members of the House about what was going on at that committee. In fact, the answer was useful to me, and I suspect it was useful to other members as well, and it wasn't a message-box answer, unlike what the government consistently does.

Just think about this for a minute. If Mr. Simms takes offence to that one question the NDP member answered, imagine in every single question period since I've been here, and since I suppose the beginning of time maybe, what that is like for all the Liberal members who get up to ask those lobbed questions repeatedly. Just imagine what that's like. If we're going to talk about reform, maybe there's a way to reform that. That would be a useful conversation.

I also want to make a comment about question period preparation. I get what Ms. May is saying in terms of preparation and all of that. I would venture to say this. In preparing for question period, I think it is important to prepare from this point of view: that you need to be thoughtful about what you're going to ask and how you're going to ask those questions, and you need to make it within the 30-second rule. I actually write all my questions, and I have to time them to make sure they fit into those 30 seconds; otherwise, I get cut off.

In the provincial legislature, there is some leeway. You don't abuse your time and get up and drone on for days with questions; you sort of ask your question within a time frame. If you go over by five or 10 seconds, the Speaker will allow you to finish, but you don't get cut off. Here, you actually get cut off, and you might have just needed three seconds to finish what you were saying, and you don't get that. I live in fear that I'm going to get cut off, to be honest with you. For that purpose, I have to practise it to time it to make sure I don't get cut off.

Sometimes we do go off script and that's how it goes as well. However, in terms of reforming question period, I would certainly welcome the opportunity to take a look at how we do that.

Lastly, Mr. Chair, I want to mention asking a question in French. I want to acknowledge that I'm not a bilingual speaker. I don't speak French fluently. I have grade 11 French, and I'm trying to polish it, and hopefully I'm getting there, but I'll say it is important to ask a question in French, because you need to acknowledge the bilingual speakers.

I have constituents who say to me that they need information in French, and so I work really hard. For example, on my website I translate my material so that people can have that information in French. I think we need to acknowledge the importance of bilingualism in this country.

**The Chair:** Go ahead, Mr. Simms.

**Mr. Scott Simms:** What I meant earlier by my intervention was not to be snarky. I will say this: I think you're right. I think that we don't get enough questions from our own party to another member of the party. Ms. Kwan mentioned that there was one Liberal asking another Liberal a question, which was kind of a set-up. All parties do this. If you were in government, you'd be doing the same thing. It's a practice that's been going on for so long now.

Let me get to my point, which is the fact that you're right. If you look at every other Westminster system, there are so many backbenchers in the Conservative party, in government, that they ask pointed, nasty questions. We saw it; I saw it a few weeks ago; Ms. May saw the same thing, and it is healthy. Let's take a look at what Michael Chong proposed, which is an idea worth entertaining at this committee. That is to say, you take the power from the whips, because ultimately, when we talk about parties asking other parties questions and set-ups, I don't like them any more than anybody else, and I'm in government. I did it when I came in, in 2004. My question to Ms. Kwan is, are you now saying you want to take that power away from the whips, so the members can ask just by standing up?

**Ms. Jenny Kwan:** I thank the member, Mr. Simms, for his clarification with respect to the lobbed questions, and maybe it would be very interesting for him to bring that back to his House leader and to the government side with regard to reforming question period. I would love to have a discussion about taking away lobbed questions and put it on the table for real discussion.

In terms of the whip system, that applies for all the different parties, right? If we're to reform question period, we should take a look at it and see how it works. If this proposal is for real, on the table, for the government to say that they will now yield that time for lobbed questions from the government side and give it to the opposition for additional questions, I would love to have that debate. We can talk about what aspects we can entertain within those changes. That would be my personal opinion, Mr. Chair.

**Ms. Elizabeth May:** I just wanted to add, on this very point, that we don't need to change the Standing Orders; we need to draw attention to the reality that there is a great fiction operating out there. I relayed the story in my presentation to this committee and to the government House leader, of the example of Mark Warawa, the member for Langley. I don't know how many of you remember the 41st Parliament—Blake was here and Scott was here. Remember, Mark Warawa was denied by his whip the right to make an S.O. 31. He was very brave, and he stood up and said, "My right to free speech was curtailed by my whip who, just seconds before I was to take the floor for an S.O. 31, said I couldn't make it."

In that complaint to Speaker Andrew Scheer, Scheer's response was that Mark Warawa was not deprived of his right to free speech because he failed to try to stand up and get the speaker's eye. According to our standing rules, there is no list from the whip. According to the standing rules, the speaker is—according to the fiction as handed down to us in the ruling from Andrew Scheer that day—just waiting to see someone stand up and catch his eye, and that person will be recognized and it has nothing to do with the list. As I mentioned, the list is the result of a very strange turn of fate in which Speaker Sauvé asked the whips to give her a list because she had trouble seeing the MPs.

To reform question period and make it more useful, all we have to do—and perhaps this committee could offer guidance—is recognize that this is not a change to the Standing Orders, but it is by tradition. The more we observe it and bow down to it, the more concretized it becomes that the whip controls who gets up to ask a question, and that individual members of Parliament may also be asked by their parties to practise this.

I also agree with Jenny that the 30-second rule doesn't make a lot of sense. There could be a little more latitude there. I put a timer in front of me because I'm incapable of writing out a question and practising it. It makes me go crazy so I just speak off the cuff, but I watch a little clock. Really, 30 seconds is something we live in fear of.

Why should we have this nonsense that there is, somehow, a control by the whips? That doesn't exist in our rules.

Thank you very much.

**The Chair:** Mr. Waugh.

**Mr. Kevin Waugh:** I would like to say, Mr. Chair, that the lob questions for government happen all the time. Now the opposition is asking questions amongst themselves. Daniel Blaikie, the other day, for the NDP, asked a question and then answered it himself. Blake did the same thing. Ron Liepert asked Blake a question a couple of weeks ago. There are ways around it. We're all finding ways around it. As much as we talk about the lob questions, in opposition we have our issues, too. We've seen it here with the NDP—Blaikie asking himself a question and then answering it.

Then there was Ron Liepert on our side asking Blake the question. The camera and the mikes didn't hook up very well for you, Blake. We caught everyone off guard. That's a situation we need to deal with when we discuss question period.

**The Chair:** Okay, Mr. Nater.

**Mr. John Nater:** Thank you, Chair, and I enjoyed the intervention.

**Mr. Scott Simms:** We're back on the federal program.

**Mr. John Nater:** Yes, we have a couple of broadcasters here.

**Mr. Blake Richards:** I feel like John just keeps interrupting discussions with the speech here.

**Mr. John Nater:** It's like going to a fight and a hockey game breaks out.

Whenever I hear about a lob question, I always think that every time the member from Huron—Bruce asks a question, it's a Lobb question. His name is Ben Lobb. That's a little play on words.

don't think we want to discount the value of a question to a committee chair. I know, Mr. Chair, you did receive questions a couple of weeks ago, and I think they were relevant to the work of the committee. As I think Ms. Kwan pointed out, we do have work that goes on in the committee. I think there are times where questions to committee chairs are relevant.

Perhaps a matter for future discussion might be reviewing the practice of the other place immediately following the most recent election. Many of the questions that were being asked during their question period were to committee chairs, because there was no leader of the government in the Senate at the time, in the other place. By necessity, the questions went to committee chairs. That's a perfectly acceptable practice, and I think there is some value to having those questions to chairs of committee.

Beauchesne's talked about that a little bit. I don't have Beauchesne's in front of me now. I believe it's chapter 10 or chapter 12 where they talk about the legitimate right to ask private members who are chairs questions during question period. I think there is an opportunity to have a legitimate discussion, and we can have a debate about lob questions as well.

I think that is a worthwhile debate. There's also the situation where you're legitimately seeking information from a committee chair. I think there's a great value to be had in that. From time to time, we have seen a minister or a parliamentary secretary answer a question that may have been directed to a committee chair. If we're legitimately looking for information on the work of a committee, it would certainly fall to the chair of that committee to answer.

**Mr. Blake Richards:** I thought the one about the vice-chair a couple of weeks ago was quite an intelligent answer.

**Mr. John Nater:** It wasn't Shakespearian.

**The Chair:** You just reminded me of an item for our agenda that came up today.

I set out the schedule for the rest of the week, but if Bill C-33 does come before Parliament this week, because that bill is coming to our committee, I'm going to suspend during that discussion in the Commons so we can all be there to hear whatever they're talking about. I say this just so people know. It might be on Thursday.

Sorry to interrupt you.

**Mr. John Nater:** Thank you, Chair. I appreciate the clarification. It will be important when that bill comes forward.

Actually, I want to touch on what was brought up about question period prep. I don't have a lot of experience with that. I am a new MP. I think I've asked three questions during question period, so I'm certainly not the person to discuss that.

To Ms. Kwan's point, I think there is an important discussion there. When we speak in the House, we often do so, or at least I do, with some degree of nervousness. I don't know how many times my wife and my kids have heard me deliver the same speech 16 times before I have actually given it in the House or at a Rotary Club event. I like to practise.

There's a joke, a story, I think it was Jack Benny who coined it. Sean Murphy, from our lobby staff, was recounting it not too long ago. It's about the boy who was on the street in New York and asked a passerby how to get to Carnegie Hall. The man replied, "Practise, practise, practise." It makes me think of the House and question period. Practise, practise, practise when given the opportunity.

This goes to our Standing Orders, actually. The House provides live-action practice for a lot of parliamentarians in certain ways. We may not feel comfortable delivering a 20-minute commentary or a 20-minute speech as new MPs, but those of us who are on House duty often find that the House gets rather deserted from time to time, and there are opportunities for questions and comments. There's a short minute or maybe a minute and a half, depending on the leniency of the Speaker, to ask a question or make a comment on a speech by a colleague. It gives you the opportunity to practise speaking in the House and to adjust your acoustics levels, how loudly or how softly you speak. I sometimes have trouble hearing, so it's a good opportunity to hear my voice in the House and modulate it accordingly. I think it's unfortunate, sometimes, when MPs don't take the opportunity to speak in the House in these situations during speeches by colleagues. We have a five- or 10-minute question-and-comment period you can certainly take afterwards as well.

Going back to the four functions of Parliament, I was talking about the third function Professor Franks speaks about, and that is holding government to account. We've talked fairly extensively now and had some great commentary on question period. Again, we could probably have weeks of committee hearings on question period itself, but there are other opportunities as well. One is the concept of time. Time in Parliament is a very valuable resource. We know how long we sit. We know when we adjourn. We know when we proceed to certain items in the government's daily agenda. Using time to an opposition's advantage is certainly a valuable tool in terms of holding government to account. I know that the Canadian Study of Parliament Group recently held a conference here in Ottawa on the use of time in Parliament. Unfortunately, it was during a constituency week, which made it difficult for parliamentarians to attend. I'm told it was nonetheless a very interesting conference on this concept.

Last Friday, for better or worse, time as a concept was employed by members of the House to debate a point of order, which resulted in government orders not being called that day. Again, it was a tool the opposition had at its disposal to move forward an issue.

The third tool available to an opposition to hold the government to account is through the work committees do. I would say this in a positive light as well. The committees have great power to undertake in-depth reviews of matters, as this committee has done in the past and as all committees do.

I sit on the official languages committee, which is a bit out of my comfort zone, being an anglophone who learned French through school and through immersion opportunities. It gives me the opportunity to look at issues from a bit of a different perspective.

I know that my regular committee and all committees undertake good work. There is an opportunity for a committee, even with a government majority, to undertake an in-depth review, and if needed,

to make amendments to government legislation. That's a powerful tool.

I know different members have talked about standing committees and have made suggestions for reform of standing committees. The discussion paper certainly talks about committees. We want to be careful that we don't go on a path that would render a standing committee without the ability to hold the government to account, to have a meaningful debate, and potentially bring forward amendments to a government direction.

Then there is certainly the concept of holding the government to account more generally. That's through the research and the information side of things, ensuring that MP offices are properly staffed and have the resources and tools available to us, whether it's through the Library of Parliament or research offices. That again can be a discussion in itself. Looking at the U.K. system and the way it finances its research offices is a fascinating discussion. Each major party has a significant budget to do that. I know our opposition leader's office has a budget as well.

There are also matters that are outside the purview of the House itself. Certainly those things we cannot control. We cannot control them through the Standing Orders. We cannot control them through business of the House or using the media. I acknowledge the role that the media play in terms of the functions of the opposition, whether it's the official opposition, third party, or independents as well. Perhaps we should look at the individual members of the government caucus as well.

So those are the first three we've touched on so far.

I'll read the fourth:

...fourth, to make an alternative government, that is, to enable the opposition to present its case to the public and become a credible choice to replace the party in power.

Elections happen. There will be, at times, changes in government. We certainly experienced that in 2015. The Liberals experienced that in the 2006 election. Then prime minister Mulroney experienced that all too powerfully when he allowed Madam Campbell to run in the 1993 election, and we saw that change. Governments happen. Oppositions happen. Elections happen.

We need to ensure that the opposition is not prevented from meaningfully contributing to debate and from presenting itself as the government-in-waiting. To the NDP's credit, its former caucus in the previous Parliament presented itself in that manner. We could debate the effectiveness of that, but I think the members certainly made a very strong case to the people that they were the government-in-waiting, and that's certainly what Mr. Mulcair presented to the Canadian people. Of course, elections happen and we go from there.

We need to make sure that we have these four functions working together at all times, or working at the same time; perhaps not working together, but having those four functions available. If we don't have that, that's where we get into a situation where things change and things break down. I think if we don't look at these four functions in tandem with reviewing these changes to the Standing Orders, we're going to find ourselves in great trouble.

I know Mr. Simms was talking about the power of the whip earlier. I'm just going to give a bit of a spoiler alert. I will be talking a bit a little later about the power of the whip, the role of the whip, and the role of House leader. I just wanted to put that there so that Mr. Simms can wait with bated breath when—

**Mr. Blake Richards:** We are in suspense.

**Mr. John Nater:** I wasn't going to cite from this initially, but Ms. May did make reference to the Fathers of Confederation sitting over us and keeping a watchful eye upon us as we deliberate in this chamber. This is actually our opposition caucus room as well, so we have the Fathers of Confederation looking over us as we deliberate in caucus. Typically we do have the Vimy Ridge portrait on the other end. That's currently on loan to the War Museum, I believe, for the—

**Mr. Blake Richards:** I noticed it was gone, yes. It seemed like a most inopportune time to have it gone. Now it makes more sense.

Maybe we should keep listening; there's always some good information from Mr. Nater.

**Mr. John Nater:** I believe that's in tribute to the Conservative shipbuilding strategy. I'm not entirely sure.

**Voices:** Oh, oh!

**Mr. John Nater:** There is relevance here, Mr. Chair. At least I think there's relevance referring to the Fathers of Confederation. I've been lucky enough over my life to be the inheritor of books. I'm certainly a lover of books. When I was in grade 8, I was at an auction sale and I bought 20 years' worth of Ontario *Hansard* from the former Ontario speaker. My parents thought I was crazy at the time.

**Mr. Blake Richards:** That explains a lot right there.

**Mr. John Nater:** When a former professor of mine from Western retired, he bequeathed to me, if you will, his book library. Professor Martin Westmacott was his name.

One of the books he was kind enough to give me was the *Parliamentary Debates on the subject of the Confederation of the British North American Provinces, 3rd Session*, provincial Parliament of Canada, Quebec, 1865. It's a fascinating read.

**Mr. Kevin Waugh:** I'm sure it is.

**Mr. John Nater:** It's a real page-turner.

**The Chair:** You're not going to read it into the record.

**Mr. John Nater:** I will not read its entirety into the record.

**Mr. Blake Richards:** He's going to read only the first 380 pages.

**Mr. John Nater:** The first thing I would point out is that in the early days—and this is pre-Confederation, even the early days of Confederation—it was not a verbatim reflection of what was said in the House of Commons. It was third person. It referred to what they said, not word for word what they said.

There have been projects undertaken to recreate the word-for-word dialogue, which has been done through newspaper articles at the time, and which is helpful.

This isn't verbatim. The reference to the Fathers of Confederation in the debate I found interesting—

**Mr. Blake Richards:** You thought I was kidding about the 380 pages, didn't you?

**Mr. John Nater:** This is from page 13, and I will not read the entire thing. It references the attorney general of the day, which was a certain John A. Macdonald. These debates can be somewhat confusing. There's John A. Macdonald and there's John S. Macdonald, as well, who were both contemporaries and were going back and forth at the time. He wasn't Sir John A. Macdonald; he was Attorney General Macdonald. He said this, and I quote:

...said the Speaker having desired that he should not go on with the Address about the union of the colonies, he proposed not to take it up till Monday next, but as the matter was one of the utmost importance, he thought it would be well now to settle the mode of conducting the discussion. He would propose that after the discussion commenced, it should continue day after day, and that for the purpose of greater regularity the Speaker should remain in the chair. At the...time he would propose that the rule which prevented members speaking more than once when the Speaker was in the chair should be suspended, in order that every member might have the same liberty of free discussion as he would have in the Committee of the Whole.

I think it was a worthwhile commentary at the time. John A. Macdonald proposed that basically the rules be suspended to allow greater discussion. I would, perhaps, liken you to Sir John A. Macdonald, allowing that flexibility in this place as well, Mr. Chair.

He goes on further in the dialogue, and says:

Atty. Gen. MACDONALD said there was nothing irregular in his proposing that discussion should go on with the Speaker in the chair. The suspension of the rules he proposed was for the protection of the minority, by allowing each member to speak and state his objections as often as he pleased.

I think that's a worthwhile commentary as we sit here today under the watchful eyes of our Father of Confederation. This is about the minority. It's about protecting the rights and privileges of individual parliamentarians as we conduct our business. Certainly Sir John A. Macdonald recognized at the time that we should allow ample debate, going so far as suspending the rules at the time to allow members to contribute multiple times to the debate. To have been a fly on the wall during the debates at that time would have been fascinating, considering that at the time, I believe, there was alcohol continually served in the Houses of Parliament of the day.

**The Chair:** There used to be a bar in the basement here.

**Mr. John Nater:** Perhaps that's something the committee should consider, perhaps outside the purview of this—

**Mr. Blake Richards:** Right around now....

**Mr. John Nater:** I believe it was mentioned in a previous debate that one of the cleanups in the Standing Orders was dealing with the supper hour, the dinner hour, that was still written into the Standing Orders. I believe that in times gone by, that was the usual time many members would have found themselves at the bar in Parliament here, to enjoy some of the spirits that were allowed or that were produced here in Canada.

Certainly we're very strong proponents of craft distilleries and craft brewers, as well. I'll put that on the record as well, Mr. Chair.



I think it's important. We came into Confederation, in these debates, with the acknowledgement by the then-attorney general of the importance of allowing debate, the importance of allowing discussion. I think that if we were to go along with some of the proposals that have been suggested in the discussion paper, we'd be doing a disservice to many individuals in the House by preventing them from having fullness of debate, fullness of discussion. It's not that we can't consider how to better structure discussion, but I think it would be a mistake for us to go forward and undertake a way of preventing MPs from having a full discussion on certain issues such as that.

Those are the debates on Confederation. I may come back to them again at a future reference. I have a couple of more Post-it notes in there, but I do want to....

**The Chair:** That sounded like an example of mini-programming to some extent—deciding on a particular issue, allowing an expanded debate.

**Mr. John Nater:** Yes, absolutely, and it was done with the consent of the House. If we look at Standing Order 78, I believe, which is the time allocation standing order, there are different—

**Mr. Blake Richards:** You've got me fooled at the very least.

**Voices:** Oh, oh!

**Mr. John Nater:** I should have just said it and hoped nobody would notice if I'm wrong.

I believe it's Standing Order 78, which is the rule for time allocation. There are three ways to go about time allocation. From our perspective, in a majority government, what we see most often is the government House leader rising, typically towards the end of the day, saying that agreement cannot be reached on a specific—

**The Chair:** You're right about the standing order.

**Mr. John Nater:** Okay, my memory didn't fail me.

There are three methods, and the method we're most familiar with is the third method, where the government House leader says agreement could not be reached and therefore he is giving notice of time allocation. The next day in the House, a minister—it doesn't have to be the government House leader, but often it is—rises and moves a motion of time allocation, allocating a certain number of days. Typically, as we've seen in this Parliament, it's a single day, but there's nothing preventing it from being two days, three days, four days, whatever the will of that House leader or government might be.

That's the one we're most familiar with, and that's the one we've been seeing in the past several months. There are also two other options for time allocation, which I think would reflect what we can call “programming”. This would be a discussion among parliamentarians and, typically, the House leaders. So far in this Parliament, we've seen an example of agreement with one other political party or, in this case, a majority of political parties. With three parties, it's two out of three to allow the second method to happen. This happened with the bill on safe injection sites, Bill C-37.

That was an example where time allocation was moved without notice. Typically, you have to give at least a day's notice that this will be moved. In that situation, notice does not need to be given if a majority of parties have come to an agreement. In that case, the New

Democrats and the Liberals did come to an agreement on time allocation. The time allocation motion could be moved without giving a day's notice, and then it moves to discussion in the House.

The first one, and it's not common—we don't need to change the Standing Orders to do this—is time allocation by agreement of all the political parties. In the current case, it would be the Liberals, the Conservatives, and the New Democrats. This would be done through what the British call “the usual channels”, whether it's through the weekly House leaders' meeting or through discussions amongst the key players. In that case, however, notice doesn't have to be given at all. Time allocation could be moved and the programming for that piece of legislation would be set aside. When agreement can be reached, and often it would be the preferable way of organizing the House calendar, the House leader can move such a motion without notice, saying that agreement has been reached among the political parties that on Bill XYZ we will have three days of debate at second reading. It can be neatly done up. In that way, when debate does collapse, or when time expires—debate doesn't have to collapse, but it may collapse on its own—it is duly noted and dealt with accordingly.

It's a way that we can actually undertake a lot of what would be considered programming within the current discussion. I know in the other place they've introduced a discussion paper recommending a business committee, which would then allocate time based on the results of that committee. It wouldn't be a method I would necessarily want to use, because it would be giving power to a committee that may not be accountable to their caucuses or to—

**The Chair:** We had representatives of the Scottish Parliament here, and they have a system like that. They only meet three days a week, and bills never take more than two days. They have a business committee.

They make the decision on the program or the time allocation of every bill. They said they couldn't remember a time when they had to have a vote. In that committee, it is always consensus, unanimous, on how long each bill would take. Those were all members of Parliament representing the party, probably House leaders or something, so it's not like if you were suggesting that it's going to some bunch of bureaucrats.

**Mr. John Nater:** Ideally, in our current system, the House leaders do meet on a weekly basis. If everything were functioning as it ought to be, it could be using the current system where an agreement could be reached that on this bill we'd like to see two days. It could be back and forth. The opposition may want five days. The government may want two days. Let's settle on three days and make one of those days a Tuesday or a Thursday, which are the longer days, and compromise in that way.

There are mechanisms that could be explored or a better use of where we stand in terms of using the tools. In Standing Order 78, there are methods that can be used. Very briefly, and I don't want to stray too far, you'd mentioned the Scottish Parliament. Westminster has a Backbench Business Committee. That was a relatively new invention. That would be an exciting dialogue to have in terms of exploring that mechanism as well.

One of the things that it looks at is the question of time. Time is limited, so there is the second chamber, and the Backbench Business Committee will often look at what's brought forward to that committee for debate where you can have a certain length of time for debate. I don't know the exact time frames. It could be one hour, two hours, or three hours of debate, or more. In fact, forcing the government to hold the referendum on leaving the European Union was actually done through that Backbench Business Committee. The vote was forced by debates that were conducted through that committee. It turned out to be an exceptionally powerful committee, which ended up ousting a prime minister in the end, so a powerful mechanism that gave a significant amount of power to individual members. Certainly, for the benefit of this committee, that would be something that would be exceptionally worthwhile to discuss as well.

**Ms. Elizabeth May:** With your permission, John, I'll just jump in before we get too far from the Scottish Parliament.

One of the reasons, Mr. Chair, that I think the Scottish Parliament is able to have consensus around how to handle legislation is that they don't have first past the post. They have a system they call the additional member system, but it's essentially mixed-member proportional.

One of the points I would return to is that looking for advantage in election campaigns that are run under first past the post is one of the reasons we have so much partisanship creeping into the way Parliament functions.

Of course, the British Parliament is still first past the post. In my conversations with the only member of Parliament in the U.K. who is a Green Party member of Parliament, Caroline Lucas from the riding of Brighton Pavilion, she said to be very cautious about this programming thing.

Even though it's described in government proposals as though it's just the House leaders who discuss it, it is actually broader than that. They bring in backbenchers and representation. They don't have any such thing in the British Parliament, by the way, as recognized parties with different classes of powers, responsibilities, and rights. We essentially have evolved without any actual legislation or standing order to do it, but by custom we have created a two-tier system for MPs. That doesn't exist in the U.K.

Going back to that, she said that it's still very controversial, and once it happens, the programming is generally seen as the government with its clout bulldozing something through, but they never had the intermediate step of time allocation.

They were looking for a compromise, and all they had was informal agreement between leaders and guillotine, which in the Canadian context would be called closure. In the U.K. Parliament it was called guillotine. This was an intermediate proposal to play with

the idea of programming. It was put forward by the modernization committee of the U.K. Parliament back in 1997. They tried it on trial for quite a while and decided to keep it, but it remains quite controversial within the U.K. Parliament and is a relatively new feature, which I do not think we should be following here.

I'm sorry. The reason for grabbing the mike was just to make the point that the Scottish Parliament is far more likely to be able to come to consensus around issues, because in its creation, just as Ireland has proportional representation in the form of a single transferable vote, Scotland has a version of mixed-member proportional representation, which by its very nature creates a climate where consensus is more likely between parties.

I appreciate your latitude, John, and I also appreciate borrowing your *Book of Common Prayer*, which is extraordinary. I'm going to return it to you.

**Mr. John Nater:** Thank you.

I am not an expert on the Backbench Business Committee. I am not an expert on programming, but I do think that, for the committee, there is a valuable discussion to be had around those issues. Whether we go down that road or not, that's a discussion for the committee, and I think one that's worthwhile.

I do want to move on from that topic. Ms. May mentioned the idea of a consensus. I would again highlight the importance of consensus on this committee, when we're dealing with Standing Order changes. If I could, I just want to relate, very briefly, an experience I had in my past life in municipal politics. I believe Mr. Badawey served on a municipal council. I know Mr. Waugh was on a school board. I think many of us have had municipal and school board experience, where there aren't political parties. I would point that out, but that's neither here nor there.

On my council, I served in a small, typically rural municipality. It came about as a result of amalgamation in 1998 by the Mike Harris government. My particular municipality was an amalgamation of three rural townships and one small town—the town of Mitchell and the townships of Hibbert, Fullarton, and Logan. When that municipality came into being, a compromise was struck among the former townships and the former town about the makeup of that new council. The compromise was that each rural municipality would have two councillors, and the urban one—"urban" in the broad sense of the word, a small town—would have three. That bargain, that compromise, has remained, despite changes in population and so forth. I had the benefit of serving on the council from 2010 to 2014. We had the advantage of having a mayor who had served as a township reeve pre-amalgamation. He served many years on the council post-amalgamation, as well, and provided us with strong leadership.

Where I'm going with this is that, during my time on the council, the suggestion was brought up that perhaps it was time to look at the structure of our council and how we operated. We had nine councillors in our municipality, plus a mayor and a deputy mayor, for a total of 11—a rather significant-sized council. At the time, it was the same number of councillors as in Mississauga, for a rural municipality of 9,000. The discussion was on rural-urban boundaries and structure.

We had this discussion, and it became exceptionally heated. At the time, I was the budget chair of my municipality, so I happened to be chairing the meeting. Those who've served on rural municipal councils know that sometimes topics stray from the subject at hand. While we were discussing the budget, we actually strayed very much into ward boundary changes. As we discussed that, motions and suggestions started flying a mile a minute, to change the boundaries and change the set-up of how we went about it.

Since I was in the chair, I unfortunately—or fortunately, I would say—had the presiding officer duties for the council. I took to heart the advice the mayor gave me—long-time mayor Walter McKenzie, —to be very careful about how to rule on matters. In an 11-member council, there was certainly the chance that there could be a tie vote, throwing it to the chair to make the decision.

I was, in fact, in favour of changing some of the boundaries of the wards. Over the years, small subdivisions had started springing up in the rural wards, but they affiliated themselves more with the town, so I thought it was beneficial to carve out parts of the wards and add them to the town. I compromised—as politicians do—on the fact that we should keep the rural wards represented at the number they had.

As the debate ensued, there was discussion. When it finally came to a vote, there were five in favour and five against, and it fell to the chair—in that case me—to cast the deciding vote.

Our mayor gave me sage advice well before we actually had this debate. He said that, typically, when you have something as split as that, a tie vote is a failed vote. That was the process I took that night. It was a tie vote. Even though I personally supported the changes to the boundaries, I voted no, and the motion was defeated. I did that for a couple of reasons.

There wasn't consensus. It was a very divided issue. In that case, the status quo, the discussion that had been debated at the time of amalgamation, would prevail. That did not prevent the council down the road from re-examining the issue when things changed, when there was more of a consensus on the matter. At the time, there wasn't a consensus, so even though I supported such a change, I nonetheless voted to maintain the status quo, as was advised at the time.

I want to move on and talk a little bit about different issues. One of them is an interesting commentary that I came across from 1983 in the *Canadian Parliamentary Review*. It was written by David Collenette, who was a long-time member of Parliament, a minister under Prime Minister Pierre Trudeau, and a minister under Prime Minister Chrétien, as well. He was a long-serving MP.

At the time this was written, he was a member of the Lefebvre committee, the special committee on Standing Orders and procedure together with Tom Lefebvre, who was the chair, but also with Mr. Bill Blaikie. Of course we had a little bit of a discussion about that the other day when his son, Daniel Blaikie, was here. Certainly, in this article he does an exceptional job of talking about the committee's exceptional work, and the different things that came up

One of the first points he talks about is the heated debate of the committee. I think, as parliamentarians, we are familiar with heated debate. I think it's a good thing for us. We are passionate about what

we do. We're passionate about our ridings. We're passionate about policy. If we're not, then perhaps we're in the wrong line of work. If we're not passionate about what we do, we should not be here.

What he talks about here is that, despite this heated debate, over time members put aside their suspicions. Members put aside the idea that they might be out to get them. I think that's an important acknowledgement. He goes on to talk about some of the changes that were proposed. He highlights it right off the top. He says:

The achievement of the unanimous report and its adoption by the House was as significant as the actual changes which were put into effect under the provisional standing orders adopted for one year in December 1982. Members have proven to the public, but more importantly to themselves, that apart from an obligation each member has to his constituents, to his party and to his conscience, an equally-important obligation must be to the institution itself. As the recently retired British Speaker, George Thomas, told the Committee during its visit to London last January, "Parliament must represent every point of view, every interest and the aspirations of every citizen in the country if it is to do its job properly and if we fail in this work then Parliament fails and if Parliament fails then the country fails".

I think that's a pretty powerful statement in terms of our duties as members of this committee going forward as well. We owe it to more than ourselves to ensure that we improve the institution, that we improve Parliament's function. I think we can do that. I think it is possible to come to a unanimous report. I'm not going to read through some of the recommendations that came from the Lefebvre report. I think they were well discussed elsewhere. I think they will be well discussed going forward.

I will only point out that the one proposal that I am particularly interested in is the election of the Speaker, which is then re-adopted by the McGrath report in 1986. I think how that was brought about is exceptional.

The unanimity is a point here, I think, considering, again, that it was in the 1980 to 1984 time frame that this committee existed, a fairly tense time in Canadian and parliamentary history. We were dealing with the aftermath of the first referendum. We were dealing with the patriation debate. We were dealing with a Conservative leadership standoff as well. It was quite a tense time.

Nonetheless, this committee, in its time, was able to find unanimous consent on significant changes to the Standing Orders. I think that's a worthwhile testimony to our duties going forward and to the motion and the amendments that are here before us as well.

**The Chair:** Do you happen to know if there was a decision at the beginning mandating unanimity?

**Mr. John Nater:** I don't know. I will find out, though, and I will report back to the committee. I'm sure my staff member is behind me right now, writing something down or typing on his BlackBerry. Keith Mitchell will look after it for us, and will ensure that we get that information back.

Mr. Chair, that's a good point. If there is that establishment of trust at the beginning of a process, we may not have needed a motion to explicitly spell out the need for unanimity. It may not have been required if it had been conducted in a different way. This might have been brought directly to PROC, perhaps in a discussion paper to PROC, with some clear discussion rather than having it tabled in the media, never being brought before Parliament and officially tabled. We may not have ever needed this debate. We may not have needed this discussion if we had been able to deal with it in a different manner.

We are where we are now. That's unfortunate, but yes, that's a good point to raise. I'm not sure they needed that. I'm not sure if McGrath had it either, the need for a clear statement that things would be unanimous. I always prefer to have unanimity, so that's a good point from which to start.

One other point I wanted to highlight from this article, and again, others can read the full article in the *Canadian Parliamentary Review*, autumn 1983. Minister Collenette recounts a fascinating and, I find, fairly moving statement from a former minister, whom I think is well known to this place, Paul Martin, Sr. This comment actually tugged at my heartstrings a little bit because every time I walk into this place I get a great sense of awe.

I worked in this place as a staffer. As a student at Carleton I often walked by this building. Looking at the Parliament Buildings, especially at night, for me, is a very moving experience. In fact, earlier last week, when we adjourned at midnight, walking through this nearly empty building, a dark building, was quite the experience. It's a special feeling, seeing it from the outside.

Mr. Waugh was with me, so he enjoyed that too. The comment recounted from Paul Martin, Sr. touched me. I say that in all sincerity. Minister Collenette wrote:

I remember the Honourable Paul Martin at a farewell dinner in 1975 before he was to become High Commissioner to London, telling a jam-packed dinner in his honour in Parliament's West Block that "one day, many years from now I shall return on a cold blustery night with the snow whirling around and I shall walk along Wellington Street and look up to the House and see all of the lights blazing, knowing that the Chamber is sitting and that the vital issues of the day are being debated. I can imagine a stranger coming up to me and asking me why the lights were burning, why all of this activity and I would explain to him the work of Parliament and that I used to work there".

I find that quite the moving statement, sentimental nonetheless. He was concluding his parliamentary duties and was moving on. It reflects the importance and the enormity of our work in this place. We may not always appreciate, from a personal standpoint, what we do in this place until we may no longer be here. I'd like to serve in this place for many years, and I hope to have that opportunity, but elections do happen, life intervenes, and I may not have that opportunity forever. The least I can do, for four years during this Parliament, is to have the opportunity to serve in this place. Going forward, I can recount to my kids and grandkids that I had the right and the opportunity to serve in this place. When I walk down Wellington Street in the future, like Paul Martin, Sr. before me, I can say that in that place the important issues of this country, of this nation, are being undertaken and are being debated now.

Mr. Collenette did some interpretation of his own of that statement, talking about the regular sittings of the House and the

length of time members should be debating. I took it more as a sentimental statement. In his article, Mr. Collenette talked about the sitting hours of the House more literally. He went on to write regarding Mr. Martin's statements, "It is the centre of decision-making in the country and to try to shut it down artificially just because the switchboards turn off in most offices across the country at 5 or 6 o'clock, may not be conducive to good parliamentary government."

That's an important interpretation, an important consideration. Ought we to schedule our debates, ought we to schedule our discussions and our daily itinerary, based on a 9 to 5 work day? It's an important consideration. I don't know the statistics and I don't know how many Canadians work 9 to 5. I know Mr. Waugh has talked before about his work day as a trustee and a sportscaster. It was certainly not a 9 to 5 day. We don't work 9 to 5 here. I don't think anyone would disagree with that, regardless of when the House sits. We're in our offices here on the Hill prior to 10 o'clock in the morning and we're often in our offices at different times throughout the day, and sometimes late into the evening. So artificially deciding when the House sits based on a 9 to 5 day, I think, is what Mr. Collenette is getting at there. We ought not to finitely decide where that is or ought to be, and it's a worthwhile discussion. And from a family perspective, we need to look at what we're doing to facilitate that. Here, I would go back to the earlier comments. Not to repeat myself, but we do need to consider different family situations in each discussion.

One of the things I would point out that I particularly appreciate about the *Canadian Parliamentary Review* is that it does bring in experts of different varieties from different walks of life. Often they have academics writing articles. Often they have practitioners who worked in the House from a procedural standpoint, and MPs as well. One such article that I came across—and again my staff was kind enough to print it for me—was by Robert Stanfield, one of the few Canadians to be given the title the right honourable—the Right Honourable Robert Stanfield—who didn't serve in a position of Prime Minister. There are a couple others. I believe Don Mazankowski is the only current living right honourable who didn't serve as Prime Minister, or as Governor General, but I'll perhaps have to double-check that. He wrote an interesting analysis, and he called it "The Opportunities and Frustrations of Backbenchers", and it was written in 19—

**Mr. Blake Richards:** Backbenchers don't have frustrations.

**Mr. John Nater:** They don't have frustrations, none at all. I'm proud to be a backbencher actually. I don't think there's any better experience as a first-time MP than serving on the backbenches for two reasons. First of all is the experience of serving in Parliament. It allows us to get our feet wet and to do our job. Second of all, you actually get a great vantage point of the House from sitting in the back row. You get a bit of a bird's eye view of everything that's going on, and by sitting in the back row versus the fourth row, you actually get the individual seat rather than the theatre style seating that is in the fourth row of Parliament.

**The Chair:** You get to vote first on private members' bills.

**Mr. John Nater:** And we get to vote first, and we have more legroom.

Actually, Mr. Chair, if you'll indulge me I want to address something that is related to the Standing Orders. It's concerns voting on private members' bills, since you mentioned that.

It's an important discussion actually, and the Speaker has mentioned the process for that a couple of times, but backbenchers vote first, so there is no visual cue to members from the whip or from the party leader or from the leadership on how a vote is undertaken on a certain matter. Certainly, information can be provided to members in advance of how a whip or a House leadership would encourage you to vote on a piece of private members' business, but not seeing how someone's going to vote first presents an interesting opportunity for private members, because you don't know, you cannot predict with full certainty, how your caucus is going to vote on the matter. We've seen a couple of situations in which people started voting line by line, not realizing that they might not be entirely in favour of that certain matter. The ability to stand up and vote on a private member's bill without first having a visual cue from your party leadership, I think, is a fascinating matter.

I don't know when that came into being, and perhaps I'll task the good folks behind me with finding out when that rule change came into effect, but I do think it is somewhat in line with one of the McGrath report recommendations on digital or electronic voting, the reason being....

Go ahead.

**The Chair:** I think that's timely. It's a good chance for me to mention what happened in this committee, to those members who aren't normally on the committee—which is everyone except Filomena and Blake—when we had the discussion on electronic voting. Earlier tonight Todd Doherty mentioned that he liked to stand, and there are certain votes of conscience where there's a lot of passion, and people might like to stand. As was discussed at our committee before, you wouldn't have to use electronic voting every single time. You could do it for all these repetitive things that everyone knows are going to happen, but when you get these motions of conscience and you want to stand, you could still have a standing vote. I just wanted to put that on the record as an option.

**Mr. Blake Richards:** The question would be, though, how it would be determined and by whom. Who decides when it's a matter of conscience? Who decides when it's a non-routine type of vote? There would be the challenge there, right?

**The Chair:** That would have to be discussed, for sure. We'd have to discuss it.

**Ms. Elizabeth May:** I was just going to say that I think that there would be a real advantage, because our system of voting is archaic. A lot of people wouldn't realize that our names aren't called and then we vote. We stand, and then our names are called. It can create confusion for the table officers, and that's one of the reasons it takes so long. I think it would make sense to have a button at our desks, and I think we should stand and vote electronically simultaneously, which would save time because the table officers wouldn't be wondering how someone had voted. It would light up; it would be automatic. They'd just read the names from an electronic screen in front of them instead of having to peer down to the end to see who's standing.

But again, compare that with the U.K. Parliament—and I'm sure John knows this. Its voting system is truly bizarre. The British have eight-minute bells, which is hardly enough for people to get there, and they don't vote in the House at all. They have corridors. Where we have the government lobby and the opposition lobby, they have corridors. There are 650 MPs and they don't all fit in the room at once, so everyone who wants to vote nay runs down one corridor, and then everyone who wants to vote yea runs down the other corridor. There are essentially table officers with iPads recording the votes as people come along. If they see the face of an MP in the nay corridor, they know that MP is there to vote nay. MPs wouldn't be in the nay corridor unless they wanted to vote nay. If an MP really wants to abstain, the only option is to make sure to run down both corridors because then the vote won't count because of voting nay and yea. But the members are not seen in the House.

I actually think the tradition we devolved of having a seat for every member in the House, for having a defined moment to stand, is really important, but I think we could improve on it and modernize.

While I've got the floor, I'm just thinking about the bells. The eight-minute bells in the U.K. aren't enough, but if we were to have a system where, when votes were announced the day before, we moved to 10-minute bells, but when votes were unanticipated, we stuck to 30-minute bells, I think that would be completely fair and reasonable and would save a lot of time, because we have 30-minute bells for votes that everyone knows are going to happen.

**The Chair:** We actually have that system already. For pre-announced votes, sometimes there are 15-minute bells.

**Ms. Elizabeth May:** When the members are all present, such as immediately after QP, we don't have bells at all, but we have a convention of 30-minute bells for a lot of times when we actually could be prepared to get there early.

We certainly need 30 minutes. There was one vote, the surprise Monday vote that led to the crisis around motion 6 last spring. I was at the Lyme disease conference that was being held at the former offices of the City of Ottawa, and it was just by the sheerest luck that I was able to run fast enough, grab a cab fast enough, and get back here in time for the vote fast enough. I got back here, and it actually made some members of the governing Liberal Party think that, because I'd managed to get back for the vote, I must have had a heads-up from the Conservatives and the NDP about their plan. I actually had no heads-up. I just was lucky as anything to find a cab. So the 30-minute bells have their place, but not always.

Anyway, I'm sorry about the interruption, again. I think standing in our place is an important tradition in Canada, and I wouldn't want someone else to decide, as you suggested, Mr. Chair, when it's an important matter and when it's not. Some people's routine may be somebody else's conscience.

**The Chair:** Go ahead, Kevin.

**Mr. Kevin Waugh:** I'm a traditionalist, and I totally disagree with everything about pressing a button to record my vote. I can recall a couple of weeks ago one of the most heartfelt votes I've ever experienced in the House of Commons, on Wynn's law. It wouldn't have been done by pressing a button and having that recorded. We started voting on Wynn's law in the back row, and you could see the momentum building in the House of Commons that night. That was one of the most fantastic nights I've experienced in 18 or 19 months as an MP, and I could see people on the TV, and I could see Mrs. Wynn up in the gallery. We don't ever want to lose that. That alone, with that motion that we had that night, was tremendous.

**Ms. Elizabeth May:** I wouldn't want to be misunderstood. I agree. We should stand and vote in our place. I'm saying, in addition to standing—as we stand—we push a button, so the table officers aren't confused in any way about who has voted and in what sequence.

I absolutely agree that standing in our place and voting in sequence actually affects some of the outcomes and is really a critical part of our version of Westminster democracy. I wouldn't want to lose it, but I think some modernization could be accommodated without losing it, exactly as you described. I couldn't agree more. Thank you for letting me clarify.

**The Chair:** I'm not debating this, but just providing some other input that has come to the committee. In the Swedish parliament, which is in a semicircle—which is another thing we've discussed—everyone has a vote at their desk, and they are allowed five seconds, I think. There's a big board that shows exactly how everyone voted. It's done very quickly.

When we had the Scottish parliament here last week, they said they have electronic voting, and that once we had that we'd never go back again, away from it.

I am adding other input, not debating it.

**Ms. Elizabeth May:** This is an anecdote that will take tremendous latitude on your part, Mr. Chair, but Bill Blaikie, who's been mentioned in this place, was a wonderful parliamentarian. I recall once, in the Mulroney years, that there had been agreement by all House leaders that there would be no objections, that things were going to pass by unanimous consent. Unfortunately for the House, that night, Bill Blaikie came back having just seen *Braveheart*. Every single time they asked for consent he said “nay”. He insisted on standing every time, to oppose and draw things out. Sometimes you just feel inspired, if you're a Scot.

Anyway, Bill Blaikie is one of my heroes. There are very few parliamentarians who can carry off playing the bagpipes, although Sean Fraser from Central Nova does play the bagpipes quite well. Oh, and Chungsen Leung, a Conservative and person of...

I'll wrap up, but bagpipes are another important part of Canadian democracy. I just wanted to throw that in.

**The Chair:** Mr. Nater.

**Mr. John Nater:** I do not play the bagpipes. I once suggested to my wife that I could learn, and she said I could learn to move as well, so there will be no bagpipes in the Nater home.

**Mr. David de Burgh Graham:** How about the harp? I'm hearing a long concert tonight, so...

**Mr. John Nater:** The harp?

I don't know about the harp. I do play the trumpet trombone baritone, but not the harp. I'm not a harper.

**The Chair:** Okay, back to the debate.

**Mr. John Nater:** Returning to electronic voting, when you have either, we do in a way have a method in place now that we employ relatively often, by applying votes by unanimous consent. That could be something to be considered for electronic voting, or just more frequently for these types of votes. The one challenge with applying votes is that it doesn't provide the same opportunity for an individual to change from a party direction on a specific matter.

In our system, in our Canadian approach, we typically do vote more often than not with our party, but there are times when we break from our parties. We've seen that on different bills, especially on private members' bills, but that's a separate matter. Wynn's law is a good example. On government matters, we have seen government MPs vote a certain way, and we've seen opposition MPs vote different ways as well. They may vote with the government legislation, or vote against a piece of government legislation that our party may have supported.

There are challenges. There are opportunities to speed things up by applying a vote, but it could also have the unintended consequence of further heightening or strengthening the party, the power of the whip, when he or she seeks to apply the vote. As an individual MP I may be hesitant to oppose the application of a vote, because I would be singled out in that case, and in so doing, tying up the House and making votes take significantly longer. I may not be inclined to do that simply to oppose a specific matter one way or the other. So there are considerations there.

**The Chair:** It's career limiting.

**Mr. John Nater:** Very much so, and that's exactly the way it's described. It can be a career limiting movement. In our 149 and three-quarter year history of this place, we see examples of career limiting moves in one way or the other, from opposing to supporting certain things that perhaps the government whips may or not agree with. I do hope to get to my discussion of whips and House leaders, and the role they play in House administration. It may not be this evening, but I will, hopefully, at some point have the opportunity to do so.

I want to go back to the discussion of Mr. Stanfield. Other than former governors general, former prime ministers, and chief justices, the only non-chief justice, governor general, or prime minister who has had the honorific of right honourable is Don Mazankowski. I was able to confirm that, thanks to my staff, but it is a very prestigious title.

Going back to Bob Stanfield, often referred to as the best prime minister we never had, he wrote this article for the *Canadian Parliamentary Review*—

**The Chair:** I just wanted to say to Elizabeth May, you can't take advantage of not being an official party by being able to leave before midnight.

**Ms. Elizabeth May:** I got permission from my whip. She's really mean most of the time, but yes.

**Mr. John Nater:** Going back to this issue, the title of the article is "The Opportunities and Frustrations of Backbenchers". What I find somewhat interesting about this article is that although it's written by Mr. Stanfield, he never actually served as a backbencher. In his 30 years of service, he was never a backbencher. He was a premier for many years, and he was also a party leader. He never actually served as a backbencher. Yet, being in the leadership position, he nonetheless presented a great opportunity to hear the concerns of backbenchers. On page 6 of the *Canadian Parliamentary Review*, he writes:

During my thirty years in politics I was on the receiving end of many complaints from unhappy backbenchers but perhaps never as many as during the early sixties when we held all but four seats in the Nova Scotia legislature. In such circumstances it is very difficult to convince backbenchers on the government side that they are of the slightest importance to the government or to the legislature. It was practically a fulltime job!

That's an interesting commentary. Sometimes the larger the minority, the more concerns you have with your own party. One of the great advantages that a party leader has is the ability to dole out great rewards, but there can only be so many cabinet ministers. There can only be so many parliamentary secretaries, and when those—

**The Chair:** Do you have any comments on when Frank McKenna had an entire legislature of Liberal members, every single member?

**Mr. John Nater:** That was exceptionally efficient, but I don't think we should be striving for efficiency. In government we can always be more efficient in a lot of ways, but not having—

Is there a commentary?

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

**Mr. John Nater:** Oh.

Just very briefly, I want to finish my thought on this. A functioning legislature, a functioning house of Parliament, needs an opposition. It is one of the four functions that I referenced at the beginning. Not having an opposition is sure going to be exceptionally efficient, but it also moves the discussion out of the public. When you have a large majority or an ultimate majority, in that case, the debate no longer happens in the House or in the legislature, but it happens in the caucus meetings. It happens behind closed doors, and so you're really taking the visible element of debate and putting it inside.

We have seen that in other circumstances, Alberta, for example, with large majorities. There actually have been public comments from different people who have said—tongue in cheek, I hope—that maybe those types of government should just do all of their work in caucus and avoid the publicity. I'm hoping that was somewhat tongue in cheek, but that impression can happen. If you don't have an opposition, you can pass legislation at the drop of a dime, rather than having the opposition. I mean at the drop of a hat—I keep mixing my metaphors.

There was a comment. I'm happy to...

**Mr. Nick Whalen (St. John's East, Lib.):** Thank you, Mr. Nater.

In previous editions of this filibuster, we've heard people talk about some of the procedural aspects. It's great to hear the different members actually engaging tonight in many of the different aspects brought up in the discussion paper itself, particularly around how the House might operate better; whether the power should reside with the House leaders or whether there should be backbencher powers; and how and why Fridays are good or bad.

I think this is important, but Mr. Nater had made a comment when I waved for your attention, Mr. Chair. He was talking about the roles and allocations of baubles by the House leaders. I am interested to hear how he feels about how procedural matters, allocation of debating rights, and matters relating to allocation of committee representation could be handled in a reformed parliament.

**The Chair:** Go ahead, Mr. Nater.

**Mr. John Nater:** Sure.

Thank you, Chair, and I appreciate the question because it's an interesting commentary. My initial comment actually referred to the party leadership in the sense of parliamentary secretary positions and cabinet positions, the exclusive purview of the party leader, the Prime Minister. That was where my initial comments were.

I'm happy to expand on that a little. First, I would say that allocation of those positions is the undeniable right of the Prime Minister, without question, to have an effective, functioning parliament.

I'm not sure where I put my Eugene Forsey book, regarding the confidence convention. There's no question that we cannot change collective and individual ministerial responsibility, from that standpoint.

But to discuss further the questions of committee membership and speaking times in the House of Commons, we have to remember that so much of this is done by convention. It's done by the usual channels. It's not written down in our Standing Orders that speaking times will be done by a roster.

I know, Ms. May, who has now left—actually, I shouldn't have said that, because you can't recognize that.

**The Chair:** It's okay in committee.

**Mr. John Nater:** Oh, it's okay in committee. I'm learning something new.

I had a commentary about—

**Mr. Blake Richards:** I'm just curious about something. I was just wondering if you can call people a liar in committee too.

**The Chair:** Well, you already have.

**Mr. Blake Richards:** I have? When did I do that? Was that in one of the emails I read? That was somebody else who said that and I was just reading it, I guess.

**The Chair:** Okay, I guess.

**Mr. John Nater:** Actually, officially speaking, those who get to speak in the House of Commons are those catch the eye of the Speaker.

We do have from time to time debates in the House of Commons that are not regularly scheduled. We've seen this a couple of times with debates on questions of privilege, for example, when a motion of privilege is moved and there is no roster available. In those case the whips hadn't had an opportunity to.... So, I stand up and catch the Speaker's attention and I speak.

In questions and comments, for example, after a debate in the House of Commons, it's always whoever catches the eye of the Speaker. The Speaker has his or her discretion and I know our Speaker and deputy speakers try to follow some kind of pattern. Conservative Speakers typically go to a government MP or a third party MP, and so on and so forth. That structure is in place.

In terms of committee memberships and how they get allocated, I think most caucuses have a system in which members make requests as to what their preferred committee is. There has to be some kind of organization there for allocation. You can't have 30 members wanting to sit on the procedure and House affairs committee when there are only so many spots—or no members, for that matter. I would expect this is a very popular committee, if only to serve with you, Mr. Chair.

