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

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**Tuesday, June 10, 2008**

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**Chair**

**Mr. Paul Szabo**

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

Tuesday, June 10, 2008

• (1545)

[English]

**The Chair (Mr. Paul Szabo (Mississauga South, Lib.)):** I call the meeting to order.

Welcome, colleagues, to meeting number 40.

Our orders of the day for committee business are to resume debate on the motion from the Honourable Charles Hubbard. I would ask the clerk to read the motion to the committee at this time.

**The Clerk of the Committee (Mr. Richard Rumas):** Thank you, Mr. Chair.

Mr. Hubbard has moved

That the Standing Committee on Access to Information, Privacy and Ethics investigate the actions of the Conservative Party of Canada during the 2006 election, in relation to which Elections Canada has refused to reimburse Conservative candidates for certain election campaign expenses in order to determine if these actions meet the ethical standards expected of public office holders.

**The Chair:** We are resuming debate.

Go ahead, Mr. Hubbard.

**Hon. Charles Hubbard (Miramichi, Lib.):** Mr. Chair, first of all, thank you for the opportunity....

**The Chair:** Just a moment, please.

We had two points of order over here. Who wants to go first?

There is a point of order from Mr. Poilievre. Please state the nature of the point of order.

**Mr. Pierre Poilievre (Nepean—Carleton, CPC):** Chair, there's been a lot of debate and discussion about the portion of the Standing Orders that deal with the ethics code. I think the ethics code is the first appendix of the Standing Orders. Just as a point of clarification, on the record, I know that this committee has come—

**The Chair:** What is the specific point of order, please, Mr. Poilievre?

**Mr. Pierre Poilievre:** The point is that I want to get confirmation that members who are accused by the opposition or by anyone else of matters related to the motion are still permitted to participate in debate and discussion on the issue and also to vote.

**The Chair:** Okay.

This matter first came up with regard to the Thibault item at the Mulroney-Schreiber hearings. There was a point of order raised, I believe by Mr. Tilson, on whether the committee should recuse Mr. Thibault from participating in the debate.

The advice I got from our legal counsel and from the clerk was that the chair does not have the authority or the responsibility to recuse any member from participating in the activities of the committee and that, indeed, it is the responsibility of the individual members. Should anything arise, should they be aware of any reason whatsoever that would require them to recuse, it is up to them.

As far as I'm concerned, Mr. Poilievre, I am not aware of any reason. Certainly I believe that the case still remains, such that the committee cannot recuse.

**Mr. Russ Hiebert (South Surrey—White Rock—Cloverdale, CPC):** Are you taking into consideration a ruling by the Ethics Commissioner on the Thibault affair? Because she made it very clear—

**The Chair:** Order, Mr. Hiebert. I'm sorry. I'm dealing with the point of order by Mr. Poilievre, and I'm ruling on it.

It remains that the committee does not have the authority to recuse any member. That's it.

**Mr. Russ Hiebert:** Please clarify what the Ethics Commissioner had to say about it.

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

Now I have a point of order from Mr. Tilson.

**Mr. David Tilson (Dufferin—Caledon, CPC):** Mr. Chairman, I'd like to make a point of order. You've asked that we refer to the authority for making the point of order. I'm going to refer to Marleau and Montpetit. There are two sections I'd like to quote as to why I'm going to be making the point of order.

A point of order calling attention to a departure from the Standing Orders or from the customary manner in which a committee has conducted its proceedings may be raised at any time, by any member of the committee.

On another page it says,

Generally, the length of time to be devoted to a particular topic is a matter for the committee to decide. This may be done formally, by adopting a work plan, or by simply allowing committee members to discuss an issue until they are ready to make a decision.

The reason I raise those two quotations, sir, is that this committee has been spending a great deal of time reviewing the privacy legislation, even to the point where you asked members of the committee to submit names. I have submitted a number of names. I have submitted names from the Canadian Human Rights Commission. I have submitted names of officials from the Department of Public Safety on the border-crossing issue. I have submitted names from Transport Canada for the no-fly list, and Corrections Canada. I submitted the names from the Canadian Newspaper Association—Anne Kothawala and David Gollob. I submitted the name of the Information and Privacy Commissioner of Ontario, Ann Cavoukian.

All of a sudden, in the middle of the Privacy Commissioner, you, without consultation with the members of this committee or anyone else as far as I can see, decided to allow Mr. Hubbard's motion. Mr. Hubbard has proceeded. You do not have the authority to do that. It is for the members of the committee to make that decision. You are not the master of this place. The committee is the master, and you should do as the committee bids you.

I'm simply saying there's been no work plan. Any other committee that I'm on has a work plan to determine what witnesses we're going to call, what we're going to debate, and how long the proceedings might be, so that we can prepare for a report and know when that report might be made to the House.