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

**Mr. John Nater:** I'm buttering up the chair, yes.

**Mr. Blake Richards:** Oh, oh!

**Mr. John Nater:** Thank you.

**Mr. Blake Richards:** Don't you think he's had enough already?

**Mr. John Nater:** I'm never going to catch up to Mr. Christopherson.

**The Chair:** Can we just hold on for a second?

Ms. Kwan.

**Ms. Jenny Kwan:** Thank you very much, Mr. Chair.

Again, thank you to the member for yielding the floor to me for a minute.

While we are discussing different ideas on reform, there's something that's not in the discussion paper that I'd like to throw out there for consideration. I'm a bit astounded. Actually there are many things I'm astounded about—I'm a new member after all here in this arena. We have these budgets in which governments spend significant amounts of money in certain departments, etc. The scrutiny of that is very limited. It gets referred to committee and then on a rotating basis, each of us gets seven minutes to ask the minister questions for one hour on that, and then for one hour with the officials. So it's two hours in total of scrutiny of millions or billions of dollars in spending.

You just have to wonder, what is wrong with that picture? I don't think Canadians necessarily know that's the level of scrutiny we're limited to. In my committee, in my area, which is immigration, refugees and citizenship, this year we had supplementary estimates. There was a cabinet shuffle. The minister rolled in the new mandate letter, the supplementary estimates, and the main estimates all into one session and came to committee for two hours. That was it. That's the level of scrutiny we're talking about. I just have to wonder. If we really want a functioning parliament, with vigorous debate and real

accountability, shouldn't we be reforming that to allow for more scrutiny of budgets? Again, I come from the provincial arena in dealing with budget estimates, as we call them. We get to question ministers on their spending, mostly subject to the opposition's decision on which ministry they want to discuss and the length of time of debate. I have done an estimates debate with a minister of finance, meaning a ministry of finance, for one week—every day, for a full day—with questions that get to the bottom of things.

Here we have this strange system. We get seven minutes. It just blows my mind the lack of scrutiny of that. It's quite frightening. As long as we're talking about reform, let's throw that up for discussion, because I would love it if we could improve that system. I think it's better for every government, no matter who is there.

Mr. Chair, while we're having this discussion around this, I fail to understand why the House leader from the government side keeps talking about having a conversation. I don't think the issue is about having a conversation. I think the real issue is that the government wants to have the ability to say no. When you have one side who can say no, on behalf of everyone else, or one side who can say yes, on behalf of everyone else, you create an environment in which all sides are not working hard enough to find an agreement. This is where we have to get to, I think, that place where we can find agreement.

So, on the amendment that the Conservative member has tabled, if we really want to get something here, why can't we just agree? We can agree to say, "All right, nobody gets a veto per se; nobody gets to override another. We all have to work hard to get to an agreement and follow the tradition of all parties having to agree to substantive changes." These are substantive changes, and agreeing to do what I just said would ensure that everybody worked hard. Compromise, giving something in order to adjust some proposal, to get to a place where we can all be in agreement, would be something new. That would be something to remember. That would be something that we could all be proud of when we bring forward the changes.

In that spirit, I'm hoping that maybe there can be real conversations, conversations on the topics that we can add to the discussion paper, and then we can agree to all work on it together, with agreement on what those final changes might look like.

**The Chair:** Vance.

**Mr. Vance Badawey:** Thank you, Mr. Chair.

I've been here twice now and have listened intently, as well as participating a bit at the last session, in trying to move this file forward. I like what Ms. Kwan is stating here on trying to do just that: to try to move these yardsticks down the field, so to speak.



I gave a lot of thought to this two- to three-week filibuster when I left the last time, and I thought, why? There's a way that we can present ourselves here with respect to the direction we want to take and the objectives we want to accomplish, by attaching to all of that some actions to move it forward, and hopefully execute a plan that we all can work on. When we look at moving forward, I ask myself, why are we not having a vigorous debate on this issue, as Ms. Kwan called for? Why aren't we calling in witnesses to listen to all sides of what other people think, besides members who sit in the House on a daily basis? Why are we not coming forward, all of us, with recommendations to form a report that we can all digest, debate, amend, etc., and then, of course, agree or disagree on? At that time, weeks or months down the road, there will be an opportunity for those who disagree to react, as they may be reacting now. But let's get something on the table first before we get into the process we're involved in now, which, quite frankly, is a total waste of time.

I just want to make one clarification, based on a similar process that we're involved in here. The President of the Treasury Board, Mr. Brison, put forward the very recommendations that Ms. Kwan talked about earlier with respect to new budgetary procedures and looking at the estimates a bit more rigorously and diligently, as 338 members of the House versus fewer than that. That proposal, in itself, was filibustered by the opposition.

Let's not make any mistake about this whole process: at the end of the day, we're trying to move this file forward; we're trying to move these yardsticks down the field with all members. The frustrating part is that we can't come to a point of making recommendations based on what we hear from witnesses and from others around the table, and, of course, then move forward with that debate and the possible reaction to recommendations that might come forward.

Without being repetitive, Mr. Chairman, it is unfortunate. I think we're wasting a lot of people's time here when, quite frankly, the cart is way before the horse. Let's react to something. Right now we're not reacting to anything really. Let's come forward with witnesses. Let's come forward with recommendations based on debate and, of course, from there let the cards fall where they may, which may in fact be where we are now. But let's get to that point first, before we start reacting to something that we're just making an assumption on. Quite frankly, we all know what the true definition of "assume" is.

Thank you, Mr. Chairman.

**The Chair:** Mr. Nater.

**Mr. John Nater:** Thank you, Chair.

I know that Ms. Kwan would like to make a contribution. I would just like to make a couple of comments and then I will give way.

I appreciate where Mr. Badawey is coming from. I appreciate his eagerness to get on with the discussion. I think we would all like to have that discussion, but what we have before us is a motion with a guillotine. We have a guillotine motion with a deadline of June 2. To have meaningful dialogue, a meaningful discussion, to hear from witnesses, to address the three points that are laid out in that motion in the time constraints of a June 2 deadline, without any assurance that this isn't going to be rammed through unilaterally by one party at the end, I think is unfortunate. That's where we find ourselves in this discussion today.

I appreciate the eagerness of the member to move forward, but at the same time, I think we need to have this discussion on trust. I think, unfortunately, the way this has been brought forward by the minister by publicly releasing the document, the way these motions came about, is unfortunate.

To the comments on the estimates process, I don't think there's any debate that there can be improvements to the estimates process. To take away those two months of review time... Ms. Kwan has rightly stated that parliamentary committees have only a limited capacity to do that, and taking away two months of that opportunity is challenging.

The parliamentary budget officer, again an authority in this place, has expressed serious concerns about where the government is moving on this matter. The estimates process has been an on-going, long-time issue in the House. In my first intervention, I referenced a former professor of mine, a former senator from the other place, Senator Segal, who has written and spoken extensively on the deemed rule, the rule that estimates are deemed to have been reported back to the House regardless of whether or not the committees has reported them. I think that's unfortunate.

A final point on the estimates is that a lot of this can be solved if the government simply moved up the budget time frame, moved up and tabled an earlier budget. That solution has been suggested in a number of quarters, to move up the budget, even to the fall, in fact, as done in other jurisdictions.

Those were my few comments on that. I know Ms. Kwan wants to make an intervention. I appreciate her allowing me to get in a few words, and now I give way to the member for comments.

**The Chair:** Ms. Kwan, then Mr. Whalen and Mr. Simms.

**Ms. Jenny Kwan:** Thank you very much, Mr. Chair.

I just want to jump in for a minute to respond to Mr. Badawey's comments. How we can move this forward is really a bit of a leap of faith, I think, for all parliamentarians. In other words, all of us have to shelve the idea that we can hold all the power and therefore be able to override the opinions of others. That would require the government to let go of that idea and to say, for purposes of this discussion, that it was willing to facilitate the discussion to get to the place of agreement, which we hope for in the end—and I have faith in that, if we can do that.

If the government can let go of that power and control and trust all parliamentarians to put in their best effort, to come forward with ideas of how to reform the parliamentary system in the interest of all Canadians, then I think we'll get somewhere—I really do.

The government is refusing to do that. We could go through an exercise in which, at the end of the day, it doesn't matter what people say and what witnesses propose, because the government will just bring down the hammer and say, "This is the way we're going to do it, and that's just how it is."

I think that would defeat everything that members hoped to achieve. I just think that would be so very unfortunate. Why don't we have a do-over in a way? Why don't we accept the idea of allowing people to have their contributions and to make everyone work harder to achieve results? That would mean that everybody needs to set aside fixed ideas, that power does not rest with one party but with all the people around the table, to come to an agreement. Then I think we'd get somewhere. Let's get on with it.

I think we all want to do it. If the government can do that, I think we can get somewhere. I just want to reiterate that point, because I think it's such an important one. I think if you did that, you would also send a strong message to Canadians on the whole who want to have faith in their politicians and in our system, showing them that there can be a better way forward.

**The Chair:** Mr. Whalen, go ahead.

**Mr. Nick Whalen:** As a parliamentarian and a first-time MP who is interested in the way this place works, who wants to see it function better, and who wants to participate in a process by which ideas can be shared and different views on how the place can be improved can be examined and debated, when we find ourselves prematurely in a situation where the opposition parties refuse even to discuss the ideas, I feel robbed by the opposition of an opportunity to have my ideas heard and debated in this forum, an opportunity that was put forward. The filibuster is premature. If the opposition members are looking forward to a filibuster, why don't they wait until members of Parliament—backbenchers, independents, members of recognized and unrecognized parties—have had an opportunity to bring their ideas to the table?

I don't disagree that opposition parties have the right to filibuster. I just feel that, in this particular case, it's premature and it's robbing everyone in this House of the opportunity to participate in the debate. If you want to filibuster, wait until after the ideas are out there so we can have an honest discussion and debate, and then filibuster the recommendations. This is so premature and wasteful of everyone's time.

As a first-time MP, I am somewhat flabbergasted that this is the strategy, because the government campaigned on parliamentary reform—and we'll do it. The better way is to do it after having a proper discussion. If the opposition refuses to engage in debate, they will be left with the fruits of their own labour.

**The Chair:** Mr. Simms, go ahead.

**Mr. Scott Simms:** I appreciate everyone's comments on this. I honestly do. I think that, to a great extent, the debate has been going pretty well, as far as we ourselves are concerned. One of my biggest concerns is that we are not hearing from witnesses who can provide some experiential testimony from having done this before.

But, in the spirit of what was proposed, Ms. Kwan and Mr. Nater, I'll say this. Since it is my motion, I'll change the date. You don't like the guillotine—let's change it. I'm in. Ms. Kwan, if you're in, I'm in. Let's vote on the amendment and get it out of the way. Once that's done, I'll put in an amendment to change the date. That's my promise to you.

**The Chair:** We have Mr. Richards and then Mr. Graham.

**Mr. Blake Richards:** Thank you.

First of all, Mr. Simms, I know the date is an issue for some people, but it's not the main issue. Obviously, the amendment is not here to address the date. The amendment is here to address the fact that this is something the government is trying to reserve the right to do unilaterally, and that's the problem. I heard the comments the other members were making, and I think the kinds of comments I was hearing either belie ignorance or assume that the opposition is stupid. It's one of the two. I hate to be so strong in my language about that, but those are the facts.

At the end of the day, what this is doing is giving the government the ability to unilaterally change the way this place works. That is not the way this is typically done. It's not the way it has been done in the past.

**Mr. Scott Simms:** Yes, it has.

**Mr. Blake Richards:** No, Scott, it has not.

**Mr. Scott Simms:** It was done in 1991. I'll give you evidence that it has been done.

**Mr. Blake Richards:** That's not the way it has typically been done, Scott, and you know that.

**The Chair:** Hold on a second. I have a point of order.

This is just a clarification so that we're not debating this point. The researcher has given everyone a paper. He did a paper on the ways that the Standing Orders have been changed in the past, and sometimes it was.... For the facts, people can refer to that paper.

Sorry, go ahead.

**Mr. Blake Richards:** The facts are that this is not the way it's typically done, and we all know that. There seems to be agreement that that's the case. For members to try to pretend somehow that they don't understand how this is done.... I hope they actually do understand and are just assuming that we're all too stupid and that they can pull the wool over our eyes. I hope that's the case; otherwise they haven't been listening at all to what's being said here and they haven't even read the amendment before speaking to it.

I can tell you that opposition members are not stupid. Canadians are not stupid. They see what's going on here, and they understand what the attempt is here. All of us here are saying that we would be more than happy to actually talk about the substance of this. We've actually gotten into some of those kinds of conversations during this time, and I think they've gone well. I think we could be productive. But that can't happen unless there is some assurance that those conversations are actually going to lead somewhere and won't just leave the government with the ability to unilaterally make these changes on their own if they don't like the way those discussions go. That is where we sit now, and that's why this amendment is so crucial.

I really hope that members understand this and will see fit to allow the amendment to go through. It's the only way we can begin a proper conversation. We hear this every day in question period. We hear it in the media. We hear it particularly from the government House leader—and we're kind of getting it parroted here today by members sitting in on the committee—that somehow there's going to be this conversation or this discussion. Well, you can talk about having a conversation or a discussion, or you can actually have one. If you want to actually have one, you have to give some assurance to the other side of the conversation that they will be listened to. That's how we can have a conversation, and we would all like to have it. Let's get on with it. Agree to the amendment, and we can do that.

**The Chair:** Mr. Graham.

**Mr. David de Burgh Graham:** The most recent standing order change was done by Mr. Reid in a narrow vote on a private member's motion, so it's a little bit rich to say this is always the way it's been done. It is not the way it's always been done, and it didn't ask for consent. It didn't even propose a motion for consent to get it through. Pick one. You can't have it both ways.

To Nick's point, I totally get it. Why are we filibustering at this point in the process? Have the conversation. We cannot report this back to the House, anything, without a report, which requires a vote from the committee. The filibuster belongs at the end of the study. It belongs after we've had a chance to at least find out what the best practices are around the world.

Again, all we're looking for is a conversation. It is completely reasonable. The study exists. It has been going for months. This is not new. The motion before us doesn't even mention the often cited minister's letter. It's not in there. It is simply to create a wider conversation based on a Standing Order 51 debate that we've already got under way.

That's all I have to say on that. Thank you.

**The Chair:** Ms. Kwan.

**Ms. Jenny Kwan:** Thank you very much, Mr. Chair.

It's interesting, and perhaps some of the members are choosing to ignore the central point, which is the government having unilateral power to ultimately decide what the changes would be. I am asking for the government to let go of that power and to come to a place where all the voices of parliamentarians would be respected, and to assure us that it will not make these decisions unilaterally. If we can have that commitment, I think we can get somewhere.

Members may say, "Don't worry, trust us", but I'm sorry to say, we have seen this movie played before on electoral reform. People worked really hard to have conversations. MPs had town halls in their own communities. The committee travelled across the country and invited feedback from members of the community. The committee made recommendations and the government unilaterally decided to reject them, rejecting and breaking a major commitment that the Prime Minister himself had made to Canadians on electoral reform.

It's not the path we should go down. It's certainly not what the Prime Minister wants Canadians to believe about his approach, the sunny ways approach of collaboration and bringing together people.

That hasn't been demonstrated, and here we are talking about substantive changes to the way in which the House would be run.

To ensure that discussions take place in a way that would yield actual results with the respect of all members of the House, it is really important for the government members to know that the government needs to relinquish its desire to make unilateral decisions on these changes. That's what is needed. It's not a question of dates. It is the most important question of making sure that the opposition members also have buy-in with respect to these changes, and the only way we can achieve that is for the government to let go of its desire to make these decisions unilaterally.

**The Chair:** Not to abuse the Simms' principle, we'll let Mr. Nater continue where he left off.

**Mr. John Nater:** Thank you, Chair.

**Mr. Blake Richards:** I was starting to really miss his interventions.

**Mr. John Nater:** I haven't yet discussed the whips and House leaders. I suspect I may not get to that tonight, but hopefully I'll have the opportunity to return to it at some point.

**The Chair:** There's always tomorrow.

**Mr. Blake Richards:** We can always hope.

**Mr. John Nater:** We can always hope.

I want to get back to this discussion paper by Mr. Robert Stanfield that's been raised. In it he talks about some of the challenges, some of the concerns, of backbenchers. Again, it's coming from the perspective of party leadership; he never served as a backbencher himself but he was acknowledging the challenge of dealing with a caucus, dealing with backbenchers and that doing so is practically a full-time job. And that's where we begin our discussion about Frank McKenna, for example, and situations in which there was very little opposition. Here I look at past Canadian parliaments. The current Parliament has a relatively large majority—nothing rivalling the Mulroney or Diefenbaker majorities, but certainly a large caucus that has to be acknowledged, that has to be dealt with, that has to be encouraged in some ways to participate as part of the government caucus—and the opposition caucus as well. Opposition party leaders have a duty to their own caucus to ensure that things operate efficiently on their side of things.

Looking through some of the commentary and discussion that Mr. Stanfield presents, he talks a little bit about the family, about a parliamentarian's family and the challenge that has for the execution of an MP's duties. He talks about that influences the effectiveness of an MP and makes the following point:

I have known long-time parliamentarians who have expressed very deep regret that their children have grown up without getting to know them.

And he makes a suggestion:

At the very least, legislatures should make generous travel provisions for their members and spouses. I think they should also give some help towards a second home. It does not have to be a castle but it might provide some tangible assistance in helping a member of the legislature keep in touch, not only with his spouse but with his children. That is not an easy thing to do even with help, but I think it is a very important aspect for the peace of mind of a member.

Certainly that's an acknowledgement of some of the changes that have taken place since that was written. We do have a temporary secondary residence allowance. We do have travel points for family members. I think it's a generous system. I do not begrudge any of that. I think it's very generous and I appreciate the support we are given. It does allow us to spend more time with our families than we might otherwise have been able to do without these provisions.

I do appreciate that and I think Mr. Christopherson in the previous intervention noted one of the challenges with the way it's set up, the way it's reported in terms of family members and actually acts as a hindrance to members bringing family members to Ottawa because it's then reported publicly. It artificially increases an MP's travel budget—especially those who come from farther way—which is then publicly reported.

I know that on my part, if I were to drive back and forth to Ottawa, which I often do, it doesn't cost me a travel point for my family members. They all go in the same vehicle. It's one travel point, and I get reimbursed for mileage. It doesn't publicly show as an added expense beyond the relatively small expense that I'm reimbursed for as a travel claim.

For a member from elsewhere in Canada who has to fly his family members—Mr. Bagnell, for example, and you too, Mr. Chair—I suspect that the tickets are rather expensive Air Canada, First Air, or Northern Air ones that get reimbursed. That would publicly show for any members of your family who may come with you as well. So it does act, I would say, as an unintended hindrance to families.

I think that's one area that would be worthwhile to reconsider. I think there are ways that such travel could be reported, perhaps collectively or by province or by region or by caucus, rather than by individual member, which I do think acts as a deterrent to some members.

There are a few other things that I find interesting in Mr. Stanfield's suggestions. He talked a little bit about the conflicted role that we often find ourselves in as parliamentarians in serving both in this place in Ottawa but also in our ridings, and that tension and back and forth that we have to deal with.

We really have two jobs, two positions, or roles of service: first, here in this House, undertaking our parliamentary functions; and second, in our ridings, performing the service function, the community function, in terms both of case work and working with constituents. We also have the public function: attending events, bringing greetings to community events, and supporting community events. There's a back and forth that we're constantly having to deal with.

I think it goes a step further. Mr. Stanfield doesn't discuss this, but I think it's relevant: the tension in the way we undertake our parliamentary duties here.

Many of us try to reflect the views of our constituents, and that is certainly our role, our job. It's tough often to determine where our constituents stand on a given matter. I try as best I can to solicit feedback from my constituents, whether through social media—Facebook or Twitter—or through householders and ten percenters, trying to get feedback so that I know where my constituents stand on an issue and can report accordingly.

But it's a challenge. It's a challenge for us to report to our constituents, to reflect their views here in this place, when we can't always be entirely sure where they stand. That's often why we end up taking the cues from our party, from our whips, to determine where we stand on a given matter.

From time to time this committee has heard references to Sir Edmund Burke, a great British thinker whom I've read a little bit, but there is no question that Mr. Stanfield also cites him. He starts with this:

Perhaps I could just conclude with a few words about attitudes of members towards their profession. For one thing I have always believed that Edmund Burke was right when he said, in the eighteenth century, that a member of parliament is a representative of his constituents but that he should exercise his own judgment as to what is in the public interest even though he may differ to some extent on a particular question. On the other hand, it is quite possible for a member of Parliament to get so far out of step from public opinion that a sense of alienation develops between constituents and members, and between the people of a province or the people of the country, and their legislature or parliament. For example, during the last decade here in Ottawa, the official languages bill was not universally understood or supported across the country. Many members of parliament supported that bill at the time, knowing that if a poll were taken, the majority of their constituents were against it, at least until it was further explained to them.

I think we often find this situation in Parliament in our discussions on any number of matters, and often on serious questions of conscience that our House has debated over the years. Capital punishment is probably one of them. I'm sure if we were to—

**The Chair:** [*Inaudible—Editor*]...lost the election after saying that.

**Mr. John Nater:** Yes, he certainly did, and I think that's probably a wise cautionary tale for us as parliamentarians.

Look at different issues. Certainly, being out of step with public opinion and with our constituents is often to our detriment. We found that in the past, on any number of social issues. Capital punishment is one that would probably apply.

Certainly, we've gone several decades now with capital punishment officially outlawed in Canada. We went for a period of time, a decade, when it was temporarily banned, but then officially banned in the 1980s.

Even to this day, we see public opinion polling that shows that the public does have a degree of support for capital punishment. In a lot of ways, as a Parliament we can often find ourselves out of step with where the Canadian public is. It's not to say that the public won't eventually catch up with us; they often do. It's just a matter of time before we get there. We see that often in different matters.

Some members may have read different articles by a gentleman by the name of Rainer Knopff, a political scientist who often wrote together with Ian Brodie, whom we know around this place from his service as chief of staff to the former Prime Minister.

They wrote on that a little bit, in the context of the Supreme Court and Parliament's reaction to it, suggesting that Parliament and the Supreme Court often get ahead of where public opinion is on a certain matter without giving time for the public to think of the matter and to have it percolate within the public sphere. Often we get ahead of ourselves when we undertake certain matters, rightly or wrongly, and there's a debate.

That's a suggestion they make on that matter. It certainly goes back to Burke's comments as well, on where we stand on a certain issue and how we reflect our constituents' views.

I make no excuses. I don't deny the fact that I was only elected with 40-some-odd per cent of the vote. I did not have 50-plus per cent, as my friend Mr. Richards had in his constituency.

I recognize, nonetheless, that I have a duty towards 100% of my constituents. As hard as it is sometimes, I have a duty to reflect their views in this place as best as I can, as we discuss important matters. Like Burke before me, we'll wait to see the election results in a few years' time to indicate whether I've been successful in that or not, but certainly it's a consideration to have in mind.

That was a brief discussion of mine in regard to Bob Stanfield's commentary. Now, I want to go a little bit further back and look at an article from 1978. This was prior to some of these debates we've had about the Lefebvre and McGrath committees.

There was an MP by the name of John Reid, who was the MP for Kenora—Rainy River. He delivered a speech at the University of Victoria to a national conference on the legislative process. It was reprinted in the *Canadian Parliamentary Review*, volume 1, number 1, June 1978. He was a Liberal serving in government at the time. He talked about the responsibilities of legislators, the responsibilities of members of Parliament. He writes that it's a fairly considerable one that penetrates the day-to-day existence of a backbencher. He went on to write:

While some Members come with causes or interests to advance, it is by no means clear that they will be able to participate most effectively in the legislative process. That educative experience, however, is the subject of another paper.

He talked about the legislative process and how MPs can participate in it, and about the committee system. I raise this because we talked about it before.

If we look at all the different reports that come before us and that we've read in the past, committees are often talked about not as a panacea but as a strong opportunity for meaningful discussion, a meaningful opportunity, but also as a source of frustration. We're looking at an older day, an opportunity that existed before many of these changes might have been introduced. He does write about the frustration that members have with committees. He focuses on it.

I know this has been raised by the other side with the estimates processes, as an example. This is going back to what I talked about a little earlier in my brief response to the intervention. This has been an issue with the estimates for many years. There isn't one perfect response. Certainly the efforts that were made in the early 1970s to introduce the deemed principle, in a way, made it easier for the government. That was supported by the opposition at the time. There's no question that it's entirely legitimate because all three major parties of the day supported it. They did go down that road.

I raise this because, as is discussed in this paper and has been discussed elsewhere, the estimates process is a massive challenge. The current parliamentary budget officer has acknowledged some of the problems with it and some of the problems with the that Minister Brison has brought forward as well.

Mr. Reid—I believe John is his first name—talks about the estimates process. He says:

[According to the Standing Orders, the government must bring down its] spending estimates for the year and have them referred to the various Standing Committees by 1 March. The Committees then have to 31 May to deal with them. At the conclusion of the process, an appropriation bill based on these estimates is presented to Parliament in late June, and dealt with. In conjunction with the supply process, the opposition parties have 25 days in the House of Commons, spread throughout the Parliamentary year, but concentrated in May and June. During those days, they choose the topic for consideration. In addition to attacking the government, they can and do advance ideas requiring a legislative solution.

I think we often forget that opposition days, supply days, allotted days, whatever we choose to call them, are linked to the supply process. They are linked to the estimate process. Over a number of years, the process has strayed away, I would say, from using them to deal with government supply and to discuss more generally policies and issues of the day, and motions of varying degrees of consequence in terms of House business. We have gotten away from that, which is not to say that the current discussions aren't valuable. They play a role. Going back to my opening comments, they certainly fulfill Franks' third principle that the government ought to be held to account. Certainly the supply days, the opposition days, whatever you call them, perform that function.

They also perform the function of the supply process. We notice that when we get to the point in the supply process of the final opposition day, the final supply day, when the supply bill is introduced. That's when we'll sit in the committee of the whole for a time. We'll do clause-by-clause of the supply bill. We report it back to the House. We go through the entire legislative process in one evening.

I find it interesting that when we first come to this place, we often think that we know what we're doing. Then we get here and realize that we have an awful lot to learn. Certainly I found that on many occasions.

In this process, typically the Treasury Board critic stands and asks the president of the Treasury Board whether the bill is in its usual form. Now we found out once in the government's early history in office that the bill wasn't in its usual form. We had a challenge with getting that corrected in the other place. At the time, I wondered what the point of this question was. What was the point of it? It didn't seem like a logical question. Why would you ask the Treasury Board president if the bill was in its usual form?

Of course, I found someone who could answer the question for me. In this case, it was John Holtby, a long-time friend of this place, a long-time friend of Parliament whom I would consider one of the foremost experts on Parliament and parliamentary procedure, and a co-editor of *Beauchesne's*, 6th edition. The way he explained it to me was that Parliament doesn't have a great opportunity to review a supply bill, because it is provided in advance that day. It's passed through all the readings. It's not provided with a great deal of time for discussion or debate, to read through it when it goes through all three readings within a single sitting of the House—frankly, within about 10 minutes' time. The Speaker takes the chair, he leaves the chair. The Deputy Speaker takes the chair of the committee of the whole, and you have the debate. So having the assurance from the President of the Treasury Board in response to his or her critic, depending as the case may be, is an assurance to the House.

We're taking the minister at his word. We're taking the member at his or her word that the bill is in a form that is acceptable and has been in the past. Often the president of the Treasury Board will respond as such, saying that it is in the same form as was passed on such and such a date during the previous supply debate. You take the government at its word. It is a precedent the government undertakes during the supply period. Of course, in the next supply period, we'll have a similar process once again. We look forward to that as well.

We have to link it back to the estimates process. There is no question that there is a need to have a discussion about it, but to simply make changes to the Standing Orders to deal with some of the problems and the accounting methods of the government isn't a plausible solution. It isn't a realistic solution. Treasury Board and the appropriate ministers and their departments ought to first fix the problems in their own departments and their own houses prior to changing the Standing Orders. Simply changing the Standing Orders for the estimates process does nothing to deal with the internal problems in terms of the accounting system the government is currently experiencing and has been experiencing for some time.

I will point out that the estimates allow committees a small peek into the operations of a department. Ms. Kwan has mentioned that the seven-minute opportunity to question the minister isn't sufficient. I think we acknowledge that to get an in-depth analysis, an in-depth line of questioning, in seven minutes is simply not reasonable and doesn't happen. I think we would certainly be open to seeing more in-depth analysis. We can do some of it in committee of the whole, when two departments are allocated a longer time in committee of the whole, but it isn't sufficient.

I happened to be at the government operations committee when Minister Brison testified the one day. One of the proposals he mentioned was that ministers would be made available on two occasions to testify before a parliamentary committee. I found that interesting, because it's putting a limit on the number of times a minister ought to appear. A minister should, in theory, be in a position to attend committee at any time, on numerous occasions, if the need arises. Certainly in the estimates process, I think most committees would welcome the minister for a significant period of time to discuss the department's spending plans and the estimates process.

There are also opportunities throughout the course of our duties here in this House to hear from ministers on matters before the

House, on pieces of legislation, on parliamentary business, and on the budget, for that matter. To artificially have a limit of two appearances I think is unfortunate. That was, unfortunately, the method that seemed to be proposed by the minister at the time.

One point Mr. Reid makes in this article is about the public accounts committee. Again, it's John Reid, from Kenora—Rainy River, not Scott Reid, though I'm sure Scott Reid would have plenty to say on this subject as well. We learn things when we come to this place, and I found it interesting that the public accounts committee was, in fact, chaired by an opposition member of Parliament. That's something we learn when we come to this place. There were a couple of other committees as well, but I found it interesting that the public accounts committee was chaired by an opposition MP. Mr. Reid writes in his article:

Public accounts is a committee which works closely with the Auditor General. It has had opportunities to influence legislation as a result of investigations carried out following suggestions in the Auditor General's report. For example, the recent background paper on Crown Corporations resulted as a direct consequence of the Public Accounts Committee's investigation into Atomic Energy Canada.

When we look at different committees, I think the public accounts committee is one of the more unique creatures of this place, because it has great publicity, as we have seen it in the past when the public accounts committee undertakes its studies. We talked a little bit earlier about questions going to chairs of committees and so on.

Again, as I mentioned, I was an avid viewer of parliamentary proceedings as a kid, as a student, and as a university student. I can remember that during the times of discussion leading up to the Gomery report about the sponsorship scandal much of the investigation was being undertaken on it from a political standpoint by the public accounts committee, based on the Auditor General's report at the time. Sheila Fraser was the Auditor General at that time.

One of the techniques employed at the time from an accountability standpoint was that questions were directed from the then leader of the opposition, Stephen Harper, to his own committee chair; at the time, it was John Williams, the MP from Edmonton—St. Albert. It was a tactic used to bring publicity and public interest to the matter by using the chair of the public accounts committee and also using the committee itself. It served as a valuable tool to review government spending and the concerns that the Auditor General raised on a certain matter.

I think the position of the Auditor General is one of utmost importance to our Parliament. Auditors General serve independently of government. They are appointed for a 10-year term and are not typically subject to reappointment, so they do have a great deal of independence when they're undertaking their duties. Over the course of many parliaments, we can see the great influence that, one, the Auditor General has had in undertaking studies, but also, two, we can see the influence that the public accounts committee can have, and I might say positively. The work of the committee can often lead to significant changes in the way we operate—for the better.

When raising an issue, the Auditor General often makes recommendations, and the government has the opportunity to accept them, to decline them, or to make some modifications. When the Auditor General presents reports and the committee has an opportunity to review them, we can see changes for the better in the way government operates. That's one important point that I think we need to acknowledge when we're looking at the role of the committee.

In a way, probably all parties, I think, depending on who is in power, dread the Auditor General's report. No one wants to be called on the carpet for potential mismanagement. Regardless of party affiliation, I think we all acknowledge the essential need for the Auditor General in terms of a parliamentary function.

I want to get in a few more points. I see that we're approaching the midnight hour, but I want to talk about one last point from this paper, which Mr. Reid talks about. It has to do with a bit of the discussion that Ms. Duncan and Ms. May had near the beginning about the role of political parties in this whole process.

Mr. Reid writes in his paper:

Of course, one of the most important areas where a backbencher can exercise a legislative function results from his participation as a member of a political party in the development of party policy. In some ways, this can be the most important [work] of a backbencher's legislative outlook. I have not dealt with that aspect of his activities. I have not dealt with the impediments [of] reforming the legislative function which is implicit not so much in the nature of the [party] system itself, but rather from the fact that the floor of the House of Commons, and to a lesser extent in all of its emanations is a [battlefield] between parties and, occasionally, ideas.

We often hear what a panacea we would have if we didn't have political parties, but I think that neglects the role the political parties play in policy development and the policy process. Ms. Duncan talked about the grassroots process that her party has. I know that our political party has our own policy process. We have national conventions every couple of years, where we have the opportunity to meet with party members from every riding across the country and have that discussion on where ought to go on any given matter, which informs our duties as parliamentarians. When we debate things in the House of Commons, we'll often refer to our policy documents, to where our party encouraged us to go in a past policy convention. It gives us the opportunity to see where our grassroots are. Too often, political parties get a bad rap, I think; they get a bad name in terms of a negative perspective.

● (0000)

**The Chair:** Yes, Mr. Graham?

● (0000)

**Mr. David de Burgh Graham:** I just want to let you know that the time is now 528 o'clock.

**The Chair:** It's what?

**Mr. David de Burgh Graham:** It's 528 o'clock on the 21st of March.

● (0000)

**The Chair:** Thank you.

Mr. Nater, is that a good time to stop?

● (0000)

**Mr. John Nater:** Yes. I'll return to my thoughts at a future point.

● (0000)

**The Chair:** I have a couple of closing points that are mostly administrative.

Elizabeth May mentioned a point about the bells being for 10 minutes in at Westminster. Just for your interest, one thing they have there is an apartment building for all the MPs. They have bells in the apartment building, so you can go back to your apartment, have your 8-minute bells, and still get to Westminster.

Tomorrow, as you know, in the House of Commons, we have caucus in the morning, and then it's a special day. There's a speech. The only other thing that day is question period, which will end at 4:15. We will reconvene—"unsuspend"—at 4:30, barring anything unusual, 15 minutes after question period finishes.

Then, for Thursday, once again, hopefully we'll have come to some agreement before then, but if we haven't, we will meet from 9 o'clock to 11 o'clock, with the caveat I mentioned earlier. If Bill C-33 comes before Parliament on Thursday—and for any time it does—we'll suspend so that this committee, which that bill is going to come to, can hear that debate.

Last, remember that the buses are running for one half hour from now to take you to the parking lots.

It being 12:02 a.m., we will suspend until 4:30 p.m. tomorrow.

● (0000)

(Pause)

● (1630)

**The Chair:** We will reconvene meeting number 55.

We're tentatively scheduled to go until midnight tonight, as per usual. Dinner will be here at roughly six o'clock.

It's national anti-bullying day, so I have lots of pink on, as has our first speaker.

Mr. Simms?

**Mr. Scott Simms:** When you're ready, Chair. Are you finished with your...?

**The Chair:** Yes. I've finished my announcements.

**Mr. Scott Simms:** I have a quick point of order. We have this thing called—I didn't describe it as such, but others did—the Simms plan or the Simms—

**Mr. Tom Lukiwski:** The protocol—

**Mr. Scott Simms:** Yes, the protocol. Thank you, Tom. It's the Simms protocol or procedure. As describes many things in my life, it's the Simms something.

Last night, we had a little bit of a shouting match. I apologize, because I added to that. We descended into a mild form of chaos. Some of you were here. I don't recall all of us being here, but I think the way this Simms thing works—this is odd now that I'm talking about it on television—is that we say "point of order", and we pause for anyone to say, "no, I don't give unanimous consent". I'm looking to my colleagues....

That's usually how it goes. Last night, there was a little back-and-forth that I think got a bit out of hand, so I just wanted to say that maybe if we're going to use this thing, we should say, "point of order", then wait, and then do our submission. That way, it would provide a bit of order. It's just a recommendation.

**The Chair:** Okay.

**Mr. Scott Simms:** That's my two cents. Thank you.

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

**The Chair:** Sorry?

Oh, welcome....

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

**The Chair:** Yes. I was telling the Bloc that Elizabeth May was here last night and the committee was very generous, in using the Simms procedure, to allow her to make some points. I hope the committee will be equally generous with the Bloc today so that they get some input.

•(1635)

[*Translation*]

When something comes up in the debate

[*English*]

and if you have something you want to input, just signal. We'll make sure the speaker agrees to let the floor go for a short intervention. That's the way we've been operating. It's been very co-operative.

Mr. Lukiwski.

**Mr. Tom Lukiwski:** I just have just a question. It's not a point of order.

David, are you going to be speaking at all after John? The only reason I'm asking is that I got a phone call that I would return now if somebody's going to speak for more than five minutes. It won't take me long for the call.

**Mr. David de Burgh Graham:** Tom, it's extremely rare that I speak for more than five minutes.

**Voices:** Oh, oh!

**An hon. member:** I could speak for him.

**The Chair:** You're not on the list.

**Mr. Tom Lukiwski:** Yes, you can take a 10-minute speech and—

**Mr. David de Burgh Graham:** Don't you fall for it. I'll hold the floor.

**Voices:** Oh, oh!

**The Chair:** We'll let you back in, Tom.

**Mr. David de Burgh Graham:** That might be Xavier's opportunity to get involved.

**The Chair:** Okay.

Last night we were captivated by Mr. Nater. We will continue that now, how many hours later...? It's 16 hours later.

**Mr. John Nater:** Yes. Thank you, Mr. Chair.

Initially, I was not planning to return to retake the floor, but as I was going through different pieces of information yesterday, I did make certain commitments that I might return to the committee to provide that information. I wasn't planning to be here, so I'm probably messing with Luwam's and Kelly's PROC schedule—

**Mr. Jamie Schmale:** We're glad you're here.

**Mr. John Nater:** —but I am happy to be here to revisit a couple of the points that were raised yesterday. One of those points came up when we were talking about private members' bills and how we vote on them, starting from the back row and then moving forward, which I think is important to show that we can allow backbenchers, individual MPs, to vote without the cue from the party members. I questioned it myself, and the committee seemed to be somewhat interested, so I thought I'd return with the answer about when that came into being.

My staff, being the good researchers they are—Keith Mitchell is sitting behind me—found the citation in O'Brien and Bosc. It comes from page 576. Note 316 says:

See the Thirteenth Report of the Standing Committee on Procedure and House Affairs, presented to the House on November 26, 1997 (*Journals*, p. 270) and concurred in on November 4, 1998 (*Journals*, p. 1238). Prior to concurrence in this Report, votes were taken in the same manner but starting with the front row. See the Twenty-Fourth Report of the Standing Committee on House Management presented to the House on February 14, 1992 (*Journals*, p. 1025), and concurred in on April 29, 1992 (*Journals*, p. 1337). See also Standing Committee on House Management, *Minutes of Proceedings and Evidence*, February 14, 1992, Issue No. 24, p. 17. Prior to 1992, votes were taken along party lines unless a Member sought and received unanimous consent to have the vote taken row-by-row.

That is where this comes from. It is from that committee's 13th report of the 35th Parliament in the second session. Actually, it was a subcommittee on private members' business that gave the instruction and made the recommendation during that Parliament. In the subcommittee report, there were a number of issues dealing with private members' business. It was a relatively extensive report. It was item number five of that report that made that recommendation. That recommendation is:

That, recorded divisions on Private Members' Business begin with the sponsor of the item, if he or she is present, and then proceed beginning with the back row on the sponsor's side of the House, and then the back row on the other side.

That's where that comes from. It is from 1998 that it came into being so it is, in the great scheme of parliamentary history, a relatively recent invention. Prior to 1992, private members' business was done by party line. When we're talking about the independence of individual members, this is one symbolic but I think important method. We've seen items in this Parliament and in previous parliaments where an individual piece of legislation on private members' business is undertaken along non-party lines, and we see members standing and not standing as the rows go on. That was the first point I wanted to bring back to the committee.



The second point relates to my previous attendance at the committee previous to that. I walked us through a bit of a history of the election of the Speaker in the Ontario legislature. I didn't get a chance to talk about the House of Commons. I'm not going to talk about it in depth, other than on an interesting point I came across that I wasn't aware of. I was reviewing Senator Forsey's treatise on confidence of the House, and I wanted to point out that initially the election of the Speaker was seen as a confidence measure of the government of the day. Even prior to the Speech from the Throne, the election of the Speaker was seen as a confidence matter. I wanted to bring that back to the committee as well.

Finally, earlier today, Mr. Chair—

•(1640)

**The Chair:** When was it a matter of confidence?

**Mr. John Nater:** It was before 1986, before it was done by secret ballot.

The final point I wanted to make is was that I spoke with the real parliamentary expert in my family, my two-and-a-half-year-old daughter, and she loves the idea of a playground on the Hill, Mr. Chair. In all honesty, I think it is something that would be a worthwhile undertaking for this committee and for the House of Commons.

With that, I want to bring my comments to a close for the time being and—

**Mr. Garnett Genuis:** Through the private sector—

**Mr. John Nater:** Sorry? Through the private sector?

**Mr. Garnett Genuis:** Yes, a private sector playground.

**Mr. John Nater:** A private sector playground.... I would point out that I am sitting next to Mr. Genuis. Mr. Genuis and I are current colleagues and we're actually former classmates as well. We're both graduates of the Arthur Kroeger College of Public Affairs at Carleton University and are the first two "BPAPMers" elected to Parliament. I'm a couple of years older than Mr. Genuis, but we were contemporaries at the time. With that—

**Mr. Garnett Genuis:** I should interject, just for the reputation of the program, that not everybody who graduates is a Conservative. There were a few Liberals and New Democrats in our class, but clearly they need to pull up their socks.

**Voices:** Oh, oh!

**Mr. John Nater:** In fact, there is a Toronto city councillor, Joe Cressy, a New Democrat, who is also a graduate of our program, so we do have BPAPMers across this country.

I yield the floor now, Mr. Chair, and I thank you for your indulgence.

**The Chair:** Thank you.

I'm going to try to get you added to the committee as the only person who is supporting my playground.

**Mr. John Nater:** I'm shocked by that.

**Voices:** Oh, oh!

**The Chair:** The next person on the list is Mr. Richards. He's not here, so we'll go to Mr. Graham.

Mr. David Graham, you're up.

**Mr. David de Burgh Graham:** Oh, I'm up...?

Tom, you're back.

I don't have a whole lot to say at the moment. I just want to remind everybody of why we're here, which is to have a conversation. If you look at the motion that has given us this conversation, we have covered an enormous number of points as it is, clocking in at 544 hours, 42 minutes, and 38 seconds. We've been here some time. It doesn't even—

**Mr. David Christopherson:** Who made that happen?

**Voices:** Oh, oh!

**Mr. David de Burgh Graham:** What's that?

**Mr. David Christopherson:** Who made that happen?

I'm sorry. I didn't mean to intervene.

**Mr. David de Burgh Graham:** On division—

**Mr. David Christopherson:** No—

**An hon. member:** You did, because you keep talking—

**Mr. David de Burgh Graham:** I agree with that. You did it—

**Mr. David Christopherson:** [*Inaudible—Editor*] twice a week. You wanted to do it 24-7.

**Mr. David de Burgh Graham:** The motion is to have a conversation to expand on an existing study. The letter from the minister provides input to that study. I think that's an important point, because the motion doesn't refer to the letter.

Nowhere does the motion change any Standing Orders: it's to discuss options. As I've said many times before, if we're going to have a filibuster, the appropriate time to do it... I have no problem with filibusters, and no proposal would prevent them. It may change their structure somewhat, but it would never stop them from happening. The appropriate time to do it is at report stage. Really, David—

**Mr. David Christopherson:** Then you'll vote against the legislation if it eliminates filibusters. Is that what you're saying?

**Mr. David de Burgh Graham:** The proposal in the discussion paper doesn't propose—

**Mr. David Christopherson:** No, no. You've just said that you support filibusters. Are you saying that if there's a piece of legislation that opposes eliminating them that you won't vote for it?

**Mr. David de Burgh Graham:** I'm not here to abolish filibusters. That's not my position. That's not what I'm here for.

The ideas that I've heard have been to allow somebody to speak again, and that if somebody else wants to speak, they're guaranteed a chance to get the floor. I think that's an important point. It's important to have opportunities for everybody to have a chance at the floor.

I say again that I want a conversation, not a filibuster, a one-sided conversation that is not getting us forward, although everybody is putting really interesting ideas on the table, so maybe we don't need the study. We can go straight from the filibuster to a report. That would be great.

**Mr. Arnold Chan:** We want witnesses.

**Mr. David de Burgh Graham:** That's correct. I do want witnesses. I think witnesses are very important. I want to see what the best practices are: are we out to lunch or is there actually really good merit in the stuff that's being discussed? I want to go through all the ideas from the debate on Standing Order 51. There are over some 100 ideas in there. A lot of them are very interesting—some of them more entertaining—but I want to have that conversation.

Tom, I defer to you. I wanted to make sure that I put that back on the record one more time. I hope you had a good phone call. You're on.

**The Chair:** Mr. Lukiwski.

**Mr. Tom Lukiwski:** Thanks to David for keeping his comments short, and thanks to my colleague Mr. Nater for ceding his time.

I'll spend a bit of time—perhaps a few hours—giving my impressions on a number of different themes. I'll call them “themes” for the time being.

I want to start with my interpretation of and my observations on how we got here. Then I want to talk a bit about what we might be able to do collectively to get beyond this impasse.

Lastly, I want to make a few observations as to some historical perspectives on what might happen if the government gets its way on unilaterally changing the Standing Orders, because I believe that is the essence of the situation. Besides the sham or the cover that the government has by saying that they want to have a discussion, their true intent is to make the changes that they believe would best benefit themselves. That, of course, is why opposition members are so outraged and why we're in the middle of this filibuster.

As I understand the course of action that took us to where we are today, it's that, as David quite correctly pointed out, the government introduced what they call a “discussion paper” ostensibly to engage with all members of Parliament on potential changes to the Standing Orders. Well, if that were true, and if we were to take the government on good faith that they actually, honestly, and sincerely wanted to have a discussion, I wouldn't have any problems with that. I would take no issue with that.

Unfortunately, their little facade was exposed very quickly, because literally within hours my friend Mr. Simms brought forward a motion to this committee, dutifully translated in both official languages, imposing a deadline of June 2 for proposed changes. Quite obviously, this was orchestrated, and quite obviously for anyone who understands how this place works, it was orchestrated through the PMO. The government House leader and Mr. Simms, being good and loyal soldiers, did as they were instructed, but because all opposition members could see through this little facade very quickly and with great clarity, they collectively raised up their voices to oppose what the government was intending.

Then, as my learned colleague and friend Mr. Christopherson noted just a few moments ago, we, as the collective opposition, would have been filibustering, yes, and we would have been carrying on this debate for a considerable length of time, but the government determined—and used their majority to ensure—that the debate would not suspend at the end of a normal two-hour committee rotation and would continue on until the debate collapsed.

In other words, Mr. Chair, it is well known to I think all parliamentarians at this point that the government themselves caused this filibuster to take place. I certainly hope that the government understands that, at this point, after some 60 hours of discussion, that there is no will—absolutely no will—on behalf of the opposition to end this filibuster under the current circumstances.

We all recognize what's at stake here. We recognize that if the government has its way, and if this debate collapses prior to June 2, there will be a vote taken in this committee, and that with a majority being held by the government, of course, a report will be tabled with suggested or proposed changes or recommendations coming from this committee that will be ultimately for the sole benefit of a government, and not parliamentarians themselves. That's why we're here. I get that. I understand that.

• (1645)

I don't agree with it, quite obviously, and I would like to point out to members of the government a few things they've probably heard from other members who have sat at this table for the last 60-some hours, and that is to try to impress upon the government how dangerous a precedent it is that they are attempting to set.

I noted last night, when I made a brief intervention in a debate on privilege in the House, that my friend and colleague, the parliamentary secretary to the government House leader, continued to say what the Prime Minister actually echoed today and what I've heard other government members say on occasion: that is, the government wants to modernize Parliament and that the reason for the discussion paper is that the government wants to modernize Parliament. I would like to impress upon my colleagues on the government side that the government has no right to modernize Parliament. Parliament modernizes itself.

• (1650)

**Mr. Jamie Schmale:** Hear, hear!

**Mr. Tom Lukiwski:** The government has no role and no right to arbitrarily and unilaterally take any steps to change the Standing Orders for what they call “efficiency” and “modernization”. That is singularly the role of Parliament. It has been that way for decades. It has been that way for generations. I'll speak to that and give a bit of a historical perspective a little later on this evening to illustrate and to underscore my point.

Let me now change gears just a bit and tell you what I would really like to discuss this afternoon and this evening. It is to try to sincerely find a way, or at least offer some potential solutions, to get us beyond this impasse, because this is not going to end. The opposition is not going to give up and let the debate collapse. We simply will not allow that to happen.

Mr. Christopherson, who knows me well, and better than probably anyone here except for maybe Mr. Simms, knows that during the time we sat together on the procedure and House affairs committee in the last Parliament.... I, of course, was the parliamentary secretary to the government House leader and was taking the lead on almost every discussion on motions or government bills. He knows one or two things about me. The primary thing he knows is that when I give my word, my word is my bond.

On many occasions, Mr. Christopherson and I would disagree—and rightfully so, being on opposite sides of the table—sometimes vehemently. He also knows that on occasion—not frequently, but on occasion—when either Mr. Christopherson or his colleague Craig Scott, who I miss dearly, frankly.... I want to take a moment to say that sometimes I hope we can all recognize the value of parliamentarians who are not members of our own political party.

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

**Mr. Tom Lukiwski:** I recall on several occasions Mr. Scott making an eloquent, comprehensive, intelligent, and compelling argument that I agreed with and, not frequently, but on occasion, I changed the position I held. On occasion, the government agreed and changed our position because of the arguments presented by the members opposite. Mr. Christopherson realizes that.

When Craig Scott lost in the last election, I sent him a quick email telling him how sorry I was that he had lost. I said—and I believe I'm quoting accurately, "Parliament has been diminished by your absence."

• (1655)

**Mr. David Christopherson:** That's well put.

**Mr. Tom Lukiwski:** I believe that to be very, very true.

My overarching point is that when it was Mr. Christopherson and I, usually, who were negotiating or trying to do some horse-trading to find a solution to a problem that was before us, to try get to through an impasse, we were on occasion able to come to an agreement. If I gave my word to Mr. Christopherson, I made sure that was held. On a couple of occasions, one I can remember particularly—

**Mr. David Christopherson:** One...?

**Mr. Tom Lukiwski:** —we had agreed to curtail debate at the following meeting, when all of a sudden, before we got to that point, the bells started ringing because our government had forced a vote on something. Mr. Christopherson quite rightfully took that as an indication that perhaps I wasn't being sincere in my commitment, because it interrupted the proceedings of the committee. We came back to the committee and Mr. Christopherson, in his inevitable style, seized the floor and proceeded to "raise a little hell", as the song goes, and took me to task.

I got my hackles up, of course, and assured him that it was not of my doing, that I had not broken my word. At the end of the day, at best, we agreed to disagree. The point is that on the following day, Mr. Christopherson, to his immense credit, apologized, recognized the fact that I did not break my word, that I would not break my word, and that it was outside of my ambit that the vote had been forced.

I use that only as an illustration, colleagues, to say that when I say we will not give up this fight, that is my word that I give to you, and I'm not prepared to break it, as I have not broken my word to other colleagues in the past. We will continue to filibuster until, hopefully, we can reach a resolution to this impasse. I'll be giving a few potential solutions to you, but I am quite sincere when I say that I would like to find a way out of this.

I don't know if the government wants to find a way out. I'm not sure what their motivation is. All I know is that what is occurring now serves no one, absolutely no one. I can't understand the motivation of the government to allow this to continue, because there are some pretty simple solutions to get beyond where we are now.

I've read a few of the comments made by colleagues in the previous 60 hours. I read with great interest some of the points my colleague Mr. Christopherson was making in one of his earlier interventions. I found again some commonality between Mr. Christopherson and me, because Mr. Christopherson, as all of you know now, comes from a union background. So do I. My father was the western Canadian head of the United Steelworkers of Canada. He in fact mentored Ken Neumann, who is now the head of the Canadian union and is well known to David and others in the NDP movement.

I have a great appreciation for union movements, even though I disagree on many occasions with some of the tactics they use and some of the positions they espouse. I understand the need for unions better than most. I was most proud of my father, who was very well respected in the union movement, for what he told me one day many years ago about what he felt was his greatest accomplishment. He said, when I asked him what he felt would be his legacy.... This was when my dad was in ill health and had retired from the union movement because of his poor health. We were having one of those rare moments when a father and a son can truly bond, when both know that death is imminent.

I asked my father what he felt his legacy would be and what his greatest accomplishment would be, because he loved talking about the union movement, and I wanted to engage him. I wanted to take his mind off the obvious pain and discomfort he was in. In Saskatchewan, the largest negotiating and bargaining unit was at a steel mill called "IPSCO" and now called "Evraz". He told me—and I was not aware of this until he told me—that he believed his greatest accomplishment was that, in all the years he headed up the United Steelworkers of America union, his union had never gone on strike. I found that odd, but then he went on to say many of the things David said in his intervention.

• (1700)

Strikes aren't things that unions want to do. Strikes are things they believe they have to do as a matter of last resort. If you can negotiate a settlement for your members without the need to go on strike, both the employer and the unions are better served. That is what he was most proud of. He had never had a strike. He had the ability to successfully negotiate contract after contract with his union's employers without a strike ever occurring.

At the time, IPSCO was owned by a private individual, Jack Turvey. David may be aware of the history of Jack Turvey. He was a very colourful individual. He was an entrepreneur who made a million and lost a million, probably two or three times. He built a steel mill in Regina, Saskatchewan, in the heart of the Prairies, where no one thought a steel mill had any right to be built. It became the largest single employer in the province of Saskatchewan and still is to this day. Jack was a tough old character. He was a tough negotiator, but he and my father got along extremely well.

This is a bit of an aside, but I think it's worth relating to this group. I recall that they had a bit of a tradition. Whenever they successfully completed a negotiation, they would retire to Jack Turvey's private railcar, which was a fully restored 1920-something CN or CP railcar that had served as a dining room, bar, and lounge. Jack Turvey spent tens of thousands of dollars, if not hundreds of thousands, on completely restoring it to its original ornate state. It had massive glass chandeliers, ornate china and flatware, a beautiful hand-carved mahogany table, and the finest spirits, wines, and liqueurs that money could buy. He entertained many of his IPSCO clients in that railcar. It was well known within the confines of Regina and throughout the province. In fact, at one point in time, I believe schoolchildren actually got tours of it on a regular basis, just to see what it looked like.

However, it wasn't just for show, because Jack used it for entertainment purposes. At the successful conclusion of negotiations, he would invite members of the negotiating teams from both sides, management and union, back to this railcar. They would complete their successful negotiations with a fine catered dinner and more than a few drinks, to the point where a standard method of operation was that following the conclusion of their drinks, Mr. Turvey would make sure there were at least cabs, if not chauffeured limousines, to take all of the combatants home, as no one, by that time, was in a position to drive.

I point that out because I believe that there can be successful negotiations, not just in the relationship between employers and unions, but here in Parliament. It does not happen often, particularly when there is a majority government. We all recognize that. We all know that majority governments can do pretty much anything they want in terms of changing and passing legislation. That is their right. They were elected to do so.

• (1705)

Of course, there is a role for opposition parties. I hope this government recognizes the role of opposition parties, as most governments before it did, and I hope the Canadian public recognizes the benefits that Parliament and Canadians receive by having strong and principled opposition parties.

I again reiterate that the government does not have the right to change the rules that govern parliamentarians. That is where I take great umbrage when the Prime Minister or others stand in the House of Commons and follow the talking points, which state that the government wants to “modernize” Parliament. The government does not have a right to modernize Parliament. Only Parliament itself can modernize itself. Only Parliament itself can change its own rules.

There have been countless examples of this over the years. We've talked about them here. I've talked about them in the House. I've

lived the experience. I've given examples of how, in the previous Parliament, when I chaired an all-party committee, it was charged with the responsibility of examining the Standing Orders and making recommendations on the Standing Orders. We had an all-party agreement that no changes would be made unless we had unanimity. This was a long-standing tradition.

Mr. Simms, in my last intervention, pointed out that the McGrath committee didn't have unanimity as part of its mandate. I agree with that. However, as I pointed out to Mr. Simms, the McGrath committee did employ unanimity as part of its process. As the report itself stated, not one vote was required to change a standing order. In other words, complete consensus was achieved, even though that wasn't in its mandate.

Why? It was because all the parliamentarians understood—as I understand, as Mr. Christopherson understands, and as all members of the opposition understand—that there must be unanimity when dealing with the rules of the House that affect all of us. There cannot be one party determining what the rules will be. There cannot be one party saying, “Well, we'd like to change the rules because we believe it would benefit us.” Not only is that short-sighted, but it is an insult to Parliament itself. I cannot fully understand why members of the government side can't comprehend that very basic tenet.

I appreciate the fact that my colleagues opposite are studiously looking at their BlackBerrys and their iPads, perhaps playing solitaire at this time—

**Mr. Francis Drouin (Glengarry—Prescott—Russell, Lib.):** Multi-tasking.

**Mr. Tom Lukiwski:** —and are silent, because they have been given marching orders. They've been told that “this is what is going to happen”. David and I have had a couple of discussions. I think David may be on to something with his theory about why we are here, because it makes no sense, not only to me but to many Canadians I've spoken with about this filibuster that's occurring.

It's one of two things, as David surmises. It's either that the government doesn't really know what it's doing, which is possible, or there's a master plan at work that this will continue and the government will allow opposition members to carry the debate until such time that the government wishes to invoke closure. Their rationale will be that this impasse is delaying the proper implementation of government business, and they have to do this. They'll say that they do not want to take this draconian step, but they have to, to make sure that Parliament continues to operate as it should, and they have a deadline, a calendar, in front of them. That would allow the government to rationalize bringing down closure, to get their desired results, and to achieve the changes they want to see in the Standing Orders.

But I know, as Mr. Christopherson knows, and as I think every parliamentarian—even on the government side—knows, if that is the plan, and if that is the course of action the government wants to take, this place, Parliament, will start to disintegrate very quickly. There will be a price to pay for that. There will be a price.

Of course, that would further allow the government to say that because the House is in such disarray—

● (1710)

**Mr. David Christopherson:** Yes.

**Mr. Tom Lukiwski:**—they have no choice but to prorogue. Then they will have fully achieved all of the goals. They'll see an early end to Parliament, with changes to the Standing Orders under their belt. They'll be able to come back at some later date in the fall with a new throne speech hitting the reset button, and, in their opinion, all of this here will be forgotten.

But I can assure you that it will not have been forgotten. If you think that some procedural tactics have been used over the course of the last few days to perhaps put a bit of a crimp in the government's style, where votes have been taken at inopportune times for the government, "you ain't seen nothing yet".

**Mr. David Christopherson:** That's right.

**Mr. Tom Lukiwski:** There are procedures that will remain in place that the opposition can avail themselves of, and I can assure you—and once again I give you my word—that we will utilize every procedural tactic at our employ and in our abilities to prevent the government from moving forward and trying to achieve their legislative agenda. They will leave us with no choice but to do that. It's not a course of action that I or anyone else on the official opposition side would like to take, but we will be forced into it because we simply cannot allow the democratic will of Parliament to be usurped, if that is the plan of the government. I truly hope it is not.

One thing I again offer up to my colleagues on the government side is to beseech and implore them to consider what the consequences of some of these changes may be, not only for Parliament but for themselves. I did a little research in looking at the results of the last election, and I found that there were 35 Liberal members of Parliament who won their seats by less than 5% of the vote, and in some cases, by less than a per cent. Primarily, they won those 35 seats because—in my opinion, at least—the New Democratic vote imploded.

The "progressive" vote, as it is called, I believe, picked a political pony to back in the last election, and they picked the current Prime Minister. I believe that they took a look at the two opposition parties at the time, the two considered to be progressive parties, and they determined that the Liberals were more progressive on a number of different policy fronts, electoral reform being one, the legalization of marijuana another, and running modest deficits being a third. I believe they thought that the New Democratic Party leader, Mr. Mulcair, was taking too centrist an approach. Being true progressives, they then felt the only way to defeat the Stephen Harper government was to strategically vote Liberal, even though many of them may have been New Democratic voters for all of their adult lives.

It worked. It was a complete surprise to some, and perhaps a bit of a surprise to others, but it was certainly no surprise to learned and experienced political leaders and observers that the Conservative government was defeated; consistent polling over the previous 12 to 24 months had indicated that the Conservative Party could not get beyond the 30% or 32% mark. It was just a matter of which of the two opposition parties was going to be able to coalesce the voters behind them. It turned out that it was the Liberals.

Mr. Trudeau's personal appeal I think obviously played a great part in that, and for that I give him credit, but the reality is that many of the same appeals that the Liberals had in the last election campaign, and much of the personal appeal that Mr. Trudeau had, are starting to wane. It's starting to wear a little thin.

● (1715)

I would suggest to members of the government that if the NDP vote comes back home, if it returns to its normal home, and if they get anything close to their traditional voting patterns and percentages, those 35 Liberal MPs who won by very narrow margins—and there are a couple of them sitting at this table—may be on the outside looking in after the next federal election. This could mean that we would have either a minority government or, if the tables turn dramatically, a majority government, but with the Liberals in opposition. It still could be a minority government with the Liberals in opposition.

As many of my colleagues and I have pointed out before, the wise, strategic parliamentarian would understand how to be careful of what you wish for, because you might just get it. If in fact these changes are enacted and the Liberals came back in 2019 as the opposition, what would they think then? I can guarantee you that if the tables were reversed and the Conservatives were trying to employ these tactics, members of the Liberal Party would be outraged, rightfully so, and would be using anything within their powers to prevent the employment of these tactics.

For some reason, unbeknownst to me, those strategic masterminds in the PMO have determined, for whatever reasons, that this is the course of action they wish to take. This is the road they wish to travel. I hope, and I sincerely mean this, that at some point in time I come to the understanding of the rationale behind all of this, or that someone explains it to me, because it simply doesn't make any sense, except for the theories that Mr. Christopherson has. The more I think about it, the more I think he's probably right: that this is part of the master plan.

But it doesn't need to be this way, you know, and one of the many dangers of what the government appears to be attempting to do is the either intended or unintended consequences of their actions. What I mean by this is that there have been many times in history when changes to the Standing Orders have been enacted in Parliament and either were intended to be temporary or were intended to be an act or a change that really was never to be utilized or employed.

Before I get into the historical references, let me point out something that is currently before us and is an argument that the government forwards: that their proposed change to the Standing Orders requiring a prime minister's question period once a week does not necessarily mean that the Prime Minister will only show up one day a week—he will show up for other days. Well, I guarantee members opposite that once a precedent is set—and history has proven this to be true time and time again—and once a standing order has changed requiring the Prime Minister to show up one day a week for a prime minister's question period, but not referring to any other day of the week, over time that will evolve, so that future prime ministers, and perhaps even this one, will take it upon themselves to only show up on Wednesdays because that is the only requirement in the Standing Orders that speaks to question period and the prime minister. Mark my words, that would happen.

If the Liberals were in opposition, how would they like it if they had access to a Conservative prime minister or a New Democratic Party prime minister on only one day a week? How would they feel if they could question the prime minister of the day on only one day a week? I would suggest to the members opposite that if they want to truly make this something appealing, perhaps they could come up with some sort of standing order that says that the Prime Minister, in addition to appearing one day a week, actually has to answer a direct question and give a direct answer, because we haven't seen that yet.

• (1720)

We've seen on two occasions the Prime Minister show up on Wednesdays and to his credit stand up and answer every question—or at least talk in response to every question. There have been no answers.

**Mr. Scott Simms:** [*Inaudible—Editor*]

**Mr. Tom Lukiwski:** The one that quite frankly is wearing very thin right now, and is insulting the intelligence of not only parliamentarians but also Canadians, is the Prime Minister's repeated talking points on the question of the billionaire island Christmas holiday. The questions have been quite direct to the Prime Minister. He doesn't answer them directly. He'll give his standard talking point that it was a private vacation, and they look forward to answering any questions that the office of the Ethics Commissioner may have on this and of him.

Well, today the questions from the opposition, both from the NDP and ourselves, became even more direct. We asked the Prime Minister to answer the simple question of whether or not he's met with the Ethics Commissioner yet. What would possibly prevent the Prime Minister from saying, yes, he has, or no, he hasn't but he plans to in the near future? But he still gives out the same shopworn, tired talking point that they will fully comply and work with the Ethics Commissioner.

Mr. Chair, that to me suggests that I don't think the Prime Minister has met with the Ethics Commissioner. And if not, why not? Perhaps it's because he's stalling, he's stonewalling. He doesn't want to meet because he knows that he would have to give her the direct answers that he's not giving to Parliament or to Canadians. We know now that someone was misled with the revelation that there was an alternative mode of transportation to get the Prime Minister to the Aga Khan's island. Originally, and for many question periods in a row, the Prime

Minister said the only method of transportation was through private helicopter. In extenuating circumstances, I'm sure the Ethics Commissioner would agree that no protocols were breached and no laws were broken—except we know now that there were alternative modes of transportation.

To add to the mix, now the Prime Minister is suggesting that the RCMP determines his method of transportation for security reasons. Really? Can you show us perhaps some correspondence, some emails, some verification of that? If there is such verification, why would the Prime Minister not want to share that with Parliament and with Canadians? Why foster this culture of mistrust?

I know how Canadians react when the prime minister, or for that matter any politician, doesn't answer a direct and very simple question. We saw that first-hand in the last Parliament, when under questioning from Mr. Mulcair to the prime minister of the day on Senator Duffy, the prime minister, much to my chagrin and others', kept with the talking points. I and others felt he could have simply defused the situation by saying that he never instructed Mike Duffy to do anything, but he just kept following the same talking points, because the strategic advisors, the communication smart guys, felt he should keep to the script—

• (1725)

**Mr. David Christopherson:** How did that work out for him?

**Mr. Tom Lukiwski:** —and not vary from the script.

David asked a question, and I'll answer it: not very well.

**Mr. David Christopherson:** That's how I recall it. It didn't go well.

**Mr. Tom Lukiwski:** That's what's happening here.

**Mr. David Christopherson:** Exactly.

**Mr. Tom Lukiwski:** Canadians want answers. Look, if the Prime Minister did nothing wrong, just say so. If he has met with the Ethics Commissioner, say so. He doesn't have to divulge the content of their conversations. We will wait until we read the report from the Ethics Commissioner. But what harm does it do to answer a direct question on whether or not he's met with the Ethics Commissioner?

**Mr. David Christopherson:** That's right.

**Mr. Tom Lukiwski:** It does no harm whatsoever. In fact, I would suggest and argue that it would comfort Canadians that, yes, he has, that an investigation is going to get to the bottom of this. If the Prime Minister has done nothing wrong, as he continually states, then just say so. You're not going to be breaching any confidence of the Ethics Commissioner by saying whether or not you have met with her. If in fact the RCMP Police were the ones telling the Prime Minister that for security reasons they believed he must take this private method of transportation, because otherwise security protocols would be breached, that's fine.

I believe, then, that the natural course of action to take from now—I'm sure the NDP have felt the same way—is for members of the opposition to simply write a letter to the commissioner of the RCMP Police and ask whether they could provide documentation that demonstrates that they had advised the Prime Minister to take that private helicopter. I don't believe that any security provisions would be breached by the RCMP admitting to either advising the Prime Minister thusly or not, if it's standard protocol.

We all know, for example, that prime ministers are required to take secure aircraft when travelling. They are prevented from taking commercial airlines. We know that. Why do we know that? It's because the RCMP has admitted it. I'm sure the RCMP, if asked, would respond by telling us exactly what they advised the Prime Minister. Or was it a fact that the Prime Minister determined himself that he would take this private helicopter and simply advise the RCMP of his course of action? We need to know that. Why? It's not to begrudge the Prime Minister his taking a private vacation, which he is certainly entitled to do. But now we want to know whether the Prime Minister misled Parliament and misled Canadians. He has stated on the record that it was because the RCMP advised him for security reasons to take this private aircraft. If it's true, then the Prime Minister should have no difficulty in proving it, but if it is not true, then Canadians will be rightfully outraged. Parliamentarians will have more than just a simple case of privilege. We will have much more than that. We will have a documented case in which the Prime Minister deliberately misled Parliament.

I know that the term “deliberately misled” is not considered parliamentary language in the House of Commons, but if in fact the Prime Minister did not receive instructions or advice from the RCMP that he must take, in their opinion, a private aircraft, that is a serious breach of privilege—

• (1730)

**Mr. David Christopherson:** Yes.

**Mr. Tom Lukiwski:**—and there will be consequences. Not only will there be consequences from a parliamentary procedural standpoint but there will be political consequences, I can assure all members.

Going back to my point on the prime minister's question period being one day a week, if members of the government wanted to ensure that they included a standing order that required the prime minister to give direct answers to direct questions, if he had the ability to do so, that would be a welcome change, one that I would certainly support. But I don't see that happening.

Beyond that, Mr. Chair, now that the Prime Minister has on two separate occasions answered every question put to him—

[*Translation*]

**Mr. Xavier Barsalou-Duval (Pierre-Boucher—Les Patriotes—Verchères, BQ):** Mr. Chair, I rise on a point of order.

[*English*]

**The Chair:** Under the Simms protocol, is it okay for Xavier Barsalou-Duval to say something?

**Mr. Tom Lukiwski:** Yes, it's fine with me, Chair, absolutely.

[*Translation*]

**The Chair:** Mr. Barsalou-Duval, you have the floor.

**Mr. Xavier Barsalou-Duval:** Thank you, Mr. Chair.

I'm pleased to be speaking to the committee today because my party doesn't often have the opportunity to do so. I know my colleague had a great deal to say, and I want to thank him for letting me take part in the discussion.

The members of my party don't often have the chance to speak. We have little or no speaking time in committee meetings. The only exception was when the Special Committee on Electoral Reform allowed the Bloc Québécois to sit on it. Since the last Parliament, we haven't been able to sit on any other committee. This is a major problem for us. Each time a bill is submitted and we have issues to raise, we can't do so. We also can't suggest amendments. We sometimes manage to do so, but often, we can't do so the way we would like to.

This causes specific problems. We're members like all the other members in the House of Commons, meaning we were elected by the citizens of our constituencies. There are 11 members in this situation in the House of Commons. No, there are now 12 members because a former Liberal member is now sitting as an independent.

The mandate from our constituents is the same as the mandate given to the other members by their constituents, which is to represent them in the House of Commons. It's unfair because we can't represent our citizens the same way the other members represent their citizens.

The committee should look at this issue to ensure that it's taken into account in the possible changes to the Standing Orders. The members must be able to express their views in all the House committees, and not only in the committees dealing with the Standing Orders of the House and the changes to the democratic rules for committees.

The democratic rules were discussed in a committee that studied the change to the voting system. I appreciated the openness to us and the fact that we were allowed to share our views. I think it was essential. When the rules of our democracy are changed and certain people aren't invited to the table, democracy is denied, because these people are part of the democratic process.

In this case, the situation is similar since we're talking about changes to the Standing Orders of the House of Commons. Obviously, the Standing Orders play an essential role in the parliamentary process. When it comes time to change the lives of parliamentarians, it's important to hear what all parliamentarians have to say on the matter. On that note, I appreciate that the committee is giving us the chance to speak. However, I don't think it's sufficient to give us the chance only on this occasion. We should also have the opportunity to speak on other occasions, in all the committees.

I don't think we should implement a practice of automatically assigning a member to a committee. We're 10 independent members, since you don't want to recognize us as Bloc Québécois members. Since there are more than 10 committees, we can't sit on all the committees, given the number of members in our party. Nevertheless, whether one or 11 independent members are elected to the House of Commons, we need to look at the possibility of those members sitting on the committees—no matter which committee—and participating in a meaningful way. It's a key way to allow everyone to participate in the democratic parliamentary life.

I'm sure the parties considered independent could agree on who would take the place of independent members on a given day. For example, I'm sure the member from Saanich—Gulf Islands would regularly sit on the Standing Committee on Environment and Sustainable Development. I'm sure she would often leave us her place on other committees. When we would have issues to raise in the committees that interest her personally, there wouldn't be any problem either. I think it would be something positive.

It would be all the more desirable because, in a democracy, we talk about the proliferation of views. Having views from all the parties is even better for the House and for all the members.

● (1735)

We each received in our offices a document that was released to the public. The document is a policy paper from the government describing the changes it wishes to make.

One of the changes is to sit four days a week instead of five. It's an interesting option to explore, but it involves many risks.

First, all members must be able to spend time in their constituencies, but they must also spend enough time on the Hill. If we decide to sit four days a week, for example, would members seen as independent have their number of questions reduced? Currently, each independent member has the right to ask one question a week. The Bloc Québécois has 10 members and can therefore ask 10 questions a week. The Green Party has one member, so it can ask only one question a week. These members mustn't lose the opportunity to ask their questions. They already can't ask many questions, and they may ask even fewer. I think the current system is already completely dysfunctional. Regarding the questions, it's not right that parties with fewer than 12 members aren't recognized. Parties should be recognized whether they have ten, five, four, two or one member.

The policy paper we received talks a great deal about London. The example of the British Parliament is provided. The British Parliament doesn't always sit five days a week and the Prime Minister sits only once a week to answer questions, as proposed in the policy paper. However, in London, the parties with two or more members are recognized, whereas here the parties need 12 members to be recognized. Great Britain has a population of 60 million and Canada has a population of 35 million. If we establish an equivalency based on the number of inhabitants, a party should be recognized starting at a single member. If the equivalency is purely based on how the British Parliament works, that's what must be done.

It isn't right that the members don't have the same resources. Recognition means the ability to ask more questions. In a question period where over a hundred questions may be asked, the party that's unable to ask questions can't even be included on the agenda and comment on what's happening on a given day. All political parties must be able to speak every day about key issues. Things are happening in society, and when the members of these parties can't be heard, their views aren't heard at all.

If we were to sit four days a week, we would sit for more weeks to compensate and to ensure the government sits for the same number of hours. We can look at this, but we're wondering what would

happen to the recess weeks. Would the parliamentary recess weeks be eliminated? Would we sit more often? All members must have time to spend in their constituencies, especially the constituencies that cover a large area.

Important dates must also be considered. Sometimes, the House sits on June 24, which we find completely unbelievable as members from Quebec. June 24 is Quebec's national holiday, and it's an extremely important day for people in the province. All Quebec residents expect to see their members in their constituencies, to meet with their them, to celebrate with them and to share this important time. June 24 must be free so that Quebec members can go to their constituencies. I'm sure the Quebec members from the other parties would agree. The national holiday is very important for everyone in Quebec.

The policy paper also refers to the possibility of independent members sitting on committees. We're pleased about this, but I want to point out that members need preparation time to sit on committees. When members seen as independent are invited to committees, the time required is demanding. It's often said that time is money. These members need additional financial resources, because they currently don't have enough to prepare to sit on committees. Sitting on committees results in additional responsibilities, and financial resources must be allocated accordingly.

● (1740)

If ever there is a reform that allows independent members to sit on committees, or parties to be recognized in various ways—for instance, we could recognize a parliamentary group without acknowledging it as a party, or recognize parties on the basis of a lower minimum threshold—then budgets would also have to be made available at a lower threshold. Members will not be able to take on bigger workloads without having the financial resources to do that work. I think this is the most important point we have made today: additional financial resources are essential.

Currently, our Bloc Québécois members have to cut their riding office resources in order to be able to do parliamentary work. That means that they are not on an equal footing with the other members from recognized parties. All of the members should be able to serve the citizens of their ridings without having to amputate their constituency budget to do parliamentary work. What is happening currently is very difficult for our members. I think it is important that everyone be able to provide reasonable service in their ridings and on the Hill, both with regard to constituency files and parliamentary work.



Electronic voting is also discussed in the document. We view this with a certain amount of interest. However, there seems to be a certain ambiguity as to how this electronic voting would proceed. The document says that the members could continue to work in their ridings and vote electronically, or while continuing to work at the House. We are wondering how security measures could be put in place to ensure that the member who is in his riding has the proper context to allow him to vote for or against a bill. How can we ensure that the vote has really been cast by the member? For instance, it is not normal to have someone who is travelling vote without anyone verifying his identity. I think that the security systems have to be very reliable. We really need proof that this would be concrete and effective.

Whether we like it or not, there is a history that explains the way we vote now. The history behind the way in which the vote is carried out currently is an important symbol for a lot of people. If a change is made to the way in which we vote, I think it would be important that on certain important occasions, such as the vote on the Speech from the Throne, the budget or other such occasions, we be allowed to vote in the traditional way. That is part of our tradition and history, just like the way the pages, the Speaker of the House or some of the table officers dress. We should be able to continue to vote in the traditional way on certain special occasions.

We have not yet made up our minds about the idea of sitting four days a week, but we are open to the concept, as well as to the electronic vote. I think it is important to talk about it, and that it is a good idea to submit this to our committee so that we can discuss it today.

However, there is something that concerns us in the document that was presented. It concerns time allocation. It seems to open the door for the government to resort more easily to time allocation, that is to say that the House will be forced to take a position on certain issues and debate will be cut short, both in the House and in committees. We are concerned about that because according to the way things are done currently, we cannot even take a position on many bills, or debate them in the House. That too is a problem.

In other parliaments of the world, such as the National Assembly in Quebec for instance, when any member wants to speak, he or she has the right to do so. He can express his opinion on all of the bills that are introduced, and on every topic that is discussed.

We think it is abnormal not to be able to express ourselves. If a bill is tabled, it is important that all of the members be able to speak on it. With 10 members, it is not true that our group is so small that it should not be allowed to speak. There are parliamentary groups made up of 12 members. With only two additional members, they are allowed to speak on all topics, whereas we are not, although we have 10 members. There is quite simply something wrong with that picture. It is important that changes be made to that way of doing things. If it becomes easier to resort to time allocation, we fear that this will adversely affect members who, like us, already have trouble making their views heard in debates.

• (1745)

Traditionally we have always voted against time allocation because we think it is a way for the government to cut the debate short.

We think that cutting debate short is dangerous. It is important that the members be able to put forward their points of view. There are 338 members in the House of Commons and I think that if 338 people speak on a bill, it is not the end of the world. It is in fact interesting to hear about the vision of each of the members of Parliament on every bill.

You know, some members belonging to the same party may not have the same position; after all, people vote for a member, first and foremost. That is how our system works and it is important that this still be recognized today.

[English]

**Mr. Tom Lukiwski:** I've been listening intently to the comments by my colleague in the Bloc, but with the conversations going on, I'm having difficulty hearing all of them, even with an earpiece. I would like to make sure I am able to listen to all his comments, so I would ask the people who are not at this table, if they have a conversation, to please take it outside, if that's possible.

[Translation]

Excuse me.

[English]

**The Chair:** Thank you. That was appropriate.

Mr. Barsalou-Duval.

[Translation]

**Mr. Xavier Barsalou-Duval:** We are very concerned by time allocation. Indeed, this is not something to be taken lightly. When you muzzle parliamentarians, it is because you want to prevent them from expressing themselves. However, we have been elected to Parliament precisely in order to be able to express our viewpoints. And so we have some serious doubts about the use of the guillotine, and we are anxious to see what form this will take. It is a dangerous instrument that has to be used with caution. Democracy consists in giving everyone a voice. Preventing people from expressing their opinions on issues alters democracy directly.

We also note that the document expresses the government's concern regarding the fact that the way motions are dealt with sometimes results in changes to the orders of the day it establishes itself, or which other parties establish occasionally. In my opinion, it is important that we maintain the possibility of introducing such motions. If urgent situations arise in current events, it is important that Parliament be able to deal with them. This can be a terrorist attempt or a major food crisis, for instance. There are all kinds of emergency situations Parliament has to be able to discuss.

These situations are not always to the government's liking, but Parliament must nevertheless be able to engage with these issues. The opposition has to be able to put the government on the spot occasionally. This is part of the roles of Parliament and of the opposition parties. It does not mean that the opposition is not doing good work. I think, on the contrary, that the fact that the government is sometimes put on the spot indicates that the opposition is playing its role properly. Indeed, the government must be transparent at all times and the opposition has to help it respect that obligation.

The document also refers to the possibility of the Prime Minister only being present one day a week in the House, and we consider this problematic. There is a seat reserved for him in the House. We understand that due to circumstances he sometimes cannot be there, but question period only lasts about an hour. There are 24 hours in a day and 5 business days in a week. Therefore I think that it is not unreasonable to expect the Prime Minister to be present in the House five hours a week. It is very little, considering the number of hours in a week. I think the Prime Minister must be accountable and that it is a matter of transparency that he also be present in the House. In my opinion, the ministers should also be there as often as possible. Quite often the ministers are not present in the House. Questions are not always addressed to the Prime Minister, they are often addressed to the ministers as well.

I would now like to speak about private members' bills. The parties introduce motions, but they also introduce bills. Members who are considered independent may also present bills. All of the members follow the same processes. However, very little time is allocated to debate private members' bills. We think there should be more time for this and that this is important. Parties and the government have a lot of weight, but private members' bills must also be heard. They sometimes raise important issues and can make significant breakthroughs possible.

Bills are not always partisan in nature. Of course all of the members have their own ideas and these are generally in keeping with those of their party. It is normal that this tendency is reflected in private members' bills. That does not mean that these bills are not interesting and do not deserve to be debated. We need to increase the amount of time set aside to debate them. It is all the more important because members cannot introduce very many.

For my part, for instance, I will probably not be able to introduce a single one in the course of my entire mandate, since the number I drew in the lottery is higher than 200. I will not have that possibility, even though this is my first mandate. It may be the only one in fact, even though that is not my wish. But the fact remains that if this is my only mandate, I will have been a member for four years without having been able to have a single bill debated in the House of Commons. I think that is not normal, and that it should not be possible. That is nevertheless the system we must work with at this time.

• (1750)

The fact that votes often take place during the day is another thing that concerns us greatly. Members have a lot of work to do and they must often work in their offices in Ottawa during the day.

Moreover, the votes happen sporadically. After question period, we return to our offices only to find out, often enough, that a vote is being held and that we have to return to the House. Sometimes a whole day can go by when we are unable to work on our files.

Of course, for the parties that have a lot of members, that isn't as serious because they have a lot of people to call on, a real army. And many public servants also work for them.

However, in the case of the smaller parties, the members have more work to do. When there are five, six, eight or ten votes in the same day at various times, we spend the whole day going back and

forth between our offices and the House. And so this prevents us from working on our riding files and our parliamentary dossiers. Since we have fewer resources, we are more penalized than all of the others. It would be important to think about those members when things are being organized. I don't know exactly how they could be organized, but I think it is important that we plan the day better for the members, because everyone has work to do.

Sometimes we meet with citizens, groups, or the representatives of Quebec organizations who come from our ridings. It can be an association of chicken producers, egg producers, or pork producers. All sorts of associations can come to meet with us. We make appointments with these association representatives, and they expect to see us. When there are votes at all times of the day, it is not easy to have productive meetings with them. We need to be able to plan our time more easily; that would be an improvement. It remains to be seen how that can become concrete reality, and we are anxious to see it.

It's the same thing for those who answer questions. I mentioned earlier that the Prime Minister should be present more often in the House in order to answer questions. We think that the obligation to answer questions should not apply only to the Prime Minister. I think that the ministers also have a duty to be present in the House to answer questions. Quite often the answer is given by a parliamentary secretary. A lot of parliamentary secretaries are certainly devoted and interested in the files they are given, but like it or not they are not the ones who make the final decisions. In the final analysis, the minister makes the decisions; he is responsible. The minister must be able to answer members' questions when they are addressed to him. I think that is fundamental.

I don't know if there is a mechanism that could force the person to whom the question is addressed to answer it. Often, people who are not familiar with the dossier at all answer the questions simply by reading a memo, which does not move the debate forward. Such answers do not help anyone to gain a better understanding of the issue. And so we are forced to ask the same question five, six, eight, ten or twenty times and every time it is difficult to obtain an answer. If it is difficult to obtain an answer from the minister or the Prime Minister, imagine what it is like when another member or a parliamentary secretary answers us. We always hope that he is providing a good answer, which sometimes happens, but I think it is important that the minister be present.

It would also be important that these regulations state that the ministers must also spend a minimum amount of time in the House. These rules should not apply only to the Prime Minister.

This week we also discussed omnibus bills. This topic came up again. As we know, these bills were a specialty of the previous government, but we are finding that the current government has also developed quite a fondness for this type of bill.

You will remember Bill C-29. In it we found a measure that affected consumer protection legislation. This would have meant that the banks would no longer have been subject to that provision. We think that is unacceptable. There should be a restriction on omnibus bills so that when a different issue or department is involved, a different bill must be introduced. It is not normal that bills touch on 200, 300 or 500 different topics.

As I mentioned earlier, a smaller parliamentary group has fewer resources and it is more difficult for it to review an entire bill. Imagine the situation when a bill has 200, 300, 400 or 600 pages; in the case I am referring to, with fewer resources, it is much more difficult not only to have a complete and informed position, but also to find the points in the bill that are of interest to the people in our ridings. In light of that, I think it is essential that a limit be placed on the size of bills.

• (1755)

I don't know how that could be done because certain bills are complex. At least there should be a way of understanding the content of bills. Little poison pills should not be scattered throughout a bill either because that is the problem. Little poison pills scattered throughout the bill do not improve the government's image because, when these poison pills are discovered and discussed in public, the public is not happy and the government is in the hot seat. So the government should really never do that kind of thing.

As to the debates in the House, it is difficult at this time, as I noted, to speak to bills. In some cases, we cannot speak at all. There is a procedure to break up members' speaking time, that is, to break up the 20 minutes into two blocks of 10 minutes—which is interesting—but it should also be possible to break up those 10 minutes into blocks of 4 or 5 minutes, to give members from the smaller parties the opportunity to speak. Once again, it is important for various people to speak.

There is another issue regarding members rising to speak: it is also important to be able to ask questions to someone taking part in a debate. I submit this issue to you very humbly. I think we have to think about it. I am looking for ways to give all members as much speaking time as possible. A member might repeat themselves in 20 minutes, but perhaps the member would be more concise in 10 minutes. If more people are given the opportunity to speak, the discussion becomes more constructive. So that is something that could be considered.

Another aspect, which is an irritant right now, pertains to question period. During question period, right now our questions are systematically relegated to last place. We understand that the parties with more members are allowed to speak first. I think that is part of protocol and the way things work. At the same time, however, we believe that systematically having the last question of the day makes it difficult to capture the public's attention because, as question period wears on, people grow tired and are less attentive. If you and I become increasingly less attentive as question period progresses, the same is true of people watching the parliamentary network. This is even more so the case with journalists. In the interest of democracy and the diversity of points of view, members from the smallest parties should also be able to ask questions before the very end of question period.

Those parties' questions could be scheduled at another time, perhaps after the first blocks, because there is a block for the first opposition group and another block for the second opposition group. Blocks could also be set aside for the other opposition groups. That would provide a more balanced approach, especially as to the number of questions. The status quo seems completely unfair to me. The small opposition parties must also be entitled to ask more questions and to receive more resources. It is not normal for certain parties to receive millions of dollars for research, while we get no research budget at all.

I think there is a party in the House right now that has about thirty members. We have about ten, one third the number of that party. Yet we are very far from being able to ask a third the number of questions that party can ask in the House and very far from a third of its budget. So I think some major changes are in order in this regard. In my opinion, it is essential for us to be able to express our views as much as the other parties.

• (1800)

[English]

**The Chair:** The interpreters are having a hard time. If we could try to keep the room a bit quieter, it would be very helpful.

[Translation]

Please continue.

**Mr. Xavier Barsalou-Duval:** I will conclude my remarks here.

Some people might argue that we have fewer members and that this is how it has always worked. Fewer members does not necessarily mean fewer votes, however, as was mentioned earlier. It was pointed out that, although the current government did not garner 70% or even 60% of the vote, it has a much stronger place in Parliament than the percentage of the vote it earned.

In the 2011 election, we won 23% of the vote in Quebec, yet we won just 4 of the 75 seats in the province. The number of members did not at all reflect the number of votes we received. When the number of members a party has does not at all reflect the number of votes earned, the budget allocated to that party in Parliament is not fair to the people who voted for that party either. That should be considered. The number of members elected should not be the only criterion; the number of votes must also be considered. In the last election, more than 800,000 people out of 8 million people in Quebec voted for the Bloc Québécois. That is a significant number that should not be overlooked.

Forty percent of Quebecers are separatists and the Bloc Québécois is the only separatist party in Ottawa. Forty percent of Quebecers want to hear our point of view and are interested in it. We must therefore have the necessary resources to make our point of view heard.

I am not arguing for my own interests alone. Some people will say that the Bloc Québécois has 10 members and that we had four before. Let us not forget that the NDP once had nine members and the Conservative Party had only two. All parties can end up with fewer members. It is normal for budgets and speaking time to be reduced when a party has fewer members. The problem is that it is not proportional. It has to be proportional. Unfortunately, that is not the way it works at all right now and that is extremely unfair to all those voters and people who support us.

Mr. Chair, those are the points I wanted to raise to the whole committee. I hope they will be considered and that we will be invited to speak more often, because we have a lot to say to you.

[*English*]

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

Thank you to Mr. Lukiwski and the rest of the committee members for allowing the member time. I think it's of very great benefit for us to hear from the representatives of the 800,000 people who voted for the Bloc Québécois and who wanted input into this process.

Thank you very much, and we look forward to more of the same.  
[*Translation*]

Thank you.

Mr. Lukiwski, you have the floor.

• (1805)

[*English*]

**Mr. Tom Lukiwski:** I have a question for you, Chair, before I resume my intervention. What is your normal practice when supper is served? Do you have a formal break, or do individuals go up and...?

**The Chair:** We've just been carrying on, but if you want to get yours before you speak, go ahead.

**Mr. Tom Lukiwski:** If we could take a five-minute break so that I could at least see what's on the menu, that would be great.

**The Chair:** Sure.

We'll suspend for dinner, for about five minutes.

• (1805)

(Pause)

• (1820)

**The Chair:** Everyone got some food. Thank you, Mr. Lukiwski.

Mr. Graham notified me that when we started at 4:30, we were at hour number 544.

Tom, you had mentioned some hours.

**Mr. David de Burgh Graham:** Hear, hear. That's the time since the beginning of March 21. So it's 546 o'clock on March 21.

**Mr. David Christopherson:** [*Inaudible—Editor*] wanted 24-7. They're incurring these costs.

**The Chair:** As we proceed, the interpreters thank us for keeping the noise level down, because they have very thin walls and it is disruptive to them. They appreciate it, and if we could carry on with that, it would be helpful.

*Merci.*

Mr. Lukiwski, you're on, and thank you, Mr. Barsalou-Duval, for your intervention earlier.

• (1825)

**Mr. Tom Lukiwski:** Yes, I want to concur with our chair and underscore that I very much appreciated hearing from the Bloc Québécois. I did not know that they would be appearing tonight, but I was more than pleased to cede some of my time to hear the perspective from another political party.

I think that also underscores the essence of what we're discussing here, that the rules of this place, the Standing Orders of this place, affect all of us. Whether we are in government, the official opposition, a recognized third party, an independent, or a single member wanting to speak and have his voice heard, the rules apply to everyone equally.

I stress the term “equally”, because the rules do not give more benefits to the government simply because it has more members of Parliament. The rules that we observe, the Standing Orders, which guide us in our daily actions, apply to every single parliamentarian equally. In fact, they have been designed and entrenched and codified so that they not only guide us equally but benefit us equally, so we're all playing by the same rules. I'm sure that in the hours that preceded my intervention there have been examples and analogies to sporting ventures, and how unfair it would appear if two football teams took the field but only one of them could set the rules by which they play. That's what's happening here. At least that's the attempt that the government is trying to do here. They are setting the rules, or attempting to, that would benefit themselves.

My colleague from the Bloc Québécois went over a number of the problems and issues that his party has with the discussion paper. I will go over some of those myself, because I share some of those concerns. But once again, I speak directly to my colleagues on the government side of this table and suggest to them that some of these proposed changes could in fact end up as an all-party agreement if we were afforded that ability to begin with. I think it highly possible, if not probable, that if the government simply said that they would abide by the same tradition and convention that other parliaments before them have done when observing potential changes to the Standing Orders—that is, that unanimity must be observed—then I think we could have a fruitful discussion. I honestly do.

I have some thoughts on electronic voting, for example. I'm a bit of a traditionalist, and I believe the term "stand and be counted" was done for a reason, but in terms of efficiency, there is an argument to be made for electronic voting. It's certainly happened in other jurisdictions, and I think that would be a worthy and worthwhile debate. But under the terms of reference that the government has imposed upon us—that being no equality among members of the procedure and House affairs committee and no requirement for unanimity—I will simply not engage in that debate, because it's worthless. Why should I and any other parliamentarian subject ourselves to a reasoned and rational debate when in fact we know at the end of the day that our words will not only be unheeded, they will be ignored? It would be totally irrelevant, because the government has their mind made up on what changes they would like to make to the Standing Orders.

Colleagues, in years past, and I'm talking decades past, any proposed changes to the Standing Orders caused uproar, not just in Parliament but in Canada itself. To give you all a bit of a history lesson, for those of you who don't know, closure was introduced by the Sir Robert Borden government back in 1913 in response to the naval aid bill. Back in 1913, the prime minister at the time was called upon by Lord Admiral Winston Churchill to update the royal naval fleet.

• (1830)

Prime Minister Borden decided that a \$35-million investment would be required to do just that. As I'm sure everyone can appreciate, \$35 million in 1913 was a lot of money, and it consequently sparked a vigorous debate among all parliamentarians. Seeing that this debate would be going on for perhaps an interminable amount of time, the prime minister and his party at the time, the Progressive Conservatives, introduced closure. That—simply an introduction of a standing order that would offer to the government in a majority situation the opportunity to shut down debate in order to pass a piece of legislation—infuriated not only parliamentarians, but Canadians at large. It was called unprecedented, draconian, dictatorial, and an assault on democracy. These were words not from parliamentarians themselves, but from members of the media and Canadians.

The debate raged on. I use the term "raged" quite appropriately. It was visceral in its intensity. I'm told that Canadians from across Canada would make their way to Ottawa merely to sit in the gallery and listen to the debate as it raged on. This was something that was completely unprecedented and, in the view of most Canadians and certainly the majority of parliamentarians, unnecessary. Until that time in history, there were no limits on debate. Some debates went on for months.

At the time, parliamentarians of all political backgrounds were held, I think, in a little more esteem than they are now. They were considered to be learned people, respected people who regardless of political affiliation were working tirelessly on behalf of all Canadians. Debate was an important part of the function of establishing laws and legislative initiatives that would benefit Canada, which at the time of course was literally still in its infancy. Canadians were quite comfortable with the fact that debate could go on for months and months without resolution, because they felt that

this was the appropriate course of action to take when trying to determine an appropriate law to be passed.

When Prime Minister Borden introduced this concept of closure, it was something that took most political observers aback. Most Canadians viewed it as a highly undesirable course of action for that government to take. Nonetheless, in order to pass the naval bill, Borden pursued and, in fact, if memory serves me correctly, enacted closure on 19 separate occasions to get the bill passed. He whipped his caucus, and it was passed. But because the uproar from Canadians—or, to use a term more closely associated with today's generation, the "blowback"—was so intense, closure was not really utilized again for a number of decades. No politician, no political party, wanted to run the risk that Borden had and incur the wrath of the general electorate. So closure, while it was still on the books, was simply not used.

• (1835)

The next time it came into the forefront and the next time Canadians became aware of closure and were similarly outraged was in the 1956 great pipeline debate. The Liberal government of the day wanted to ensure that the TransCanada pipeline taking Alberta crude to eastern Canada was built. But there was a timeline, a deadline in which it had to be completed, and the debate seemed to be never-ending. Once again, Sir Wilfrid Laurier, who I believe was the prime minister at the time, enacted closure to get that debate completed and the bill passed. Similar to what happened in 1913, there was a great outcry not just from politicians, but from....

Yes, go ahead.

**The Chair:** Did you say that was 1954?

**Mr. Tom Lukiwski:** It was 1956.

**The Chair:** So that was probably Louis St. Laurent and not Sir Wilfrid Laurier.

**Mr. Tom Lukiwski:** Did I say Laurier? I should have said St. Laurent. Thank you very much for the correction.

There was no appetite for closure, but because it was on the books, St. Laurent was able to utilize it.

I point this out for a reason. I mentioned earlier in my intervention that what we do now will have repercussions, will have consequences. It may not be apparent to individuals at the time, but any action causes a reaction. Even though closure was not intended to be enacted after 1913, it was, because it was available to the government of the day.

Fast forward from 1956 to 1969, when time allocation was first introduced by the current Prime Minister's father, Pierre Trudeau. It was hotly debated, but the reaction was not quite as visceral as it was in 1956, and certainly not as much as it was in 1913, because by that time Canadians had been somewhat acclimatized to the fact that parliaments had the ability to shut down debate. Prime Minister Trudeau the elder again whipped his caucus, and time allocation was something that came on the books as a standing order.

I note with great interest and point out to committee members that in the five years prior to the introduction, the approval, and the ultimate passage of time allocation as a parliamentary tool, a number of different parliamentary procedural committees discussed this very concept, and on five different occasions all-party committees decided not to approve time allocation. Why? Because they didn't have unanimous consent.

I'm underscoring this because it has been a long-standing tradition. Whether or not a special committee on parliamentary reform is constructed, whether or not an all-party committee is formed to examine potential changes to the Standing Orders, each and every time throughout history, all parliamentarians agreed that they must have unanimous consent—that is, until now.

Make no mistake that what this government is attempting to do is to shut down the ability of the opposition to prevent changes to a standing order by not agreeing to grant unanimous consent, merely allowing a parliamentary committee of which they have a majority to determine what standing orders should be changed.

Mr. Chair, that in my view is not a discussion, such as this government continually brays they want to have. It is not a conversation, because a conversation has to be two-way, and you have to be able to listen to and accept arguments from both sides and both points of view. This is merely a totalitarian attempt by this government to unilaterally impose their will on the opposition under the guise of a parliamentary committee.

I would suggest to my honourable colleagues on the government side that this has the potential to be extremely problematic for them from an electoral standpoint. This heavy-handed, ham-handed attempt by the government to curtail the opposition's ability to affect the rules of this place will be seen as dictatorial, as draconian, and they very well could end up paying the price for it.

● (1840)

I talked a little earlier in my intervention about how many of the Liberals were elected by a very small margin in the last election and how they have disappointed a lot of the progressive voters by their actions to date. They have greatly disappointed progressives who were looking forward to a government to follow through on their commitment to electoral reform. They were very disappointed with a government who said that they would respect the will of provincial and environmental jurisdictions by approving pipelines. They were disappointed, to say the least, that the government made a number of promises and have not fulfilled them—the two I have mentioned plus the fact that the modest \$10-billion deficits have now mushroomed into a \$30-billion deficit.

There is a host of progressive voters, I would suggest, throughout Canada from coast to coast to coast, and to the fourth coast, who will be looking to rethink their position and rethink their support for Liberals because of these disappointments. I would suggest that this course of action will only add to the frustration and disappointment of those progressive voters. I believe that will translate itself into votes, but they won't be votes for Liberals.

I would also suggest to members at this committee that one of the benefits of being elected is that backbenchers, in a truly enlightened government, have the respect of their party. I would humbly suggest

that that respect has not been afforded anyone at this table. You know as well as I do that you have been instructed to follow a certain course of action to ensure that at the very least this filibuster continues. I suspect—although I will probably never be able to prove with any certainty—that many of you in your heart of hearts disagree with the approach your government is taking.

I can speak from experience that in the previous Parliament—I think most of my colleagues, if they were being completely honest, would agree—there were initiatives our government in the past engaged in that many of us did not agree with, but we only have ourselves to blame if we were silent. We can always fall back on the old tried-and-true adage that, well, we were just following party discipline. We wanted to be loyal. That's all well and good, and I agree with party discipline. I agree with having a united front, because if you didn't have it, it would prove to be politically disastrous for any political party. However, there comes a time when every single parliamentarian and every single citizen has to say stop.

I believe every Canadian knows the difference between right and wrong. We know that intuitively. It is simply wrong to try to impose the will of the government, the tyranny of the majority, upon the political process and the Standing Orders that guide us all. I believe that if members of the government—many of whom are sitting at this table—would speak honestly, they would agree with that statement.

That's not going to have any influence on the outcome, but I can tell you this. Having successfully run for election on five different occasions, I know what it's like to go back to my constituency and try to explain to constituents a course of action that my government took that was not appreciated. You can spin as long and as much as you want, but the reality is that constituents know when a course of action taken was wrong.

● (1845)

I heard it loud and clear in the last election and lead-up to the last campaign. Luckily for me, my voters did not blame me, but they blamed the prime minister and the government. Frankly, if I had been in any other region of Canada except the Prairies, there's a good chance I would not have been re-elected, simply because voters wanted to express their displeasure at the actions of our government.

The first individuals on the government side who will potentially experience some heartache from this action, combined with the actions their government did before, are backbenchers. They will be asked why they didn't stand up and say no.

To credit the current government, and to the members of the Liberal Party, on a few occasions I have been pleased to see government members stand up in opposition to their marching orders, usually with respect to private members' bills. I think that's extremely positive. I think that's healthy. But this is something that goes beyond just a private member's bill. If there is a point in time when government backbenchers should say, no, we don't agree with this course of action, then this is the time. Trust me, if some of these changes go through, and if you are successful in your re-election bids, at one point in time in your future you will be sitting in the opposition benches, and you will have to live with the changes you brought down yourselves. It will not be very pretty.

I would also suggest that if the government simply agreed to this long-standing tradition of unanimous consent being required, the government might be pleasantly surprised at the reactions of some of the points that you put up for discussion. More than anything else, this impasse we are currently seized with would be completely eliminated. There could be a fruitful discussion on potential changes.

I can let members of the government know that in the previous Parliament, during the discussions of our all-party committee, many of the items it raised in its discussion paper were raised and discussed by our committee. It wasn't that all of them were opposed vehemently. In some cases there may have been one party that had some objections for some particular reason. In that case we took that standing order proposal off the table. However, there was some intelligent, reasoned, and rational discussion. Arguments were being made that did sway from time to time the opinions of others. That could be the case here, but it will not take place if the government continues to take the position that it does not require or request unanimous consent.

Simply put, if the government wants to continue down this road, and it appears it is doing just that, members of the opposition will have no choice but to continue our opposition, and not just continue our tactics such as filibusters, but to increase in intensity our opposition in other tactical and procedural ways.

**Mr. Mel Arnold:** We have no choice.

**Mr. Tom Lukiwski:** My colleague Mr. Arnold is quite right. We have no choice but to do that. We have to be able to show our displeasure as vociferously and as pointedly as we can to try to underscore the importance of what we are discussing. It is not enough to say simply that this is an issue that most Canadians aren't concerned with, that it's inside baseball. That may be true, but it affects Canadians nonetheless, because it affects how their elected members of Parliament have the ability to do their jobs.

• (1850)

In other words, it is undercutting the ability of any opposition party to be an effective opposition. There have been countless examples throughout history when, because of a competent opposition party, potentially damaging and destructive legislation was stopped, was prevented. Unfortunately, this government, when it talks about efficiency, wants the Standing Orders to be efficient only for themselves: to remove roadblocks from their way; to prevent opposition parties from having the ability to slow down and, in some cases, delay and prevent legislation from crossing the finish line. I'm all for efficiency, but I'm certainly not for a form of dictatorship, and that seems to be the considered approach of this government.

Let's look at a couple of examples from this discussion paper. One of the apparently more innocuous suggestions of the government is to change the length of time until a government is required to respond to written Order Paper questions from 45 to 65 days, or, as the government puts it in the discussion paper, put "an upper limit", so that a government is required to respond between 45 and 65 days later. The rationale is that the 65-day upper limit would give the government more time to give a more considered and thorough response.