Out of the blue, you allow a motion involving Mr. Mulroney. You allow a motion involving Mr. Hubbard. Out of the blue you proceed on the Hubbard motion. You've ruled it in order. We, of course, challenged you on that; however, you made that decision.

I'm saying to you, sir, when you get on a major study, which this committee is supposed to be looking at on privacy legislation, and out of the blue you change it to a completely different matter.... Even the Mulroney-Schreiber matter had nothing to do with that. Members can make notices of motion. It's perfectly appropriate. There may be an opportunity for that when we're studying a work plan. You may interrupt proceedings if the committee agrees, but it's not up to you, sir. The committee has never agreed to these things.

I, in good faith, gave you a list of names. I've never heard from anybody. I've never heard from you or the clerk as to what became of those names. Quite frankly, members of this committee should be looking at the names. There may be other names. I'd be interested in hearing what the other names are.

How in the world, sir, can you just unilaterally make a decision that we're going to proceed on Mr. Hubbard's motion now and completely ignore the study of the privacy legislation? How can you possibly do that? We have had fairly extensive hearings with witnesses, and we've studied that. You disregarded all of that and simply proceeded on something that has nothing to do with it.

I just don't understand, sir, why you're doing that, and I would suggest that you revert to the study that we had undertaken, which is on the privacy legislation. If we had a moment, or if the committee agreed through a work plan.... We can set up a work plan. We can show the number of days left, and it may get into the fall. You haven't done that. You just decided that you're the boss and you're going to do this.

●(1550)

So I am submitting to you, sir, that before we proceed with Mr. Hubbard, this committee adjourn into committee of the whole or into private session, and we conduct business as to when we're going to study these matters.

**An hon. member:** Hear, hear.

**The Chair:** Thank you.

First of all, Mr. Tilson, thank you for the intervention. You're quite right; the chair doesn't decide what we do, the committee does. And the committee in fact sustained the ruling of the chair that we deal with this matter. We gave notice of the meeting because today's meeting had no business that we could transact with regard to the privacy.

Now, with regard to the witnesses, I believe, if you check the meeting, both the clerks here gave response to queries by Mr. Hiebert and by I think one other member about the witness situation. Responses were given fully by them with regard to that.

At our meeting, the meeting that Mr. Hiebert was unable to attend, we went through the lists that I had circulated to members. The members requested that we hear from the corrections people. That was the area. That was the last time, to my recollection, the committee had that before them. This is in accordance with our standard practice, which is that members are entitled to suggest possible witnesses, with rationalization or justification, for the committee to consider.

So it is the committee itself as a whole, not the chair, that will agree upon the work plan or additional witnesses. You're absolutely right there. We haven't done that because we have not had that discussion.

Today at this meeting there were no witnesses. They were supposed to be here; we had tried. Then the commissioner was to be here, but the commissioner is not available. We have motions from members. We dealt with Mr. Martin's motion on the recall of Mr. Mulroney. There was a second item on the agenda of that meeting, but because that particular meeting took the entire time, we didn't have an opportunity to complete the work of that day.

So as the chair, without any privacy work scheduled for today, I put out notice of this meeting that we would resume the committee business that was outstanding from a prior meeting, which was in fact properly given notice. It was ruled on. It is in order.

I'm now going to go to debate.

Mr. Hubbard, please....

Order.

**Mr. David Tilson:** Mr. Chairman, surely I have the right to respond to what you say, given the number of inaccuracies. I have a right to clarify what those inaccuracies are. If you think I've said something inaccurate, I trust you will say that, but you haven't done that. On the things you've just said, which I submit to you are not true, I have a number of comments.

**The Chair:** Order, Mr. Tilson.

To the best of my knowledge, and in consultation, I have made a ruling that we are proceeding. This is in accordance with our normal practices. I have made a ruling.

Carry on, Mr. Hubbard.

**An hon. member:** You ought to be ashamed of yourself. You have no right to proceed in this fashion.

•(1555)

**Hon. Charles Hubbard:** Thank you, Mr. Chair.

I regret that the members opposite are somewhat—

**An hon. member:** This is like a dictatorship.

**The Chair:** Order!

**An hon. member:** Let the chairman speak.

**The Chair:** Order!

**Mr. David Tilson:** You don't have the floor any more. I asked for the floor. I have a right to comment on what you said.

**The Chair:** I have made a ruling, sir.

**Mr. David Tilson:** You're not going to allow me to say anything else.

**An hon. member:** You are strong-arming the membership. You ought to be ashamed of yourself.

**The Chair:** I have made a ruling on that, sir.

Order.

**Mr. Pierre Poilievre:** Mr. Chair, I have a separate point of order.

**The Chair:** On a point of order, Mr. Poilievre.

**Mr. Pierre Poilievre:** Page 829 of Marleau-Montpetit indicates a number of things. I'm going to zero in on the point that needs addressing here and now. Being that you do ask for direct citations from the page in question, I will read it.