To that I say balderdash. I've been in this place for close to 14 years. I was in government for nine. I saw questions coming from the opposition that caused us to respond, in some cases, in 50 to 100 pages for one question. As I made reference to in my last intervention, to prove a point, I stood in the House and read one of the opposition Liberal Party's questions into the record. It took me 17 minutes to read it in the record. That was one question.

I made a suggestion that perhaps we ought to put some rules around the types of questions that can be asked so as to prevent opposition parties from abusing their right to ask written questions. It took countless public servants days upon days to develop answers, which then had to be translated into both official languages, photocopied, and presented. The cost to our government was enormous. I did a calculation and found out that literally tens of millions of dollars were being spent to respond to opposition questions, many of which were dilatory, frankly. They were simply done to try to put a monkey wrench into government operations by taking skilled professionals away from their jobs and into responding to a question. It was obstructionist at its very core.

I appealed to the prime minister at that time that perhaps we should take a look at doing at least a review of the Standing Orders, because I thought we could save taxpayers millions of dollars. The prime minister said it sounded like an interesting concept and to send him a memo, as he normally said to members who had ideas he felt were worth exploring.

• (1855)

I did. I sent it to them. We had a discussion. What ensued from that discussion was that the prime minister made it crystal clear to me that any standing order changes had to be done for the right reasons. He didn't talk about unanimous consent at that time. That was something I brought forward on my own initiative when we assembled the committee. His marching orders to me, however, were very clear. If the standing order changes proposed by the committee make sense, that's fine. However, we—and "we" meaning the government—were not to introduce proposals that would effectively impinge upon the rights of opposition parties.

That surprised me, frankly, because the prime minister was a very wise and some would say brilliant political tactician. Some changes to the Standing Orders, which haven't been included in this discussion paper but I certainly considered, would have hamstrung the opposition. The prime minister wanted none of it. He understood, I believe more than anyone else in our party, why the Standing Orders were put in place to begin with.

At the heart of everything else you can say about the prime minister, he understood what democracy meant.

**An hon. member:** Hear, hear!

**Mr. Tom Lukiwski:** He knew that since we had a majority, if we wished, we could change the Standing Orders in a number of different areas that would have benefited us greatly, that completely—completely—would have removed the ability of opposition members to hold us to account. He would have no part of it.

Therefore, when at the procedure and House affairs committee I raised the fact that we were legislatively obligated to study the Standing Orders between the sixtieth and ninetieth day of the new Parliament, as all Parliaments are, I suggested we go a step further; rather than have a day of debate in the House, we do something about it and see if we can agree upon changes that would make the Standing Orders better, clean up some of the more arcane items contained in the Standing Orders at that time, and hopefully make the House of Commons a better place in which to work and to act.

The opposition members agreed, and at our first meeting I brought forward a proposal. This was not something that came from the PMO. This was something that I felt would be appropriate based on my conversations with the Prime Minister. I was the one who suggested that we consider changes to the Standing Orders, but to do so in a manner that, if any proposed change were objected to for any reason by any member of the committee, that proposal was off the table for discussion. We didn't even debate it. We didn't try to convince other members of the worthiness of the proposed change. We just took it off. You know something? That was probably one of the best-functioning committees I've been on. It was actually a subcommittee.

All of the members of the committee went back to their caucuses. They consulted with them extensively as to some of the proposed changes that our caucus members would like to see. Then we came back to the table, put our respective proposed changes on the table, and went from there. I can tell you, quite honestly, that in our caucus of the previous Parliament, some of the changes you have on your discussion paper were suggested. There weren't many, but there were a couple of people who recommended we go to a four-day week. You have that in yours. There were some who talked about electronic voting. There was a lot of other discussion about areas that would hamstring the opposition, and, as I said, I didn't entertain those.

I mentioned this in the last intervention, Mr. Chair, but I'll say it again because we have some new members at the table. I want to give a couple of examples of what I speak of. In the last Parliament there were only seven or eight members who were not part of recognized parties. By that I mean they didn't have 12 members of a caucus, so they weren't recognized. Ms. May was there representing the Green Party. I think there were two or three members of the Bloc Québécois, a couple of members of some other Quebec sovereigntist associations and political parties. However, in total, there were only, I believe, eight of them.

On two or three occasions during the last Parliament, the three major parties came to an agreement on some motions. Normally it would be something like the time we rise, or we ask for UC on, something that the Conservatives, the Liberals, and the NDP could agree upon. On two or three occasions, though, when we introduced the motion asking for unanimous consent, one or more of the seven or eight of what we should call independent members said "no".

● (1900)

What happens? Well, you have to "stand five", which they did. That forced a vote. We ultimately got approval of the motion we had introduced, but it took an hour out of our time. There were 30-minute bells, and you have to go through a vote. It delayed the

government's own legislative agenda for an hour. Some may say it's not a big deal, but it is a big deal if it happens frequently.

This government is seeing what happens if you have unwanted or unnecessary votes. Your legislative agenda is getting thrown off the tracks. We're doing that by design.

But I digress. Going back to the issue of the day, as some have suggested, the stand five provision was put into place several decades ago, when there were far fewer members of Parliament than there are at this time. From an inflationary viewpoint, one could make the argument that if the stand five provision was in place when there were only 180 members, and now there are more than 300 members, wouldn't it make sense to change the Standing Orders to say that you have to "stand 10" to force a vote? What would stand 10 do? In that political environment, stand 10 would have prevented Ms. May, the Bloc members, and the other independent members from ever being able to force a vote.

We didn't introduce it. I would not allow it to be even discussed at the all-party committee, because based on my conversations with the prime minister, I knew what he would say: "no." Quite frankly, I was a little fearful that if I allowed it to be discussed at the committee, I'd be hauled on the carpet. But I didn't do it because I knew that's what he didn't want to do. I also knew that it was not the right thing to do. How could we, the tyranny of the majority, be obstructing the ability of individual and independent members of Parliament from doing their jobs, doing what they felt was necessary to represent their constituents? It simply wasn't right. We thus didn't go beyond that point.

I also made mention in my last intervention of another scenario, if you want to talk about numbers. It was on Standing Order 56.1, which we used successfully on a number of occasions, both when the Liberals were the official opposition and when the NDP were the official opposition.

For the benefit of those of you at this table who are new and may not know what S.O. 56.1 is, it basically means that if a government introduces a motion asking for unanimous consent and the consent is denied, they can then reintroduce the same motion under the rubric of S.O. 56.1, and if 25 members do not stand, the motion is deemed approved.

What we would do on occasion is wait until a Friday morning, when attendance is traditionally lower than it is normally. We would even put some advance scouts into the opposition lounges to see how many members were sitting, and perhaps not in Parliament sitting in their seats. A lot of times on Friday mornings, as we all know, unless your whip has pretty good discipline, members don't tend to show up. So we'd wait until we thought we could win because there weren't 25 members to oppose. We'd bring in S.O. 56.1 on a motion, and what do you know? We'd get it passed, when we otherwise wouldn't have gotten it passed.



Some of our caucus suggested that the opposition was on to us now, and that their whips were never going to let fewer than 25 people be in attendance at any time; that we'd never get this done again. A member who shall remain nameless, who was actually defeated in the last election—perhaps it was a good thing—thus suggested, why not change the provision from 25 to 35 or 40? Then we'd probably get an S.O. 56.1 passed every time. If nothing else, it would inflame the opposition members, because they would have to have more of their people staying in Ottawa on a Friday.

I didn't let it happen. I simply would not entertain it, and it never came up for discussion in our all-party committee, because it wasn't right and because I knew the prime minister wouldn't accept it.

● (1905)

Those are just two examples of what one party could do with a majority to change Standing Orders to the absolute, absolute destruction of democracy. I choose my words very carefully here. I don't want to engage in hyperbole, but what members of the government are attempting to do is exactly that. The Westminster form of government was established by very learned individuals, and for a reason. They recognized the usefulness of Parliament as a decision-making body, but also they recognized the ability of opposition members to contribute to that process. Negating the ability of opposition members to hold the government to account is a very, very dangerous thing to do.

**Mr. David Christopherson:** I have a point of order.

**The Chair:** Mr. Christopherson.

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

I thank my honourable friend for his observations. He has great experience, and reflects that in his comments.

Chair, I was wondering whether through you I could ask the member a question.

Am I correct, in extrapolating the argument you're making, to include the fact if this were a give-and-take discussion, a real discussion, like the ones we've had in the past and you're alluding to, and this was really what we were engaged in here, not only would we have an opportunity to have a healthy and wholesome debate around the proposals of the government but it equally would afford the opposition an opportunity to put items on the floor too?

Right now the only thing we're focusing on is the demand list in that discussion paper from the government. Yet it would seem to me that what would be most productive, based on the history you're reflecting on—I was part of those discussions at different times throughout different Parliaments—if we had that kind of understanding where we were really going to respect one another, where nobody was reserving the right to say that if they lost the debate they were going to ram through the result they wanted. If that were removed, would it not, in that healthy environment, provide an opportunity for members of the opposition to put front and centre, and to have equal weight of consideration, changes that we think would improve the business of Parliament and the representation we're all here to give, rather than be reduced to one discussion paper, the demands of the government, and their position that we can have all the discussion we want, but if they don't like the result, they're going to use their majority vote to ram it through?

Would the honourable member agree that going to a process that allows that kind of respect, in which nobody is reserving the right to ram through a result when they're not happy with fair discussion, would actually lead to new ideas from the opposition, given that the opposition as well as the government has positive contributions to make to our Parliament?

I pose that question to my honourable friend.

● (1910)

**Mr. Tom Lukiwski:** It's an excellent point, David. You're exactly right. The process I established was that each party would have the opportunity to bring forward a shopping list of proposed changes. As I mentioned earlier, all of the members of that committee, of which your current parliamentary secretary to the government House leader was a member, went back to their caucuses, held a fulsome discussion on changes they would like to recommend, and came back to the table. Some of the changes that were enacted, frankly, were recommended by members of the opposition, as you well know, David. In fact, had we not been sidetracked by other priorities at the committee, I think there would have been a number of changes that went beyond what we had already done, which was approved by all members.

Historically that's what has always happened. The process has ended with numerous changes being made over the years to the Standing Orders, but always benefiting the way in which Parliament operates. Why has it improved the method in which we operate? It is because all parliamentarians agreed to it; they all saw the benefits. They all saw the rationale behind a change being implemented and agreed that it would improve not just the efficiency of Parliament but the democratic process under which we all operate. That's why throughout history, when this issue of the Standing Orders is examined, it goes almost without saying that unanimous consent must not only be sought but received.

As an example, I listened with great interest to my colleague from the Bloc Québécois showing their perspective on what they would like to see with respect to the discussion paper brought forward by the government. That's healthy. Whether or not the government agrees with any of their perspectives, whether or not opposition members agree with any of their perspectives, the mere fact that they have the ability to express them and present an argument is healthy for democracy. Yet for some reason this government seems hell-bent on denying members of the opposition the ability to discuss in a meaningful way changes that might benefit all of us.

I just can't get my head around that. I simply don't understand it. If some member of the government wants to take the floor, perhaps I would gladly cede my time, if you can simply explain to me why seeking unanimous consent is not a laudable objective.

As I said at the outset, the position that the government continues to maintain is that they as a government want to modernize Parliament.

They do not have that right. Only Parliament has the right to modernize itself.

**Some hon. members:** Hear, hear!

**Mr. Tom Lukiwski:** The government is not Parliament. We are, as we sit around this table.

Having gone through this exercise before, I can assure members of the government, from my experience in dealing with parliamentarians from all political backgrounds over the course of the last 14 years, that when a discussion of Standing Orders comes along there is a willingness from all political perspectives to get it right and to make changes, if necessary, that strengthen, not inhibit, our ability to do our jobs.

I have spoken with many very learned procedural experts about the Standing Orders over the course of the last number of years, because that was my job. I had to know these things.

**Hon. Candice Bergen (Portage—Lisgar, CPC):** I'm sorry, but on a point of order, just before the speaker goes on to the next point, I'm wondering whether I could ask my colleague a question.

**The Chair:** Yes.

I'd like to welcome Candice Bergen, official opposition House leader, and Marjolaine Boutin-Sweet, the NDP whip, to the discussion tonight.

It's great to have you in the room.

**Hon. Candice Bergen:** Thanks very much, Chair. I appreciate that welcome.

**The Chair:** Ms. Bergen, go ahead.

**Hon. Candice Bergen:** Tom, before you go on to your next point, I want to go back to your point about it not being the government's right to change the rules of Parliament just because they have the ability to do so as they have the majority.

I'm thinking about how this all started. I guess it is now about three weeks ago that I received an email from Ms. Chagger, my colleague Bardish. It was late on a Friday afternoon, and she said in her email that she was giving me a heads-up that she was going to be releasing her discussion paper around possible changes to the Standing Orders and that she wanted to let me know and let me have a copy. I thought that was great. I said thank you, and basically within 20 minutes or half an hour I had a copy, and I think immediately she released it publicly. That was the Friday before the break week, and we all went back to our ridings. I was reading it, but in my mind I thought we had some time to look at it, to digest it, and that there would then be a kind of process laid out concerning how we would work together.

To give context, there are certainly things that we do in public in the chamber, and those are more political, but usually when we have discussions behind closed doors, we really are very.... Keeping our word is really important in those backroom discussions. I'm not saying that she told me this wouldn't happen, but there was an indication that this was going to be a proper kind of process whereby we'd be able to look at the possible changes and then talk about where we would go from there.

It was only a few days later that I got word that Scott Simms had put the notice here that they would be bringing this motion to PROC. Then it became very clear that what I thought would be a process wouldn't be a process, and everybody here will know what happened.

Then we started asking questions in question period. The Conservatives, Scott Reid, put a motion forward to ask that there be a consensus before changes were made, and we started the public discussion around this, in hopes that we would be able to persuade the government that they were on the wrong path.

As we tried to have the discussions, whether it was during question period or through what was happening here in PROC, we kept hitting a brick wall. From my standpoint, I felt that I wasn't able to make Ms. Chagger understand what she was trying to do.

I wasn't wanting in any way to insult her. She has a ton of experience in various sectors, but when you're a new MP and you're immediately put into cabinet, you don't even get the benefit of sitting around a committee like this where you will learn so much. She never had the benefit of being able to do that and gain the historical benefit and experience.

• (1915)

I rather chalked it up to that: she just didn't quite get how things worked. It's been clear to me since then, however, and since she came forward in the last week saying that this was in the campaign platform, that they believe they have a mandate to fulfill that, and that Conservatives won't have a veto on it—which I think is sort of interesting, because she's not saying Conservatives and NDP and Bloc and Ms. May—that there's a little bit of a divide and conquer tactic going on there. But such is politics.

She said the Conservatives won't have a veto on their campaign platform. I'm trying to maintain and explain to her that the Prime Minister actually is not entitled to make a promise that is not within his purview to complete. He has the power, but he's not entitled to make that promise.

A hockey team that wins the Stanley Cup and gets to hold the cup up and travel around the country and be the Stanley Cup champions can't just say, "Because our team is really strong on defence, we're now changing the rules of hockey and making it really good for teams that have a strong defence." That's not the way the hockey league is set up. Now, certainly if all the teams and the commissioner came together and there was agreement, the rules of hockey could change, but the winner of the Stanley Cup doesn't get to make those changes.

Tom, I wonder whether you can help explain this. I don't know, maybe many of our Liberal colleagues understand this and are in the position of not being able to persuade their leadership of this fact, but it's so vital.

This isn't just about legislation that we don't like. Often there is legislation we don't like. We have speakers, and at some point the government moves time allocation. We don't put forward frivolous motions. We recognize that we put up the best fight we can with the tools we have and that the legislation is going to pass. We've seen lots of legislation go forward, but this is different from legislation. This isn't about scoring a goal on the ice. This is about changing the rules of the theatre we're in.

This is what I'm feeling frustrated about and we can't seem to get that across to the Liberals. I don't know whether it's through some of my other colleagues or how the colleagues across the way feel about it, but this is what is challenging. As much as the Prime Minister wants to be able to fulfill some of these things—and frankly, he could fulfill them without changing the Standing Orders.... He can show up every Wednesday and answer all the questions. I'm sure this point's been made.

Tom, I think with your experience and how long you've been here you could tell me, is this stubbornness? Is this almost obstruction on the part of the government or do you think they're really just not understanding the difference?

Thank you very much for this time.

● (1920)

**Mr. Tom Lukiwski:** To be honest, I believe that members opposite, particularly backbench members, understand completely what's at stake here. As I said before and firmly believe—this is not to insult any members opposite, because I have great respect and great regard for many members, particularly of the Liberal Party, whom I've come to know through committee and through other personal interactions—this is not any of their doing. This is not a desire that has been brought upon the government House leader from backbenchers clamouring for changes to the Standing Orders. This was purely and simply an initiative brought down from the PMO. They are the people orchestrating this. We all know that, and I won't belabour the point.

Goodness knows that when we were in government we had many initiatives that the PMO wanted to bring forward, and on many occasions we followed through with them. This, however, is different. This goes beyond, as Candice said, any particular piece of legislation, which the government in a majority configuration has the absolute right to bring forward. This is about changing the rules of the game.

Candice, just before you came in I said that I'm sure many speakers before me have used the sporting analogy. I used a different one. I didn't use hockey. I used football. The winning team doesn't have the right to change the rules. That's not the way the game is played. Some would equate politics to a big game, but nonetheless, it simply cannot work that way.

Let me give you another perspective that perhaps you hadn't thought of. I gave you a brief history of how closure came into effect. That was in 1913. It wasn't used again, to my knowledge—at least it wasn't used extensively, and I don't think it was used at all—until 1956 during the great pipeline debate. Then in 1969 time allocation was brought in.

One of the great ironies there was that the outcry from opposition members about the unilateral attempt by the Trudeau government of the time to bring in time allocation was so intense that they had to use closure to pass the time allocation bill.

Think of this, however. Had Parliament not enacted closure in 1913, what would be the situation today? I can certainly recall vividly from when we were in government, because we used time allocation more than 100 times to speed through legislation, the many arguments coming from both of the opposition parties. Our

government wouldn't have had the ability to do this. We'd be still debating and looking for consensus somehow, but what this government is trying to do goes far beyond simple closure or time allocation. It goes far beyond that.

I would also suggest that it would be wise of members of the government party opposite who sit on this committee, if they have not already done so, to seek out some independent procedural advice from experts in parliamentary procedure.

Perhaps not all of you, but some of you I am sure are familiar with the late Jerry Yanover, who was a brilliant procedural expert. We have one of our own in our caucus by the name of John Holtby. Between them, those two knew more about procedure than probably any human beings whom I'm aware of. I can assure members opposite of one thing: if Jerry Yanover were alive today, he would be advising you to stop what you're doing.

In fact one of your more learned former colleagues, Mr. Paul Szabo, has had some extremely critical comments about your attempts to change the Standing Orders. I'm sure all of you are aware of those comments, which appeared in the *The Hill Times*, I believe just today.

Derek Lee, another former Liberal member of Parliament, again a very learned procedural expert—

● (1925)

**Mr. David Christopherson:** He wrote a book on part of our procedures.

**Mr. Tom Lukiwski:** He most certainly did.

He opposes what you're attempting to do. It's not just the opposition members trying to prevent you from doing something because we feel it would harm us politically; we're talking about people who have studied procedure all their adult lives, who have written publications, who are acknowledged as experts in the field, and who are Liberals in some cases. They are saying, "This is wrong; what you are trying to do absolutely is wrong."

You know that yourselves. I'm not asking you to admit it here, because you are the loyal soldiers. You're going to follow instructions, but you know in your hearts that this is wrong.

**Mr. Mel Arnold:** We need to start talking about what's right.

**Mr. Tom Lukiwski:** Yes, what is right, absolutely, Mel...

Wayne Easter, another one of your long-time and learned colleagues, yesterday in a comment about the privilege motion before the House made comments to this effect as well.

Let's just get together and do things that are right for Parliament. We are willing to talk at any time. I can assure you that Candice, as our House leader, has offered on several occasions to sit down to see whether we can hammer out some sort of agreement here.

I don't particularly like filibustering for hours on end, but I will, as will all of my colleagues, because we have to. If we don't, it will allow your government to unilaterally change the Standing Orders by pumping it through a committee report. We simply can't allow that to happen, and I firmly believe that anyone who has a solid knowledge of parliamentary procedure would agree with us.

We've talked about the Paul Szabos and the Derek Lees, and there are many, many others. Consult them, if you don't believe me. Don't take my word for it—I don't expect you to—but consult some of these procedural experts and get their opinions. You will find that they do not agree with the approach you are trying to take.

**Mr. David Christopherson:** They have two weeks now. They can go and consult with their constituents. I think they'll get some interesting feedback from their constituents.

**Mr. Tom Lukiwski:** Absolutely. Have a town hall meeting and say, "Here's what we're trying to do. We're trying to change the rules, the way Parliament operates, unilaterally." See how that goes over. It won't. Of course, I'm sure that's not how you would wordsmith it, but nonetheless....

Those Canadians who are following this debate, and there seem to be more and more of them on a daily basis, are agreeing with the position of the collective opposition. This is not a Conservative-led initiative to oppose what you're trying to do. This is not something the NDP solely is trying to do. This is not something the Bloc and the Green Party are trying to do on their own. In fact, how often can you find an issue that galvanizes the entire opposition as this has done? The answer is very rarely.

**Mr. David Christopherson:** They succeeded there.

**Mr. Tom Lukiwski:** Yes, If that's what you're looking for—

**Mr. David Christopherson:** Well done.

**Mr. Tom Lukiwski:**—good on you. You've done a very bang-up job.

**Mr. David de Burgh Graham:** I love the way you guys are together. It's great.

**Mr. Tom Lukiwski:** Well, David, listen. I respect you. You know that I like you, and you can laugh about this now. You were one of those elected by a very skinny margin. You don't need this. You do not need this.

**Mr. David Christopherson:** David Graham.

**Mr. Tom Lukiwski:** Filomena, I believe you're one of the others. You do not need this as well. But that's not for me to coach you on how you plan to form your re-election strategy. All I'm suggesting to you from experience is that this would not be helpful. This will not be helpful. Think about that.

Also think about the fact that we don't have to be here. We can get out of this very simply, if you want to, by observing the tradition that has guided parliamentarians for centuries, and that is, let us all come together, sit down and discuss. What is the art of the possible? What would make Parliament a stronger, more modern, more efficient institution?

You've thrown out some examples, some of which I think I could be persuaded to accept. I would like to listen to some arguments. Some I disagree with, and I'd like to be able to debate those and present the arguments that I have as to why I believe this is a faulty way of thinking.

I started a few moments ago to talk about one of the proposed changes on providing answers to written questions, questions on the order paper, from 45 days firm to an upper limit of 65 days. All that does is it prevents the government from being accountable by 20

additional days. It is in itself an obstructionist tactic. For nine years while we were in government, I saw extensive questions, and we were always able to answer them within 45 days. In the extreme situation where a government is not able to respond in 45 days, there are provisions to ask for exemptions and extensions. You don't have to change the Standing Orders to gain 20 extra days, because all that would allow you to do is delay being accountable to the opposition and to Canadians by 20 additional days. We all know what happens if Parliament dissolves or adjourns and the response to a question has not been tabled in Parliament. It doesn't get tabled over the summertime or over the Christmas break. It can't be tabled until Parliament resumes.

There are many opportunities for the government by merely extending the ability to delay an answer for 20 days to delay it for several months. If there was a question that could have very severe and significant political problems for a government, say, on procurement or some other issue where the government would find itself to be politically vulnerable, having that extra 20 days is a big deal. That's why I feel that suggestion was made, not because the government would be better positioned to give a more fulsome and detailed answer, but simply because it gives the government more time to delay. I could not agree with that. I'd love to have that debate and provide evidence to suggest that your suggestion is wrong-headed, but I don't have that ability not just because of your reluctance, but because of your obstinance to agree to a tradition that has guided parliamentarians since Canada was formed as a nation, and that is, having unanimous consent when dealing with the rules of Parliament themselves.

I look at some of the items contained in your discussion paper. As Candice has pointed out, many of them do not require a change to the Standing Orders. We've talked extensively about the proposal to codify a prime minister's question period. Why do you need to codify it? He can do as he's done for the last couple of Wednesdays: just show up, stand up, and give such non-answers that frustrate the heck out of the opposition, but he at least is there.

● (1930)

You don't need to codify that. The consequence of that, as I mentioned earlier, would be—I will guarantee you—that the prime ministers of future governments would look at that and say, "Well, the requirement is that he shows up once a day, and that's all I'm going to do." Any action has a reaction, and that is what the reaction would be.

As I point out once again for emphasis, if we were the government of the day and our prime minister only showed up once a day or once a week, you would be furious. When Prime Minister Harper showed up three days a week, you were furious. However, that's what you're attempting to do, or if not, that's the consequence of what you are attempting to do.

Think about that. Think about prorogation. Why do you have to codify that? Your suggestion is that any government that wishes to prorogue must give some justification for doing so. Well, everyone does that now in some fashion. Prorogation is not a dirty word. In fact, it's quite common both at the provincial level and at the federal level, and in fact, it can be quite useful.

In this government's life cycle, you're just about halfway through your four-year term. I fully expect, if he doesn't do it prior to the adjournment of this House, that over the course of the summer your Prime Minister will prorogue and delay the resumption of Parliament until probably sometime later in October. At that time, he will come back with a throne speech. He will hit the reset button. He will outline to Parliament and to Canadians your plans for the last half of your term.

That's natural. That's normal. I would take no issue with that whatsoever. But why do you have to entrench that? Once you do, the manner in which you present it could be abused by future governments and future prime ministers. It is not necessary; in fact, it is dangerous. I keep stressing that word, and I mean what I say. Many of these changes are dangerous to parliaments not just now, but in the future.

I find it interesting that you have a section on time allocation. I told you the history of time allocation: how it was first introduced by Pierre Trudeau, the great furor it caused, and how he had to enact closure to get the time allocation provision codified. That's something which, frankly, not only is worrisome, but also speaks to the fact that Pierre Trudeau's government, in its attempt to ensure it had all the benefits before it that it already had as a majority government, decided to change the rules to make it even more difficult for opposition members to express the problems they had with individual pieces of legislation.

What I find even more worrisome in your discussion paper is how you want to put time limitations on interventions at committee. As some have said before me, this filibuster is about your attempting to deny us the right to filibuster. That's what it is. You're trying to handicap and kneecap members of the opposition. Why? Because you don't find it convenient. You find it decidedly inconvenient that you might have to put up with the opposition denying you the ability to pass legislation in the time frame that you wish.

**Mr. David Christopherson:** [*Inaudible—Editor*]

**Mr. Tom Lukiwski:** That's a very apt way of putting it, David.  
● (1935)

That is simply not acceptable, and it shouldn't be acceptable to any parliamentarian, regardless of political affiliation or political stripe.

Once again, I offer that if any member on the government side of the table can explain to me why not asking for unanimous consent, based on the historical perspectives, conventions, and traditions that we have seen, is a good thing to do, I would be more than willing to cede my time and listen with rapt attention. The only difficulty is that you won't be able to explain it, because there is no good reason. The reason is not good. The reason is that this will benefit you and only you. It will benefit only the Liberal Party. Even more basic than that, it will benefit Liberals, not just the Liberal Party.

Mr. Chair, I know that regardless of what I say, what my colleagues say, and how passionate and articulate our arguments may be, we will get no acceptance from the members opposite, and I don't expect any. I'm certainly not trying to persuade them to change their minds at this table. If there is a change of heart, that can only come from people with a slightly higher pay bracket than those of my

colleagues on the opposite side, but I sincerely hope that we can get to that point.

As Mr. Christopherson said, perhaps during this two-week constituency time when all members are back in their ridings celebrating their religions—some celebrating Easter—and their time with their families and friends, and talking to constituents, the time away from this place will allow cooler heads to prevail.

I know, as I mentioned earlier, that our House leader has reached out on several occasions to the government House leader, but the frustration we have is the fact that those overtures have been not just rebuffed, they've been ignored.

I can tell you that it's not just members of the opposition who are feeling frustrated during question period when legitimate questions are answered with the same lame and banal talking points we have heard for the last month and a half, Canadians are getting very frustrated as well.

If you have a valid point, if your rationale is sound, there should be no difficulty to express that rationale on behalf of the government. There should be no difficulty to explain to Canadians why you're taking the position that you're taking, but you have not presented that position whatsoever. You have talking points: "We want to have a conversation. We want to have a discussion." Well, we're having one now and it's going to go on for a while, but it's not a discussion as most Canadians would interpret it.

To Canadians, to your typical Canadian, a discussion is where both sides are heard and both sides can make arguments that are reasonable and rational, and it is hoped that at the end of a discussion there can be an agreement. It doesn't happen all the time. Obviously, it doesn't happen in Parliament much of the time. At times the best we can say is that we agree to disagree, but at least discussions are intended to have an intelligent discourse of ideas being transferred from one side to the other. That is not the case here.

It simply doesn't matter what we say, what we suggest, what we recommend. It doesn't matter what overtures we make. It doesn't matter if we are willing to compromise. The inflexibility of this government is astounding.

● (1940)

I honestly believe that if the government agreed to unanimity requirements on changes to the Standing Orders, some of the suggestions the government would make would probably be accepted by members of the opposition.

To the point made by my colleague Mr. Christopherson, I would like to think that we, as individual members of opposition parties, could make some useful suggestions that might be accepted by the government. I won't suggest that the Standing Orders should be considered a living document, but there have been multiple changes, numerous changes, over the years that benefit parliamentarians, that improve the operation of Parliament, and that increase the efficiency of Parliament, which the current government seems so fixated on, but they have always been done with all parliamentarians coming together and agreeing on them. It just stands to reason. Common sense alone dictates that if all parliamentarians agree upon a proposed course of action, it's probably the right course of action.

There will be times in the life of any majority government when the government feels compelled to use all of the procedural tactics at its avail to push through legislation, procedures such as time allocation and closure. I understand that. I was a part of a government that used them. I take no issue with those because that is the way Parliaments have operated for the last 70 years, but I do take exception and great umbrage to the current attempt to change the rules so dramatically and so profoundly that it would tilt the playing field, if we're using a sporting analogy, one way and one way only.

I do not profess to be the leading expert on procedure and parliamentary practice, but I know some stuff. I've learned a little bit over my nine years in that position.

• (1945)

**Mr. David Christopherson:** I would say you qualify as an expert, actually.

**Mr. Tom Lukiwski:** I can assure you that those far more learned than I would take great exception to what the government is attempting to do. We've given example upon example already this evening. Once again, I beseech you. If you want to do something meaningful about this so-called discussion paper debate during the two-week constituency break, seek out procedural experts, either in your riding, across your region, or across the country, and ask them their opinion. They are aware of what is happening right now; I can guarantee that. If you can find one acknowledged procedural expert in any jurisdiction in this country who believes what you are doing is proper, bring it back to this committee. But you will not be able to find even one, because what you are attempting to do is an affront to every parliamentarian not on the government side.

I mentioned in my intervention last night in Parliament that, if I had one thing to say to members of the government, through the Speaker, it would be simply, "Shame on you." I've never said that before in my 14 years. Although I started as most parliamentarians do, as a highly partisan member who wanted to scrap with the members opposite at the drop of a hat, I have found that I have certainly become less partisan as the years have gone by. I find great satisfaction when I'm able to work with members opposite. I found that when I was a member of the government, and I find that now as a member of the opposition. There have been times when that has occurred. David and I have both experienced that. It is truly satisfying.

**Mr. David Christopherson:** It's stimulating. It's interesting, and it's positive.

**Mr. Tom Lukiwski:** It is positive, David.

It's satisfying. It reaffirms my belief that what we do means something and that we are all working on behalf of Canadians.

As a bit of an aside, let me give you two quick examples of how your government and certain ministers in your government have shown to me that they know the difference between right and wrong.

On one occasion, I had a constituent who was in more than just a spot of difficulty. He had some big problems. He was a landed immigrant who had been in Canada for over 20 years. He came from Australia. For some reason—and he readily admitted it was through his own inattention or perhaps negligence—he never applied for

citizenship or even permanent residency status. He and his wife had three young kids, all born in Canada. He married a Canadian girl and had three children. They had planned the trip of a lifetime, to go down to Disney World for two weeks. It just so happened that the renewal process was coming up and if he went down to the States he would not be able to come back to Canada. In fact, he would have to travel back to Australia and start the process all over again.

He was beside himself, so he came to me. I said, "Well, we're not in government, but I'll talk to the minister responsible", who was John McCallum at the time. Luckily, I happened to catch him on a day when he was a minister in a committee of the whole taking answers, so he had his entire staff in the government lobby. I explained the situation. He said yes and handed me off to his parliamentary affairs person, or chief of staff, or someone. We got it done. My constituent was able to go down to the States with his family and not worry about being prevented from returning to Canada. To his immense credit, the minister made it happen.

Another example is with your current Minister of Veterans Affairs. One of my constituents, a veteran, was injured in Afghanistan. He injured his back. When he came back to Canada and the Veterans Affairs doctors examined him, they recognized the fact that his injury was of such a severity that he would have to go on pension—not full pension, partial pension. Over the years, his back condition got worse, but Veterans Affairs seemed unwilling to change the status of his pension. He had multiple doctors certificates, multiple X-rays, and proof that his condition had worsened significantly, but the doctors at VAC didn't want to change his status, so he was still on a partial pension when he really deserved a full pension, because he was unable to work and in extreme pain.

I went to Kent Hehr, the Minister of Veterans Affairs, and told him that I had a constituent in a case where I thought the constituent was getting screwed over. Immediately he said, "Go to my office, give my staff the information, and we'll see what we can do." I did that. For two months nothing really happened. I was, of course, getting pressure from my constituent, who was in great pain and getting impatient. The bills were piling up because he couldn't work anymore.

I went to the minister once again after a couple of months. I knew that these things take time, but because I wanted to show him a willingness to work together, I said, "Minister, I'm going to ask you a question in question period today, and I'm going to come after you. Here is the question, so you can be prepared to give an answer. I don't want to sandbag you on this one, but I'm going to have to come after you on this. I have to make it public."

He said he appreciated that, and he gave an answer. To his immense credit, less than a month later, my constituent's case was reviewed and he received a full pension. Trust me, he was one of the happiest individuals I'd ever seen, but nothing made me feel better than the fact that I was able to accomplish something in consultation with a minister who is not in my own party.

● (1955)

I got many things done when we were in government. I was able to get passports turned around in 24 hours. I was able to take care of some immigration problems. My most favourite memory was during a July 1 parade in my little hometown of Regina Beach. It's a small community but it's a resort town, so during the summer months the population explodes. The static population during the winter months, in other words, not cottage owners but permanent residents, is about 1,500 to 1,800. It gets up to around 20,000 or 25,000 people during the summer.

**Mr. Scott Simms:** That's a lot of people.

**Mr. Tom Lukiwski:** It's a massive influx of people because it's a resort town and it's a great place to spend the summer.

On July 1, we have a huge parade in terms of people watching it. Our main street is only four blocks long. We have sometimes 80 to 90 floats in it, so, literally, the tail end is bumping into the front end as they go around the circuit.

On a July 1 parade day two or three years ago, my wife and I, as is our tradition, were in a golf cart with my signage on it, going down the main street, throwing out candy from side to side to the little kids, when all of a sudden halfway down the parade route this guy three deep jogs out onto the parade route towards my golf cart. Now, I'm thinking, what the hell's going on here? Is this guy going to come out and take a swing at me? What did I do to get this guy to the point where he had to rush out, which of course is not allowed, to confront me? Well, he didn't confront me in an angry way. He came up and said, and I quote, "Tom, I just wanted to shake your hand. You saved my life."

He was a small business person who had been assessed by CRA for \$67,000, which he didn't feel he owed. Had he been forced to pay it, it would have bankrupted him and his company. I and my staff went to bat. I spoke with our minister. Our staff talked to CRA officials. We got the \$67,000 expunged. He didn't have to pay a nickel and he just wanted to let me know that I, in his opinion, saved his life.

Those are the moments, colleagues, that make me realize we have the best job in the world when we can enact that kind of positive change for people and we can help people to that extent. To be able to do so in collaboration with other members from different parties is something that goes beyond my limited ability to describe.

Again, some of my fondest memories as a parliamentarian are with my colleague Dave Christopherson. We will never agree on most anything when it comes to ideology—

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

**Mr. Tom Lukiwski:** —or politics, but I respect the hell out of him. I recall when he got married. I think I might have been the only Conservative to send him an email of congratulations. I said that it was quite obvious the reason his wife married him was his quiet and gentle manner. But I enjoyed working with him.

**Mr. David Christopherson:** She was pregnant.

**Voices:** Oh, oh!

**Mr. Tom Lukiwski:** But it's times like that when you really think that Parliament can work. Yes, by definition, we are in an adversarial

position. That is the way parliaments work. But it does not mean that from time to time we cannot come together, agree on basic tenets of democracy, agree on things that we all know are right, to help individuals, to help constituents. In this case, the constituency is our own.

Once again I will say the government does not have the right to modernize Parliament. Parliament must modernize itself. We are our own constituents. For goodness' sake, if we do nothing else, let us respect that and let's deal with that in a manner that exhibits that respect.

Mr. Chair, with that brief closing, I see my colleague Mr. Genuis is here, who I know has many other words of wisdom. I will cede my time to the next speaker, and I thank you for your attention.

Thank you all.

● (2000)

**The Chair:** Thank you, Mr. Lukiwski. It's great to have your experience of nine years on PROC.

**Mr. Tom Lukiwski:** I have a feeling I'll be back, Chair.

**The Chair:** We wouldn't anyone not to have a chance to say something.

Mr. Genuis, welcome.

Before we start with our next speaker, could he just tell us how to pronounce his name?

**Mr. Garnett Genuis:** Look, the government has been very clear on this issue, and I'll answer any questions the Ethics Commissioner has.

More seriously, Mr. Chair, thank you for giving me the floor. It's an honour to be back. I have to apologize to members of the committee for having to depart almost mid-sentence last time. There were many points that I had only started to make, and I know people were looking forward to my wrapping up those points the last time. I think I only talked for about 10 hours at that time, so now I have occasion to bring some of those points to a conclusion. The only reason I could not continue the next day was that I had an event I had committed to long in advance, an event at Queen's Park in Toronto. That's why I wasn't here. Since then, I've been trying to get back on the speakers list, but my colleagues have been hogging all the glory here, to quote Ajax from Troy. So now that I have the floor, they're not getting it back, whether they like it or not.

I think it's important to recognize that we have the opposition House leader here, and I really appreciate that. It shows the level of engagement that our caucus has with this issue in general. This is something that we are very much committed to in our party, namely, strengthening the role of individual members of Parliament. That's what this is about. It's not just about the balance that exists between parties. It's also about the role of individual members of Parliament.

I have to say, looking across the floor at some of the Liberals we have here at the committee, that we have some new members who are already very strong in their understanding of the importance of members of Parliament expressing some degree of individuality. I want to recognize Mr. May's excellent private member's bill. It was a private member's bill that he proposed, that all Conservatives voted for, and that passed as a result of the support of the opposition. I think New Democrats supported it as well. The cabinet did not support it, but he proposed it. Many members of the government supported it, and it went through to committee.

That's just an example of the importance of members of Parliament. We're engaged in this conversation around ensuring that there's unanimity of the parties in the study, which will proceed in order to ensure that we actually could protect the role of members of Parliament.

We need to understand that this is not just a fight for a particular party, not just a fight for the opposition. It's actually a fight that should matter to individual members of Parliament on the government side, members of Parliament who have good proposals that may not reflect what the government has in mind.

Our chair had an excellent private member's bill on FASD that I was very pleased to support. Actually, we had people on the front bench who opposed that bill, from both the government and the official opposition. Yet it almost passed because of the support of individual members of Parliament who were talking to each other, saying this was a good initiative, a good bill. Maybe there were some details that could be worked out at committee, but fundamentally it was a good bill.

One of the concerns I have with the government making unilateral changes to the Standing Orders...and by the way, if they don't like the direction that members of this committee want to take with respect to the study, they can pull you right off this committee and put somebody else on. That's something that permanent members of PROC know or should know. It's actually not up to you. The way our system works right now, who sits on this committee is entirely within the control of your whip. Even if individual members sitting here on the Liberal side think they could be reasonable and listen to what the opposition is saying, unless we pass this amendment, which deals with unanimity, unless we have this clarified in the language going forward, it's really only up to the government whip to decide the outcome. Any time the whip doesn't like the proposals or opinions from government members with respect to the Standing Orders, that's it. You can't actually express your individuality on the committee in the same way because of that constant threat. This is something that on the opposition side we're very aware of—the risks and problems.

• (2005)

I recognized Mr. May on his excellent private member's bill. I know Mr. Bittle voted in favour of Wynn's law, which was a great private member's bill that was brought to the House by Mr. Cooper. It was initially put forward in the Senate, but it was sponsored in the House by Mr. Cooper. There was a lot of advocacy that went on around that. The entire opposition supported that bill, and it was able to pass to the next stage because of a number of members of the

government who realized it was a good bill and stood up to support it.

I can mention the genetic discrimination bill, on which I think almost the entire government backbench voted against certain government amendments that would have gutted the bill, and then in favour of the bill.

These are important moments in the life of this Parliament, when some individuals in particular, and especially on the genetic discrimination bill almost the entire government backbench, stood up. Sometimes it doesn't seem like the government backbench does, but in certain moments we do see this, an actual appreciation that, yes, good ideas do come from the opposition and also that as members of Parliament you have a critical role to represent your constituents, to advocate on behalf of your own considered judgment with respect to issues, and not to simply go along with the direction that you've been given from on high.

Changes to the Standing Orders that don't reflect the judgment of the entire House, that don't reflect the wisdom of all parties, put in jeopardy the position not just of the opposition, not just of the Conservative Party, but the position of individual members of the government. When we have these conversations as an opposition party, of course we're cognizant of the fact that, hopefully, we'll be in government one day soon. It's looking more and more like it will be after the next election, in light of some of the things that are happening. But whether that's after the next election or the one after that, the rights that we protect in this process will also protect those members of the government caucus, let's say, who are not, in the formal sense, part of the government.

These are important points that need to be made, and I hope that members of the government, even if they can't necessarily, for political reasons, come out and say in this committee, "All right, we agree with you; let's pass this amendment and move on", hopefully they'll at least take this back to the government House leader, to their caucus, to their Prime Minister, and say, "We have an important role, too, in this place. This isn't just about being a backdrop for the Prime Minister. This is about representing our constituents in a constructive and meaningful way."

This is a critical part of what we're engaged in. I invite government members to really reflect on that, to consider supporting this amendment as individuals, and to make the case back to their party. Not only would approving this amendment allow us to proceed in a constructive direction, but it would also be a way of actually preserving those rights that members of Parliament from all parties are supposed to have.

There's one thing I want to read into the record as we explore this question. This is from *Discover Canada*, which is the study guide for people who are looking to become citizens of Canada. It talks about the rights and responsibilities of citizenship. I think it's a great document. It talks about parliamentary democracy and what the principles that need to animate parliamentary democracy are.



I don't think this debate is about a possible end of democracy in Canada. I don't, but I do think that this debate is about the strength of our parliamentary institutions, and really, the ability of the government to move us away from our traditions of responsible parliamentary democracy towards a sort of reimagined quasi-presidential system in which we do have elections every four years, but effectively, in between elections all of the power is with one person, the prime minister. That's not what our system is supposed to have. Of course, presidential democracies around the world do have other kinds of checks and balances, but especially in a parliamentary democracy, where you don't have the same kinds of external checks and balances to that centre of power, it is important that you not allow that centre of power—the prime minister, the prime minister's office, and perhaps, by extension, the whip—to suck all the power in. You need to make sure that Parliament maintains its strength.

• (2010)

I'm not going to read the whole thing, but this is from page 28 of the citizenship guide where it talks about parliamentary democracy:

In Canada's parliamentary democracy, the people elect members to the House of Commons in Ottawa and to the provincial and territorial legislatures. These representatives are responsible for passing laws, approving and monitoring expenditures, and keeping the government accountable.

Right off the bat, we don't see discussion in this guide.... I think it's quite right in saying that members of the opposition are responsible for approving and monitoring expenditures, and keeping the government accountable. It actually says, "these representatives", all members of Parliament, us as well as members on the other side of the table. We are responsible for doing all of these things, for passing laws, approving and monitoring expenditures, and keeping the government accountable.

Cabinet ministers are responsible to the elected representatives—

Hey, that's a thought.

Cabinet ministers are responsible to the elected representatives, which means they must retain the "confidence of the House" and have to resign if they are defeated in a non-confidence vote.

Maybe we need to have a footnote here that says this is how we want it to work. It goes on to say:

Parliament has three parts: the Sovereign (Queen or King), the Senate and the House of Commons. Provincial legislatures comprise the Lieutenant Governor and the elected Assembly. In the federal government, the Prime Minister selects the Cabinet ministers and is responsible for the operations and policy of the government.

The buck is supposed to stop there on decisions of the government. I'm ad libbing; that's not what it says. It doesn't use language that informal.

The House of Commons is the representative chamber, made up of members of Parliament elected by the people, traditionally every four years. Senators are appointed by the Governor General on the advice of the Prime Minister and serve until age 75. Both the House of Commons and the Senate consider and review bills (proposals for new laws). No bill can become law in Canada until it has been passed by both chambers and has received royal assent, granted by the Governor General on behalf of the Sovereign.

Living in a democracy, Canadian citizens have the right and the responsibility to participate in making decisions that affect them. It is important for Canadians aged 18 or more to participate in their democracy by voting in federal, provincial or territorial and municipal elections.

This is a pretty simple and straightforward but positive description of what a parliamentary democracy is.

Sometimes we need to pinch ourselves and remind ourselves of the kind of basic civics grounding on which we are supposed to be standing. It is one in which members of Parliament are elected by their constituents directly. In fact, it was only relatively recently that party names appeared on ballots at all. Before, yes, people had affiliations with political parties. Those political parties were very important in terms of support, but you still had to rise or fall within your own constituency purely on the basis of your own name. If people wanted to vote for the candidate of a particular political party, they had to at least know the name of that candidate in advance. This is the structure of our system, one in which members of Parliament have the—yes, I say relatively recently; it was before I was born. Lots of things happened before that.

**Mr. Alistair MacGregor:** Me too.

**Mr. Garnett Genuis:** I believe it was during the first Prime Minister Trudeau's government that the change was made in terms of having candidate names on ballots. I'm sure Mr. Reid will be able to correct me next time he's here.

This is the way in which members of Parliament are chosen, and they are supposed to be holding the cabinet to account in all matters. Parenthetically, I'll just say that some of the electoral reform debate describes our system as if we were electing parties or prime ministers, but we aren't. We elect members of Parliament. True, the proportion of members in the House of Commons doesn't exactly reflect the proportion of the popular vote. That's because the way our system is designed, and it's not to say it couldn't ever change, but the way our system is presently designed is for the election of members of Parliament who then hold the government accountable. Any changes to the Standing Orders, I would argue, if anything, should seek to enhance that principle of the responsibility and authority of members of Parliament.

I'm going to talk later on about the discussion paper put forward by the Green Party. It was interesting for me reading through that, because a few members of the government made a point of thanking the Green Party for putting forward this discussion paper. It's actually quite savage with respect to the government's approach on this. It's very direct and very critical of so much of this exercise in terms of what the government is doing. I think if they want to praise the Green Party's discussion paper, maybe they should read it first.

I'm not, by the way, going to defend it in its entirety. I certainly disagree with certain aspects of it. That won't be a great surprise to people, knowing where I come from and also my political philosophy. I don't always agree with the Green Party on things, but I think there are some good points made in the Green Party discussion paper that quite precisely shoot holes in the approach of the government and the way they're going about it.

One of the things that discussion paper looks at and that I talk about when I talk about good changes to the Standing Orders is this: what changes to the Standing Orders would actually recognize and enhance the role of individual members of Parliament? We're not going to get there if we don't actually have a process that ensures that all voices are heard in that process.

If it's only the government that's heard in that process—through this committee, where they can put members in and pull them out at will—then we're not going to have a process that defends the rights of the opposition. We're also not going to have a process that defends a proper understanding of the history of this place, and not only the history but the present reality. The way it's supposed to be, the way it's ideally envisioned, is one in which members of Parliament are the ones who are elected by the people and who control the executive. That's what we mean by responsible government.

It was a fight to get responsible government here in Canada in the 19th century, but it is a principle that is well established and has to be maintained in every generation, in every Parliament. The principle is that the executive must be accountable and responsible directly to members of Parliament. Members of Parliament, not just in theory but in substance, should be at liberty to hold the government accountable, to challenge the government, and to think differently from the government, even when they are part of the same caucus.

Mr. Chair, it's been interesting for me following the discussion and the debate about these issues that have happened in the media ever since this discussion began here in committee. You think you've covered all the angles of it, having gone through the government's discussion paper a number of times, looked at different alternatives, read through the Green Party's discussion paper, etc., but there are always new points that come out in the discussion.

● (2015)

**Ms. Ruby Sahota:** On a point of order, Mr. Chair, Ms. Bergen was just taking video footage in the committee proceeding right now. I believe that's wrong.

**Hon. Candice Bergen:** Thank you very much for pointing that out. I will delete it.

Thank you. I apologize.

**The Chair:** Mr. Genuis.

**Mr. Garnett Genuis:** Perhaps that's another issue we can consider in changes to the Standing Orders, of course.

**Hon. Candice Bergen:** Yes.

**Mr. Garnett Genuis:** These proceedings are being televised, of course, but the public might have had the opportunity to see me speaking from a different camera angle that they'll now be deprived of, but that's no great loss, I think, to be fair.

As I was saying, Althia Raj did a podcast. Kady O'Malley was a guest, and I think she made a very good point about the government's approach to programming. I've spoken before in broad strokes on the issue of programming, but I want to bring her point to the attention of the committee because I think it's one, as I look for ways to persuade government members about this, that government would do well to take on board, which is that not only does programming limit the opposition.... In a nutshell, the process of programming is one in which the government would decide on every bill exactly how many days would be spent on debate not only at different stages of the bill in the House, but also in committee. This is a totally unprecedented proposal.

For a long time governments have used some form of time allocation. Of course, every time that time allocation is used, it is controversial, but there isn't time allocation in the context of

committee. The government does not have the power to come in and say, "Committee, we're going to allocate a certain number of days or number of meetings, and then you're done." Committees, as my NDP colleague Mr. MacGregor is pointing out, are masters of their own domain. Of course, programming is a major derogation from this idea of committee autonomy, which is important for the integrity of the committee process.

● (2020)

**The Chair:** Sorry, Mr. Genuis, but on the programming, you said it's just decided by the government. How is it decided in Westminster? I don't know how it is decided, which is why I'm asking you. When we had the Scottish Parliament here, we heard there is programming, but it's decided by all of the parties in a committee what the program is for each bill. I was just wondering if you know how it is done in Westminster.

**Mr. Garnett Genuis:** I don't know all of the details in terms of how they do it in Westminster. My understanding is they have a number of additional committees, things like backbencher committees, that actually take a more active role. I don't think anyone would argue, incidentally, that the executive is more powerful in the British system. If anything, our party leaderships here are much more powerful than in Westminster. In Westminster, of course, we know there are more opportunities, and it has happened where caucuses will throw off their leader.

If Mr. Simms wants to make an intervention, I'll....

Do you have a comment on the subject of programming?

**Mr. Scott Simms:** Yes. I was going to let you finish, but I could intervene on a point of order.

I'll speak long enough to give you a break. If you want to take a break, go ahead.

**Mr. Garnett Genuis:** No, it's only been 20 minutes.

**Mr. Scott Simms:** Oh, really? I've lost all concept of time. What can I tell you?

**Mr. Garnett Genuis:** You're welcome to make an intervention.

**Mr. Scott Simms:** I want to jump in on this discussion about programming. I went to Westminster about three weeks ago, and I had a lovely conversation with Margaret Beckett. She was the House leader for Tony Blair way back when. She introduced the idea of government programming for the sake of providing finality or at least putting a set time around bills, not at second reading, at report stage and third reading up to the vote. That's what they would do. She did this because she was tired of the guillotining of certain bills. When she was in opposition, she had wanted to debate a bill on welfare back when Margaret Thatcher was prime minister. She had her debate done in three stages: about this, that, and this. By the time she got to the second part, it was guillotined, time allocated, and done. She never got to the crux of her argument. This is why she thought there must be a better way than that.

They went to other parliaments similar to that of the U.K. They found this thing about government programming. They had a commission set up from 1995 to 1997. In 1997, they fleshed out the idea of having an outline where they would use it for some government bills that were important to pass.

I don't mean this facetiously, but—I look at you, Candice, because I know you were there before—I'm surprised that your government didn't look at this prior to.... Maybe you did; I don't know. It actually is an effective way. If you want legislation to go through in a reasonable amount of time and, by the same token, attain the balance where a set number of people can be involved in the debate, you can set the time by which you do report stage and third reading.

In doing that, people really found this issue to be so important to them, whether it was their constituency or their area of interest, that they were able to leverage time into that debate based on what they knew, their expertise, and how they were going to do this. They were able to do this because they were able to see it.

They instituted a review, and I think in 2004 they decided it needed to be tweaked because there wasn't a lot of getting along, we'll say, as far as the House leaders were concerned. It sounds really familiar on occasion, but you get the idea—sorry. They decided that both the government and opposition.... It was also endorsed by the Liberal Democrats, who at that point had been the minority partner of a coalition. They, too, agreed that this was the way to go for major government bills, to provide programming, and the Liberal—

• (2025)

**Mr. Garnett Genuis:** They wouldn't be in the next Parliament anyway.

**Mr. Scott Simms:** Probably not, but—

**Mr. Garnett Genuis:** I was living in the U.K. at the time. I was doing a master's degree at the time of some epic student riots. The Liberal Democrats were the main target because they'd had some pretty aggressive promises on tuition, and tuition tripled. It was quite a cultural experience for me to observe.

**Mr. Scott Simms:** I think eight of them survived out of a group of about 40.

**Mr. Garnett Genuis:** It turns out that Liberals don't keep their promises in any country—just kidding.

**Mr. Scott Simms:** Liberal Democrats or...? Yeah, right.

Basically, the former House leader for the Liberal Democrats.... He was the minority House leader. I met him. He was elected. He's still there. He's from Scotland. He described government programming as a debate among adults. It's how adults would structure a debate and conversation. It's too bad we can't get to that point where we get witnesses, because I want to bring her and him as witnesses here. I'm not trying to start those fires again, but you get the idea.

**Hon. Candice Bergen:** I know.

**Mr. Scott Simms:** I was hoping to bring them over as witnesses to give an illustration from both sides of the House—actually three sides of the House with the exception of the Scottish nationalists—about how government programming could be an effective way. Not to steal a slogan from years gone by, but we'd make it a “made in Canada” solution, as it were. Whether you start it at second reading or not, I don't know, but the people who have.... I know how it works, and I know the machinations of it from looking at the journals of 1997 to 2004 and all those years when they used it, where it was successful and where it was not successful. However, it would be nice to hear people at our level, politicians who have such a

genuine interest about certain issues, come here and say, “It's not that great.”

Elizabeth May knows about it as well. She talked about this because she talked to her counterpart in Westminster. She was not a fan of programming, but why? I don't know why she didn't like it, and I'd like to hear from that person so I could say that she may have a point, or she may not. It may be because she's the only Green person in Westminster and doesn't get her fair say. I think it's worth looking at. I say that because whatever evolves from this filibuster or this committee, I hope that at some point we get a chance to have a look at it, not just for us, but for future governments.

That's about it, unless, Mr. Genuis, you'd like a bigger break, but you're only 20 minutes in. As David Christopherson would say, you're merely clearing your throat.

**Mr. Garnett Genuis:** Really, I am—

**The Chair:** Sorry.

Mr. Berthold.

[*Translation*]

**Mr. Luc Berthold:** I would like to take a moment to say a few things, Mr. Genuis. I think it would be good to hear a bit of French around the table this evening.

**Mr. Garnett Genuis:** Yes, by all means.

**Mr. Luc Berthold:** Thank you very much for giving me this opportunity.

I was impressed by the short debate we just witnessed, with Mr. Simms talking about the desire to do something to improve the rules in Parliament.

For a long time, I have watched how things work at the Standing Committee on Procedure and House Affairs. I have also been watching what has been happening in the House of Commons recently. I sense that all parties truly want to have this discussion and talk about different kinds of parliaments. I was listening to Mr. Simms just now and have rarely found him so interesting. Not to say that he is uninteresting as a rule, but I found him particularly insightful.

[*English*]

**Mr. Scott Simms:** I'm beginning to think you live in my riding.

[*Translation*]

**Mr. Luc Berthold:** It should be noted that Mr. Simms is the president of Canada-Europe parliamentary association, of which I am also a member. So I have to be kind of nice to him.

**Mr. Scott Simms:** Thank you very much.

**Mr. Luc Berthold:** They are interesting ideas nonetheless. That is exactly what we, including Mr. Genuis, have been trying to say. Let's discuss this.

You are passionate about what you just said, Mr. Simms, and you want to do something.

A real leader, someone who truly believes in their ideas, can convince others without forcing them to follow suit. That is the beauty of Parliament and of our democratic system. Changes take place gradually, as people adopt others' ideas because they are well presented and prepared, and because systems that work well elsewhere are cited as examples. I think that is a good way of making changes to the rules of a chamber or assembly that makes the laws for a country. We have to follow certain basic rules of procedure, I believe, and you made some interesting points in that regard. We could discuss them to see if the opposition and the government are in favour. We have to discuss them at least.

At the same time, something that Margaret Thatcher said comes to mind. She once said that if you have to tell people you are a lady, you aren't. In other words, if the government has to use its power to assert itself as the government, it is not governing properly. That is what we are attempting to show here.

Have faith in yourselves, have faith in every member of your party. Try to convince us and the NDP that your discussion paper should be sold to all members of Parliament. That way, you are sure to convince some people. That would be a good thing. Unfortunately, that is not the approach you have taken.

It has been a pleasure for me to speak. At least I can say that I was able to speak briefly. Nonetheless, since I know Mr. Genuis has much to say this evening, I will not take up any more of his speaking time.

● (2030)

[English]

**Mr. Scott Simms:** It's a good point.

[Translation]

**Mr. Luc Berthold:** I look forward to hearing how Mr. Genuis responds to Mr. Simms.

I would nevertheless encourage you once again to have faith in yourselves.

[English]

**Mr. Scott Simms:** Let's vote.

[Translation]

**Mr. Luc Berthold:** Thank you.

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

[English]

Mr. Genuis.

[Translation]

**Mr. Garnett Genuis:** Thank you, Mr. Chair.

I completely agree with my colleague Mr. Berthold. We can indeed debate a good many topics. Some people might even change their opinion on certain topics. We cannot continue this study, however, without being sure that our opinions will be included in it.

[English]

With that, I'll return to the language in which I am more comfortable.

**Some hon. members:** Hear, hear!

**Mr. Garnett Genuis:** I probably will have to cancel French lessons tomorrow as a result of this.

**Mr. Scott Simms:** You've earned it.

**Mr. Garnett Genuis:** You can tell my French teacher I at least have been practising.

**Mr. Scott Simms:** She just called. She's proud.

**Mr. Luc Berthold:** You should be proud.

**Mr. Garnett Genuis:** I will respond directly to the points that Mr. Simms made, but first I want to set the stage on that point by making the underlying philosophical argument I wanted to make with respect to programming. This was an argument made explicitly by Ms. O'Malley in the podcast. She made a point that made me develop, I think, what may or may not be her thinking on the same point.

I have a broader concern about programming, even then about the potential strategic implications vis-à-vis government and opposition. That's a concern, but that's not the only concern.

Ms. O'Malley pointed out in this podcast I was listening to that programming doesn't just limit the opposition, but it limits the government, obviously. In advance you say there are a certain number of days that we're going to spend debating this, and then studying it, and then debating it again, and then we have a vote. That's limiting for everybody. That's limiting for the institution. It limits flexibility. It limits the ability to respond to new information and new events that come forward.

I think the idea of programming fundamentally misunderstands what we're supposed to be doing when we study and debate a bill. I think it's most evident in a situation that Mr. Simms described. He described a situation in which a person had prepared a certain set of arguments, and they brought those arguments in and were frustrated by the fact that the argument was cut off midway through. They hadn't been able to make all the arguments they were going to make. Okay, fair enough.

Actually, the point of a debate or a discussion isn't that we all come in with our arguments, deliver them, and then move on. The point of a discussion or a debate is where, yes, both sides perhaps begin with certain propositions that they want to put on the record, that they want to put forward for the discussion, and then each side responds to each other's propositions, and then there is counter-response back and forth.

Eventually there is a resolution of certain points, agreement, perhaps just a recognition that the differences actually relate to more fundamental philosophical differences that are not reconcilable. In that process, perhaps evidence is presented in support of one set of arguments, which is then countered by another side's arguments. This process unfolds as arguments, as evidence, perhaps personal experience are all related and compared against each other and used in support of different arguments.

Either way that process, if done properly, is necessarily unpredictable because unless I know exactly the arguments that people on the other side of the question are going to bring forward, and I know exactly how I'm going to respond, and I know exactly how they are going to respond, that's the only way you could possibly predict exactly how long it's going to take.

That is true of even a simple question that one might debate. It's that much more true in discussion about legislation. Very often it happens that legislation is brought forward. It may be that the government sees the legislation as a simple matter of housekeeping, but the opposition has some fundamental objections to it, and then the discussion proceeds in a different direction than was initially anticipated. Maybe the government frames the introduction of the bill in a way that the opposition didn't expect, with new original arguments that the opposition has to then respond to. This is only in the process of debate as it happens in the House of Commons, which is the unpredictable process ideally of refutation and counter-refutation.

Unfortunately, sometimes that doesn't happen. Unfortunately, debate in the House of Commons looks more like people reading speeches and ships passing in the night, but that's not what it's supposed to be. What it's supposed to be is constructive refutation back and forth about substantive questions.

If you're doing it right, you can't predict where that debate is going to go. You can estimate, but you have to have the flexibility to say that, if, for example, Mr. Berthold brought forward a point in debate on that issue, more government speakers are needed to respond to that point because that wasn't a point that we knew would come up, or a new study has been released that says something different and we have to now evaluate and discuss that. This is particularly true in the context of committees, where committees hear from expert witnesses who may say things that are a complete surprise to members of Parliament.

• (2035)

Sometimes, we may find ourselves here in a little bit of a bubble. We have conversations with a certain set of people, a certain set of stakeholders. The legislation has a path. It goes to committee. All of a sudden we hear from someone from industry who says, "Hey, this bill you thought was just a slam dunk matter of housekeeping actually creates some problems for our industry."

When I was a political staffer, I was a parliamentary secretary's assistant when Tony Clement was the minister. I was working with Mike Lake, who was the parliamentary secretary at the time. We were working on anti-spam legislation. Nobody is pro-spam, except perhaps the meat, but nobody is pro-spam in terms of the kind that you get in your email inbox. It is something that I think we as members of Parliament know quite a bit about.

When we had this issue come up at committee though, there were people who came forward and said that the way in which we were defining spam for the purposes of this legislation raised some questions about people who are engaged in certain kinds of marketing, even people who may have been given a referral. It could be that someone may just be reaching out to an individual on the basis of a referral, but this legislation would catch them in the net of spam, when really, I think what the legislation most intended to target were those who are sending emails out to hundreds of thousands of people, perhaps with a malicious intent, such as spyware, phishing, and these kinds of things.

That's just an example of something where, if you had programming in that case, you might have had the government say, "Okay, this is really simple. We're going to have two committee

meetings. We're going to have one day at report stage and one day at third reading. It's just going to sail through." Perhaps opposition parties would have agreed. They would have said, "Well, of course, it's a simple matter."

Then, all of a sudden, you end up at committee, and you have witnesses who say, "You know what? Agree or disagree, it's actually not that simple." Then you think, "Well, okay, what do we do here? We've had one meeting, and two meetings have been allotted. We would like to be able to call more witnesses who can clarify whether the concern raised by this particular industry group is representative of the entire industry. Are they correct? Are there things we can clarify in this legislation? We need more meetings."

It's not just a matter in that case of the government using this against the opposition, although that's a definite concern. It's a matter of the institution in that case having potentially imposed limitations upon itself which prevent the effective deliberation of that legislation.

What do you do in that case? Either you just push it through or you push it through on the basis of limited information. You try to make some kind of amendments or perhaps you defeat the bill and force the government to reintroduce it and program it differently. That's not very productive. That's not a good use of the House's time.

There has to be a recognition in the way we structure the House, that of course we want to have discussions about how much time is spent discussing particular matters and that there are certain issues that may be more time-sensitive than others.

The amount of time that is required for debate in the House, as well as for study, is going to vary and change throughout the process in response to the kinds of arguments that you're having. You don't necessarily know how long it's going to take you to resolve a conversation, especially about something as complex as a bill, before that process is actually complete.

This is, I think, a point that members need to think about with respect to programming. Again, it's not just about government versus opposition; it's about whether the institution has the breathing room to do the kind of work that Canadians expect us to do, which is to conduct detailed studies of legislation.

That was the underlying point I wanted to make at this juncture on the issue of programming, but to respond more specifically to Mr. Simms' points, I always think we need to be careful about comparisons between the British system and the Canadian system. We have countries, societies, and political institutions that, on their face, are very similar. However, there are very dramatic differences in political culture that inform the way those institutions behave in practice and the way people within those institutions behave in practice.

● (2040)

This hit home for me in a particular way when I was a master's student in the U.K. This was right after the coalition between David Cameron and Nick Clegg was created. It was interesting that here we had minority governments that did not automatically seek coalitions. It was presumed they would work with opposition parties on a case-by-case basis. The presumption on the other side of the pond, so to speak, was that immediately there would be a movement toward a coalition. You might say this is a way in which British political culture has been influenced by observing debates and political configurations in continental Europe, where there is a prevalence of PR systems and more use of coalitions, so coalitions were seen as more of the normal thing in light of the experience of proximate countries.

One of the biggest differences—and this reflects a lot of different aspects of their system—is the greater presumption of members of Parliament acting independently from their party or their leader. In our system, for a long time we have had political parties as mass membership movements that elect leaders. That leader then has to have a relationship with the parliamentary caucus. That leader may not have been the choice of the parliamentary caucus. I will resist the temptation to talk about some examples closer to home in that respect and what's happening.

● (2045)

**Mr. Scott Simms:** Even I'll resist it.

**Mr. Garnett Genuis:** We might hope that the new leader is the one who is also the choice of the parliamentary caucus.

The point here is, this is a big difference in terms of our political culture because you have that leader who connects with the caucus. Of course, they have to work with the caucus, and the caucus can hold them accountable, and there's an interplay there. The leader is a reflection of the will of the membership of the party; whereas, in the British system, there is a different culture around this.

The British Conservative Party had just moved to a system where the caucus.... This was an innovation. Before, it was the caucus who selected the leader, but the system they moved to, through which the current Prime Minister May was selected, was the caucus kind of winnowing the field down to two people, and then those people.... There would be a vote among party members on who that person would be. It happened in this case, after all that, that the prospective opponent in that runoff race to Prime Minister May actually dropped out. It was effectively the caucus again continuing with this tradition that made Theresa May the prime minister.

That creates a huge difference in terms of the dynamic that exists between members of Parliament and the leadership, and that informs every aspect of our institutions. It's something that we debated here in terms of the Reform Act, 2014, in the last Parliament, whether or not we should put in place rules that formalize the convention in Canada, which have been used in Australia and the U.K., of having the leader potentially be removed by the caucus. That is something that would be new as a convention in our system. Certainly, I don't think there's anybody involved in active politics who is proposing that caucuses should choose the leaders. I think many individual members of all of our parties would be concerned about that idea because we have that idea of member engagement.

When we talk about the way in which our system functions, we have to take that on board and we have to realize that the importance of strengthening members of Parliament is perhaps a more difficult task in the context of our system, recognizing that difference. Maybe in the British system you can say party leaders can have these conversations because they necessarily have to reflect the will of their caucuses. In our system, I think we need to be much more concerned about the impact that programming could have in an environment where our leaders are selected quite differently. There are many other differences.

I talked earlier in my remarks about the way in which nomination contests happen in the British system. It's very different from the way they happen in our system. In our system it's reflective of the geography. In the British system it would be fairly common for a person seeking public office to interview in a number of different constituencies before being selected in one. That doesn't work as well in our system because our constituencies are so far apart. There's a greater emphasis on the immediate local experience that members of Parliament bring from their ridings because of how far apart and therefore how different our ridings are from each other.

It is not enough to say that we can push this through quickly without requiring unanimity and all these things, that we can just move it on through because it's the way it happens in the British Parliament. The British experience is different. It reflects different realities and different aspects of the way in which those institutions operate, even institutions that appear to be relatively similar.

I will say this as well to Mr. Simms' point, that we already have the ability for what he talked about to happen at an informal level. I mentioned some potential concerns about that, but at an informal level, of course, House leaders can get together and say they're going to work with their caucus, and hopefully there's agreement to allocate a certain number of days informally for discussion of certain bills.

● (2050)

When folks are getting along, that happens. We say, "Okay, we're going to let this bill collapse at the end of the day, and we're going to let it go to a vote because that's what we agreed here. We need more days on this bill, fewer days on that bill", and so on. Of course, that can happen now. If you want to call that programming, then it's programming, I guess, but it isn't the kind of programming that's envisioned by the discussion paper—again, a discussion paper that the government wants to be able to implement changes from entirely unilaterally.

I think the informal process in place can work and should work. It gives the opposition options to go nuclear and not co-operate. It gives the government an ability to go nuclear by bringing in time allocation. But because of the risks associated with either of those options—the political risks, the risks of public criticism—we have an incentive to try to co-operate as much as possible, and if we are not co-operating, to make sure that it's the other side that's looking unreasonable, and not we. That's the incentive that we have in place. I'm not saying that changes couldn't be discussed and perhaps made, with a consensus, but broadly speaking the system works. There is an ability for both sides to ratchet up the pressure, but there are disincentives for doing so and there is an incentive for people to co-operate.

Finally, I'll say this with respect to Mr. Simms' points. Of course, we can say that there are changes we should consider. I welcome the opportunity to hear from witnesses, to maybe have here some of the people who are acquainted with the British experience, and to pose some of the questions that I've posed. However, their political culture is different because of the way they select leaders, the way the nominations happen, the expectations around members of Parliament, and the number of members of Parliament. That actually makes a substantial difference. When you have about twice as many members of Parliament, that changes the opportunities that exist for members of Parliament to be a little more independent. There is also the existence of other kinds of committees, committees of backbenchers that hold the front bench of their parties accountable in a particular way.

There are differences, but I'd love to be able to proceed with this study and have the opportunity to pose those questions to people from the British system who were involved in the front bench—in government, in opposition, or perhaps both, at different times in their career—and to talk to people whose politics have been more characterized by activity on the backbench, and who perhaps found themselves seeing things differently from their front bench.

During the coalition time in the U.K., this was a particularly interesting dynamic. I think some people in the Conservative Party suspected that David Cameron really liked the coalition with the Liberal Democrats because it allowed him to govern in the way that he kind of wanted to govern anyway. There were Conservative backbenchers who were quite unhappy with some of the decisions that the coalition made, and this was part of that ongoing dynamic. During the Tony Blair government, we had the Iraq war, which of course was very controversial within British society broadly speaking but in particular within the Labour Party.

They had these dynamics, and we could hear about them in committee, if we proceeded to those studies. We could hear from people involved in all those different debates back and forth, and ask them how the different aspects of their standing orders inform the way in which those front bench-backbench debates happen. How did they use the standing orders to their advantage? How were the standing orders used against them to their disadvantage? Those are all things that we could hear and that I would be very interested in hearing. I think all of us would.

We can have that discussion, as long as we agree on some ground rules that say all parties will be involved in a decisive way, not just

involved in the committee hearings, but actually involved in the decision.

● (2055)

It is right and sensible. It's not just one party—the entire opposition is united in saying that we will not go forward unless we can agree on those basic ground rules of the discussion. Then absolutely we can have a discussion. We can proceed and explore these issues in a deeper way, and we should. Nobody here is saying that the Standing Orders—

**The Chair:** Alistair MacGregor.

**Mr. Alistair MacGregor:** Mr. Chair, I was listening with interest to what Mr. Genuis was saying, and I think the key part of his speech centres on the word “rules”. It's very important for all members of this committee, and indeed all parliamentarians, to sometimes take what was done in our past, in our history, and use it as a guide and a road map. What I want to do is draw this committee's attention to what has been said about the rules. Mr. Genuis might be particularly interested in this.

Back on March 21, 1957, Stanley Howard Knowles gave an address to the Empire Club. Of course, Mr. Knowles was very well known, but he was introduced at the time before he delivered his speech as “one of the colourful figures whose skill in opposition is of inestimable value to the parliamentary life of this country.... As Chief Whip of CCF since 1944, he enjoys a length and breadth of parliamentary experience seldom equalled, and as he has always been in opposition to the government of the day, he is rarely qualified to talk to us on 'The Role of the Opposition in Parliament'.”

Mr. Chair, I just want to fast-forward to a part of his speech that has a particular significance here, which is as follows:

It must be recognized that it is the opposition's right, indeed it is its duty, whenever it feels strongly about any matter of public policy, whether it be something the government is proposing or concern over something the government is failing to propose, to criticize and attack the government for all it is worth. It should be recognized that it is the opposition's right to keep parliament in session months on end, if in doing what its members believe to be their duty it chooses to do so.

He goes on to say:

It is the opposition's right to insist at all times on the full protection of the rules of debate. The government is entitled to that same protection, but in addition it has its majority with which to establish its will. The opposition has only the rules for its protection, hence the authorities on parliamentary procedure emphasize the greater importance to the opposition of the only protection it has, the protection of the rules. Only by according such rights to the opposition is it possible to achieve anything even approaching equality of strength between the two sides, and I suggest that unless we approach equality of strength—there cannot be absolute equality for in the end the majority must prevail, hence I say unless we approach equality of strength—between those who support and those who oppose the government of the day, there will not be that cut and thrust, that “attack, defence and counter-attack” which, as Sir Lyman Duff put it, are “the breath of life” of our parliamentary institutions.

Mr. Chair, no wiser words have been spoken. He emphasized exactly how important these rules are, and our Liberal colleagues need to understand this is why we're going to the wall on this. There is no retreat on this side of the House, and the exit ramps are all on the government side. They have to decide if this committee is going to be stuck in the mud for the foreseeable future—the Standing Committee on Procedure and House Affairs, arguably one of the most important committees our Parliament has.

We're backed into a corner. We must fight for these rules. We fight not only for ourselves, but we fight also for government members who may one day be in opposition.

Mr. Chair, I just want to bring my honourable colleague's attention to those particular comments. In light of where he was going in his discussion about the rules, he can use history as a great road map going forward.

Thank you.

• (2100)

**The Chair:** Thank you, Mr. MacGregor, for that new piece of information. Even after 544 hours, you brought in something new, so that's great. It was very interesting.

**Mr. Garnett Genuis:** Is that a precise account of hours thus far?

**The Chair:** Yes.

**Mr. Garnett Genuis:** Okay.

**The Chair:** That was up to when we started today at 4:30.

Using the Simms procedure, we get nice interventions like that.

**Mr. Scott Simms:** I'm very flexible.

**Mr. Garnett Genuis:** It may well be, Mr. Chair, that we are approaching one of the longest filibusters in this country's history, if we've not already surpassed that mark. I can think of no principle more important than preserving our institutions in terms of the responsible government dimension that is so critical to them. What better cause for a parliamentary filibuster than Parliament itself?

Now, at the same time, my NDP colleague referred to us being "stuck in the mud". It's not all bad. I mean, they get the benefit of hearing my reflections on things, right?

**Voices:** Oh, oh!

**Mr. Garnett Genuis:** Even the mud has certain advantages to it, so if they choose to continue, well....

**The Chair:** It's on division.

**Voices:** Oh, oh!

**Mr. Garnett Genuis:** It's on division? Okay.

Even if we must continue, we can still learn things along the way, if nothing else.

I'll just add that this issue of preserving our institutions, of passing this amendment, is not only miring us down here in committee. It's also an issue in the chamber and in other committees. It's an issue that impacts a range of other policy questions.

This committee, I understand—I'm not a regular member of this committee—should be proceeding as soon as possible, I think, to a study of the Elections Act. I understand that there are some important issues with respect to the Elections Act. The Minister of Democratic Institutions has proposed a study that I think the committee is interested in taking up, and has asked for the completion of that within a certain timeline. Discussions about procedure are important, but they're not the kinds of things that are as time-sensitive, at least given the timeline that the Minister of Democratic Institutions has introduced.

We have all the things that are going on within the chamber as well. Co-operation between different parties is very important for moving forward in a constructive way. With all due respect, I'll say that the government House leader won't be getting my vote for *Maclean's* most collegial parliamentary award this year. In the midst of trying to come to a resolution on this, she went on television and said that they were not going to let the Conservatives have a veto over standing order changes.

Mr. MacGregor is many great things, but he is unfortunately not a Conservative. Maybe he will be one day, but for now, he is here representing the NDP caucus. Mr. Christopherson was also here earlier, and they are fully behind this. They have, of course, a much longer history in opposition than we do. After the next election, we'll welcome them back to the official opposition when we retake the government. It will be good for both of us.

They understand the importance of this as well. I think Ms. May, who is someone who agrees with the government more often than we do—more often than the NDP does in fact, it seems, just based on the way votes have unfolded—is also standing with us. When I talk about the Green Party discussion paper, she's taking the position that's furthest from the government in terms of the kinds of changes in direction that we actually need to see.

This is a discussion that's playing out in the chamber as well, but when you have the government House leader making comments like that, basically drawing a line in the sand and saying we will not.... Effectively, what she's saying is that we will not do this by consensus; we will do it in a way that is unilateral. Now, she didn't say that directly, but that is the implied direction of the comments that she's making.

I don't think any party should be able to make changes unilaterally. I think they should be done on the basis of consensus. Doing it on the basis of consensus means that you have to listen to the opposition as well, which is something that the government House leader thus far has not been prepared to do. However, if she agreed with us, she might have a chance of getting that *Maclean's* award again. I might reconsider my vote on it.

There was an interesting point made by my colleague here about this issue of equality of strength between the opposition and the government. I don't know if I agree or disagree with that, but I want to just maybe flesh out what is meant by equality of strength.

Let's be very clear that when a party is in government, it means that they got the most seats. It means that they got—not necessarily, in first past the post, but almost certainly—the most votes in the election. They have a legitimate democratic right to propose legislation, to bring it to a vote, and in all likelihood, if they have the votes, to pass that legislation, to implement the program that they have. That is legitimate. No one here is suggesting otherwise. No one here is suggesting that on questions of policy....



● (2105)

Of course the opposition will oppose. We will debate it. We will fight back on the basis of public interest. We will try to get the government to change their mind, to see sense. We will mobilize public support against it. We will encourage stakeholders to contact the government. We will challenge the government to reconsider aspects of their program. But ultimately, especially in a majority Parliament, assuming that they maintain the confidence of that Parliament and the support of their caucus, a government can pass legislation.

Yet there are some things that a government cannot do. They cannot justly, on their own, or they ought not, change things that are dealing with that underlying substructure of democracy. One might say that policy decisions are, to some extent, actually more important than that substructure in terms of the practical impact they have on people's lives. But that substructure is actually what guarantees the integrity of our deliberation about those policy questions into the future. So yes, in this Parliament the government can put forward legislation. It can be debated. It will likely be passed if it's government legislation over the objections of the opposition. But as long as they preserve the existing institutions that allow us to present our objections, that allow us to participate in the debates, and that allow us, then, on a fair footing, to fight the next election....

But this government, it's clear, isn't actually content with just proposing legislation and policy. We see on a number of different fronts that they actually want to dramatically alter our institutions, to do so to their own strategic advantage, and to do so without the consent of the opposition. Now, that's not what the government is elected to do. Of course, this is a government that received, I think, about 39% of the popular vote in the last election. That is enough to form a majority government and to introduce policy and to pass legislation. But it is not enough to change the underlying substructure of democracy. This is well established in our traditions and our conventions. There are certain things that one could change about that substructure with a majority support through a referendum. This is what we said during the electoral reform debate. Without having been clear up front about what new electoral system was desired, 39% was not enough to make that change unilaterally, but a referendum, with 50% of the vote, would have been enough to make a change to that underlying substructure of democracy.

With respect to our rules here in Parliament, if there is a consensus among parties—that has been the tradition, that's what has been done in the past and has worked well—if we change the rules of engagement in a way that has consensus of members of Parliament, then yes, we can change that underlying substructure.

**The Chair:** Sorry to interrupt, Mr. Genuis.

There are some new members here. I want to refer everyone to the fact that tonight we've had a number of discussions on how the rules have been changed in the past. Our researcher did a paper outlining almost all the major changes that have been made to the Standing Orders over the last 50 years or so. The paper looks at which times were by consensus, which were unanimous, and which weren't. The Standing Orders were changed in all different types of ways. If you need to know the history, just refer to that paper.

Mr. Genuis.

● (2110)

**Mr. Garnett Genuis:** Excellent.

There is a tradition that for substantial major changes, obviously, of the Standing Orders, those happen on the basis of consent. I think there was one issue raised in the House in the context of...

I think it was Ms. Sahota who asked me the question, when I was giving a speech on this with respect to a concurrence report, about a change that Mr. Reid had proposed with respect to the process by which we elect the Speaker. Now, the context of that change was...

I don't think it was quite before I was born, but I was still in elementary school. I don't remember it too well. I was following, but —

**Mr. Luc Berthold:** You don't remember.

**Mr. Garnett Genuis:** It wasn't that long ago.

**Mr. Martin Shields (Bow River, CPC):** Five years ago, right?

**Voices:** Oh, oh!

**Mr. Garnett Genuis:** No, no.

The way in which the change happened was this. This was a change to the way in which a Speaker was elected. At one time, if I remember right—someone may correct me—the process was originally that you have runoff ballots. You have a series of ballots similar to the old leadership convention style, where people would vote, someone would be eliminated from the ballot, and then there would be further rounds of balloting. Then the movement was to a system of instant runoff voting for electing the Speaker. There were different opinions on that across different parties. It wasn't unanimous in terms of every single member of Parliament agreeing with that change, but as I recall, there was support from every party for that change as well.

We can look at the history and recognize that there is a difference in terms of a fundamental degree of change as well. When you're talking about successive ballots versus instant runoff being a change, there are some issues in the Standing Orders that deal with something so minor, but the changes proposed in this discussion paper are very dramatic in terms of the relationship between government and opposition and in terms of the roles of members of Parliament.

We would agree that the government has a right to move forward legislation, but not to change the underlying rules. I don't want to diminish this with a sports analogy, but I think a sports analogy is a reasonable way of understanding the idea of fairness in competition.

We're watching the hockey playoffs—which of course the Edmonton Oilers will be delivering a Stanley Cup in. My colleague from southern Alberta and I are looking forward to that matchup coming up. More to the point, in a hockey game people play hard. They aren't, in any way, what you might call “gentlemanly” towards their opponents in terms of giving them a wide berth when they have the puck and so forth. In a hockey game absolutely you play to win. On the other hand, there are certain things that are just beyond the rules. Giving a hard check is maybe within the rules, but doing certain kinds of checks would not be within the rules. Obviously there are boundaries prescribed by rules, but within those rules you do everything possible to succeed.

It wouldn't be right if one team could just change the rules. One team might try to implement a different strategy within the rules, they might do something that's allowed, and the other team might say, whoa, that's a novel use of the rules, how come they're doing that? But if you're within the rules, then that's fair ball, right?

I think in the last Parliament there were people who objected to the way in which Stephen Harper used the rules. Some of those people might be here in this room. You can debate the use of those rules. Some people argue that those rules—the use of time allocation, the use of prorogation—were not used in a constructive way, and some of those points have been made by my colleagues opposite. But there is a fundamental difference between playing hard within the rules and going outside the rules. The reason we have rules is to prescribe where that line is, in the midst of sometimes a very tense and a very competitive environment. When we're talking about policy and government legislation, these are things that matter deeply to our constituents. They're things that we believe in. We fight hard on those issues. We do so, however, within the rules, in a way that respects the fact that the rules exist and that it's not fair for one side to change the rules, because that would undermine the basic way in which that system is supposed to work, based on rules, based on the back and forth that occurs.

It's interesting that the government's response to this is not to really dig into the meat of our argument in response at all. It's to say, okay, we want to have a discussion...and by the way, we want to have a discussion...and let's have a discussion.

• (2115)

Well, let's go through what happened, how we got to this point, and why we are concerned about what the government's intending to do. We had a discussion. We had a debate in the House on possible standing order changes and we had different proposals come from different members of Parliament. We had a wide variation within individual political parties. We had different members of the Liberal caucus propose changes that are different from those the House leader is proposing. Within our Conservative caucus we had common opinions on certain questions and we had different opinions on certain questions. I have proposed some changes to the Standing Orders that are fairly novel, concerning switching the time when late shows and members' statements occur and having ministers be required to respond to late shows.

These were part of a big soup of ideas put out there on whatever day it was that we had this debate on the Standing Orders. There was interest in proceeding with these and considering changes that could

get consensus. Then all of a sudden we had the government bring in this discussion paper and right away ask this committee to study them, with an immediate timeline for reporting them back.

We put forward an amendment that said, okay, fair enough: you have these ideas, but we want to make sure that there's unanimity, that's there's agreement, that there's a respect for that “rule of process” aspect that we have talked about.

What's striking about the government's response is that...but actually, it goes prior to the House leader's comments. There's a bit of a dissonance between what Mr. Simms has said and what the government House leader has said. Mr. Simms has said that of course we want to get to unanimity, that of course that is where we would like to go as a committee. Then you have the government House leader saying that they will not let the Conservatives have a veto.

Perhaps we should have Mr. Simms in the position of House leader. I would support him in that, if that were his ambition. We might see a different approach on this issue.

**Hon. Candice Bergen:** He didn't hear that. You might have to say it again.

**Voices:** Oh, oh!

**Mr. Garnett Genuis:** The problem is that if you are supportive of the idea of unanimity, then why not just pass the amendment? It's like spending a long time having a discussion with someone, and then at the end you suddenly realize you've agreed from the beginning. If the government actually thinks that we shouldn't have unanimity, thinks that these decisions should be made on consensus, well, we've been talking for over 500 hours and agreeing. But we just want to pass the amendment so that we know.

Now, that seems to be where Mr. Simms is in terms of aspiring to unanimity, and let's just confirm that, but obviously we can't trust the government, or at least the government House leader, when the government House leader has said on television that we're not going to let the Conservatives.... Effectively the implication is that we don't want the Conservatives involved in this discussion. I think a really partisan way of putting it is....

Obviously we know the strategy—to say, okay, let's shove the Conservatives off in the corner and pretend that it's only the Conservatives who are opposed to it. But it isn't just Conservatives. It's Conservatives, Greens, New Democrats, Bloc Québécois MPs, probably some Liberals, and certainly many ordinary Canadians who don't have any partisan affiliation who are raising concerns about this.

This is the process that got us to this point, when you have the government House leader saying these kinds of things and pushing back. On the one hand, they're saying that they'd love to have unanimity—at least some members are saying that—but on the other hand, they're saying they're not going to pass an amendment that would protect consensus. This is why this amendment is so important, because it guarantees that there's going to be consensus. We keep seeing efforts of the government to undermine our parliamentary traditions and undermine respect for our democracy, or at least our responsible government system that we fundamentally associate with democracy.

I could go through many issues. The most recent is the fact that the government tried to adjourn a debate on a matter of privilege without having a vote on it. This is so important because it's relevant to all members of Parliament. The issue in this particular case was that members of the Conservative caucus were prevented from voting because of something that happened with security. That's, of course, very important. However, you could imagine a whole host of other cases in which members of Parliament would have their privilege denied, the Speaker would rule a prima facie case of privilege, but then the government would, without a vote on that question of privilege, adjourn the debate. You could imagine all kinds of cases that would negatively affect all members of Parliament.

I ask members of government to think about this. What if it were you who was prevented from voting, or there was some other way in which your privilege was threatened? Perhaps another member had been threatening towards you or any number of cases from which issues of privilege arise. You've been denied the right to do something that you should be able to do as members of Parliament.

When these questions happen, there's an opportunity to raise questions of privilege in the House. The Speaker then asks if there is some legitimacy to the case. We go forward with the prima facie case of privilege. The government has options for ending that debate. They can move closure on questions of privilege. That forces then a vote on the closure and then a vote on the question of privilege. Therefore, the government can force a vote on these matters. However, what the government tried to do was get rid of the question of privilege without voting on it. Fortunately, the Speaker ruled that this was an issue of privilege, that it was an issue of privilege when an issue of privilege can't be brought forward in the proper way. Even the fact that the government tried to do it was something that the Speaker acknowledged in his ruling had no precedent. This is presumably because no government in the entire history of our tradition has ever tried to get out of a discussion of a question of privilege without a vote.

● (2120)

In the very fraught history of Westminster parliamentary democracy, this government found an abuse of the House that had not even been attempted before. Now they want us to trust the goodwill they have in the context of this process.

Well, it would have been nice to see some goodwill in the context of the privilege question that came before the House. Fortunately, we had a very wise ruling from the Speaker on this, but the government attempted this, which should legitimately colour how we approach the discussion of this amendment and this motion.

This amendment provides us.... If as Mr. Simms suggests—different from the government House leader—there is a desire for consensus, then give us the insurance, because a lot of things that have happened have made us question whether we can actually rely on the goodwill and good intentions of the government.

This is not to single out any particular member here. Mr. Simms might try to work constructively throughout this whole discussion and then all of a sudden be pulled off this committee and put on the library committee, to be replaced by someone who is going to sign off on the government House leader's—

**Mr. Scott Simms:** I have a point of order.

**The Chair:** Mr. Simms on a point of order.

**Mr. Scott Simms:** Is it okay if I interject? Is that all right?

I'm already on the library committee.

**Voices:** Oh, oh!

**A voice:** Oh, God love you.

● (2125)

**Mr. Garnett Genuis:** Not that there's anything wrong with that.

**Mr. Scott Simms:** Not that there's anything wrong with that, but I'm already on the library committee.

I have nothing else to add.

[*Translation*]

**Mr. Luc Berthold:** Mr. Genuis, I would like to respond to what you just said about the precedent the government tried to set in order to put an end to this question of privilege.

It reminded me of something. When I was doing research on procedure and changes, I was struck by something I read about the tyranny of the majority. I would like to remind those around the table here that the tyranny of the majority is an undesirable aspect of democracy, which allows a majority to suppress a minority if the democracy does not provide certain rights to protect minorities.

This is very relevant to the attempt we have witnessed and to what is happening here before the Standing Committee on Procedure and House Affairs.

If I may, Mr. Chair, I would like to quote Alexis de Tocqueville, with whom you are no doubt familiar. You have surely read some of his works. In *On Democracy in America*, Alexis de Tocqueville was quite eloquent about the tyranny of the majority. He talked about the risk of despotism of the majority.

I would like to quote one or two short passages from de Tocqueville, which are as follows, roughly translated:

Democracies tend naturally to concentrate all the power of society in the hands of the legislative body, it being the authority that derives most directly from the people and also the one that exercises its supremacy the most.

It therefore has a natural tendency to bring together all forms of authority within it.

This is similar to what we are witnessing, this desire to change the rules of the House of Commons. Essentially, the majority is trying to use all its powers in order to control all the procedures that are currently available to each member of Parliament.

Returning to de Tocqueville, he said, loosely translated, that:

Just as this concentration of powers greatly undermines the orderly conduct of affairs, it is also the basis for the tyranny of the majority.

Before Mr. Genuis continues, I would point out finally that de Tocqueville added the following, roughly translated:

The power of the majority is not unlimited. Overriding it, in the moral world, are humanity, justice and reason, while in the political world are vested rights.

The opposition, both the NDP and the Conservatives, are trying to preserve these vested rights, which are the last bulwark against the tyranny of the majority, Mr. Chair.

I thought this was relevant, in view of the example that Mr. Genuis had just given us. This attempt to put an end to a question of privilege without even allowing members to vote is a first. This is the first time we have witnessed this in the Parliament of Canada.

I just wanted to make this aside and remind you that well-intentioned people have examined this matter and have described this kind of attempt, that is, the desire of the majority to suppress the minority, especially when the majority has the power and every opportunity to do so.

I wanted to give a nod to de Tocqueville, Mr. Chair.

**The Chair:** Did de Tocqueville also write about the tyranny of the minority and explain how it operates?

**Mr. Luc Berthold:** Oh, oh! That is not the full extent of my knowledge of de Tocqueville's work, Mr. Chair. We could certainly sit down and write a book about the tyranny of the minority. However, when the minority uses its tyranny to try to protect the rights and interests of the majority, I think that is a noble tyranny.

[English]

**The Chair:** Mr. Genuis.

**Ms. Filomena Tassi:** Mr. Chair—

**The Chair:** Oh, sorry.

Is that okay, Mr. Genuis?

[Translation]

**Mr. Garnett Genuis:** May I answer first?

[English]

**Ms. Filomena Tassi:** Yes, of course.

[Translation]

**Mr. Garnett Genuis:** I had thought of something I wanted to say in French, but then I forgot it.

Mr. Berthold, that is an excellent point. The fact that the government garnered 39% of the vote is perhaps an example of the tyranny of the minority and not of the majority.

As to the tyranny of the majority, we can say that factionalism is the central problem in democratic systems.

Can democratic systems represent the common good, the values and interests of a whole society and not just those of a majority? That is a very important question. That is why we have the Canadian Charter of Rights and Freedoms and the Senate. Different democracies have created various institutions to protect the rights of minorities. The rules of the House also protect those rights. The work of de Tocqueville should be considered, as should *The Federalist Papers* from the United States, which address the same topics in an interesting way. This is very relevant to our discussions today.

• (2130)

**The Chair:** Thank you.

Ms. Tassi, you may go ahead.

[English]

**Ms. Filomena Tassi:** Thanks, Mr. Chair.

Thank you, Mr. Genuis, for letting me intervene.

I would just like to speak to this question of privilege in the House that you're raising, with respect to the motion that was raised and the process there. I feel compelled to speak, as the member who moved the motion to bring the question of privilege to this committee and to have it studied at this committee. The reason I brought that motion is that we know that PROC is the committee that the question of privilege that was raised would be brought to.

As I have said in the House, this is an important question that we need to look at, and one that we need to spend some time on, because the issue has come up in the last couple of years a couple of times. We know that whatever we've done in the past is not enough to correct the situation, so it is a situation that we do need to turn our minds to at PROC. We know that parliamentarians are working so hard. Oftentimes, those who are working even harder, who may not have the time to get here because they've taken an extra appointment or whatever, need to be assured that when they do make an attempt to get here, they are unfettered and can get here to exercise their vote on behalf of their constituents.

I first want to say that this is an important matter that we do have to look at. That's why I brought forward the motion to bring it to this committee.

The current status of this is that the Speaker did make a ruling that a prima facie case of a question of privilege was there, but then there was an amendment to that motion. The amendment was that it would take precedence at this committee. The result of that would mean that we would stop what we are doing right now and that the motion would be discussed. It would circumvent the business of this committee.

Then, further to that, as I understand it, another subamendment was passed, which put an end date to the time that this committee had to study that.

The point I want to make about that is that I believe it's important that committees be the masters of their agendas. The committees know the work that's ahead of them. They are the ones that should be organizing the order in which they study things, and the priority in which they study them.

I don't know of any other committee that doesn't do that. The concern here is that we don't want to usurp the ability of a committee to determine what it is studying by having a motion brought from the House mandating to committees the order in which they have to study things, and mandating to committees how things are to be done.

I just wanted to get that on the record. I did not bring the motion forward because I didn't think it was an important issue. It is an important issue. But I think it is equally important that committees be the masters of their agendas, that committee members be able to speak and dialogue, and that the committee as a whole decide on what matters they are going to hear and the order in which they're going to hear them.

• (2135)

**The Chair:** Thank you.

Mr. MacGregor.

**Mr. Alistair MacGregor:** I just want to add that I think what Ms. Tassi brings forward is valid, but I would respond by saying that instructions are given to committees all the time by the House. The House is supreme and paramount in this. Indeed, committees are creatures of the House. Yes, they get to organize their internal affairs, but when bills are passed at second reading, an instruction is given to a committee to commit further study. Furthermore, sometimes motions in the House instruct a committee to do studies on certain subjects. There are many precedents where the House gives specific instructions to committees. If the House so chooses, through a majority vote, it can do that.

That's what I would like to add.

**Ms. Filomena Tassi:** Mr. Chair, may I add one quick thing in response?

**The Chair:** Yes.

**Ms. Filomena Tassi:** I think it's different for the House to say that they want you to study this than it is for the House to dictate when you're going to study it and what deadline you're going to meet. Yes, the committees do study things, but if we start setting precedents where the House can dictate what things can be usurped.... If you're in the middle of a study and they say, "Drop that study, we want you to do this study," then now I think we're embarking on dangerous territory. I think the committees have to have that vote. They are the ones that are looking at the studies. As a whole, they can discuss it and then determine the priority.

I understand what you're saying. Yes, issues are directed to committees, and then the committees do in fact have to take a look at the issues that the House directs them to take a look at. I appreciate that.

**The Chair:** Thank you both.

Monsieur Berthold.

[*Translation*]

**Mr. Luc Berthold:** I have something to add, Mr. Chair. I'd like to know why my colleague is bringing this up right now and taking umbrage with the House's instructing the committee to undertake a study, with or without a deadline attached. That does, after all, reflect the will of the House, further to a vote. I think there are plenty of precedents here, so it would not be a first.

Nevertheless, the Standing Committee on Transport, Infrastructure and Communities, which I am the vice-chair of, received something I see as much more troubling. It was a letter signed by two ministers—the Minister of Transport and the Minister of Fisheries, Oceans and the Canadian Coast Guard—strongly encouraging the committee to undertake a study of the Navigable Waters Protection Act to review the previous government's changes to the act.

Not only, then, did the government use two ministers to impose a study on the committee, but it also imposed the outcome of that study on the committee. Quite frankly, that is outrageous. I think all committees should stand up and fight, doing everything in their power to keep that from happening.

Unfortunately, however, we know all too well that, when a committee receives such an instruction, most of the time, the government majority throws its support behind the ministers and agrees with their decision or recommendation. That's what happened. Despite the opposition's objections, the Standing Committee on Transport, Infrastructure and Communities was forced to study the Navigable Waters Protection Act for the purpose of reviewing the changes made by the previous government.

As a committee, we were directed by ministers to not only undertake a specific study, but also steer that study towards a specific outcome. I will let you guess what the government recommended in the report on the Navigable Waters Protection Act.

I understand where my colleague is coming from, but I think some instructions are much more worrisome than those that come from the House, to which all members belong. When an instruction comes from the executive branch, forcing a committee to study an issue that is not even on its work plan, and all of the committee's work gets disrupted because of that request from the executive branch, well, I think that is cause for greater concern than a request from the House.

• (2140)

[*English*]

**Ms. Filomena Tassi:** Did he ask me to respond?

**The Chair:** Yes, Madam Tassi.

**Ms. Filomena Tassi:** Thank you for that question, Monsieur Berthold. You've asked me to respond to two points.

First, there is a very clear difference between strongly encouraging or asking a committee to study something and mandating the agenda of the committee. So yes, committees of course are listening to the House and saying, yes, we're going to take on that study. Absolutely. That's the way the House works. Then committees go back to the House and give them information on the study. But for the House to have the ability to come here, stop what we're studying, drop another study on top, and tell us the order in which we study—in other words, they determine our agenda—is very different from the House saying that we want you to look upon this.

So that's the first question. There's the distinction between encouraging a study or asking a committee to undertake a study, which is what we're here for—that's what we entertain and that's what we do—as opposed to saying that you're studying this, and you're studying it now, and you're going to have a report by June 29.

I'm bringing this up for two reasons. One is that Mr. Genuis brought it up today, but he's not the only one. It has been brought up over the past 500 or whatever hours we've been on. Over that time, this issue has been raised a number of times with respect to the question of privilege at this committee. I think as the mover of the motion in the House, it's important that I go on record as saying that this question is important. I don't want it misunderstood that I don't think it's an important question. It is an important question.

So I wanted to explain that, but also to offer a bit of concern with regard to the way in which the motion was put forward, because I think in terms of some of the criticism we're getting, you're doing the exact same thing. There's the mandating with dates. For example, in Mr. Simms' motion I think there was a date. We're criticized because there's a date, but then in your motion there's a date too.

I don't want to start getting nitpicky, because that's not what this is about. It's not about nitpicking. I just want to go on the record with why I put that motion on and the concerns I have with the motion that the Conservatives put forward in response.

Does that answer your questions?

**Mr. Luc Berthold:** Yes, in part.

[Translation]

Do you agree that, when ministers ask a committee to conduct a study, they can require the committee to carry out that study, and, in the letter to that effect, they can already recommend that the committee's findings be geared towards a specific outcome? As I see it, that is much more troubling.

That said, my comment is based only on what happened. There are two ways to proceed. The House can give an instruction, which comes from all members. That is one way to give work to committees, which, in my view, have to supply the House with information. I believe the role of committees is indeed to inform the House so that members can make sound decisions. From time to time, the House needs committees to study certain matters so that members can, then, make laws and regulations—basically, do their job as members.

My concern, however, is that committees could become the minions of the executive branch. That is why I wanted to distinguish between requests that come from the House and those that come from ministers. The opposition has a duty to bring these problems to light and let the public know what is going on so that they can see that there is really a difference between the work that parliamentarians do and the work that ministers' offices do. Ministerial staff carry out the work of the executive branch, whereas we, here, carry out the work of the legislative branch. I just wanted to end our little discussion on that point.

• (2145)

[English]

**Ms. Filomena Tassi:** On that other matter, I don't have any knowledge of that. I haven't seen the letter. I'm not on that committee

**Mr. Luc Berthold:** I will show you.

**Ms. Filomena Tassi:** Yes.

**The Chair:** To wrap this up, because I want to get back to Mr. Genuis's main arguments, on committees, from page 994 of O'Brien and Bosc, there's a whole paragraph, which says about studies that they are:

...sometimes mandatory, but are usually permissive. A mandatory instruction orders the committee to consider a specific matter or conduct a study in a particular way.

These are all possible.

Mr. Genuis, let's get back on track here.

[Translation]

**Mr. Luc Berthold:** On instruction from the House, Mr. Chair?

[English]

**The Chair:** Yes.

**Mr. Luc Berthold:** Not by the executive part?

**The Chair:** Not in that paragraph. *Oui*.

Mr. Genuis.

**Mr. Garnett Genuis:** Okay. Let the record show that the opposition House leader just brought in salad and that I will be eating some of that salad.

**Voices:** Oh, oh!

**Mr. Garnett Genuis:** Now, for those who wanted to get home, yes, salad...

**Hon. Candice Bergen:** It's not word salad.

**Mr. Garnett Genuis:** Yes. It's vegetable salad, not word salad. That would be welcome progress for this committee.

Thank you, Ms. Tassi, for your intervention on the question of privilege. I maintain my view that the approach taken by the government on this was without precedent, it was not appropriate, and it was a demonstration of bad faith by those who moved this motion in the House to adjourn the debate, bad faith with respect to the opposition. Essentially, none of the arguments that have been made have addressed that aspect of it. It is perfectly allowable for members of the government to vote against the question of privilege, which is perhaps something that they don't want to do, because it sounds like there's some acknowledgement of the importance of it.

The amendments are just that. They're amendments. The government members are welcome to vote against the amendments while still supporting the privilege motion. In particular, the amendments that were mentioned were separate amendments. The amendment asking for precedence to be taken over other matters and the amendment to set a timeline were separate amendments. One could conceivably support one and not the other, or neither, but still support the main motion, or support both and the main motion, or some other combination thereof.

If the issues with the way in which this process was unfolding were purely with the amendments proposed, and not with the motion itself and not with discussion of the issue, then that could have been brought up. What the government didn't do, of course, was to bring in closure on these questions and then proceed to votes on the amendments, or to just allow the debate on the privilege question to unfold—which would probably have been the proper thing to do—and then collapse, and then follow it up with votes on the privilege motion. Then, depending on what is passed in the House, PROC would proceed accordingly.

That's not what happened. The government moved to adjourn the debate without having that vote take place. That was really the crux of the issue, right? That was the whole point of this example of the total loss of faith on the part of the opposition in terms of the government's willingness to play fair and respect the institution. It was the fact that they sought to adjourn the debate. It wasn't that they opposed the amendment. If they had wanted to oppose the amendment, that would have been fine, although I think that would have been the wrong decision to make and I would have argued against it. But if they had opposed the amendment, that would have been the reality. They didn't do that. Instead, they tried to adjourn the debate, and then, I think quite rightly, that was addressed in a response by the Speaker.

Now, my colleague points out that a motion was moved here at PROC. This is important. This is not the process by which privilege questions are adjudicated. The process, which is fundamental to the way privilege questions are adjudicated, is this: a member raises the issue in the House; there is a finding of a prima facie case—or not—by the Speaker; there is a debate in the House; and, then there is a vote on the question of privilege, which sends it to PROC for study. That's how privilege questions are adjudicated.

Of course, yes, I could move a study at the library committee on an issue of privilege. I could do that. If the library committee wanted to study it, they could study it, but that would not replace the process that exists for questions of privilege. That committee study, while important for the process of privilege, does not in any way negate the importance of also having the debate take place in the House and of having a vote in the House. The House is supposed to consider and vote on the question and then send it to PROC and say that this is something they want studied, yes, that it's important, and that they have a concern. The committee then needs to proceed with it.

• (2150)

That's how that question is adjudicated. None of the points that Ms. Tassi made change the fact that the government tried to adjourn and therefore end the debate in the House on this question of privilege and prevent a vote. The fact of a separate proposal for a study of that question of privilege in no way replaced or changed what happened in the House, which further establishes that, in the present climate, the opposition cannot trust the good faith of the leadership team on the government side with respect to matters of procedure. It's what makes the passage of this amendment so important. It is the insurance that we need in the absence.... It probably would be good insurance to have in any event, quite frankly, because any time someone says that they don't need to pass that but they'll do it anyway, you might say, "Wait a minute: why don't you just pass it?" Especially in the current climate, it is important that we pass the amendment because of these things that have happened in the House.

Further to Ms. Tassi's points, she talked about the proper way in which the House does or does not or can or cannot instruct committees. Now, in this Parliament alone, many motions have been dealt with that deal with instructions to a committee. The most obvious example, I think, is actually the first NDP opposition day motion, which was to create a pay equity committee and instruct it to do a study of a particular issue. If I remember it right, that opposition day motion did include a specific time as well, so not only was it

giving an instruction with a timeline to a committee, but it was creating a committee for the purpose of doing a specific study with a specific timeline.

**Mr. Alistair MacGregor:** It's like electoral reform.

**Mr. Garnett Genuis:** Yes. That's a very good point. A similar process happened.

You see, the NDP is all about creating new committees, right? They want to make government as big as possible. They're all about creating new committees. Electoral reform was one of them, and the pay equity one was another.

I'm not exactly sure, Ms. Tassi, of how you voted on those, but I don't think there were any government members who voted against it, so you either voted in favour or abstained. I presume you voted in favour.

Another example is a private member's motion that came from a government member, motion 103, which was much discussed, so I've heard. It instructed—directed—a committee to do a study and prescribed a certain number of calendar days by which it had to report back. It's actually striking that they were calendar days as opposed to sitting days, because if those calendar days include the summer and so forth it could mean a fairly limited number of sitting days being available to that committee, and of course the heritage committee has other business going on.

When that instruction is given by the House.... Ultimately, committees have delegated authority from the House of Commons, so of course we should be masters of our own domain. I am especially concerned about cases where you have the executive improperly trying to direct parliamentary committees. Parliamentary committees are ultimately creations of the House. Their authority is delegated from the House, and the way in which they exercise that authority is by bringing up questions, tabling reports in the House, and receiving legislation from the House, which they then send back to the House.

These are examples of things that have happened. Again, for motion 103, every government member who voted on it voted in favour of it.

We had a motion.... Oh, my salad is here. Okay—

**Voices:** Oh, oh!

**Mr. Garnett Genuis:** We had a motion put forward by my colleague Arnold Viersen that was asking the health committee to do a study on the impact of violent sexual images on children. I believe there was a timeline associated with it. That was a motion that passed on a voice vote. There was no standing vote, but it passed on a voice vote with the support of all parties. Again, that's another example of an instruction given to a committee by the House.

I don't think it's been voted on yet, but another Liberal member, David McGuinty, proposed a motion for a study involving the Ottawa River. I spoke on it.

Again, these are different studies that members can propose in the House to have sent to committee, and of course a member can sub in at a committee and propose that the committee do that study at the committee, but there is a precedent—it's legitimate, and common, in fact—for the House to give some kind of instruction to members as well.

It is just not consistent with what I believe to be the voting record of Ms. Tassi. I assume you voted in favour of motion 103, in favour of the pay equity committee, and in favour of the electoral reform committee—or at least in favour some of them, because those were positions that all voting members of the government voted in favour of—which gave instructions to committees and had associated timelines. Other ones I've mentioned had the support of government members or, in other cases, such as Mr. McGuinty's motion, they've come from government members.

It's interesting to try to square that with the argument that we don't want the House to be too directive for committees when we see this happening elsewhere. At the end of the day, I think the crucial point in response is that if you don't like the amendment, that's fine: vote against the amendment. Instead, what happened was this abusive process, this effort to adjourn debate in the middle of a privilege question, something that is entirely unprecedented in our history.

Now, there are some other points that I want to talk about—

• (2155)

**Mr. Luc Berthold:** Do you want some time to eat your salad?

**Mr. Garnett Genuis:** Maybe I'll keep talking for a few minutes. I have to make sure that I get through this before this discussion wraps up.

**The Chair:** Mr. Genuis, on that privilege motion, how long into the debate were they when they...? Could they have voted? Was there a request to have a vote? Or did they just adjourn? Roughly how far into the debate was it? Because we were in committee here, so....

**Mr. Garnett Genuis:** Okay. I don't know precisely, but it was relatively early in the discussion. I think there had been a couple or a handful of speeches given on it, but the discussion had been relatively short to that point.

There wasn't an immediate call to a vote. My understanding is that there were still members interested in speaking on the question of privilege, but the government, of course, has the ability to propose closure on a question of privilege. Then the question of closure goes to a vote. Subsequent to that, there is a vote on the main motion. Yes. Of course, I can't guarantee that we would have applauded the government if they'd brought in closure. I think it would have been premature to bring in closure because there were still members who wanted to speak to this important question of privilege that needed to be debated in the House.

My only point there was that it was an option available to the government that was, I think, under the circumstances, at that juncture inappropriate, but it was much preferable in principle to what they did, which was to end the debate without a vote, by having instead a vote on a different question, which was on proceeding to the orders of the day.

Having I think responded to that point, I now want to talk about this issue of modernization. My colleague from Saskatchewan who

was speaking before me, Mr. Lukiwski, a very experienced member, talked about how it's not up to the government to modernize Parliament—Parliament must modernize itself.

As well, when we see a discussion paper and a proposal for unilateral modernization, we need to get into what is meant by the word “modernization”. It obviously is the kind of word that has a positive connotation in our language. Nobody would say, “I am against modernization”, at least not without qualification. It has the kind of connotation that we're moving in a good direction, that we're moving forward. It's the same with language around “reform”. “Modernization”, “reform”, “bringing the House into the 21st century”.... This last is a favourite phrase of the House leader, who says that they're going to bring the House of Commons into the 21st century. We know that words are being selected with an eye...the 20th century—

• (2200)

**Ms. Ruby Sahota:** Day care....

**Mr. Garnett Genuis:** Here's one of my favourite moments. This is a bit of an aside, but I think members will enjoy it. Michael Chong, who sat beside me in a previous configuration, had these beautifully technical heckles, such as “What about section 52 of the Parliament of Canada Act?” or something like that. Also, when the then Minister of Democratic Institutions at one point said that we need to move forward from an electoral system that was designed in the “19th century”, he said, “Actually, it was designed in the 18th century.” I think it's important to be precise, regardless of the point we are trying to make.

In any event, I think the House leader's language is to move it into the 21st century, not the 20th century. Actually, the point of the distinction is that we are not entirely clear on what either of them means. What would be the difference between moving it into the 20th century or into the 21st century? Why don't we just skip a step and move it into the 22nd century? It's about as clear, right? It's about as meaningful when you say that.

What we know is that the government is wishing to rhetorically associate positive feelings with the changes they want to make. In reality, though, a lot of proposals for modernization, for reform, and for moving into the 21st century can actually move in the opposite direction. What is modernization for one person might be pulling an institution in the opposite direction from what for someone else would be modernization.

This speaks to a more fundamental problem in the way that perhaps some Liberals in general see the world, which is that the future is inevitably better than the past, so when they talk about moving into the future and about modernization, inevitably what we're going to be doing in the future is better than what we were doing in the past, and what we're doing now is better than what we used to do. I think a more constructive notion of reform would say that we look at ideas on their merits, whether they are intellectual products of this century, of the last century, or of an entirely different time and place.



I think the progressive tendency is to always presume that change is good and that the future is better than the past, whereas perhaps the Conservative tendency is to say this: let's recognize the wisdom of the past and make reforms as necessary, but with deference to the institutions as they have existed in the past, and let's make sure that we understand very carefully what we are changing. Maybe a good way of describing this tendency is what someone said to me once. If you buy a new house and you see a wall, and you don't know what the wall is for—you don't know if it's holding up anything more important—your first instinct should not be to knock down that wall. At the very least, you should know what it is there for before you knock it down.

• (2205)

**Mr. Luc Berthold:** Yes.

**Mr. Garnett Genuis:** There is nothing wrong with making changes, but you had better have an understanding of what the original things were there for before you change them, right? Very clearly, in the language of the government, we see this progressivist fallacy, which is that the future is always better than the present, and the present is always better than past, so modernization and change are always going to be good.

I have to ask, though, in looking at some of these recent events, is a situation in which members can't make it to a vote really moving the House of Commons into the 21st century? I would argue that if we have a situation where it's harder for members to get to vote, that is a worse situation, not a better situation. If we have a situation in which government can limit debate by setting times in advance and saying that you can only talk for so long in the House and in committees, I would argue that it is a negative change. You might say that's moving us backwards. That's far from a modernization. That's a retreat, in a sense, from where we are now, if you're using that kind of progressivist language where you associate the trajectory of time always necessarily with improvement.

The kinds of changes that people have called “reform” in different times have pulled in different directions. We know roughly the history of this place, which is that at one time the emphasis on reform—originally, parliamentary reform modernization—was about strengthening the power of Parliament relative to the monarchy. That was a process of reform.

There was a period in the mid-20th century when reform, modernization, and improvement were seen as the process of making the House of Commons more efficient for the passage of legislation. This was at a time when there was a dramatic growth in what government did, in the scope of activities that were covered by the government. There was this concern among people in terms of whether or not legislatures, which had been essentially designed in a different time, could keep pace with modern government and could pass the number of laws that were necessary in light of the changing way in which government was involved in people's lives. Government was more involved, so the perception was that more laws needed to be passed. Again, flowing from that was the sense that institutions needed to be modernized so that more laws could be passed. That was perceived as reform, as improvement, and as modernization, but those were changes that enhanced the power of the executive and enhanced the speed with which legislation could flow.

Subsequent to that, there was another phase of discussion around reform. In this later phase, suddenly there was this emerging concern about the role of members of Parliament and the ability of members of Parliament to be involved in discussion. New ideas were proposed that weakened the executive, relatively, and strengthened the role of individual members of Parliament in legislation, which gave them more opportunities to check the government, to challenge legislation, to slow it down, and to influence the direction of the policy process. This was the next phase of reform.

In all cases, in the midst of the times and the circumstances in which those discussions were taking place, they were understood and presented as modernization, or as reform, but what should be very clear, of course, is that they represent opposite impulses, both in some sense legitimate, but opposite. The one impulse called “reform”, to make it easier for governments to pass legislation in keeping with the way in which the involvement of government in people's lives had changed from a earlier time, was about increasing the efficiency of the legislative process with the goal of passing more legislation and making it possible for the government to pass legislation. The other kind of change—or reform or modernization—was about giving ordinary members of Parliament more power and influence and therefore the ability to stand in the breach and say no when efforts were being made to pass legislation.

• (2210)

It doesn't really make sense to talk about this gradual progress in our institutions when there was a push and a pull on both sides of it. Both the push and the pull were called “reform” and “modernization” and were advanced in a way that was designed to reflect emerging realities and concerns, so maybe it doesn't actually make sense to speak of modernization. Maybe we should simply speak of ideas and about whether those ideas are good ideas or bad ideas. Maybe we should debate the merits of those ideas without trying to arbitrarily attach these labels. On the other hand, in politics, we can accept, perhaps, that people are going to try to associate positive-sounding terms such as “reform” or “modernization” with their proposals.

Actually, in the midst of the electoral reform conversation, as it's come to be known, I preferred to refer to it as “discussions about possible changes to our electoral system”, which I think was a neutral way of describing it. “Electoral reform” implies that we have these terrible retrograde institutions that desperately need to be fixed. Maybe that's the view of some people around the table about our first-past-the-post system, but my preference in terms of describing the discussion was “possible changes to our electoral system”.

Let's at least recognize that if we're not going to agree tonight, because we probably won't, we should jettison these terms like “modernization” and “reform”; I might even use them subsequently in debates when it's advantageous to my cause. Let's at least agree in principle that these are not value-neutral terms. When the government House leader says they're trying to modernize the House of Commons, that doesn't actually explain to us whether her vision of modernization is of the 1950s, 1960s, and early 1970s way of thinking about modernization, versus the 1990s and early 2000s way of thinking about modernization and reform.

When she doesn't tell us what kind of modernization and reform we're talking about, it contributes to our perception on this side of the House that most of what we hear from the government on these issues—at least in the context of forums like question period—is something resembling a word salad, because we don't actually know what she means by “modernization”. Although I could say, looking at the discussion paper, that it looks like what she means by modernization is a dramatic weakening of the opposition and of private members. That's how it seems to me.

Let's call it that. Let's be more blunt about what that is. Let's not paper over it in the name of bringing the House of Commons into the 21st century. Let's be clear. We're already here, right? It's 2017, as the Prime Minister is fond of saying. Well, I guess it was 2015 when he said that, but it's the current year, as we've been told, which is in the 21st century—

**Ms. Ruby Sahota:** But it's not the current day.

**Mr. Garnett Genuis:** Yes, in the world of this committee, I suppose it isn't the current day, but it is the current year at least—

**Mr. David de Burgh Graham:** For now.

**Mr. Garnett Genuis:** Yes, for now. When I'm done these remarks, it may not be the current year, right?

**Mr. David de Burgh Graham:** For the record, it has passed 550 o'clock on March 21.

**Mr. Garnett Genuis:** All right. That's good.

**Mr. Luc Berthold:** Do you want me to go back in time for two minutes?

**Mr. Garnett Genuis:** If you want to make a comment, I don't mind.

**Mr. Luc Berthold:** Yes, for just two minutes back in time. You have a salad, and the salad will be cold.

**Voices:** Oh, oh!

**Mr. Luc Berthold:** You must eat it now.

● (2215)

[*Translation*]

This whole debate about time is great.

Let us go back to July 25, 1969, for the benefit of those preparing the record of these proceedings. That was when a certain prime minister, the Right Honourable Pierre Elliott Trudeau, made some rather interesting remarks on how he perceived the opposition of the day, during a heated debate in the House. I'm going to quickly read two of his juicier comments. Here is the first:

I think we should encourage members of the opposition to leave. Every time they do, the I.Q. of this house rises considerably.

I am not so sure that the Speaker would be too thrilled to hear us talk like that in the House today, or that he would even allow it.

Back to the committee and the matter at hand. The Right Honourable Pierre Elliott Trudeau was on quite a roll in his praise—shall we call it—for the opposition. I think the opposition members will really appreciate this next tidbit, because to know where you're going, you have to know where you've been. Here it is:

The opposition seems to think it has nothing else to do but talk. They say: if there is a problem, we will talk. If there is a difficulty, we will talk about it. If the government is going too slowly, we will talk about it. If there is a real problem in some part of Canada, we will talk about it. That is all they have to do. They do not have to govern, they have only to talk. The best place in which to talk, if they want a forum, is, of course, parliament. When they get home, when they get out of parliament, when they are 50 yards from Parliament Hill, they are no longer hon. members—they are just nobodies, Mr. Speaker.

I thought the comments fitting given what we've heard here today about our role and how certain prime ministers might view the role of the opposition in Parliament. It's quite a simplistic view. When I read this, I thought maybe a mid-life crisis was to blame. Mr. Trudeau was 49 at the time, and our current prime minister is around 45, I think. When you're going through a mid-life crisis, I think you start to detest the opposition.

The reason I brought it up was to give my friend a chance to finish his salad; it was not in reference to his fine remarks.

At the end of the day, I think being prime minister can be annoying, as we saw today at the end of question period. The Prime Minister answered all of the members' questions without having to change the Standing Orders. It is worth pointing out because he spent nearly an hour answering members' questions.

I say “answering” facetiously. What he really did was read his talking points for 45 minutes. He did that without having to change the Standing Orders. Fortunately, he is still able to be in the House of Commons four other days a week, because right now, he does not have the moral authority to not show up those four days. We have seen, then, that he does not need to change the rules.

Although the opposition can come across as annoying and disruptive to a government that is trying to push through its agenda, the role of the opposition is precisely to bring the prime minister to heel and to reign in the arrogant attitude that comes with power. Power breeds arrogance because it allows you to do all kinds of things. If no one is keeping an eye on you, you might abuse that power. That is where the opposition comes in. That is why we are here this evening. That is why Mr. Genuis and my fellow members on the Standing Committee on Procedure and House Affairs are, one after the other and hour after hour, driving home the fact that the opposition has a role to play.

The current rules allow the opposition to perform its role, and, as my colleague in the NDP said earlier, we will fight to the death. We will not give up.

What's more, one day, the Liberals will be out of power and in the opposition.

● (2220)

[*English*]

**Mr. Garnett Genuis:** Hear, hear!

[*Translation*]

**Mr. Luc Berthold:** I have no doubt that, once they are back in the opposition—which I hope will be very soon and they hope will be a very long time from now—the Liberals will be the first to thank us for waging this battle today and standing up for their rights.

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

Mr. Genuis, have you finished your supper?

**Mr. Garnett Genuis:** Yes, thank you, Mr. Chair.

Thank you, Mr. Berthold.

My salad was excellent.

[*English*]

Thank you for preventing it from getting cold by allowing that.

**Voices:** Oh, oh!

**Mr. Garnett Genuis:** It was thoughtful of you.

**Ms. Ruby Sahota:** Your salad was getting cold?

**Mr. Garnett Genuis:** That was the joke, yes. Salads do get cold as well.

**Ms. Ruby Sahota:** Yes....

**Mr. Garnett Genuis:** Moving right along, Mr. Chair, I would like to come back to this point on modernization, but I'll pick up on the point that my colleague made about a prime minister answering questions in question period.

I spoke about this in the context of going through the discussion paper, but the ground is somewhat different, insofar as before I made my initial comments on it, the Prime Minister had not yet stood up after each question was posed by the opposition. I don't know...to say "responded" may even be too generous.

**Mr. Luc Berthold:** Yes.

**Mr. Garnett Genuis:** He did stand up after every question was posed by the opposition today. This is something that the Liberals had promised in their—

**Mr. Alistair MacGregor:** Mr. Chair, I'm sorry to interrupt my friend. I want to make the point that the Prime Minister seems to be able to do this without a single change to the Standing Orders. Isn't that remarkable?

I'll let my honourable friend continue.

**Mr. Garnett Genuis:** Remarkable, and there's an interesting thing about our Standing Orders with respect to answering questions—and I've only read them half a dozen times or so—in that it's my sense of the Standing Orders that there's no reference as to who ought to answer particular questions. It is presumed that the government speaks as a whole.

With the exception of questions that can be asked of committee chairs—that is, the exception where people who are not members of the government, and who could even be members of the opposition, respond to questions—when the opposition poses a question to the government, the government responds. You could ask a question about defence spending and have the parliamentary secretary for sport answer it. You might ask why that is happening, but in the context of question period, it is presumed that this person is speaking on behalf of the government. That's why the Standing Orders have not traditionally prescribed a particular day or particular persons to be responding to particular questions.

In fact, this week, I think, we had an important question posed to the justice minister. The justice minister may not have been mentioned in the asking of the question, but it was a question about judicial appointments and the crisis we have in terms of appointments. Partway through that round of questions, I saw the

government House leader lean over and make some kind of signal, and then the industry minister stood up and answered a question about appointments.

I thought that was a bit strange. The industry minister is also responsible for economic development in Quebec and in other regions of the country. He's fairly busy. I didn't know that appointing judges was part of his job as well, but he was called upon to answer the question, which illustrates that in terms of our Standing Orders, maybe for reasons of strategy or for reasons that are hard to comprehend, some members of the government answer questions when you don't expect them to. I know that Minister MacAulay was eagerly trying to answer questions that others were answering. Members know how much we appreciate hearing the interventions of Minister MacAulay.

There's nothing to prevent the Prime Minister from standing up and answering every question. What's interesting, by the way, as he mentioned during the brief introduction of our guest speaker today, is that he is also the minister for youth, yet he doesn't answer questions for the minister for youth. The Prime Minister chooses to answer questions when he wishes and not to answer questions when he wishes, even when they are posed directly to him, whether or not he is present.... Well, I suppose he doesn't answer questions when he's not present in the House, obviously, but when he's there, he chooses to answer questions or not, whether or not they are posed to him.

The idea that somehow... This is one of I think only two changes to the Standing Orders that were mentioned in the Liberal platform, but the idea that this is even an idea for the Standing Orders is a little strange. The idea that the Standing Orders would prescribe that on a given day every week the Prime Minister would answer questions strikes me as odd, because we do accept that there are going to be certain times when the Prime Minister might have to be gone for the entire week because of international travel, for important meetings happening abroad or whatever the case may be. Perhaps he's on an island somewhere and just can't get back because there's no available commercial travel. That could be a situation that could prevent the Prime Minister from being here.

**Voices:** Oh, oh!

● (2225)

**Mr. Alistair MacGregor:** It happens.

**Hon. Candice Bergen:** That was funny.

**Mr. Garnett Genuis:** Oh, but then there might actually be commercial travel available, right?

The point is, we would accept that, yes, there are going to be some weeks when a prime minister can't be there for the entire week. If you put it in the Standing Orders that a prime minister must be present in the House of Commons every Wednesday to answer all of the questions, well, that would create some problems on the other hand. We expect the Prime Minister to be in question period more than he is, quite frankly. We would like him to be there more often than he is, but the schedule of a prime minister can fluctuate and has to be responsive to all kinds of different things. That's why the Standing Orders don't prescribe who has to be there to answer which questions and at which times.

That's what's sort of strange about this whole discussion even, in the context of a debate about the Standing Orders. What we've said all along is that if the Prime Minister wants to answer questions, he can go ahead and do that. He doesn't have to force this through the committee in this sort of aggressive way without the engagement of the opposition, which he seems to be intent on doing. He can just get up and answer questions.

**The Chair:** I have a quick question. I wonder if you know, in the British system where they have that prime minister's question period, whether it is a convention or whether it is in the Standing Orders.

**Mr. Garnett Genuis:** That I don't know, but I have a copy of the Standing Orders from the British House of Commons with me.

**Mr. Luc Berthold:** Please read it.

**The Chair:** You can read them into the record.

**Mr. Garnett Genuis:** I am somewhat less familiar with these than I am with the Canadian ones, but let me see if I can find it quickly.

It seems I neglected to print off the table of contents, which seemed like a minor oversight in 112 pages of Standing Orders.

**The Chair:** It appears, from the clerk, that it might be a convention.

**Mr. Garnett Genuis:** Oh, it's a convention, so it's not even in the Standing Orders then.

**The Chair:** Can I borrow those while you're talking?

**Mr. Garnett Genuis:** Yes, absolutely.

I presume that in the British system there are times when the prime minister has to miss prime minister's questions. Perhaps they postpone them, or perhaps there's another minister who stands in and answers those questions for him. I think I have seen instances where there was a minister taking all the questions in a similar fashion to the way the prime minister normally does, so perhaps that does indicate that there are times when the prime minister cannot be present. Of course, that's part of the reality of the job in the U.K., here, and certainly anywhere else, but we have these conventions about who answers questions and how those questions are answered, and it might be that over time this prime minister will answer all of the questions most Wednesdays, and then we evolve the convention to the point where perhaps there is an expectation in subsequent governments that the convention continue, and after it's been done by a number of successive governments, then it gets to the point where, after a while, we forget whether or not it's actually prescribed in the rules or by convention. We just accept that is part of the environment in which we find ourselves.

It is not the kind of thing that would strike me as normal for the Standing Orders to rule on. Nonetheless, it seems that the Prime Minister, recognizing the reality I just described, has embarked upon the creation of a convention in a legitimate way by choosing to stand up after every question the opposition poses on Wednesdays. The one exception was, the first time he intended to do this, there was a question to a vice-chair of a committee, which was responded to by an NDP member—

• (2230)

**Mr. Alistair MacGregor:** —a vice-chair—

**Mr. Garnett Genuis:** —who was the vice-chair of the committee, and that can happen, of course.

I was struck listening to the words of the Prime Minister in the House of Commons today by the total absence of response. He was asked a number of very direct questions on matters of ethics, for example, and his typical response on these questions on ethics is to say “Well, I'm going to answer questions from the ethics commissioner”, which is effectively saying, “Sorry, guys. I don't want to answer your questions.” That is the only possible conclusion to draw when the Prime Minister of Canada stands up and says he would be happy to answer somebody else's questions implicitly, but not yours.

Well, this is why we have question period. We're supposed to have it so that members can pose questions to the Prime Minister and, hopefully, in most cases, he actually feels somewhat bound to make an attempt at answering the question rather than saying, “I'll just go answer someone else's questions, but not yours”.

We had a direct question—it might have been Mr. MacGregor who posed this question—about whether or not the Prime Minister thinks he should have a criminal record for his past marijuana use. That's a legitimate question. The Prime Minister has said on the record that he smoked marijuana while being an elected member of Parliament while, in fact, voting for tougher sentences for those who use marijuana. Of course we know why he wouldn't want to answer the question. He wouldn't want to tell the House of Commons that he should have a criminal record, but he wouldn't want, on the other hand, to say that people shouldn't have a criminal record for using marijuana, given that it is currently the practice of his government to have in place that criminal charges can be laid against those who use marijuana. These were reasonable, simple, direct questions that were posed to the Prime Minister, and he didn't answer.

Some have proposed reforms to question period that would actually require answers to questions, which would involve the Speaker policing the quality of responses and not just general order and decorum. That would be the sort of thing that would clearly require changes to the Standing Orders, so we can talk about that. If we move forward in a way that reflects a consensus decision-making process, sure, definitely, we can talk about that.

**Mr. Luc Berthold:** Yes, definitely.

**Mr. Garnett Genuis:** We can talk about having the Speaker stand up and say to the Prime Minister, “Sorry, Mr. MacGregor asked you a clear question about whether or not you should have a criminal record for your marijuana use. Now answer his question.”

Now that would be a real change if the Speaker could do that. Alternatively, we could have a system in which, if the speaker didn't do that, it would be legitimate to raise a point of order in response to that after question period. Right now, though, if you raise a point of order and say that someone didn't answer a question, or that someone presented factually inaccurate information, the Speaker will quite rightly, according to our present rules, say that this is a point of debate and that you can't raise points of debate. You can raise points of debate as debate, but you cannot raise points of debate as points of order.

We could envision changes to the Standing Orders. There are pros and cons to this, but we could envision changes that would seek to require responses to questions and have some process by which these matters were adjudicated. Of course, that's not in the discussion paper. Why? Because it's a discussion paper that comes from the government House leader, and it would be a little bit hypocritical if the government House leader proposed requiring people to actually answer questions in question period.

● (2235)

**Mr. Luc Berthold:** What a revolution.

**Mr. Garnett Genuis:** If she believed in answering questions, that's something she could implement herself unilaterally, and we wouldn't mind in that particular case. The issue is that, again, we see this discussion paper focusing on issues that are, in some cases, not even best adjudicated in the context of the Standing Orders. Certainly, however, these are questions that we would expect to be raised by somebody who is focused on the interests of the government in the context of that discussion, in the context of that interaction.

I think this is the reality coming out of our experience with two "Prime Minister's question times" that have unfolded before our eyes. Actually, the fact that this has happened clearly makes the opposition's point—namely, that the Prime Minister can do this without changes to the Standing Orders. According to our conventions, the Standing Orders don't police who does and does not answer questions in general. Clearly, the principal concern of opposition members is the quality of the responses.

If I were asking a question, a substantive policy question, and the Prime Minister was simply going to throw out the kinds of non-answers we got today, I would probably say I'd rather hear from the parliamentary secretary on that issue, assuming the parliamentary secretary knows the file and can answer the question. The Prime Minister should know these files and should be able to answer these questions.

There was a justice issue, and I believe it had to do with Wynn's law, although I could be wrong. There was a justice issue that the Prime Minister was asked about in a town hall. He basically said he didn't know the position himself, but he trusted the justice minister. Well, what's the point of having Prime Minister's question times if the Prime Minister is going to say that? He hasn't said it in the House, but he said it in a town hall. He said he didn't really know why he took that position, but he trusted his minister in the matter. It's all well and good for the Prime Minister to trust his ministers, but he should be able to give a reasonable public account of the positions that his government has taken on issues, especially if they're positions that have, presumably, gone through some kind of a cabinet discussion process. Yet this was a very important issue that was sloughed off on the basis of his trust in his minister.

We have to be legitimately concerned about the quality of responses. My perception so far, not that I was overly enamoured by the quality of responses we were receiving initially, is that the quality of responses we received in these Prime Minister's question times were actually much lower. It's much more narrowed to a small set of talking points. We have the flagrant refusal to answer questions, for example, in the case of the ethics issues raised.

I'm not naive enough to think that these are problems we could solve through the Standing Orders. We cannot fully prescribe in the Standing Orders the degree of substantiveness we would like to see from ministers in responses to questions. Ultimately, it's up to the people of Canada to consider and evaluate the quality of the responses given by the government and to take that information into consideration when they decide whom to support in the next election.

If we're talking about changes to the Standing Orders, the kinds of changes, the direction of changes we're talking about, is striking. That brings me back to the point I was making before Mr. MacGregor jumped in, and that is this issue of modernization. What does "modernization" mean? If it means fewer answers, then I'm against it. If it means more power to the government and less power, or no power, for the opposition to hold them accountable, I'm against it. If modernization means the opposition doesn't have the ability to be involved in decisions about changes to the Standing Orders, then I'm against modernization.

I'm for modernization, however, if it means passing this amendment and having a constructive conversation, a conversation based on established ground rules, a conversation among members of Parliament to come to a conclusion we can all get behind, a conclusion that moves the Standing Orders in ways we all agree on. I guess I'm using some of that progressivist language with a view to moving this forward, but I'm doing so in the interest of making improvements to the Standing Orders.

● (2240)

That's the kind of modernization that I'm in favour of, modernization that empowers individual members of Parliament, modernization that gives us a greater ability to bring forward private members' bills and see them debated and voted on. Right now it's a relatively small number of members of Parliament, even in a four-year Parliament, who actually have a chance to bring a private member's bill to a vote. If we're talking about changes that make it possible for more members of Parliament to do that, then that is the kind of modernization that I'm in favour of. But I don't think anybody here on either side of these questions could say, just based on the word, if they are for or against modernization.

As we try to come to constructive conclusions here, we should rightly be suspicious of the kind of wording that's used if it doesn't actually mean anything. We should use words that are clearly defined that mean something in the context of our discourse. That is a pretty fundamental thing for us to ask for when we're hearing proposals from the government House leader.

One other thing that I don't think has been discussed thus far by anyone at this committee is the relationship between Standing Orders' changes in the House of Commons, and the way in which those are done, and the Senate, and the relative power and influence of the House of Commons and the Senate. It is interesting in the present time we're seeing proposals for very dramatic changes to the way the House of Commons works and to the way the Senate works, both in the name of modernization. What's striking to me, though, is how those changes actually move in opposite directions.

I don't know that anybody has dug into this or commented on this, but it was something that was obvious to me right away as a member of Parliament because I was very involved in the debates around Bill C-14, the government's euthanasia legislation. Right from the start, that process involved both the House of Commons and the Senate; and given the government's desire to move this forward quite quickly, the work with the Senate was quite important. A joint committee of the House and the Senate did an initial study on the question of euthanasia and reported back to both Houses in a report. There was a dissenting report. Then following on that there was legislation brought forward.

The process was that legislation was brought forward in the House of Commons. It was debated. Eventually the government invoked time allocation. Then there was a vote on time allocation, a vote on the motion. It went to committee. There was a whole host of amendments proposed at committee. I proposed 13 amendments, three of which passed, the rest of which were rejected. The changes that were accepted were fairly minor and didn't save the bill, not by a long shot from my perspective.

I was able to propose four report stage amendments in the House and they were all defeated. In and of itself, that was relatively rare. The Standing Orders provide for report stage amendments only in very rare cases, but because of the exceptional importance of this issue, the sensitivity of it as well as the differences of opinion within different parties, I made a case to the Speaker. Other members made a case to the Speaker, and he ruled yes, you could have report stage amendments.

There were report stage amendments. There was a vote on those, and I was up all night sending emails to other members, trying to encourage them to vote in favour of my amendments. A few members of the government did vote in favour of my amendments, but at most there were five or six votes on the government side for any of the amendment proposals that I put forward. All of the opposition amendments on the floor of the House were defeated.

The amendments were passed. Bill C-14 was then passed at third reading, and this is the important point of contrast. Then Bill C-14 was sent to the Senate, and there were a substantial number of amendments to Bill C-14 that were passed in the Senate, one of which was very similar to an amendment that I had moved at report stage in the House that was defeated. The amendment dealt with people receiving information about palliative care options as part of the process leading up to their receiving euthanasia.

• (2245)

The bill went through the House of Commons. There were a number of amendments, one of which was very substantial and would have very dramatically liberalized the eligibility criteria. Although I felt the eligibility criteria were quite ambiguous in any event, and it wasn't clear that there was actually that much substantive difference from the liberalization advocated by the Senate and the original version, nonetheless the perception was, and certainly linguistically, there was a significant liberalization of that process. Then this went back to the House. There was a motion in the House to support some of the Senate amendments but not others.

What was striking right at that point was the government did not want to bring in some of those Senate amendments, in particular that

dramatic, more liberalizing one, but they agreed to support some of the Senate amendments including, in particular, the one that I had moved. It wasn't the same but it was a similar one to the one I had moved and it had been voted against at report stage. The government understood that they wanted to get this legislation through the Senate and it wouldn't have been that strategic for them to just reject all the Senate amendments. They wanted to reject some, but not all.

This came back to the House. The government proposed this motion to support some of the Senate amendments, not others, and then send the bill back, in a somewhat amended form, to the Senate. That all happened on one day. I think it was a Thursday, right before the session was ending in June. That motion passed.

At the time, if I remember right, all of the government members, perhaps with the exception of a small handful, voted in favour of that government motion to support some of those Senate amendments, even though those same members had voted against one of those amendments when it came from me at report stage. Then the revised version of Bill C-14 went back to the Senate, and there was a proposal to re-amend it. That proposal was defeated, and then the bill was passed as it was, as it had been received from the House. Bill C-14 was passed and it went for royal assent, and it became law. That's what happened.

What is striking about that process is the fact that I, as an elected member of Parliament, had effectively much less leverage in that legislative process than a senator who moved that same amendment. I think it's very clear, given that the government would not accept the amendment when it came from a member in the House but did accept it, ultimately, when it came through the Senate, that government members, generally speaking, within the House vote together. There is an effort, further even from where we were at the time of the Bill C-14 debate—and it's represented in this discussion paper—to strengthen the centralization of the structure in the House of Commons to make it that much easier for the government to push through legislation without having the opportunity for extended interventions at committee. It will allow the government to do programming, and so on and so forth.

You have all these things that the government is doing, which have a centralizing effect in the context of the House of Commons. At the same time, the discussion in the context of the Senate is the opposite. The government doesn't even have a government leader in the Senate. They have a government representative who, to be fair, is for all intents and purposes likely the same thing. I'm not an expert on the Senate, but it's clear that the emphasis with the Senate is on empowering individual senators to act more independently, in a non-partisan manner, and to be able to deviate from what would be the direction of their party. You have all these different groups in the Senate. We still have a Conservative caucus in the Senate, but then you have these Senate Liberals, who are supposedly independent—depends on the day—and then you have the independent Independents group. Then you have people who are independent of the Senate, independent Senate Liberals and the independent Independent caucus.

It's confusing, obviously, but it is the kind of environment in which individual members, in a House of 100 members, can actually exert a lot of leverage. If a member can, on an individual basis, persuade their colleagues to support something, then it can pass in the Senate. Then it puts a lot of pressure on the government to adopt all or some of those changes, as we saw happen with Bill C-14. But if an individual member of the House of Commons puts forward an idea, an amendment to legislation, very likely the way things operate is that members will vote along party lines and that proposal will be shut down.

• (2250)

We should be concerned about the roles of individual members of Parliament, but I think we should be particularly concerned if by these two forces of reform or modernization, which are actually opposite forces—the empowering of individuals within the Senate and the strengthening of efficiency of the centre in the House of Commons—we're actually increasing that disparity in power and influence over the legislative process between members of the Senate and members of the House of Commons.

I think the Senate is important. The Senate has an important job to do. It was striking to me as a new member of Parliament, right away being involved in that Bill C-14 debate and finding that appointed senators—people who were put there by a prime minister, who did not have to win an election and in many cases had never sought election—actually had more influence over what kind of legislation ultimately became law. That was clear in the instances of the amendments we dealt with on Bill C-14. There was a greater influence there from the Senate members than from the House of Commons.

When we look at Standing Orders changes, how we make those changes, and who's involved in making those changes, we have to be particularly sensitive to the kinds of changes that are happening in the Senate if we want to ensure that we have an environment in which the elected House of Commons is the most important House. In principle, we would all accept the idea that the House of Commons—the elected House, and not just the House as a whole over the Senate but individual members of the House—should have more of an influence than individual members of the Senate.

Of course, some members have advocated the abolition of the Senate; others might favour moving to an elected Senate. Those are larger debates that require changes to the Constitution. What we do in the Standing Orders has an impact on the relative influence of the House and the Senate, and we need to be cognizant of that in the discussion here.

**Hon. Candice Bergen:** Chair, could I just interject for a minute? I feel it's important.

I don't have the privilege of being at this committee a lot, and I've really appreciated this evening just being able to listen to the discussion and see everybody around the table putting in a lot of time and effort. I know this has gone on for a while. You, Chair, have put in a lot of time.

In my intervention a few hours ago I talked about the genesis of this and how I'd heard from the House leader. Ms. Chagger called me and told me that she was going to be introducing this discussion paper.

One thing I didn't get a chance to talk about was what has happened since then. Murray Rankin, the NDP House leader, and I, together with our colleagues, realized that the government was in a bit of a difficult position. We understood it wasn't easy for them to say, "We're just going to back away from this motion", or "We'll accept your amendment." We were thinking of a way we could offer an olive branch or a solution, so that it was a win-win where we felt we were being consulted and there would be some consensus, but the government could also say, "Okay, that's a good alternative."

We looked. Some of the information we had was from some things that your clerks produced, which were really good, and then some of it was just our own research. We offered.... I know now we have, what do you call it here, the Simms point of order?

**The Chair:** The Simms procedure.

**Hon. Candice Bergen:** Simms procedure, okay.

We offered the Jean Chrétien model. I was just looking, and it was under the House leadership of Don Boudria. He was the House leader from 1997 to 2002. Now we know from when we were in government that House leader for the government can be a very tough job, kind of thankless, and a lot of people are looking around you saying, "You know what? I could do a much better job. It's just a fact." For Don Boudria to be able to be House leader during the time of the Jean Chrétien model of dealing with Standing Orders is a real testament to what Liberals could do a very good job of, and that is sometimes being in that middle ground. Jean Chrétien had made a number of promises for changes to the Standing Orders, and once he was elected, he decided this was the best model. We thought this would be a good idea to offer to Ms. Chagger and to the Liberals.

Just so you know, we have not heard anything back from her. We did send a letter out, obviously publicly, because we do want the public to know. They're watching what's going on in the House of Commons, and they're seeing votes being triggered. They're seeing debates. The ones on privilege are very important ones, but they might see "that a member now be heard". What's that about? We felt it was really important that the public know we are offering a sincere and very credible option. We're not trying to say that we just want to see the Liberals burn no matter what. We want to actually come out of this with the House—there have been so many good arguments—and democracy protected, and Standing Orders, if they are changed, changed in the way that has been done—again using the report from your clerks—over 80% of the time. You can take those changes out, major changes versus more minor changes, and that percentage would go up.

We are not being unreasonable. This is the point we've been trying to make. We're not being unreasonable with what we are asking for, so I want my Liberal colleagues to know that this is a valid option. It's a reasonable option. The Liberals would be seen, by even those who voted for you and who you believe have given you the mandate, as being reasonable. You probably would be able to come to an agreement on some changes. I'm confident we would be able to, and my point is—as I've said and I will say again—you are expending a lot of political capital, and when you expend that capital, you don't get that back. It doesn't just go into thin air so you can decide who's getting that capital when you give it up. You can deduce that. You're smart people. You know it is going somewhere, and somebody is taking that.

I'm pretty certain you're not getting a bunch of letters right now saying, "Boy, the top priority at my house is to change those Standing Orders". It's like when we were in government, we changed the pension plan of MPs. It was something our Prime Minister felt was very important to do, MPs paying their fair share to pensions. Do you know what? I didn't get one "thank you" at any door. I don't think any of us did, but that's what he did.

I'm telling you, when you push this through, you're doing it at a huge cost. Certainly your Prime Minister has worked hard and he has gathered that capital for you, but you guys have worked very hard. You men and women have worked very hard to get that capital, so the point I want to make is that we are offering a real solution. We're even open to a counter-offer, if you don't want the Jean Chrétien model, but we haven't heard back. Just so you know, I haven't heard back on that, and Murray hasn't heard back either.

The second point I want to make is this. We're talking about being here in PROC, and PROC is being tied up, and we are here in this room putting in a lot of time, but the things that are happening in the House of Commons with the votes that are being triggered are not going to end. That's going to get more and more frustrating, but it literally is the only tool we have available, and when legislation is going through that you have a mandate to pass, we'll debate it. We'll put up a lot of speakers, but at the end of the day, your legislation passes. We don't obstruct it. We don't put frivolous motions or dilatory motions forward because you have a mandate to legislate.

● (2255)

We do oppose it in the way we can, but you don't have a mandate to change the Standing Orders and to change the rules. It is not going to get easier. We recognize that you have the majority and you have more people, but you have to make sure you always win votes. I remember a few years back when the opposition was not happy with what they considered a huge omnibus bill. I think it was about 400 pages, a little bigger than yours. I don't know if anyone has told you about this, but we had to vote for 26 hours in a row.

The difference was that we were in government, and we had to win every vote. The NDP and the Liberals didn't have to win every vote. We had to sit for 26 hours, and we had to have a system whereby every five hours there was a block of us—maybe 10 at a time—who could leave for a 30-minute block of time. That is not a lot of time when you've been literally sitting, can't leave, and have been voting for five hours. We could leave and have a half-hour break. The opposition, the NDP, would go and sleep for six hours because they just had to have enough in the House to stand five if needed. They didn't have to win the votes.

This is not going to get better. You will be spending your political capital, and you have a lot of it. Think about that. I know you are working hard for your team. I know you're doing what your leader and your leadership team has asked you to do, but there's a better way. We're open to a better way. Once that's done, we can go back to the way we've been doing things in the House where we have normal debates, normal opposition, normal votes, but this is not going to get better. As you said, we're ready to go to the wall for this, and we're doing it for all of us.

I wanted to thank you and get it on the record that we have put out a reasonable offer, but we haven't heard anything back. We would

really like to resolve this, but we're not going to be giving up. It's too important.

● (2300)

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

Mr. Genuis. You don't have too much time left. You have a lot of points to get in.

**Mr. Garnett Genuis:** I know.

I'm worried here. I've literally worked through half of two pages, and I have this whole stack over here.

**Mr. Blake Richards:** Mr. Chair, what we could do is maybe make some kind of provision that we could allow Mr. Genuis to sit with a reduced quorum of just himself or something over the Easter weekend. He could make all the points he'd like to make. You'd be willing to stay for him, wouldn't you?

**Mr. Garnett Genuis:** Would people agree to that?

**Mr. Scott Simms:** David is definitely in.

**Mr. Garnett Genuis:** I—

**Mr. Blake Richards:** You appreciate the generous offer, but you'll have to decline?

**Mr. Garnett Genuis:** If we could move immediately to a vote once everybody had left, I would be comfortable with that, too.

**Mr. Blake Richards:** You gave away my secret, Garnett.

**Mr. Garnett Genuis:** Okay. All right. Sure.

This is why we shouldn't make changes to the rules without thinking through all the possible implications, though.

**Hon. Candice Bergen:** Yes, the unintended consequences.

**Mr. Garnett Genuis:** Sometimes things can come up.

I want to thank our House leader for excellent work and that intervention.

I don't know if this has been done yet today, but I'd like to recognize all the staff here. In particular, my friend Sean Murphy is here. The Liberals wouldn't recognize him. He's the guy who does all the great work for us in the lobby. This is the guy you want to put on your dart board when we're doing very effective things in the House because he's the guy who's plotting it all out.

**Mr. Scott Simms:** I recognize him.

**Mr. Garnett Genuis:** I don't know why he's here because he works so hard all day in the House. Now he's back for more here—

**Mr. Blake Richards:** He came for the salad.

**Mr. Garnett Genuis:** Fair enough.

**The Chair:** While you're on that, a big hand for the interpreters, the House of Commons staff, and the technicians; they're staying late.

**Hon. Candice Bergen:** The researchers—

**Mr. Garnett Genuis:** And the clerks, thank you.

**Mr. Blake Richards:** You're included in that, Mr. Chair. I think there is also one other person that you didn't recognize and that's yourself.



Through this whole thing, the hardest job of all has been yours. Staff can rotate in and out, and members of the committee are able to rotate in and out, but you are the chair and you're not able to do that. You've had some days where you've been here 15 hours.

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

**Mr. David de Burgh Graham:** On that point, Chair, you still look very fresh and easygoing.

**The Chair:** We'll turn it over to Mr. Genuis so he doesn't lose any more time.

**Mr. Garnett Genuis:** Thank you, Mr. Chair. It's good that you're being recognized. Part of this is about preserving your ability, as a private member, to bring back at some point that excellent bill on FASD. Hopefully, we'll get that passed.

● (2305)

[Translation]

I would like to thank the interpreters. It must make their job especially tough when I speak French.

[English]

I was speaking about the balance between the House and the Senate. I don't think any member here would disagree in principle that the democratically elected House should, in a certain sense, be the primary decision-making House. The purpose of the Senate is to provide that review and sober second thought, propose amendments, and send those amendments back to the House for consideration.

If we found ourselves in a situation where a person who was deciding if they would rather be a member of the elected House or a member of the Senate, and they thought, I would prefer the Senate because then I'll have more influence on policy, that would be a very unfortunate situation. It would have the potential to create all kinds of other perverse incentives, where members of the House of Commons would be, through their behaviour in the House of Commons, seeking appointment to the Senate. Yet we find ourselves in such a situation already, because of the desire of the Prime Minister to create a non-partisan Senate, and effectively, through these Standing Orders changes imposed unilaterally, a more partisan House of Commons. So then the role of the member in the House of Commons is weakened and more likely to be subsumed into the role of the party, while the role of the senator is strengthened.

I've described a case example, Bill C-14, in which effectively the same amendment became law because it passed in the Senate, even though it was rejected in the House of Commons. There are other examples. We had a change made in the Senate, I would argue a positive change, but nonetheless a change that happened in the Senate. I believe it was Bill C-4, which was the government's legislation with respect to unions. The amendment in the Senate was designed to protect the right of workers to have a secret ballot. Of course, in the House of Commons the opposition took that position, but it wasn't passed. Yet it passed in the Senate even though Conservatives don't have a majority in the Senate. That was a good amendment that passed in the Senate.

While we're seeing this trend towards a more non-partisan Senate, let's make sure we are strengthening and not weakening the roles of members of Parliament. Unfortunately we see, through all of the changes proposed to the Standing Orders, an effort to relatively

weaken the role of members of Parliament and to strengthen the role of the government.

If we proceed under a framework established by the amendment, or under a different model, because, as our House leader has discussed, there's a range of different ways in which we could have this discussion that ensure there is a consensus of parties.... It could happen at this committee, in the form of the motion with the amendment. It could happen in a different forum set up specifically for that purpose. It is important that we ensure the protection of the role of private members. There are all kinds of ideas that are not at all touched on in this discussion paper, which I think, actually—

**The Chair:** Mr. Genuis, if this is a good time, there are just a couple of things I forgot.

Someone has left an iPad on the corner of the desk there. If it belongs to no one here, the clerk will take it at the end of the day. Does anyone know whose that is?

The other thing is, as for all our other late meetings, the buses will run half an hour after the meeting. If you leave here and you can get to the bus within half an hour it will take you to the parking lots.

Sorry, I didn't want to interrupt too much because I'm really excited to get to that book.

**Mr. Garnett Genuis:** Yes, I have a copy in front of me of *The Complete Stories* of Flannery O'Connor, which are always germane, I think, to our understanding of this issue, but more broadly to the human condition and how that informs our discussion of these issues. I don't know if I'll have time to get to Flannery O'Connor this evening. Members may have to wait for a subsequent intervention on the—

● (2310)

**The Chair:** You could do it while you're here on the Easter break.

**Mr. Garnett Genuis:** Perhaps, yes. If, during the Easter break, members are interested in preparing themselves for that intervention, I would certainly recommend this volume, *The Complete Stories* by Flannery O'Connor.

Before I proceed to that, I want to talk about some of those changes to the Standing Orders that would empower—

**Mr. Scott Simms:** Mr. Speaker, on a point of order. Do I have permission?

**The Chair:** Mr. Genuis?

**Mr. Garnett Genuis:** Under the Simms' model? Yes.

**Mr. Scott Simms:** The Simms' protocol. I only do that to get my name up there, I suppose.

**Mr. Luc Berthold:** It's just an interpretation.

**Mr. Scott Simms:** I'm beginning to think I do, subconsciously.

Not only that, but wait until you hear this one. I've got a better example than that.

He talked about a book that he said was “germane to the conversation”. I too would like to talk about a book that is germane to the conversation.

Ladies and gentlemen, I'd like to turn your attention to *Turning Parliament Inside Out, Practical Ideas for Reforming Canada's Democracy*. It's coming out in a couple of months. It's edited by Michael Chong, Scott Simms, and Kennedy Stewart. I don't know where the camera is but—

**Mr. Blake Richards:** That Simms guy, tell us about him, please.

**Mr. Scott Simms:** Since we're on national television, I'd like.... This is total self-promotion, by the way. I might as well be on The Shopping Channel, because—

**Mr. Blake Richards:** Where can one buy this book, and how much does it cost?

**Mr. Scott Simms:** You can go to Amazon.ca and search *Turning Parliament Inside Out*.

I'd like to thank the beautiful publishers at Douglas & McIntyre for helping us out with this. It's coming out in May or June, and you can pre-order now. It's good stuff.

We have authors from throughout Parliament. I would just like to list the authors, if that's okay?

As I mentioned, Michael Chong, myself and Kennedy Stewart edited it.

Here are the authors for the three forewords to the book: Ed Broadbent, Preston Manning, and Bob Rae.

I'll go through the chapters.

We have a consensus opinion on all forewords from all colours. It's a veritable rainbow.

**Hon. Candice Bergen:** There we go.

**Mr. Scott Simms:** Here you have, in number one, "Westminster Parliamentary Democracy: Where Some MPs Are More Equal Than Others", by Elizabeth May, leader of the Green Party.

"How to Fix Question Period: Ideas for Reform", by Michael Cooper, a brand new member of Parliament, who has been here already.

"Empowering the Backbench: the Story of Electronic Petitions", by Kennedy Stewart. We talked about his drive to change the Standing Orders on e-petitions, and he has a chapter on that in this book.

"Rebalancing Power in Ottawa: Committee Reform", by Michael Chong, a current leadership candidate.

"Speaking in Parliament", by Nathan Cullen.

We also have "Breaking the Parliamentary Glass Ceiling", by newly elected Anita Vandenberg, a Liberal MP not far from here.

"Social Media, Social Movements and Young-Voter Engagement", by Niki Ashton, an MP in Manitoba.

Finally, last but by no means least, chapter 8: "Introducing the Assembly of the Federation: the House of Sober *First Thought*", by Scott Simms.

And the conclusion, of course, is by Michael, myself, and Kennedy.

Once again, that is *Turning Parliament Inside Out*. You can get it at Amazon.ca.

**The Chair:** After that shameless self-promotion, I think we—

**Mr. Scott Simms:** That is the biggest example of shameless self-promotion I've seen in a very long time, and for that I apologize to my colleagues, but the quote came up that this book is germane to the conversation. I thought this too was germane, so, colleagues, thank you so very much for giving me this time.

The proceeds, by the way, are going to Samara.

**The Chair:** Monsieur Berthold.

[Translation]

**Mr. Luc Berthold:** Continuing on this Amazon.ca kick, Mr. Chair, I'd like to share the name of an excellent book I got from the Library of Parliament. I would've liked to tell you about it this evening, but I probably won't have a chance given my colleague's eloquence.

Another time, then, I will definitely tell you about this book, which perhaps illustrates the tactics the government is using to try to change our rules. The book is Machiavelli's *The Prince*. I will happily discuss it another time, as it will be a real pleasure to share my passion for the book with the members of the committee.

● (2315)

[English]

**Mr. Scott Simms:** I'm not quite sure if it's that germane to the situation....

**The Chair:** You can come back at Easter with Garnett and David and talk about it.

**Mr. Garnett Genuis:** I would be remiss if I didn't plug my book, *The Fight for a Principled Foreign Policy*, which is available on Amazon. All the proceeds go to me, though, not to any worthy organization.

**Mr. Scott Simms:** That's very good. That's honesty.

**Mr. Garnett Genuis:** The royalties aren't that significant, and we're all trying to get by on an MP's salary—

**Hon. Candice Bergen:** There's a good pension.

**The Chair:** Let's stick to the topic.

**Mr. Garnett Genuis:** I felt the need to reply to the comments even if they made me stray a bit.

I look forward to reading the book, Mr. Simms, and, yes, it seems like in the writing of the book you've been able to achieve some consensus, which is a good example for the House of Commons.

I was heading in a direction of wanting to suggest some of the kinds of changes that perhaps would come forward from a discussion that was proceeding on the basis of consensus, on the basis of including the full range of parliamentary voices; that wasn't just reflecting the perspectives of the government in the discussion, which is precisely what we're concerned is going to happen if we proceed in the way the government intends to do without the amendment.

There are many changes that would, to coin a phrase, “modernize the House of Commons”, whatever is meant by that; but more seriously that could improve the functioning of the House of Commons perhaps in a way that isn't about advantaging or disadvantaging any particular player, but just achieves those kinds of Pareto improvements. In other words, it makes things either better or not any worse from everybody's perspective. There probably are ways of achieving some of those kinds of changes through consensus, and certainly by doing something that I think the public would want us to do, which is to strengthen the role of private members.

There are a few issues, in particular, with how we handle private members' business. I think it would be a worthwhile principle to work toward that basically in a four-year Parliament every member of Parliament has an opportunity to bring forward a private member's bill to a vote. We're not there yet because of the limitations of the schedule. The fact is there is only one hour of private members' business a day for the time we are sitting. I shouldn't say every member of Parliament, of course, but every member of Parliament who is eligible to bring forward a private member's bill. As happens in our current environment, at the beginning there is a draw and “some will win, some will lose”, and some will “sing the blues”. Some will have an opportunity to bring forward a bill that reflects their priorities, and others will not. Some are, on the basis of a random draw, more equal than others.

It's hard to imagine any fairer way of doing it, given the way the schedule currently functions, than by having a draw. Measures could be brought forward to allow us to work through more of that draw, and have more members of Parliament get the opportunity to bring forward bills that reflect their priorities. I think that would be a positive thing. We can look at ways of changing either the way the schedule operates or more creative solutions that would create the conditions for more private members' bills to come forward for debate in the House.

One of them is to have a distinction made between private members' bills and private members' motions. Right now when matters are debated in the House, whether it's a private member's bill or a private member's motion, there are two hours allocated for that bill or motion at second reading—not at the same time, two separate hours—and then we proceed to a vote. This certainly makes sense on legislation. Even that a bill would pass on to a second reading vote with only two hours of debate, that's much less debate than government legislation receives. Of course, we wouldn't want to extend the number of hours because that would further reduce the number of private members' bills that could be brought forward, but we wouldn't want to reduce the number of hours either. Two hours is about right for private members' bills.

Then we have a lot of private members' motions that come forward. These are statements of the House that are not binding on the government in any way. Many of them have some symbolic significance.

• (2320)

We see private members' motions that suggest a study or matters of recognition for particular communities—maybe they create a heritage month, maybe they create a commemorative day—those

kinds of motions. In many cases we have private members' motions that have a substantial amount of support within the House.

There may be pros and cons to this, but an option would be to say that private members' motions only receive one hour of debate, not two. Private members' bills receive two hours of debate before going to a second reading vote and then proceed on from there, but private members' motions are voted on after a single hour of debate. The effect of doing that would be that we could make it substantially further down the list. Of course, it would depend on how many private members' motions versus bills were proposed. Maybe it would create a bit of an incentive for members to propose substantive legislation as opposed to motions. There's nothing wrong with doing motions, of course, but it is an avenue that allows members to actually propose changes to laws, not just motions.

Having that reduced amount of time for debate on private members' motions—not on bills, simply on motions—would create the conditions that would allow more members of Parliament to bring forward either private members' motions or bills because it would allow the House then to work through more of the list. That's the kind of idea that isn't going to be proposed in a government-dominated process, but it might be something worthy of consideration in a more consensus-driven process.

Yes, I'm open to that.

**Mr. David de Burgh Graham:** As a quick comment for my friend and colleague, I just want to point out the irony of the problem of their particular suggestion. Both Conservative and NDP members have changed the Standing Orders in recent years by a simple majority vote on a private member's motion. I'm not sure if the member is advocating for the ability to change the Standing Orders with a single hour of debate.

**Mr. Garnett Genuis:** Fair enough. I just want to put out ideas that should provoke discussion about how we consider the role of private members. I'm not going to endorse any of these specifically. Perhaps an appropriate modification would be motions that do not include....

This is the curious thing about motions. In one sense you can think of motions as one of the less important things we do because they're not binding on the actions of government in terms of policy. On the other hand, if they involve an instruction to a committee or a change to the rules of the House, that is done through a motion. In some sense, that's one of the most important things we do because it impacts that substructure of democracy. If you were changing the number of hours allocated to certain kinds of bills or motions vis-à-vis private members' business, you might want to say that there would be certain distinctions between motions that made certain kinds of changes and didn't make certain kinds of changes or that did involve instructions to committee or didn't involve instructions to committee. Those are the kinds of distinctions that could be made.

There are certain kinds of recognition or commemorative motions that come forward that potentially could be dealt with in a single hour. That would create more of an opportunity to then proceed with more bills being brought forward. That's just one idea.

Here's another idea, and maybe this will get more support from Mr. Graham. What if we had a system in which all members of Parliament put forward a bill that they were interested in, and then in some secret ballot format, members of Parliament could choose a certain—

**The Chair:** Sorry. I would just thank the opposition House leader for coming tonight and spending quite a while here. Thank you.

• (2325)

**Hon. Candice Bergen:** It was great to be here. Thank you very much.

**Mr. David de Burgh Graham:** Mr. Genuis, I see where you're going. I would just congratulate you on finding a way of marrying open-list proportional with motions.

**Mr. Garnett Genuis:** I just want to put it on the record as an idea—maybe you're anticipating this—that all members of Parliament who wish to would put forward certain legislative ideas. Then you would select a certain number of bills to go forward for debate, not on the basis of a draw, but on the basis of what individual members were interested in. The risk with that is, if you did it with the whole House together, there's a risk that government members would only select government bills, and therefore private members' business would become another avenue simply for having government legislation brought forward.

**The Chair:** You have an opinion on this?

**Mr. Garnett Genuis:** You'd have to look for ways to balance it out. That would be something really interesting: if members submitted legislative proposals but did so anonymously and then, on the basis of secret ballot, you had private members choose a certain number of those bills that they would like to see go forward. The effect of that would be that we would be prioritizing bills that were most likely to get support in the House. We would then have the top 20 ideas from members of Parliament, not on the basis of a draw, but on the basis of the popularity of those ideas, be put forward, debated, and very likely, passed. It would create an opportunity to more quickly move forward with ideas that don't necessarily even have the support of the cabinet, but that reflect the kinds of things that members are interested in seeing.

It would probably make sense in the context of that vote for the selection of private members' business to exclude the people who are also excluded from bringing forward private members' bills. It is actually an expression of the will of private members in terms of what kinds of legislative initiative they would be interested in seeing. That's just one idea. I don't think you would want to eliminate the draw process as well, but it would create an opportunity for even a member who did very poorly in the draw, but who had a good idea for good legislation that would actually get support in the House, to move that forward.

Did you want to comment?

**Mr. David de Burgh Graham:** It's a very interesting idea. There's a similar topic of debate in the Standing Order 51 debate. We had a lot of interesting discussions on the private member's bill.

What would probably happen is that we'd have a tremendous number of heritage months, heritage weeks, and heritage days, and no substantive bills would get through because the ones that everybody agrees to would all flow to the top. The ones that actually

require serious debate would be very hard-pressed to get there. That's just food for thought.

**Mr. Garnett Genuis:** I don't know if that would be the outcome because if I have a list of bills in front of me that I could choose to bring forward for debate, I might say there is a group on there that I agree with, which I don't necessarily think are the principal priorities, whereas there are other bills that I agree with and I think are a major priority because they have a significant practical effect on people's lives.

My inclination would be to select the ones that I agree with and think have the greatest substantive impact. It shouldn't just be a ballot that asks which of these you agree with and selects the ones to go forward on that basis. It should also be a measure of the ones that members of Parliament think are important to bring forward. At the end of the day, if individual private members who are not part of the cabinet or not parliamentary secretaries thought that certain bills that involved heritage months were the most important ones, then that would be their decision. I suspect, though, that this would show a good representation of what not just parliamentarians, but also Canadians, consider a priority if you were to go through that kind of process. It would be worth trying and certainly worth discussing in committee.

Actually, this is already happening. We're already having a bit of a back and forth discussion. Here's an idea. How would it work in practice? What are the pitfalls? What are the problems? This speaks to the value of a consensus process, one that can be driven by ideas from all sides.

I have ideas about the Standing Orders, but I don't think I have all the answers. I might have ideas for which Mr. Graham or others—same party, different party—would identify problems. They might make me go back and say that actually they are problems and maybe we shouldn't proceed in that direction. That's why it's important that the Standing Orders' changes not be just dictated by one person. Whether that person is the House leader or whether that person is me, changes we make to the Standing Orders should reflect the collective wisdom of all parties and should reflect an appropriate balance of interest among different parties and within parties.

Another option for how we handle private members' business is simply to schedule additional hours of private members' business on top of the days we already have. We could put provisions into the Standing Orders to facilitate the use of what are informally called “autopilot motions”, which mean you can't have quorum calls and certain other kinds of motions brought forward to ensure that when we're adding hours to the day we're not creating an additional burden on MPs who aren't able to be there, or staff members, or those kinds of things. Instead we are creating a venue for more debate on private members' bills for those who want to be a part of that. It would be possible for that to be put in place in a way that would allow more private members' bills to be debated.

The government has talked about, from their perspective, Fridays not being that productive because there's not that much time for government orders. Maybe we could just do a series of private members' bills on Fridays. Perhaps that would be a way of getting around their concern but also facilitating more use of private members' bills.

The other thing that's interesting to me about the way private members' business works is that if I want to put forward a bill in the House on a particular issue, I have to wait until it's my turn to propose that bill in the House, obviously. I can have some discussion of it. We have first reading. Before it goes to debate at second reading and a vote, I have to wait until it's my turn on the list, but one thing I can do is advocate for a senator, coming back to the Senate, to put forward a similar bill. It could be debated in the Senate. If it doesn't pass in the Senate, too bad. Well, if it doesn't pass the Senate it was probably going to be too bad anyway, because even if it made it out of the House it would have to go through the Senate. If it passes in the Senate first, then effectively it jumps to the front of the line in the House of Commons, if there is someone who is prepared to sponsor it. I can work through the Senate and jump the line effectively on a private member's bill.

• (2330)

**Mr. David de Burgh Graham:** You can already do that.

**Mr. Garnett Genuis:** We can already do that, exactly. What that means, though, is again, this is an instance in which the influence of the Senate effectively outweighs the influence of the House of Commons, because the timing by which members of Parliament bring forward legislation in the House is significantly informed by their ability to get support for their legislative proposal in the Senate. This is an unusual situation. If we allocated more time for private members' bills or if we explored some of the solutions that I've proposed as possible options, it potentially enhances the potential role for members of Parliament to bring forward private members' bills, and it introduces a greater ability for them to do so without the situation in which members of Parliament might never be able to bring them forward.

One of my predecessors—and I read out some of his comments on this particular issue—was Ken Epp, who represented my riding from 1993-2008. I think it was only in his final term as a member of Parliament that he was able to have a private member's bill go to a vote at second reading, and it actually was still far enough down the order of precedence that it went to a vote at second reading. It passed. It went to a committee, and we had an election. This was a minority Parliament, so it was a shorter Parliament. We had an election while the bill was in committee, and he decided, for a variety of reasons, that he wasn't planning on running again. If someone would go through a 15-year career as a member of Parliament, multiple Parliaments, and just through luck of the draw not have an opportunity to ever take their bill the full distance, I think that raises some questions. It's probably rather unfortunate, so we should look at ways of empowering private members to be more engaged in the legislative process with their own bills.

It may not be easy to adjust things so that we get all members who are eligible—I think there are about 260 of them—to participate in proposing private members' bills. We're not going to get to that number overnight by one little change, but in a four-year period, that every member of Parliament have an opportunity to at least see legislation go to a second reading debate would be a reasonable goal. It is not going to move forward under the framework established by this study, the process is defined in strictly partisan terms and all of the control rests with the government majority.

As for the Chrétien model that our House leader talked about for going through consideration of changes to the Standing Orders, in my understanding it would involve the appointment of individuals to that committee, who would then be on that committee and would not be able to be pulled back from that committee. The study happening at PROC still means that individuals can be pulled off that committee by their respective whips, and that creates some issues if members of Parliament were, at any point, to want to pursue a more independent approach to what they were doing than the powers that be, in the case of their parties, were interested in seeing.

• (2335)

**The Chair:** Garnett, sorry, just while you're on private members' business, I don't usually intervene as the chair but there's something I really feel passionately about: that is, private members' business is only, as you said, two hours of debate. In fact, in some of your models you're keeping that, but government business can go for two, three, four days. From my perspective, a bill is a bill is a bill, and so it has the same result in Canada, in the end, if it gets through the whole system. You have one set of bills that only get two hours of debate, and the others that can get a lot more scrutiny. I've always had an issue with that over the years.

The other thing I want to mention is there's something else PROC looked at earlier, and we thought we may or may not come back to later, which would give more time for debate of private members' bills, which is another thing on your list. It's that Westminster and Australia have a second Parliament, a second House of Commons, as it were.

**Mr. David de Burgh Graham:** A secondary debating chamber.

**The Chair:** Yes, another debating chamber.

It gives a lot more time for more private members' bills, or time for more people to debate government bills. The ultimate vote and everything is in the main chamber, but they have a lot more time because it runs concurrent with the main chamber.

That's something that members of the regular committee thought would take some extensive study, but this is a very timely point to do that study, because they're building another house of commons in the West Block and we still have one here. In theory, if people decided that was the way to go, then structurally it would be relatively easy to do at this time in our Parliament's history.

**Mr. Garnett Genuis:** Thank you, Mr. Chair.

I think those are great points for consideration, because, in principle, a bill is a bill is a bill.

I know that one of the things that this Parliament has dealt with, prospective changes to the Canadian anthem, went through very quickly. I think Canadians were just kind of jumping on to the fact that this was happening, right when it was finishing up in the House of Commons. Obviously, particular circumstances were involved there, but it was a very important piece of legislation. It's the kind of thing for which you would have sufficient time for public awareness, discussion, and consideration.

Part of the problem is that now we hear arguments from the government, in response to private members' bills recognizing the reality of more limited time available for the debate, that actually try to de-legitimize the private member's bill channel completely.

There was a bill that I spoke on recently from my colleague, Steven Blaney, dealing with drunk driving. Basically, the parliamentary secretary said, and I'm not quoting him exactly but something to the effect of, "Well, this is a very complicated area of law that requires engaging with the provinces. Therefore, a government-led initiative is more appropriate here."

It's troubling to me that something could be rejected that is, in my view at least, a good bill. It was supported by the government at second reading but rejected on the basis that, "It's complicated so it should be a government-led initiative."

I think private members should be able to bring forward complicated, legislative changes that deal with important areas of law. There should be time for debate on those. Of course, with private members' bills, the structure doesn't allow us the flexibility to recognize that some types of initiatives need more debate than others. We recognize this with government bills.

• (2340)

**The Chair:** Programming.

**Mr. Garnett Genuis:** That's the principle behind programming. Obviously, the problem of programming is who's doing it. I have no problem with a schedule being set out on the basis of agreement. That's what happens now. I've said I think it is important, but there is no sense in which there is a committee or an agreement to allocate different amounts of time for different private members' bills depending on how much time is needed.

Maybe that could be a role for a secondary chamber. You would have the first hour of debate in a primary chamber, and then you would have a secondary chamber for further debate with more wide open parameters on private members' legislation. There would be many possible ways to create a venue in which there is that scrutiny.

In fairness, the thing about private members' bills is that they still go through that committee study, and there's no limit to the breadth of the study the committee can do. Of course, there is one rule in the Standing Orders that's unique for private members' bills, which is that they're automatically referred back from committee after a certain amount of time. That's to prevent committees from basically ragging the puck on legislation and effectively preventing it from being considered that way. The committee has to deal with private members' legislation, or it will be dealt with automatically according to the provisions of that Standing Order.

The point is that there is still a committee study phase which can and should be very detailed. It might be worth making the point that for any private members' bills that make it through that process and get all the way to third reading, at least at that point, you should be allocating more debate.

My concern about allocating more debate to private members' bills is that it could be done in a way that reduces the number of private members' bills that can come forward. I would be all for looking for ways to allocate more time for private members' bills for debate on each one, provided that we're not doing it in a way that reduces the number of private members' bills that can be brought forward. I would like to see us go in the opposite direction and try to increase the number of private members' bills that can come forward, so that we don't have people who have long parliamentary careers

and yet never have an opportunity to bring forward their own legislation.

This is a good discussion. This is an area that we should be discussing and moving forward with, and I sincerely hope that we'll have the opportunity to do that at some point—

**Mr. Luc Berthold:** We can.

**Mr. Garnett Genuis:** —on a basis that reflects the direction we want to see, that reflects the involvement of all parties and the involvement of members in different kinds of positions who are considering that.

I wanted to make some comments with respect to the Standing Orders on the issue of emergency debates as well. There is a provision for members to bring forward requests for emergency debate, and then the Speaker makes those decisions.

Perhaps we could provide greater clarity on what circumstances meet the requirements for such emergency debate, but we also had a situation in the House on Tuesday where I wanted to bring forward a request for emergency debate on an important question on Syria. Basically, because of concurrence motions and other motions that were brought forward, there was no opportunity to bring forward that request for an emergency debate. The discussion of motions went right up until question period. I raised a point of order on this but the Speaker's interpretation of Standing Order 52 in conjunction with Standing Order 30 was that it automatically reverts to government orders after question period on Tuesdays and Thursdays. Therefore, if concurrence motions or other aspects of routine proceedings take you all the way to question period, then a request for emergency debate disappears.

Emergency debates are supposed to be just that, emergency debates. They are supposed to reflect emergent situations, so it is a problem when members of Parliament are not able to make those requests for emergency debate. The way the Standing Orders are written gives preference to the introduction of government bills, because if routine proceedings have proceeded past the introduction of government bills, then you automatically revert to government orders after three o'clock on Tuesdays and Thursdays. But if you haven't yet gotten to the introduction of government bills, you can still proceed with the introduction of government bills after three o'clock, at which point it automatically reverts to government orders. Already within the Standing Orders you sort of have this preferencing of the introduction of government bills over the introduction of private members' bills, just in the way they are set up.

These are aspects of our Standing Orders where I would say yes, we can have reform or improvement or modernization, however you want to see it. But I would see that reform moving in a direction that empowers members, and in the case of the particular situation I'm talking about, with respect to emergency debates. We could do a better job of clarifying in the Standing Orders the circumstances for emergency and take-note debates, because we have these foreign policy crises, like what's happening in Syria with the terrible chemical weapons attack, the response by the United States, and then the ensuing questions back and forth of the engagement of different powers with each other and how those tensions are escalating. I believe it is so important for our system of responsible government and for the strength of our institutions that, when we are confronted with major foreign policy crises, we have an emergency debate or a take-note debate about them in the House of Commons.

There often isn't legislation that directly involves these instances. What's happening in Syria isn't something on which all of a sudden we are going to pass legislation, but it is the kind of thing where members should be standing up in the House of Commons and discussing what they believe. It's an important exercise in terms of the health of our democracy, in terms of showing the world that in Canada, even major decisions on foreign policy issues in the midst of a crisis are made through deliberation in the House of Commons. It also helps inform the government, and it forces the government to justify whatever they are doing in some way in the House of Commons.

It is striking—for members who have looked at World War II history—how engaged the House of Commons was, and how important House of Commons debate was, that immediately on becoming Prime Minister, and in the midst of the crisis that evolved in early May 1940, Winston Churchill called the House of Commons.

• (2345)

It was important for him to address the House of Commons. It served as a stark contrast, a way of showing the kind of society we are, that we value our parliamentary institutions.

Yet in the midst of all that has been going on, we haven't had a debate on Syria—not recently, not in response to recent events. In particular, we've had debates about Canadian military deployment in response to Daesh, but we have not, broadly speaking, had a debate about the Canadian response to the civil war in Syria yet this Parliament. I think we should. That's why I put in the request for an emergency debate, likely one that we will now not have an opportunity to move forward with because we didn't have routine proceedings today. Then tomorrow, of course, the granting of an emergency debate would take us till midnight on Holy Thursday, which would create all kinds of other potential issues since most members are probably already planning to go back to their ridings, if they haven't already.

We'll miss that opportunity, but it's an opportunity that shouldn't be missed because this is a critical issue. I moved in the House to have unanimous consent to allow us to revert to a request for emergency debate. Unfortunately, that unanimous consent was denied. By whom? Who knows? It was denied, but I don't think this speaks to the need to reform the process around emergency

debates. Ideally, it should be almost automatic that when something of the magnitude that happened in Syria happens, there is a debate that takes place in the House of Commons. That should be part of who we are, a nation that debates these issues when they come up and has members of Parliament engaged in that conversation.

One other thing about the Standing Orders that I think is often missed is that we have speaking lists. Every member knows this: that when they wish to speak they have that discussion with some staffers within their party who provide their name as part of a speaking list. There are presumed speaking spots. There's a presumed speaking rotation among different parties. The impact of it is that so-called minor parties—non-recognized parties, I should say—like the Bloc and the Greens, are not on that list. Generally speaking, their only ability to participate in debate is through questions and comments, or if other members are prepared to share those spots with them.

There's no provision in the Standing Orders for speaking lists. The Standing Orders are very clear about prescribing a completely different model. The same goes for question period, for statements by members, and also for debates. The way they are supposed to work is that, similar to what we do during questions and comments, members stand up. Whoever stands first is called upon by the Speaker, and then that person proceeds to give a speech.

We can see, perhaps, the value of some degree of coordination. However, by imposing party lists, the effect of the current system is that it introduces a substantial difference between members of recognized and members of non-recognized parties. That may be a surprise to some people when you consider the fact that all of us are elected members of Parliament, elected here by Canadians to serve our constituencies.

A change to the way that party lists operate would make sense, at least not to have that dramatic dissonance between what the Standing Orders say and what happens in practice. It's a pretty striking dissonance. In fact, oftentimes what happens is that a member might stand up, usually because they're trying to get the attention of the Speaker for questions and comments, but then the Speaker will say "Resuming debate", and then call on a member who at that moment is sitting down.

• (2350)

He will ignore members who are standing up and call on a member who is sitting down. That has become our practice, informally, but that is not what the Standing Orders say and, of course, the very wise and accomplished former Speaker Scheer said in the last Parliament that the practice of using lists doesn't in any way change the Standing Orders. The Standing Orders still are that, during statements by members, during question period, or during speeches, it can happen that an individual member can stand up, seek to get the eye of the Speaker, be called on by the Speaker, pose a question, make a statement, or give a speech. These are aspects of our Standing Orders that can be discussed. Perhaps it would be logical to discuss changes to the Standing Orders that would, in some sense, recognize the informal practice while introducing limits to that informal practice that actually protect the rights of members and acknowledge that oftentimes the Speaker will refer to a list, but they won't always refer to a list, or that perhaps there should be certain points in time when they do not use a list.

To recognize that reality but prescribe cases in which it would not apply would go a long way to providing a greater level of protection for individual members. Again, these are changes to the Standing Orders that would be worth discussing and would have the potential to strengthen, or at least protect, the role of the private member in this process.

The use of speakers lists, as well, can have the effect of reducing the engagement that members have in debates that are happening. It allows members to show up two minutes before their speech, give the speech, and then leave; whereas, if in order to speak, you need to get the attention of the Speaker, you'd have to be in the House for a longer period of time. You have to be there standing up to get the Speaker's attention, trying to get his or her attention, and maybe you have to try to do that a few times before you actually get the Speaker's attention. With the lists in place, you don't have to do that, but without lists, or at least with some modification, you would perhaps have more engagement by members in terms of listening to speeches and making remarks that align with that kind of idealized deliberative model that I talked about at the beginning in which there is a back-and-forth, not just a reading into the record of a pre-set message.

Mr. Chair, I think Mr. Simms wants to make a brief comment, which I'm okay with.

● (2355)

**Mr. Scott Simms:** Thank you for that. It reminds me of an episode that happened. I think you were here then. You may have been on staff at that point, but it was when Mark Warawa was attempting to get to his feet to be heard on Standing Order 31, and I remember he was struggling to have his voice heard at S.O. 31s due to the subject matter.

I think he was recognized eventually. It was one of those things where I guess he had struggled to get to his feet each and every time someone stood up on a list, and he stood up and stood up, and I think finally Speaker Scheer did recognize him, if I'm not mistaken. I can't remember what came of that. I'm just asking if you remember that.

**Mr. Garnett Genuis:** Certainly I'd be happy to go back over the excellent work done by Speaker Scheer on that—

**Mr. Scott Simms:** I'm sorry. I wasn't doing that disparagingly or in a partisan way. I thought it was a very interesting thing because it taught the whole House that, in fact, going from the list does not exist in the Standing Orders. If someone keeps standing up, at some point he's going to have to be recognized.

**Mr. Garnett Genuis:** Right.

This member, through the processes that we all know exist, sought the agreement of others to move forward with an S.O. 31, and he was discouraged from doing the S.O. 31 on that subject. He raised a point of order to the Speaker. Other members made interventions in support of his intervention saying that he should be able to bring this forward. The Speaker took that under advisement, and then the Speaker ruled that there was no breach of order because he hadn't been denied the right to speak. Effectively he still had the right to speak.

**Mr. Scott Simms:** Yes.

**Mr. Garnett Genuis:** The fact that he was not put on a party list did not deny him the right to the speak. There were other proposals for changes that were put forward.

I think the now Prime Minister, then leader of the third party, had said we should work through S.O. 31s on the basis of an alphabetical list, but the Speaker said, "No, because that would formalize the list, and the list isn't in the Standing Orders. Instead, we can call on whomever."

I recall two instances, one with an S.O. 31 and one with a question, where government members, at the time of the Conservative government, were called on who were not part of the list. It was a question that was posed by Leon Benoit, who represented part of, though not most of, what is now my current riding. The camera immediately cut to the member who was next on the list. I was watching question period, as I always did. He began reading his question, and I think he was a good way, more than halfway, through it before he realized that although the camera had been on him—of course, he would have no way of knowing where the camera was—there was another member who was actually asking a question. That was a backbench question to the government. That happened once. There was an S.O. 31 given by Mark Warawa, as well. So, we have seen instances of this.

I don't know that we've seen instances of that in this Parliament.

● (0000)

**Mr. Scott Simms:** No, I don't think so.

● (0000)

**Mr. Garnett Genuis:** There may have, hypothetically, been a member who tried to get the floor and was not given the floor, but I wouldn't want to go into the details of that incident.

● (0000)

**The Chair:** David Graham.

● (0000)

**Mr. David de Burgh Graham:** I just have a very quick comment. You reminded me of something that's a little bit of an aside, but I want to make sure it gets into the record somewhere before I forget: I want tally lights on the cameras in the chamber. It's something that's very easy to do. It's where a red light comes on to indicate which camera is live at that time. The multimedia guys can do it. It's come up in PROC numerous times over the years, but it's never been acted on. I'm just going to get it on the record, as it's now 552 hours p.m. and we're supposed to finish for the day. I wanted to get that on the record so we can discuss it again in the future.

● (0000)

**Mr. Garnett Genuis:** Are we done already?

● (0000)

**The Chair:** We are. Already.

● (0000)

**Mr. Luc Berthold:** But he just gave his introduction.

● (0000)

**The Chair:** Remember, you're going to be here for Easter.

David, what hour are we at?



• (0000)

**Mr. David de Burgh Graham:** By my math—and I could be wrong as math was not always my strongest subject—it is 552:02, and I don't know if that's a.m. or p.m.

• (0000)

**The Chair:** I would like to thank all the staff again who—

• (0000)

**Mr. Garnett Genuis:** I was hoping there was someone over there who was good at math. I mean, it would help with the budget next time.

• (0000)

**The Chair:** —have stayed late.

• (0000)

**Mr. David de Burgh Graham:** Terrific. In my taxes, I get lost.

• (0000)

**The Chair:** The buses will run for another half hour.

Mr. Genuis will have the floor tomorrow morning, so he has a lot of time to get the rest of his points across.

• (0000)

**Mr. Garnett Genuis:** Thank you.

• (0000)

**The Chair:** We will now suspend until 9 a.m. tomorrow morning. We will be in this room, 23-D. It will be televised.

Thank you everyone.

• (0000)

\_\_\_\_\_ (Pause) \_\_\_\_\_

• (0900)

[*Translation*]

**The Chair:** Good morning everyone. Welcome to the 55th meeting of the Standing Committee on Procedure and House Affairs. This is a televised meeting.

When we suspended last night, Mr. Genuis had the floor.

[*English*]

Mr. Genuis.

**Mr. Scott Reid:** On a point of order, Mr. Chair, just regarding the times we're going to suspend and reconvene at, our plan had been to go from 9:00 until 11:00 a.m. today. There had been talk of suspending early at 10:00 if Bill C-33 is in the House. I'm not sure if Bill C-33 is there or not. There was some talk about that. That's the first thing I want to clarify. Is Bill C-33 there?

**The Chair:** I haven't heard any evidence that Bill C-33 is there, so we're unlikely to suspend before 11:00.

**Mr. Scott Reid:** Okay, so it's going to go until 11:00.

My second question is whether you've had a chance to decide on when we will be returning from the suspended meeting.

**The Chair:** Yes. We'll suspend until the Toronto Maple Leafs win the Stanley Cup—

**An hon. member:** We might be in the Senate.

**The Chair:** —or until 9:00 Tuesday, May 2, whichever comes earlier.

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

**Mr. David de Burgh Graham:** That's 2017.

**Mr. Scott Reid:** Yes, that's a good point.

Thank you very much. That's helpful, Mr. Chairman.

**The Chair:** Mr. Genuis.

**Mr. Garnett Genuis:** Mr. Chair, I guess with that timeline laid out, I'll have to try to get through this material fairly quickly. I'll certainly do as well as I can at that.

I think my kids are actually watching this morning—

**Mr. Scott Simms:** That's cruel.

**Mr. Garnett Genuis:** —so I'm going to have to limit the profanity today, unlike last night.

**Mr. David de Burgh Graham:** Do you discipline them by filibustering, and if they don't behave, you just keep on with it until they do?

**Mr. Garnett Genuis:** No, no, no, my kids enjoy watching. My daughter is four. It's hard to believe, but they enjoy watching me speak in Parliament. They may be the only ones, but...

**The Chair:** Maybe you could tell us their names so they know that....

**Mr. Garnett Genuis:** Sure, yes, anything for you, Mr. Chair.

My daughter, Gianna, is four, and my son, Judah, is one and a half. My daughter knows more parliamentary procedure, I think, than some members do. She follows it very, very closely. It's great. I guess it's fairly normal that kids get engaged with whatever it is their parents are doing, at least at a young age. Her knowledge and ability to retain information about the minute aspects of this place are quite fascinating.

**The Chair:** You have permission to say hi to them now because we're family friendly.

**Mr. Garnett Genuis:** Okay. Hi, kids.

**An hon. member:** Be good for your mom.

**Mr. Garnett Genuis:** That's right. Yes.

There are a few points I want to pick up on about how we proceed in this House, things that were said at the very end last night, or things that happened this morning.

Today is the day when, apparently, we're going to have an announcement about the legalization of marijuana, cannabis. It's like modernization versus changing them. This is telling. We talked about modernization and how the government chooses their words very carefully. "Supervised injection sites" became "safe consumption sites". The language which the health minister uses is "safe consumption sites". This constant redefinition of words is very interesting.

Probably when they announce their intent to legalize marijuana, or cannabis.... I don't know that cannabis is necessarily a more communications-friendly word than marijuana. I guess you don't want to call it legalizing doobies or something, right? You want to have something that sounds....

We already have a proposal for a standing order change that comes out of this. I don't know how formal, but I got an email this morning from the Trost campaign, asking if Trudeau will institute mandatory drug tests for all members of Parliament. I'm sure this will have a very high open rate.

• (0905)

**The Chair:** Is there some relevance, please?

**Mr. Garnett Genuis:** It does have a relationship to the possible changes that may come to the Standing Orders as a result of things that are happening.

**Mr. Scott Simms:** I have a point of order, Mr. Chair. I'm sorry, Mr. Genuis.

If I can get everybody's permission....

You weren't joking. Is that true?

**Mr. Garnett Genuis:** I did receive that email. I don't know if it's —

**Mr. Scott Reid:** There is a meta-question. Was he joking? Was the Trost campaign joking?

**Mr. Scott Simms:** Yes, exactly. That's what I'm asking. So that is legit—

**Mr. Garnett Genuis:** Maybe we can invite Mr. Trost here as a witness when the study proceeds, and you can get clarification on how that would be operationalized.

**Mr. Scott Simms:** Sure.

**The Chair:** We have a lot of work to do.

**Mr. Garnett Genuis:** Let me get back to a couple of comments with respect to the ongoing....

There are other issues around the Standing Orders that have been proposed by other people. Mr. Graham mentioned, just as we were wrapping up, the issue of cameras in the House of Commons. This was a so-called modernization initiative that had been put forward. Mr. Graham was saying that he wants to have those red dots on the camera so that—

**Mr. David de Burgh Graham:** That has actually been a problem over the years, and the committee has often discussed it. Have you ever been to the control room? It's totally worth checking out. The guys at the multimedia desk would find it helpful. It would help them set up the shots if you know which camera to look at and which camera to place for. It would be technologically advantageous.

Anyway, carry on.

**Mr. Garnett Genuis:** This is interesting.

The way in which Mr. Graham has described this proposal would be to render the House of Commons even more like a television studio than it already is. The idea would be that there are red dots and you look at this camera or that camera. Of course, that's not really the tradition or the convention. You would normally be

looking at other members and engaging them in conversation, or looking at the person to whom you're speaking.

The introduction of cameras was about showing the public what was going on in the House. One of the things people didn't necessarily expect was how much the presence of cameras would change the way in which debates unfolded. It was this deliberative body which was open to the public. The written records were obviously published. Journalists would attend the sessions and write about them. Members of the general public would attend as well. With the introduction of cameras, it has become one in which members are sensitive to always being on camera, and there is a greater emphasis on look, presentation, and form as opposed to substance.

This is a good example of how, when you talk about modernization and change, the kinds of things you might think are just part of the modern world, they actually can have distorting effects on the way in which that institution works. To quote Kevin Lamoureux, “distortative effects” result from those changes.

Mr. Graham's proposal is interesting, but I worry about the impact of this additional initiative that would further change the way in which the House of Commons works in terms of the extent to which it's a television studio versus effectively a deliberative body. I don't think it's realistic or desirable to go back and remove the cameras, but I think we should be sensitive to changes that may have an effect and may not be the ones we are going for. It speaks to the need for that wider engagement of members of Parliament from all parties in the discussion. There may be things that are not even of a partisan or strategic nature, which members of the opposition, members who are more experienced, perhaps, or not, may be aware of which may not necessarily reflect the concerns of members of the government.

One of the problems with having decisions made unilaterally, especially by a new government of predominantly brand new MPs, is that you don't draw into that experience that comes from a larger number of veteran members in other parties. I think it's still the case that the longest serving current member of Parliament is a member of an unrecognized party, a member of the Bloc. It is generally going to be the case that there will be more veterans on the opposition benches than on the government benches. If you have a party that was recently in power and then has gone to the opposition, you are going to have some new members, but you're likely to have a lot of returning members. Whereas, when a party substantially grows its caucus, as has happened with this government—this government was in a third party position, and it went from being the third party to being government—a vast majority of members of Parliament on the government side, and I think the vast majority of ministers, certainly the government House leader, are new members of Parliament.

Part of the importance of engaging the opposition, and you see it in the example of cameras and what their effect would be, is actually tapping into the experience and institutional knowledge that exist in this place. If the House leader were effectively allowed to make these changes unilaterally, it would be the government but with the ability of the leadership team to add and remove members to and from the committee at will. That process, as we see with this discussion paper, would be highly directed by the House leader. Effectively, you have someone who has, to this point, been a member of Parliament for less than two years, who wants to fundamentally dictate the terms of the so-called modernization, the changes, perhaps the revolution, that they wish to see to the Standing Orders. That's quite a striking point that we would see that level, that type, and that magnitude of change undertaken without engaging the experience that exists in all parts of the House.

● (0910)

I don't mean to suggest that new members can't have valid points about the Standing Orders. I'm a new member myself, obviously. I've been a member for as long as the government House leader has been. New members may see things from a different perspective and be willing to put forward ideas for certain kinds of changes that maybe those who have been here for a very long time are less likely to see as necessary.

There is a balance that needs to be struck between hearing the voices of new members and hearing the voices of members who have been here for a longer period of time and who have a level of context and experience that informs the approach that they take. It's that balance that is achieved by this amendment. It is an amendment that speaks to the question of balance between government and opposition, but I would argue to a range of different kinds of balances that need to exist in the deliberative process that's unfolding. It's a balance between government and opposition, between major parties and minor parties, between recognized and unrecognized parties, between those on the front bench and those who are not part of the front bench, whether in government or in general throughout the House. This would be a balance between newer members and experienced members, members who have different kinds of experience.

Of course, some of the members here look at the Standing Orders from the experience of having been former political staff. I was a political staffer at one time, and you do see the Standing Orders in a bit of a different way when you are navigating them. In my case, I was involved in a number of different positions with different aspects of the Standing Orders. In one case it was question period preparation, and in another case it was working with parliamentary committees.

There are obviously things about the mechanisms of this House that staff experience which may be less part of the reality of members of Parliament. This is because we often rely on our staff to support us when we have specific questions to ask, or when there are specific kinds of motions that might need to be brought forward in that context.

It's about the multiplicity of voices that we can ensure are engaged if we have the widest number of voices included with different kinds of experience. We have members who have been former political

staffers. We have members who look at this place with a relatively fresh set of eyes. You might have people who look at the Standing Orders from the perspective of operating procedures that they've seen in private sector work places, in terms of processes that we follow, hours, sitting processes, and balance of work, how this place squares with the way things operate in the private sector.

We have members, and Mr. Christopherson is one of them, who came to this place from other legislatures, and who have experience at the provincial level. In some cases we have people who have been involved at the municipal level. The kind of perspective they bring to a discussion of the Standing Orders is going to be different still. It's going to be informed by the experience they had as part of a different legislature. It's all these different perspectives, these variations and experience, that inform the way members think about the kinds of questions that are in front of us. It's important that we listen and engage those voices.

I don't know if we have any members of Parliament who were former senators. We have senators who were former members of Parliament. I know we've had people who have stepped back from the Senate to run to be members of Parliament, but I don't know if we've ever had someone who has gone that way. That's another set of experiences that you draw on when you have the full range of voices involved.

The kind of study we could do at this committee on the basis of the amendment would be one in which we are assured that not only are all of these different voices heard formally, that we have lots of people who are able to speak, but then the discussion that members of Parliament have after that is one that incorporates those voices in a substantive way. If you have members from different parties who are part of that discussion and are represented in it, you necessarily will achieve a better outcome given the diversity that would come to the fore.

● (0915)

One issue the discussion paper addresses and one which I mentioned before but in a different context, because this was before the government's introduction of the budget implementation bill, is the issue of omnibus bills. I have a hard time understanding what the government's position is on omnibus bills. The Prime Minister in question period yesterday was trying to carve out this distinction between good omnibus bills and bad omnibus bills. A good omnibus bill, it seems, in the eyes of the Prime Minister, is one proposed by a Liberal government; a bad one is one proposed by a Conservative government. We would understand that he would have that perspective, of course. We all tend to prefer legislation proposed by our own side, but the question of the degree of "omnibus-ness"—I don't know if that is a word—is not dependent on the party that brings it forward. To me, some of the discussion in the discussion paper suggests that there is a binary.... It's either an omnibus bill or it's not an omnibus bill.

The reality is we see many different kinds of bills that come before the House that deal with different kinds of provisions that do not necessarily have to be included in the same bill but have some common thread to them. Those are bills that maybe move a step in the direction of being an omnibus bill but don't go all the way.

One bill we dealt with was on the response to the opioid crisis in Canada. This wasn't an issue on which we agreed with the NDP, but in the Conservative caucus we felt that this bill combined certain kinds of provisions that shouldn't have been combined. There were many provisions in that bill that we were very supportive of, that dealt with things like more effective enforcement, addressing pill presses. These kinds of things we thought were not only good measures but needed to be expedited. However, the legislation also included provisions that dealt with the community consultation process around putting in place what we call supervised injection sites, and what the government increasingly likes to call safe consumption sites, which is a little misleading as far as the terminology goes.

In any event, the legislation, in addition to those positive things we all agreed on, dealt with the government's proposal to remove most of the requirements around engaging with communities before constructing a supervised injection site. We looked at the bill and said there were some things in it that were not only worth supporting but were important and required the fastest possible movement through the House, but there was another part of the bill that we were totally opposed to.

The government House leader in her discussion paper talks about an omnibus bill being one where members might want to vote for a part of it but not for another part of it. That's the reality of almost all legislation that comes before the House. Someone somewhere is going to agree with part of it but not another part of it. Unless you only have legislation that has one provision in it, that makes one specific change in one clause, which would be pretty unrealistic in terms of the efficiency of the House, any time you have legislation that makes multiple policy changes, you're going to have members who will like some parts of it and not other parts of it.

Yesterday I talked about the debate around Bill C-14, the government's euthanasia legislation. Aside from the fact that there were a whole host of different provisions in this legislation, there were two very distinct issues that needed to be adjudicated. Unfortunately, they were often mixed up in the public conversation. There was a question of the eligibility criteria, who was eligible to seek euthanasia, and there was a question on the safeguards, the administrative requirements that had to be met before someone could seek euthanasia. The point is these were two different questions. Someone could conceivably believe in more open eligibility criteria and fewer safeguards, but someone could also believe, let's say, in a more open, more liberal eligibility criteria while also having more safeguards in place. You have these different kinds of philosophical questions and different kinds of provisions that are wrapped up in the same piece of legislation.

● (0920)

Of course, in a formal sense, no one would say that Bill C-14 was an omnibus bill. It was a bill that set the terms for the legalization of euthanasia and assisted suicide. In that sense, we could accept, relatively speaking, that it was on one thing, but it was a step in the omnibus direction, at least according to the way in which omnibus bills are defined by the government's discussion paper. The government's discussion paper suggests that an omnibus bill is one in which some members might like some provisions and not others.

What happened with the legislation around the opioid crisis—I can't remember the number of the bill offhand—was that a point of order was raised seeking unanimous consent to split the bill. This was proposed by the Conservative caucus, I think by Mr. Colin Carrie, our health critic. It would have created two separate bills. One of those bills would have dealt with the provisions we all agreed on, and that bill would have moved along immediately. It may well have moved along to the end of third reading right at that point. Certainly, it would have gone all the way to committee. It would have separated off the controversial provisions.

The benefit of that approach, actually, is that it would not have slowed anything down, but would have sped up the process. It would have allowed for the immediate passage of the provisions on which we all agreed. Those provisions could have started doing their work and having a positive impact, whereas the controversial provisions could have continued to be debated.

This is particularly sensible when you consider the way in which the House and the Senate interact. If you have two separate bills that both go to the Senate, and the Senate amends one of them and not the other, then only the bill that was amended has to come back to the House, while the other, if it passes in the Senate in the same form it did in the House, goes on from there to receive royal assent. If all of those provisions are wrapped up in the same bill, then all of those provisions have to come back to the House again.

In cases where the opposition is prepared to expedite certain provisions...and as we saw with this particular bill there was a substantial public interest in the government supporting the splitting of that bill, yet they didn't. Unanimous consent was denied for that proposal.

This is telling of the government's actual views on bills that, although they may not be omnibus bills in the full sense, have a component of "omnibus-ness" to them. The government, in a reasonable case like that, was not willing to allow the splitting of a bill in a way that would have very much reflected the public interest with the timeline the public wanted to see. That did not happen because of a refusal of the request for unanimous consent. That refusal, of course, came from the government side. This is telling about the approach being taken for omnibus bills already.

I think we now have examples from this government of actual full-blown omnibus legislation. You would be very hard-pressed to identify a single, credible, philosophical distinction in terms of the degree of "omnibus-ness", let's say, between the kinds of omnibus bills that the previous government brought in and the kinds of omnibus bills that this government is bringing in.

We have a budget implementation bill—I have my notes here on it—that changes over 20 statutes and runs to over 300 pages. The Prime Minister's defence of that is identical to what was said, I think quite correctly, about the budget implementation bills that were brought forward by the previous government. When you have a whole bunch of measures that are related to the budget, the implementation of the government's fiscal plan, then there is a common thread. These are not entirely unrelated elements. They deal with the economic plan of the government.

That's fair enough, but of course almost anything in terms of government policy has some relationship to the economy. It likely relates to questions of social values as well, but almost anything has some relationship to the economy. Immigration has an impact on the economy. Social policy, drug policy, criminal justice, all of these things have some impact on the economy, or at the very least they involve questions of government expenditure.

• (0925)

That is true of every policy area. The government said in the election that they were opposed to omnibus bills, and now they are redefining their opposition to say that the omnibus bills they are opposed to are only those that have provisions that have absolutely no plausible relationship to each other. That is a pretty substantial stretch in terms of what we were actually talking about with omnibus bills.

We should, in good faith, look for ways to divide bills when we can, especially if there is a willingness of the opposition to expedite certain aspects of the bill that they agree with, but it's never going to be—and I think the government realizes this by now, if they didn't already—an exact science in terms of what does or does not constitute an omnibus bill. This is what raises some questions in terms of the proposal in the discussion paper for the Speaker to split the bill, because if you ask the Speaker to do something, the Speaker being a non-partisan person within the House in the context of that function, you have to give them some criteria. On what basis would they decide to split a bill or not to split a bill? If we can't even arrive, through discussion here, at clarity about what is a bad kind or an acceptable kind of omnibus bill, then we are effectively putting the Speaker in an almost impossible position.

What is clear with respect to omnibus legislation is that the government is breaking a promise here. The government said that they would get rid of omnibus legislation, but they are moving forward with something that is clearly quite similar, not in substance, of course, but in form, to what we saw from successive governments over our recent history.

It's an important question how we should handle the issue of budgets and budget implementation bills, because they are always going to deal with a variety of measures. They're going to have to. If we want the government to bring forward a budget every year, and it should, then there will be lots of different policy areas covered in that budget. You couldn't have a budget that talked only about some things and not others. It would have to cover all the things that are within the ambit of the activities of the federal government.

When it comes to omnibus legislation and questions of reform, we can look at other kinds of potential reforms that would provide the kind of scrutiny of those documents that the public and many members want to see, without being unrealistic about what a budget has to be. It's interesting that the only substantive kind of legislation on which a number of days is prescribed for debate in the Standing Orders is the budget itself. It's either four or five days for the budget to be debated, and after that it's the end of the budget debate. That is automatically put in place.

If you think about the breadth of measures that are covered in a budget, and the number of statutes the government is going to change over the course of a year, it's likely, it seems, with the

projector that we have in place here.... Sorry, I lost my train of thought.

With the number of days we have, and with the record of this government with respect to the Standing Orders and how they've unfolded, we are likely to see more changes to statutes made through the omnibus budget implementation bill than changes to statutes in all the rest of the bills that the government brings forward. It's interesting to think just how important that process is, and yet we limit it to a relatively small number of days—I can't remember exactly whether it's four or five days—and we are discussing changes to statutes that outweigh all the changes to statutes that may well happen for the rest of the year.

• (0930)

Maybe one change to the Standing Orders we need to look at is allocating more days to the discussion of the budget. Maybe that would address some of the concerns that members have around ensuring that there is proper scrutiny relative to the relatively long budget documents that we're seeing. That would be one possible change.

Another change we might want to consider, and one which I think would be worthwhile for all members from all parties to deliberate and pronounce on, would be a process by which all committees, or at least a larger number of committees, studied the budget. Right now, the process is that the finance committee does pre-budget consultations. The finance committee looks at the budget implementation bill. We don't have a provision for the same bill being referred to multiple committees. What if we had all of the committees of the House, or at least most of the committees, do some degree of study—

**The Chair:** Mr. Whalen.

**Mr. Nick Whalen:** Sorry, Mr. Chair.

I believe the Speaker has the ability to bifurcate or trifurcate bills, and send different aspects of bills to different committees if the Speaker so chooses. While it might not be something that's codified as a process per se, it is a right that the Speaker has, in my understanding. Although Mr. Genuis might be right that the Standing Orders don't specifically point out a process, that option is actually available. Bills can be bifurcated and sent to different committees.

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

Mr. Genuis.

**Mr. Garnett Genuis:** Mr. Whalen, I don't think that's true, incidentally.

I know that the Standing Orders propose to give the Speaker the power to split bills, but it's not in our present rules that the Speaker would split bills or decide which committee they're sent to. The decision to refer to a particular committee is actually made by the House in the context of a vote. It is moved and voted on that a particular bill be read a second time and referred to the standing committee on *x*, *y*, or *z*. Then it is reported by that particular standing committee back to the House for further consideration. That is the process by which these things unfold.

There's a proposal in the government House leader's discussion paper to change that process. My concern with the proposed changes is that, if you give the authority to the Speaker, you have to give the Speaker some degree of clarity about the criteria on which that division takes place. That might be clearer in terms of splitting a bill if we had governments that, outside of the budget process, just decided to propose an omnibus bill that deals with immigration, health, public safety, and something else all in one bill. If we had that happen outside of the budget process, I think there would be much more of a response from members and from the public asking, "Why are you doing this? These are clearly disparate policy areas." Actually, the discussion around omnibus bills has always focused on budgets and the budget implementation bill, which, by their nature, have to make a lot of different changes. So, asking the Speaker to make that call about what the split would be raises some real questions.

Given that we know the issue isn't typically with omnibus bills being proposed outside of that process, I don't think we've really seen that, other than the sort of semi-omnibus bills from the government that I've talked about that deal with somewhat different issues at the same time. Generally, the bigger bills that we're talking about are those budget bills, so we could build something into our process. The Standing Orders already have specific provisions around the way in which budget debates unfold. We could have specific provisions around referring.... Every budget would go to every committee, or a certain number of committees, which would then be charged with studying the aspects of the budget that are relevant to those committees.

Given the importance of the budget, it's not unreasonable that every committee would take three or four meetings. The health committee would look at what's in the budget for health and the significance of that. The immigration committee would look at what's in the budget with respect to immigration. The justice committee would do the same, as would the foreign affairs committee, and of course the finance committee as well.

Perhaps you would require that the formal process of reporting back to the House and so forth would occur through the finance committee, but that these other committees would be required to have a certain number of meetings and to report back within a certain number of sitting days after the passage of the budget bill at second reading and be required to submit a report to the House with respect to the findings of that committee on the budget provisions. That could happen outside of the formal process for legislative debate around the budget. I think that would be one very effective way. It would not be a panacea, a sort of catch-all, final solution in terms of the question of omnibus bills, but it would be one way of ensuring that budgets, given their importance and the number of statutes they change, had the relative degree of consideration that we would want to see. I think it would go a long way to actually addressing some of the concerns around this type of legislation.

It's worth noting that the government's justification for wanting to make these changes unilaterally without the engagement of the opposition is that they made a commitment in the context of the election to do certain things. What in fact is the case is that the specific commitments that were made by the Liberal Party to Canadians during the election with respect to the Standing Orders

dealt with the prime minister's questions and with omnibus bills. Those are changes that are entirely within the power of the government. They don't even require changes to the Standing Orders, as colleagues of mine have mentioned.

● (0935)

They also are things where there's a bit of a dissonance between what is being said and what the government has done. The Prime Minister started standing up after questions were asked, after every question. I think it was last week he did that for the first time, but this is a year and a half into his mandate as Prime Minister. The Prime Minister could have started answering questions, implemented that commitment right away, had he been so inclined. It did not require changes to the Standing Orders.

On the omnibus issue, of course, we are seeing omnibus bills from the government. That, of course, happens in the context of a discussion of the budget, and there is a need that budgets address multiple issues. There's a dissonance between the tone and implication of the discussion paper and the reality we're seeing on the ground. What we would be concerned about is if this were window dressing to say, "Well, we created provisions through which omnibus bills can be split", but it's done in such an ambiguous way that those provisions are actually never used. That would certainly not be a serious good faith implementation of what was an election commitment.

People did ask me about the question of omnibus bills. I was always very clear that there is a legitimate case in which you have different kinds of provisions in the same bill, if they relate to the theme, if they're part of a budget, and so forth, but there's also an illegitimate use of that procedure. Obviously, in an environment where we all have an interest in describing what we're doing as legitimate and what others are doing as not legitimate, it is difficult to come up with that objective test of what should be happening and what shouldn't happen in this respect.

Having a provision for a study at a broader number of committees with respect to the budget would address some of those concerns. Of course, that would also have to happen in a context in which you didn't have time limits at committee or programming of committees. If you had programming of committees, even in interaction with this proposed new procedure for handling budget or omnibus types of initiatives, that would really undercut what was supposed to be the intent of these provisions, which is to allow for meaningful study at committees. As much as possible it's so important that we preserve the ability of committees to be the masters of their own domain, and yes, perhaps in response to direction of the House, to take a certain amount of time studying measures coming out of the budget, but also to do further study, to go deeper into aspects of those provisions if they need to.

I suspect that if, after the budget implementation bill, the motion were to be moved—I'll pick a hypothetical example—at the health committee, saying that there should be a study on the health implications of the budget measures, the government would use their majority on that committee to say, "We don't need to study this here because it's being studied at the finance committee."

Of course, it's not practical or realistic for the finance committee to study all aspects of a budget. The budget itself is fairly long. I'm still not finished reading it fully but I'm working my way through it. The budget implementation bill is very long, and it deals with many different kinds of statutes. It is an omnibus bill by any definition. It's just a question of whether it's a legitimate use of omnibus bills.

Did you have something on procedure, Chair?

• (0940)

**The Chair:** I just have some information on the point that Mr. Whalen raised on whether the Speaker can split a bill. On page 725 of O'Brien and Bosc, the last sentence says:

However, on the question of whether the Chair can be persuaded to divide a bill simply because it is complex or composite in nature, there are many precedents from which it can be concluded that Canadian practice does not permit this.

Mr. Genuis.

**Mr. Garnett Genuis:** Thank you, Mr. Chair.

I think that's a good clarification in terms of what the rules say and what the changes are that are proposed in the context of the proposals that are coming from the government House leader. The government House leader is looking for potential changes in terms of the degree to which the Speaker would be engaged. As you pointed out, Mr. Chair, it would be a pretty substantial change to the way we conceive of the role of the Speaker.

Up until now in our tradition, the Speaker has not been someone to police aspects of content. That includes answers to questions and questions of accuracy. It's not a point of order if someone said something that isn't true; that's seen as a point of debate. The same is true with regard to omnibus bills. It is not the way we generally conceive of the role of the Speaker: to be evaluating and saying, "Substantively I think this is part of one theme and this is part of another theme." That would involve the Speaker taking a few additional steps down a road which, thus far, the Speaker has not gone down at all: into adjudicating the kind of content that is in front of him or her. That said, I'd like to touch on a number of other different themes.

Part of the question that we need to consider in the context of this amendment is the way the time of this committee is managed and the kinds of other questions that have to come before this committee. This is an extremely important committee, obviously. It's the committee that studies all those kinds of procedural and mechanical aspects of what's happening in the House. The challenge for this committee can be, of course, that sometimes there are a lot of those different issues that are coming forward at the same time. It creates a circumstance in which there is a need for some conversation on multiple different issues. The committee has to grapple with what terms of study, what schedule of study, etc., allow for the committee to grapple with those different issues in the most effective way. These are the kinds of considerations that we have to think about in the context of this study and this amendment.

I don't need to tell anybody this, but we're having a fairly lengthy discussion of committee business in the lead-up to a prospective study. It's important that we have this lengthy discussion because, in the context of that, we in the opposition, all opposition parties, including unrecognized parties, feel that we are fighting for the basic

integrity of our democratic system. We are fighting for the fact that changes to the basic rules of how Parliament works should not be made unilaterally. That's what we're fighting for, and it's important that we do. We are going to continue to do so until there is a change in disposition from the government on these issues.

In the meantime, there is a range of other questions of pressing importance that need to be studied by this committee. There is a debate, I presume, going on as we speak—okay, not quite; it's about to start in the House again—with respect to a question of privilege. It's a major question of privilege. As members have pointed out, it has happened a number of times that members of Parliament have been prevented from coming in to vote. It's so important that we get that right, because members are supposed to have unfettered access to the parliamentary precinct. Members didn't have, in certain cases, unfettered access to the parliamentary precinct and were denied their right to vote as a result of it. That was an important question of privilege that was brought forward, and it's being debated in the House right now.

• (0945)

Actually, right now in the House, we're debating a secondary question of privilege and an amendment to that, which deals with both the original privilege issue and also the legitimacy of the government having adjourned the debate on a question of privilege without a vote.

These are critical issues because they deal with the basic rights of members of Parliament to be present, to vote, and to represent their constituents. These are rights that they need to have, and because of an error that took place in whatever form, they have not always had them. That's a potential problem, and this committee needs to study that question.

The motion put forward in the House with respect to that study was to ask that this be made a priority in terms of the committee study. Why is that important?

As members of Parliament, we do lots of different things. We give speeches. We participate in studies. We consult with our constituents. We write letters. But the core of the job of a member of Parliament, the most important thing we can do, which people who are not members of Parliament cannot do, is vote in the House of Commons. That is the core of the job.

When you have an question of privilege where members are prevented from voting in the House of Commons, that is the kind of issue that should be a fundamental point of priority in terms of the discussion that happens at this committee, because it's up to this committee, PROC, to evaluate those questions and to adjudicate upon them.

Yet this whole resistance by the government to move forward on the amendment has created the conditions under which we have less effective work in the House because of a lack of co-operation from the government side with the opposition, and therefore a lack of co-operation all around. That's part of the issue. There is also the issue of the vital work this committee needs to be getting on with, especially those privilege issues.

We have a motion from a member of this committee to do a study of the question of privilege here at this committee. It's fair for members to bring forward motions at this committee, but the process that needs to be followed is for that question of privilege to be voted on in the House. It is of course up to members to vote for or against amendments in a way that one hopes reflects their individual conscience but which is, in any event, how they see fit to vote.

If it is approved in the House, as amended or not, the motion will either be sent here to PROC or not. If and when it comes here, it will then be discussed, considered, and so forth.

In the absence of the amendment, it may be that, regardless of what happens in the House, we continue to delay in terms of our ability to have a discussion on that vital privilege issue. We're really missing the necessary opportunity to do the job that this committee is supposed to be doing in that respect, if we don't come to a consensus that allows us to move forward. The way of having that consensus in place, I think, is to have the passage of the amendment which says that all parties will be engaged. It achieves the objective that some members of the government have said they actually wanted all along. They want to have unanimity on a report, but for whatever reason, they are just not interested in passing the amendment. Well, if you want to have collaboration, if you want to have all voices represented in the process of that discussion, then just pass the amendment. In part it's the right way of dealing with the Standing Orders, but it also allows the committee to undertake and respond to these vital questions of privilege.

The other thing that needs to be acknowledged about changes to the Standing Orders is—and someone here is advocating a public referendum on the Standing Orders—that there is not the same breakneck timeline with respect to these changes. We could well agree to a framework by which a study would take place, one that includes unanimity, and also agree that the study could take place in the fall. In the meantime, we could take this opportunity to move forward on these questions of privilege which the House is obviously very much seized with.

● (0950)

I haven't heard anybody say that these questions of privilege aren't important. Members of the government have criticized the opposition, sort of strangely, for making this political, as if they've forgotten where we are, but there's been no denial of the fact that, yes, these are critically important questions that are dealt with in the context of a discussion of privilege. Since there's that recognition, I think we should move forward on this particular motion by supporting the amendment in a way that reflects that recognition, but then we should also move forward with those other studies that are critically needed.

The other issue this committee could be studying is the prospective issues around the Canada Elections Act. There are others who know the details on this better than I do. My understanding is that this committee was asked and agreed to undertake a study this spring on the Elections Act to contribute in a substantive way to what's happening to the Elections Act.

The failure to do that involves multiple problems of unilateral action. There's the question of the unilateral action of the government with respect to the Standing Orders. Then, in the

absence of a committee study, which is now prevented by the insistence on a unilateral approach on the Standing Orders, there's a concern of what happens in terms of the process with respect to the Elections Act. It is important for members of Parliament to be engaged in that discussion. There just doesn't seem to be an interest or willingness to establish an agreement that would allow us to move forward.

We hear a lot of talk about conversations from the government House leader. It's often hard to understand in that context what's meant by "have a conversation". The point of having a conversation should be to come to some form of consensus that allows for action. Generally speaking, a conversation is a means to an end, not an end in and of itself. A conversation is a way in which particular goods ought to be realized, which are, generally speaking, goods external to, as opposed to internal to, the process of conversing. In this case, the goods to be achieved through the conversation would be changes to the Standing Orders that reflect the wisdom of the entire House, not just of one or a few people or of one party, but also to allow this committee to operate in a constructive way that then moves on to some of these critical issues that have not been considered yet and very much need to be considered as we go forward with respect to what's happening on the Standing Orders.

Having talked about other aspects of committee business, I want to return to the government House leader's discussion paper. I had an intervention on this a week and a half ago or so, and unfortunately, because of the limitations of time, I didn't have a chance to speak to all aspects of the discussion paper. I want to do that now. Then I want to talk about the Green Party's response, the Green Party's discussion paper on changes to the Standing Orders. I don't agree with all of it. I don't know if I even agree with most of it. I agree with some of it, but I think it's quite provocative.

I think it was Mr. Chan who praised Ms. May for bringing forward that discussion paper. I don't know, though, if the government would be praising it if they'd read it in detail, because it's very critical of the approach taken in the government discussion paper. In many ways it's much farther away from the government, even, than we are as an official opposition party. I don't know if Ms. May has had a chance yet at this committee to actually talk through that paper, but I think it's something that is going to contribute to the discussion around this.

● (0955)

If you look at the government's discussion paper and the Green Party's discussion paper, just as two examples of prospective proposals for changes to the Standing Orders, you see how "modernization" can mean dramatically different things. It can mean the kind of enhancement of the power of the executive to expedite legislation, that kind of so-called reform. It can also mean, on the other side of the spectrum, a change that reduces the power of the centre and strengthens the ability of members of Parliament to be involved in the process.



I should say that it's not as if these approaches are mutually exclusive. There would be proposals that could both strengthen members of Parliament and strengthen the efficiency of the legislative process. In the context of a study that would include the framework established by the amendment where there is a requirement that there be unanimity and involvement of all parties, we could look for those solutions that would actually achieve all of those objectives, that would increase efficiency without derogating from the important role of members of Parliament. It is, perhaps, hard to know exactly what those would be.

You would need to hear from experts about what the implications of different changes are. The government discussion paper may well point to some things that ultimately do achieve that objective of strengthening the role for members of Parliament and addressing the efficiency of the legislative process. However, in the absence of an agreement up front for how that would work, we can't be confident that the government would draw the right conclusions from the witnesses we hear.

If we go into a study without the amendment and the government hears witnesses who say that if we do  $x$ ,  $y$ , and  $z$ , the government is going to increase its power, government members may think that's great and want to do  $x$ ,  $y$ , and  $z$ , rather than drawing the right conclusion from that testimony. The right conclusion would be to hear all those concerns and say that we have to be cautious about doing something that increases the power of the government unless there is some compensatory change on the other side.

It might be that through unanimity you actually have some horse-trading with respect to the Standing Orders. You might have agreement to support some provisions that do concretely enhance the power of the government, while other measures concretely enhance the power of the opposition. Members might agree that those proposals kind of balance each other out and in the end are, in totality, beneficial for the entire institution.

That's the kind of discussion, the kind of framework, that is rendered possible in the event that we have a clear requirement up front to engage all voices on all parts of that conversation. That's something we'll be missing if we don't have the amendment. That's a bit of context for the next steps that I want to take in the context of this discussion.

For those following along at home, where I left off before was under theme three of the discussion paper where it speaks about the management of committees. It's interesting in terms of how it talks about the kinds of changes that could happen with respect to the structure of committees, and the relative balance between committees and the government and other actors within this institution. There are some important and interesting proposals for changes here, although I have some pretty substantive concerns about, especially in the discussion of committees, what I see as some sleight of hand, some arguments being made that suddenly go off in a different direction from the one expected.

Before I get into the management of committees, I should review the section on omnibus bills, so-called, because it's right before it. It's relatively short, and it speaks to what I was talking about before, especially in the context now of what is a very substantial omnibus bill that the government has put forward.

It says, "The Government committed to end the improper use of omnibus legislation." I don't actually think that was what was in the Liberal platform. I think they said that they would get rid of omnibus legislation. Maybe there are members who can correct me on that, but we see these subtle shifts in language that are sort of the road to a broken promise. First, they're going to get rid of omnibus legislation. Then they're not getting rid of omnibus legislation; they're just getting rid of the "improper use of omnibus legislation". It seems that, in their minds, when they say "improper use of omnibus legislation", what they mean is the Conservative use of omnibus legislation. I would say that omnibus legislation should be used conservatively, in both senses of the word.

• (1000)

In any event, the section continues, "Omnibus bills can be defined as a bill that contains separate and unrelated themes packaged into one bill." In reading that definition, "separate and unrelated themes packaged into one bill", an omnibus bill could be any bill, because any bill contains distinct themes. Then, of course, if you consider the meaning of "unrelated", there is no such thing as an omnibus bill if a bill contains unrelated themes, because all bills, all themes that we deal with in this place, can be seen as having some relationship to each other. Is there a relationship between immigration and health? Yes, of course there is. Is there a relationship between criminal justice and finance? Yes, of course there is. Even disparate policy areas have relationships between the two of them. This is a definition without a definition.

It essentially goes on, "Members are then forced to vote for or against a bill that could have elements that Members would support or oppose." That happens all the time. Basically, the process that is normally followed is you would look at the principle of a bill at second reading, and you would maybe vote for a bill at second reading, even if you have substantial objections to certain parts of it, because you think that those sections could be removed at committee.

Mr. Blaney had a private member's bill that introduced higher mandatory minimums for drunk drivers and also introduced mandatory screening so that basically police could ask anybody for a Breathalyzer test as there's no requirement to establish probable cause. Those are two very different kinds of provisions contained within not just the same bill but actually contained within one private member's bill. I was very supportive of that bill and I encouraged members to vote for it. Even if you are against mandatory minimums but like mandatory screening, you should vote for the bill so that you can support mandatory screening. Even if you're for mandatory minimums but against mandatory screening, you should support the bill as a way of showing support for mandatory minimums. That makes sense at second reading, because then you're advancing that bill on to a committee study, and then it's up to the committee to wordsmith and decide which parts of the bill should move forward or not. Maybe that's a bill that could have been split, but of course given the limits with private members' business, it makes sense for individual members, who already have a very limited opportunity to bring forward legislation, to try to deal with different elements of legislation in a similar format.

My own private member's bill, Bill C-350, which I just had a chance to table this week in its entirety, is a bill that was put forward for first reading by Irwin Cotler, a Liberal MP in the last Parliament. It was seconded in this Parliament by Mr. Wrzesnewskyj, the member for Etobicoke Centre. It's good non-partisan legislation.

I wouldn't call that bill an omnibus bill, but it does include different elements within it, but all to deal with organ harvesting without consent. It deals with Canadians who might go abroad to try to get an organ and how they establish consent for that organ when they come back, but it also deals with the inadmissibility of people to Canada who are involved in this kind of organ-harvesting activity. It deals with immigration in terms of admissibility to Canada. It deals with health because it deals with the kinds of reporting structures that would be in place with respect to someone who is getting an organ. It deals with a question of criminal justice. It is fundamentally a justice bill because it deals with the criminal penalties that would be put in place for those who are involved in this terrible human rights violation involved in organ harvesting.

That's my bill, Bill C-350, and we already have, related to a similar theme, key elements of criminal justice, health, and immigration issues. It might well be that members say that they, for whatever reason, don't like the inadmissibility provisions of it, but they are supportive of the requirement that Canadians get consent when they get an organ. I think members should support my bill in its entirety because it's really a great bill, but it might be that members like some parts of it and not others. That doesn't make it an omnibus bill just because it deals with a number of different aspects of the same issue. Even the way in which omnibus bills are explained and described in this discussion paper is totally at odds with how they're usually described in the public debate.

• (1005)

By this definition, you could say that almost every bill is an omnibus bill. I mean, there are some bills like Wynn's law that really only changed one word in the Criminal Code. That bill is uncomplicated enough that you can very clearly say, "Yes, that's one word", and you're either for it or against it. There's not the complexity of, say, being for parts of it but against other parts of it. That bill was about whether certain evidence would be brought forward about someone's past convictions in the context of a bail hearing. The law now says that evidence may be brought forward. The new provision would say that evidence shall be brought forward. That's the kind of bill that, yes, on the surface, if you were to come up with a scale of "omnibus-ness", a relative degree of "omnibus-ness" in a particular bill, it would be at the low end of the scale. Almost any other bill, including private members' bills, will touch on different elements.

Some members choose to vote against bills, even if they're fairly small or simple, on the basis of the whereas clauses. My approach is to vote on the basis of the substantive provisions, not the whereas clauses, but we've had members say, "I cannot support that bill, not because of what's in the bill itself, but because of the affirmations that are contained in the whereas clauses", the perception being that, when you vote in favour of a bill that has certain whereas clauses, you're endorsing the ideas behind the whereas clauses. There are some members who take that approach. I don't, but even for very small, very simple legislation, if you are going to vote for or against

it on the basis of the whereas clauses, then definitely you find yourself in a situation where members are forced to vote for or against a bill that could have elements the member would support or oppose.

The discussion paper goes on with respect to omnibus bills, "The only recourse for Members has been to seek to divide omnibus bills in committee, but these motions rarely come to a vote or are agreed to by way of unanimous consent." That's true. It is quite rare that there is division of bills. There are potential issues with division of bills, obviously, in terms of efficiency and also in terms of private members' business. There are some bills that, even if they deal with different kinds of provisions, don't need to be divided. I don't think my bill needs to be divided into five or six bills just because it addresses a number of different aspects of the question of organ harvesting. I think it makes sense together thematically. It's still relatively short. It's a couple of pages, not 300 pages like the budget implementation bill, but it does deal with different areas of policy and the interaction and relationship among those areas of policy.

The proposal here is that, "Since the Clerk of the House has the power in Standing Order 39(2) to divide written questions, a similar approach could be used by the Speaker to divide omnibus bills." I don't think this point has been made before, but it's quite a stretch to say that because you can divide written questions you can divide bills. Bills are not written questions. There are very substantial differences. Of course, yes, members have a limit on the number of questions they can have on the Order Paper, so having a division of written questions has some substantive effect. The substantive policy implications, the importance and potential controversy around a decision of a Speaker to divide a bill, far outweighs the kind of concern that might be associated with dividing an Order Paper question. The size and scale of that are very, very different. It's striking that there isn't an acknowledgement of that—

• (1010)

**The Chair:** Mr. Reid.

**Mr. Scott Reid:** Mr. Chair, using the Simms rule by which people can intervene to create a de facto back and forth debate, I want to ask a question about this.

**The Chair:** Yes, go ahead.

**Mr. Scott Reid:** I'm trying to figure out whether there are any precedents that Mr. Genuis is aware of for giving the Speaker this kind of power. There are many other jurisdictions in the Commonwealth that have our parliamentary system. I'm not personally aware of any other examples, but they may exist. The problem I anticipate a Speaker having, should he or she attempt to deal with this, is that presumably the Speaker would not... I'm assuming the Speaker would not, of his or her own volition and without encouragement from someone, say, "I'm going to split this bill. I regard this as an omnibus bill." So the question—

**The Chair:** Sorry, I don't think you were here, but I read a passage out of O'Brien and Bosc that basically said the Speaker can't split bills.

**Mr. Scott Reid:** That's under the present Standing Orders. Is that right?

• (1015)

**The Chair:** Yes.

**Mr. Scott Reid:** What I was trying to figure out was how we would go about it if we were changing the Standing Orders. Obviously, we would change the Standing Orders to give this power, but then the Speaker would be confronted with the practical issue. This is what I'm hoping to get Mr. Genuis's commentary on.

Number one, on what basis does the Speaker initiate it? He or she has to wait, I assume, until someone stands in the House and says, "I think this bill should be split." At that point, does the Speaker say, "Okay, I'm going to come back with a prima facie case that the bill needs splitting"?

I see Mr. Simms has perked up and is paying attention. Sorry, that doesn't mean he is not normally paying attention. He is paying even more acute attention than he normally does, if that's the right way of putting it.

I'm not sure how one accomplishes this as a practical matter. It's been on my mind, so I thought I'd ask the question.

**The Chair:** Mr. Simms, go ahead.

**Mr. Scott Simms:** It's very interesting. When I read the part of the discussion paper on omnibus bills, at first blush, I thought about the splitting of bills and the discretion by the Speaker in doing that. I think it was Mr. Reid who brought it up. I think it was the first week we started this, the second or third Tuesday, as it were. When he brought it up, it piqued my interest, because I thought he had a valid point. How do you arbitrarily do this? Do you wait for someone to rise in the House and say, "I recommend that we split it this way"?

One practice we've had in the past.... Last night, someone—I think it was Ms. Bergen—cited the days of non-stop voting. I think it lasted for two days. Can someone help me? Was it two and a half days? I think it started on Wednesday and ended on Friday.

**Ms. Ruby Sahota:** It was 26 hours.

**Mr. Scott Simms:** Anyway, it was quite long. All the amendments at report stage went through, and following that, the Speaker had the practice of grouping certain amendments that were similar in theme. What you're doing is looking at all these amendments at report stage and grouping them together at the discretion of the Speaker for the sake of efficiency.

This is more of a question than a comment. Would splitting omnibus bills be the same sort of practice?

**Mr. Scott Reid:** It's sort of the flip side, I suppose.

I'm not sure if Mr. Genuis would like to take the floor as it was a question directed partly to him.

What I see, Scott, is this. The first thing that has to happen is that the Speaker has to make a ruling of some sort that there actually is a bill that qualifies as being omnibus in some impermissible way. You can understand that if you were the Speaker, you would not relish having to initiate this. You would want to get some kind of sign from the Commons that it's appropriate.

**Mr. Scott Simms:** That's the point.

**Mr. Scott Reid:** Here is the next step. In the context of a minority government, I can see how the Commons could indicate that by a vote. In the context of a majority government, a government bill will always be found by the majority of the Commons to be acceptable, unless there is some kind of substantial breakdown. I don't know how to deal with that problem. The Speaker needs to get some kind of guidance.

First of all, there is a problem. There is a bill that is impermissibly omnibusian—

**Mr. Scott Simms:** That's quite a Cirque du Soleil of verbiage—

**Mr. Scott Reid:** It does create an interesting visual image, doesn't it?

The secondary question is, having established it, how do you then divide it so that you don't get some kind of unintended consequence where the separating causes each of the two bills to be non-functional unless the other was also passed, that kind of thing?

I don't know how you would do the second part. That's more technically complex, but the first one is problematic in principle. How do you actually give the Speaker that power? Everybody here, at one point or another, has quoted the famous words of the Speaker to King Charles I, "I have neither eyes to see nor tongue to speak"—I'm not getting it quite right—"except as directed by the Commons whose voice or instrument I am."

The whole legitimacy of the Speaker comes from the fact that he is simply acting on the will of the Commons. In this case, how you convey that in the context of a majority government that has introduced an omnibus bill is something I just can't sort out.

This election promise is one of two election promises that were absolutely clearly stated: "We will change the Standing Orders to achieve this." I've had several weeks to think about this. How does one action this? If I were given the job just to draft this up, I don't know how I would do it. I'm trying to figure that out.

• (1020)

**Mr. Scott Simms:** I see what you're saying. In the beginning, when I first heard it, I was focused on the process of untangling all the bits of an omnibus piece of legislation. How do you group it? How do you do that? That seems very complex. Now that we discuss it, it seems that's probably more the path that is obvious. What's less obvious is who triggers that process

In a majority government, as you say, I guess this is why something has to be in the Standing Orders by which you would have to give discretion to the Speaker, if the Speaker finds that it is in the same way as this. If the majority of the House says yes at second reading, it implies we're accepting the general principles of the bill before it goes to committee. The Speaker has the power that if it's fundamentally changed during committee, if some of the driving principles behind the legislation have been changed—and it has been done; Speaker Milliken did it over back-to-work, anti-scab legislation, I think it was—and it goes against the principles of the bill, the Speaker rules the amendments out of order.

You can't do that. You've already said you accepted the bill in principle, and now you want to change the whole thing.

**Mr. Scott Reid:** That's right. It's outside the scope of the bill that is the—

**Mr. Scott Simms:** Right, it's outside the scope of the bill, so that gives the Speaker quite a bit of discretion right there. I guess I'm talking in circles, but I'm trying to zero in on what triggers the separation of omnibus legislation. Is that similar or no?

**Mr. Scott Reid:** It does. You're right about that, and that's probably the best analogy I can think of also.

I actually came up against a version of this with the Fair Elections Act. I wanted to put something into it after it was already in committee and was told that it would almost certainly be outside the scope of the bill. I think it would have resolved one of the most contentious issues associated with the bill.

That prevents a bill that is not an omnibus bill from being turned into an omnibus bill in committee. You can see that prevents us from doing what the American Congress does, where they get these riders that are attached so that by the time a bill on health care goes through, it's also building a military base in North Dakota, which was the price of getting the North Dakota senator on board. It's also making some change to heaven knows what, a hydro dam in some other state. Anyway, this prevents that from happening here, thank goodness.

I don't know. There's that question of how the Speaker gauges the will of the House in the context where the ministry has already put something forward saying it is acceptable, that whatever the omnibus rules are, they are regarded as being sufficiently coherent.

We had a version of that debate yesterday. I asked the Prime Minister about the budget. I asserted it has, at least, features of an omnibus bill. I channelled Gilbert and Sullivan, and said, "It is the very model of a modern major omnibus", but he disagreed with that assessment. He said that no, everything is linked together, that there's a budgetary reason, a financial component to everything that makes it justifiable.

There you go. We have two interpretations. I don't think the Speaker would want to say, "All right, here I go, off to decide whether this is true." If it does have add-ons, which add-ons should be sliced off? No Speaker would want to do that on his own. He'd want to get guidance. How we figure out guidance, how we step outside the simple "Liberals will say this and Conservatives will say that" situation is something I haven't resolved. I don't see how one does that.

**The Chair:** Mr. Simms.

**Mr. Scott Simms:** If someone were to rise in the House to say, "Mr. Speaker, we need your judgment to say whether this is omnibus legislation and has to be split in different ways", would you refer it to this committee?

**Mr. Scott Reid:** You could. You could start with his having a *prima facie* ruling, where he comes back. That's what he does on privilege. He comes back with, "Here are my tentative thoughts. You've asked me to go off and think. You're assuming that I am, as Speaker, possessed of a certain kind of wisdom and reflection, which may not be literally true but I have the clerks at my disposal."

**An hon. member:** On division.

**Mr. Scott Reid:** "By the time we're done it will look like some wisdom, and that wisdom will always be as to the precedents the group of us here may have thought of, and I've already taken advice from the House on some preliminary thoughts others have had."

Maybe something like that might be.... That's one of the best guideposts I can think of at the moment.

•(1025)

**Mr. Scott Simms:** Interesting. Thank you.

**The Chair:** Thank you.

Given that was a perfect example of the Simms protocol, I might just explain it to those viewing. In this committee, given that in this procedure the speeches can be very long, the committee has been very flexible and has allowed what's called the Simms protocol, so that if someone has a short comment on a particular item that's come up in a member's speech, if the member who has the floor will allow it—and they always have, to date, in these meetings—then the member can make a short interjection. This might lead to some other members having short interjections, a little discussion on that particular point in the member's speech. I think it's been very useful, actually.

**Mr. Scott Reid:** Mr. Chair, all of this is in the context of the practice in the House that with unanimous consent you can do anything without establishing a precedent.

**The Chair:** Yes, agreed.

Mr. Genuis, I have a quick question. Have you read or briefly looked at the budget implementation bill, the present one?

**Mr. Garnett Genuis:** I read through most of the budget. I haven't spent a lot of time on the budget implementation bill yet. I know the outline of it but....

**The Chair:** I was just wondering if it primarily dealt with items that were in the budget or if there were any glaring exceptions to that.

**Mr. Garnett Genuis:** This is exactly the point, specifically about budget omnibus bills. Of course they deal exclusively with things that fall within the areas in which the federal government spends money, but that is everything. If the relationship is that it's part of the economic plan, part of government expenditures, that is a wide enough theme that it could catch everything under it.

This was precisely the same argument that was used under the previous government to advance legislation, which members of the current government thought constituted an improper use of omnibus legislation, as opposed to a proper use of omnibus legislation, whatever that distinction is.

This is the point, isn't it? We don't typically see governments in the middle of June coming forward with a Christmas tree bill that covers a bunch of different themes that are in the budget. We see governments bringing forward legislation that covers a large number of themes insofar as they are all related to the fiscal and economic plan of the government. It's hard to envision a system in which that would not be the case.

I know, having just read the budget, that there are many issues dealt with that certainly go outside the narrower scope of government spending.

There are a few obvious examples that come to mind. I think it is page 93 of the budget that talks about unpaid internships. We vote on the budget in principle, so that's a form of an omnibus as well. I may actually have the page number wrong, but there is somewhere in the budget that talks about phasing out unpaid internships unless they are part of a designated educational program.

I suppose that has some relationship to the economy insofar as it deals with education, training, and how young people get into the workforce, but it doesn't involve spending. It's not a question of the immediate economic situation in terms of things that are or are not going to create economic growth right now. Really, it's more of a question of justice and liberty than it is a question of economics. It's a question of whether it is just and fair for the government to restrict people from engaging in voluntary arrangements that they consent to.

If someone chooses to volunteer for free in my office because they feel that the experience they're getting is valuable, I would be of the view that it's not really up to the state to tell them, "Sorry, but you're not allowed to volunteer there because we don't think that you are competent to make that decision for yourself." I would argue that on the basis of the principles of freedom and justice vis-à-vis those individuals. On the other hand, the counter-argument is that these relationships in which people are working and not getting paid are inherently exploitative, or at least have the potential to be exploitative. I think that to outlaw unpaid internships in all cases, except as part of a formal educational program, because there is a risk of some degree of exploitation is massive overkill.

At the end of the day, someone might sign up for an internship and find that rather than getting valuable experience, all they were being asked to do was to file and photocopy, but it would be up to that person at that point to decide if they thought it had value or not, and to quit if they didn't think it had value. These are the kinds of things people do in a free society. They make decisions in response to the information and incentives that are in front of them.

I don't agree with that particular provision of the budget. It's an example of something that seems pretty far off the track of formally dealing with budget measures, and yet it has some relationship, I suppose, to the spending of the federal government insofar as, if there's going to be a movement against unpaid internships, it will require some kind of enforcement by the government, some kind of definition of what qualifies as a legitimate educational program, and some kind of process of adjudication. That's something in the budget that could lead to the incurring of an expenditure down the line, but it seems pretty far afield if you're just trying to focus on what narrowly fits within the budgetary policy of the government.

• (1030)

There are some changes to the temporary foreign worker program that are in the budget as well, which deal with whether or not labour market opinions are required in certain cases, the ratios in certain workplaces, and so forth. Those are changes that have implications for the economy, of course, because some of those provisions deal specifically with temporary foreign workers who are also caregivers. That has implications for health. There are lots of ways in which this particular immigration policy changes the implications for other policy areas, but changes to the temporary foreign worker program

are not, at least in a narrow or direct sense, the sorts of things you would think of as being part of the budget.

**Mr. Scott Reid:** Garnett, my apologies, but do you mind if I say something?

If it's still okay with Garnett....

**The Chair:** Mr. Reid, go ahead.

**Mr. Scott Reid:** As you were saying this, the thought occurred to me that if we are trying to figure out whether budget implementation bills include items that ought not to be in them, the best way of doing this might be to look at the history of budget implementation bills in Canada and see how they have developed. Perhaps there was a golden age when all they did was something much narrower.

As we know, the fundamental role of the government is to secure supply for the ongoing operations of Her Majesty's business. The fundamental role of the House of Commons is to decide whether or not supply ought to be granted. The budget, effectively, is a way of saying, "This year, we are changing our priorities and the supply we're going to need is going to be different."

I'm assuming that some stripped-down version of that was what happened in the early days. If we looked at where we've been, we might figure out whether there was some point at which we crossed beyond what's permissible, and see if we could roll back to that point. We actually have many precedents.

**The Chair:** That's an interesting point. Maybe we'll ask the researcher to get us some information on that.

**Mr. Scott Reid:** I was going to suggest that this would be reasonable. It might be a good way of approaching that.

It's clear that there is such a thing as a bill that from one angle looks like an omnibus, which all of us, I think, take to mean a bill that has too much in it to be characterized by a single narrative. On the other hand, sometimes we have a single but very complicated narrative.

I'm reading *Remembrance of Things Past*, which is a 3,000-page novel that includes many different themes all linked together. That is not true with Flannery O'Connor's short stories that my colleague Mr. Genuis is reading, each of which has a very clear, narrow theme.

It can be legitimate in certain cases, so perhaps the way to sort it out is to look back at what has happened in the past.

**The Chair:** An example that you and I would remember from two Parliaments ago was a budget implementation bill that made a whole bunch of changes to the Navigable Waters Protection Act that really had no reference to money or anything. That wasn't the purpose of the changes.

**Mr. Scott Reid:** That would be a good example.

**The Chair:** Okay, when the researcher gets back, we'll ask him to look into that for us. That would be interesting.

Mr. Genuis, go ahead.

**Mr. Garnett Genuis:** Thank you.

I remember debate on the changes to the navigable waters act. Of course, the argument the government used at the time with respect to the navigable waters act was that the changes were designed to facilitate a more effective process for the adjudication of economic development proposals. I don't think that's any more outside the budgetary policy of the government than the question of unpaid internships or the temporary foreign worker program. This is the whole problem of the government's being concerned about the improper use of omnibus legislation without actually defining what "improper" is or isn't.

Mr. Reid, your comparison of Proust and O'Connor is, I think, revealing. I don't think it's quite true to say that Flannery O'Connor's short stories each, individually, develop one particular theme. It's perhaps more true than it would be to say that Proust, in the novel you have, only develops one theme. Of course, there are many, many themes in—

**The Chair:** Okay, okay.

**Mr. Garnett Genuis:** Sorry. What this speaks to, though, is that you can't necessarily narrowly say what is and is not omnibus. What is one theme or multiple themes is invariably, to some extent, in the eye of the beholder. O'Connor's short stories are anything but simple thematically.

Anyway, on to the questions raised in the earlier interventions with respect to omnibus. I think Mr. Simms had some interesting points. There is a distinction when we think about the role of the Speaker. Once we pass this amendment and have a chance to proceed to the study, it's probably worth actually getting some former Speakers in here to share with us how they would conceive of the role of the Speaker. A lot of reforms we might want to see, if we're going to get out of this challenge of parties always taking their own sides, is to have an enhanced role for the Speaker, but there are some potential challenges.

Examples have been raised of powers that are given to the Speaker, but I would argue that the existing powers, even with respect to things that may, on face, seem substantive, involve interpreting something that is interpretable. It's not the exercise of discretion based on basic philosophy. They're not coming to conclusions without clear criteria. They're interpreting to some degree with criteria.

One example used was a committee seeking to amend a piece of legislation beyond the scope of the legislation passed at second reading. This can happen, and examples were given where a bill has passed at second reading and an amendment has been proposed at committee and perhaps passed by the committee, but the Speaker has been of the opinion that it goes outside the scope of the bill.

For the benefit of those watching, an easy example is a bill that deals with the question of increasing the salaries of associate ministers. If someone were to amend that bill to add a provision changing marijuana laws, that would clearly be outside the scope of the legislation and not appropriate. Let's say the committee made the error of allowing it to pass at the committee stage. It would then be up to the Speaker to not allow that to go forward. That, I think, would be a clear case. There might be more ambiguous cases, but the Speaker would be charged in that case with looking at the scope of the bill at second reading and identifying whether the amendments,

the potential new provisions, fell within the scope that had been established. That's very different from asking the Speaker to make decisions without clearly established parameters.

• (1035)

The point with respect to omnibus legislation is that we don't really have a coherent definition of what constitutes an omnibus bill. If through this process clear criteria could be established for what falls within a theme or doesn't fall within a theme, which would be very difficult to do, it would make it much easier to ask the Speaker to make those interpretations. But if the government House leader's discussion paper can't decide, and if through a study we can't even establish what is and is not omnibus, then there is a problem if we ask the Speaker to make decisions on the basis of non-existent criteria, especially when we're struggling to identify what the criteria are.

Yes, there can be a use for the Speaker's discretion. It was pointed out that the Speaker groups report stage amendments. That's also something the Speaker does, but it is on the basis of certain established precedents and rules that this new power simply wouldn't provide.

The question of the process by which this would happen is interesting. It has the potential to raise some new questions when it comes to the efficiency of legislation, especially when you're talking about something like a budget, which is supposed to go through in a certain clear period of time.

Essentially, it would be difficult for the Speaker to make these calls without arguments being brought to him with respect to those issues. If there were a Standing Order that allowed the Speaker and required the Speaker to split bills under certain circumstances, then you would see points of order and arguments to the Speaker on that basis, as it is the right of members to raise points of order to the Speaker when members perceive violations of the Standing Orders. The Speaker, to be fair, would have to allow various arguments and counter-arguments with respect to what was actually omnibus and what wasn't. The Speaker would consider those arguments and might make a ruling. Would the Speaker's word be final at that point? Would the bill be split? Would he find, as we've discussed in the context of privilege, a prima facie case that the bill needed to be split, and therefore there would be further debate on whether the bill would be split?

The question, given the ambiguity, is whether this would create a situation in which virtually every piece of legislation, including private members' legislation, might be challenged on the basis of being omnibus. How would that impact the efficiency of debate in our legislative process when, on an ongoing basis, we were debating and meeting to evaluate these questions of relative "omnibus-ness"?

I guess I worry that by trying to overly control this process, we would find ourselves in a situation where the process would be much more cumbersome, because we would be spending so much time debating and evaluating the relative degree to which a bill was omnibus and whether it fell within the acceptable parameters. Through that process, we would find ourselves weighed down by more and more procedural debates. As much as I enjoy procedural debates, the goal is ultimately to facilitate more opportunities for substantive conversations about these issues, conversations that are limited if there are ambiguous criteria we're constantly trying to interpret.

I think Mr. Reid and Mr. Simms made the point very well that you can't think about omnibus bills, or not, as a strict binary. There is a scale. There are bills that are more omnibus and less omnibus, so you would have to establish a way of measuring that scale, and you'd have to define where the acceptable line was.

This raises a host of problems. It seems like the question of policing omnibus legislation is one of those things, like a lot of things in politics, or even in life, that seem like good ideas, but when you start going through how they would be operationalized, you start to realize that maybe it's not worth the trouble of actually having this policing process for omnibus bills.

• (1040)

Maybe it is worth it, but it is a lot more complicated than it initially seems, and the process of administering an evaluation of those things would require us to go to a level of depth and detail that might entail other kinds of problems previously not foreseen.

Returning to the discussion paper provisions with respect to omnibus bills:

Since the Clerk of the House has the power in Standing Order 39(2) to divide written questions, a similar approach could be used by the Speaker to divide omnibus bills. The Speaker's authority could be prescribed by criteria to define and establish a "unifying theme" of the bill.

Every bill has a unifying theme. It's just a question of the broadness of the theme and the degree to which that theme conceivably has some relationship to the various provisions of the bill. When you have a theme like the economic program of the government, you can pretty much include anything in it, but is that really what we want to see? That's an important question for the House to consider.

Like so many of these—

• (1045)

**The Chair:** Yes, Mr. Christopherson?

**Mr. David Christopherson:** Thank you. I'm very much enjoying this. There's a lot of in-depth thought about omnibus bills. One thing occurred to me. I wonder, through you, Chair, if the speaker knows whether there's any legislation, either in Canada at the provincial level or within the Commonwealth, that has addressed this.

One of the things we've talked about is the practicality of it. It makes good sense if we compare it to other powers the Speaker has in terms of adjusting things based on fairness and other criteria. I wonder if there are other jurisdictions that have gone down this road and done some of the homework so we could reflect on that. If my

friend is not aware himself, perhaps our analyst can chime in or give us a sense that this is something we can look into and report back on.

**The Chair:** Yes. We'll get our researcher to answer.

**Mr. David Groves (Analyst, Library of Parliament):** The Library of Parliament has a publication on omnibus bills I can circulate to the committee.

I know that Quebec actually has in its Standing Orders something giving the power—I don't know if it gives it to the Speaker—to prevent omnibus legislation and to consider it to be out of order.

I'll circulate the—

**Mr. David Christopherson:** That will be helpful. Why reinvent the wheel if someone else has taken a crack at this? Given the depth my friend has been going into, I think this could be helpful too.

Thanks very much, Chair. I appreciate the intervention.

**The Chair:** That's a very good point. It's great that there's something available for us.

**Mr. Garnett Genuis:** Do you know if it has ever been used in Quebec? It's one thing to say it's in the Standing Orders, but I'd be curious to know if there has ever actually been a case where arguments have been made and an adjudication has been made. Perhaps the existence of the Standing Order acts as a sufficient deterrent that it's not needed, or perhaps it's there but it's not effective. Do you have any sense of the use of it?

**Mr. David Groves:** I do not, but I can look into the matter and come back to the committee.

**The Chair:** Mr. Genuis.

**Mr. Garnett Genuis:** I'd be very interested in that. It would provide us with some context for understanding what can actually be done.

The other point I'd make is that like a lot of things, you can say that the rules aren't perfect and that they provide for what some people might consider an abuse. But any time someone stretches the rules, there's a public debate about it. When a government uses time allocation, as they are allowed to do according to the rules, there is a public conversation about that. When the government brings in omnibus legislation, it's ultimately up to the public to evaluate, on the basis of what they're hearing about the bill, whether it is a proper use of the legislative process.

We can look for ways in which people within this place, committees, the Speaker, and perhaps other bodies make and enforce rules. There is some political accountability there as well. This speaks to some of the complexity around omnibus bills.

Here is the argument the government House leader uses for the approach in the discussion paper. She says:

This approach would allow for the divided bills to be debated together at second reading, report stage and third reading but would be subject to separate votes at each stage. In addition, the divided bills could be sent to separate committees if the subject matter of the bills warranted such action.

I'm a little bit confused about what the intention is, because this document speaks of dividing bills, but then it says "this approach would allow for the divided bills to be debated together at second reading, report stage and third reading". I don't quite know what that means. If you have separate bills, then you have separate bills, which means that they are debated on different days. They're not only voted separately but are debated at separate times. Perhaps something else is meant by this, that the divided bills would be debated relatively close to each other. That's one thing, but it makes me wonder, looking at the text in this discussion paper, if what's actually envisioned by the government House leader is not a full separation of bills but something in between, a sort of semi-separation. There would be separate votes but not actually the separation of them.

I will say that there's a very simple solution to the feeling that you need to vote for a bill that contains elements you like and don't like. That is simply the question of report stage amendments. The process we follow, generally speaking, is to have fewer and fewer report stage amendments. There was a time when report stage amendments could be brought forward fairly easily, but then the change was to say that report stage amendments could be moved in the House only if they couldn't have been moved in committee or in certain exceptional circumstances.

Changes have been made to now allow members of non-recognized parties and independents to move amendments at committee. It's interesting that some people, Ms. May in particular, have objected to this on the basis that the only effect of allowing them to move amendments in committee is that it prevents them from moving amendments in the House at report stage. I argued when we discussed this at committee that really, this is a question of what privileges members have in relation to each other, because if members of non-recognized parties can move amendments at report stage and members of recognized parties cannot, that introduces a certain advantage for members of non-recognized parties.

The process, over time, has been to tighten allowing the movement of amendments at report stage. It isn't clear whether what the House leader is concerned about is dividing the bills in terms of debate or dividing them in terms of having separate votes. You could just reverse that trend and have greater latitude for the moving of report stage amendments.

• (1050)

The interesting thing is that it's up to the Speaker already in those exceptional circumstances. As I talked about in the context of Bill C-14, there are provisions in the Standing Orders that allow the Speaker, in exceptional circumstances, to allow the consideration of report stage amendments, even if they've already been considered at committee, but only in exceptional circumstances dealing with issues of a certain importance.

Yes, one might say that it's difficult to ask the Speaker to evaluate the relative importance of bills that come before the House and decide that these are important enough to have report stage amendments and those are not. Certainly, in the case of the euthanasia legislation, Bill C-14, I think it was quite obvious that this was an issue of grave importance for the House and for all Canadians, so the Speaker allowed report stage amendments to be

made, even report stage amendments that had already been moved at committee, so we had report stage votes.

Of course, when you have report stage votes, that takes a bit more time. There's a potential interaction between this and the provisions on electronic voting. I'm not ready to take a definitive position one way or the other on electronic voting, but part of the concern about report stage amendments and having a whole host of report stage amendments is the amount of time they would take in the House. When people can constantly move forward a whole bunch of report stage amendments, then on all legislation you could have a massive amount of time spent voting at report stage. That would make the business of the House very difficult in terms of proceeding in an effective way. If you had procedures for electronic voting, perhaps it would be easier to introduce more report stage amendments, which would also address some of these concerns about omnibus legislation, because at least you would have separate votes taking place.

On the other hand, there are still some fundamental problems, legitimate questions, at least, with electronic voting. In the same podcast I referenced earlier in my remarks, Kady O'Malley talked about the fact that she was opposed to electronic voting, because she felt that the kind of democratic accountability exercise associated with members standing and voting was important.

If you had a whole list of report stage amendments, and you were voting on them electronically, and it happened every time, I would worry that it would, in a sense, increase the amount of effective control political parties had over members, because it would be impractical for every member to know all the details of every report stage amendment in the event that there was a very large volume of report stage amendments coming forward.

The solutions to this are not easy, but it is possible that more votes at report stage would go some way to addressing some of these concerns.

The theme I keep coming back to when I talk about changes to the Standing Orders is that there is an inclination by some to say that we have to, not quite burn the whole House down and rebuild it, but fundamentally re-engineer this place to make improvements. I don't think we need to fundamentally re-engineer this place to make improvements. I think we can make certain improvements that leverage the existing strengths we have. Rather than creating a completely new process for the adjudication of omnibus bills, using report stage amendments more would use a procedure we already have to greater effect.

• (1055)

**The Chair:** Is this a good place to stop?

**Mr. Garnett Genuis:** Yes.

**The Chair:** As edification for the study the researcher will be doing on implementation bills, I'm going to read from a Library of Parliament document on the financial cycle of Parliament, which might have some interesting information on this topic we're discussing.

It talks about the budget. There has to be a ways and means motion for the spending in the budget. On the budget implementation bill, there's a short section that states:



To implement various measures associated with the budget, the government introduces budget implementation bills. As with other legislation, these bills are given three readings in the House of Commons and the Senate and are referred for review by committee—usually the House of Commons Standing Committee on Finance and the Standing Senate Committee on National Finance.

There are often two budget implementation bills associated with a given budget, one in the spring and one in the fall, and changes to taxation announced in the budget are usually included in budget implementation bills rather than in separate tax bills.

The size of the budget implementation bills and the inclusion of items not related to the budget have been the subject of discussion.

Yes, Mr. Christopherson?

**Mr. David Christopherson:** Mr. Chair, would you please confirm for me the speakers? I understand that we are coming back on Tuesday, two weeks from now. Would you confirm that again? I think you did last night, but for the benefit of us now, exactly when are we coming back, and could you give us the speakers list, as it now exists, please?

**The Chair:** When we come back, Mr. Genuis will have the floor. Then it will be Mr. Christopherson, Mr. Simms, and Scott Reid.

**Mr. David de Burgh Graham:** Would you put me on the list again?

**The Chair:** You want to be on the list? David Graham.

**Mr. David Christopherson:** You are confirming that we're coming back on the Tuesday at 9 a.m.

**The Chair:** Yes, I'm just going to say that.

Is there anything else? We're going to suspend—

**Mr. Scott Reid:** No, don't suspend yet. I have one more question.

I'll just make the same request I've made before. We are facing a two-week suspension. There's a much higher degree of probability than there has been at any point in the past that this will result in time for a resolution to have been achieved by the House leaders of the

various parties. In the event that this occurs, can we also be prepared to switch over and have a regular 11 a.m. meeting for which the subject matter would be the review of the CEO's report on the 42nd election?

● (1100)

**The Chair:** Yes, we'll do that. That's great. It's a good suggestion.

Okay, we're going to suspend until the Toronto Maple Leafs win the Stanley Cup or until Tuesday, May 2, at 9 a.m., whichever comes earlier.

● (1100)

\_\_\_\_\_ (Pause) \_\_\_\_\_

● (0900)

**The Chair:** It being 9:02, good morning. Welcome back to the 55th meeting of the Standing Committee on Procedure and House Affairs. This meeting is being televised. Prior to our suspension on April 13, the committee was debating Mr. Reid's amendment to Mr. Simms' motion.

Also, I'll bring your attention to the two excellent papers that we asked for, done by our research, one on the Standing Orders in Quebec's National Assembly dealing with omnibus bills, and the other one on the historical contents of budget implementation bills.

It is my understanding that all parties have signalled their intention to support the subamendment and amendment on the question of privilege currently being debated in the House. As members know, when this question comes to a vote it means that ultimately this committee will be seized with the matter of access to members of the parliamentary precinct.

Given this information, I'm happy to say that this 55th meeting finally stands adjourned.





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