The chair of a committee is responsible for recognizing members and witnesses who seek the floor and ensuring that any rules established by the committee concerning the apportioning of speaking time are respected.

That's fair, no argument there.

Furthermore, the Chair is also responsible for maintaining order in committee proceedings.

Finally, it states:

However, the Chair does not have the power to censure disorder or decide questions of privilege; this can only be done by the House upon receiving a report from the committee.

This deals directly with the question the honourable member was raising, which is that his right to speak cannot be.... I refer to pages 857 and 858.

**The Chair:** Order. Order, please!

When I call order, that means the chair has the floor.

Mr. Poilievre, regretfully I have to say that you are continuing to deal with a matter that has been ruled on already. I am going to move to—

•(1600)

**Mr. Pierre Poilievre:** No, I have a separate point.

**The Chair:** No, I gave you the opportunity.

Mr. Hubbard, please carry on.

**The Chair:** Order.

Once the chair has ruled on a particular point of order—

**Mr. Pierre Poilievre:** You have not heard my point of order.

**The Chair:** We have to respect the translators back there. It is impossible for them to keep track if more than one person is speaking at a time.

When a point of order is called, the member must immediately state the standing order that has been breached and then start explaining it. When we start an explanation without advising the committee what standing order has been breached, and the reason, then we get into an awkward situation.

I ruled on Mr. Tilson's point of order, then I went to debate. Mr. Poilievre, I'm sorry, but you wanted to continue the debate on the item of Mr. Tilson. We can't do that.

If you would like to pose a point of order, tell me the point of order right now. I want to know, so that I can have a good starting point rather than listen to some other conversation.

I'm going to recognize you now on a point of order, but please, let's understand what a point of order is. It's not simply an opportunity to get the floor and speak. It has to do with our rules, practices, and procedures.

I'm going to recognize you on a point of order.

**Mr. Pierre Poilievre:** All right, I have the floor now. Thank you.

I understood you were going to pull up some standing orders here. I have a standing order, and that was the standing order on which my point was going to be raised.

**The Chair:** To the point of order, please, immediately.

**Mr. Pierre Poilievre:** It is Standing Order 19.

Standing Order 19, which is met with a side note in the Standing Orders, states that on points of order, the Speaker may allow a debate. The entire standing order reads, and it's very short:

Any Member addressing the House, if called to order either by the Speaker or on a point raised by another Member, shall sit down while the point is being stated, after which he or she may explain. The Speaker may permit debate on the point of order before giving a decision, but such debate must be strictly relevant to the point of order taken.

That's exactly why I was pursuing a relevant, germane argument earlier related to the Standing Orders and to Marleau-Montpetit. You are empowered and—as it is strongly implied by the spirit of this standing order—required to allow a debate on points of order.

**The Chair:** Order.

**Mr. Pierre Poilievre:** Let's bring it to a conclusion here and just wrap it right up.

The point is, Chair, that I understand that these are difficult questions, but we have to permit a debate. We have to allow the voices to be heard. These voices are backed up by hundreds of thousands—

**The Chair:** Order, please.

Mr. Poilievre, you read the standing order correctly. It says that the chair may allow debate.

Mr. Tilson's point of order—

**Mr. Pierre Poilievre:** Point of order.

**The Chair:** Order. I'm in the middle of speaking here.

Mr. Tilson's matter was ruled not to be a point of order. It was not a point of order because....

Order. Don't push it. We have to....

**An hon. member:** Who's doing the—

**The Chair:** There was no point of order. The chair has the discretion but not the obligation.

**Mr. Pierre Poilievre:** Point of order.

**The Chair:** That's it.

I'm moving to Mr. Hubbard now. Mr. Hubbard has the floor.

**Hon. Charles Hubbard:** Thank you, Mr. Chair.

First of all, I'm sorry that we seem to be involved in a—

**Mr. Pierre Poilievre:** Chair, you must recognize a point of order.

**The Chair:** Mr. Poilievre, twice you have ignored my admonitions to get to a point of order. In both cases, it was not a point of order. I've ruled that way. Now I'm going to move to debate.

I'm sorry, but you're being—

•(1605)

**Mr. Pierre Poilievre:** It was a point of order, Chair. You cannot prevent someone from doing a point of order. Which standing order permits you to ban people from speaking?

**The Chair:** I'm going to move to Mr. Hubbard.

Order.

Go ahead, Mr. Hubbard, please.

**Hon. Charles Hubbard:** Thank you, Mr. Chair.

It's rather a concern—

**Mr. Pierre Poilievre:** You can't ban someone from speaking.

**Hon. Charles Hubbard:** —that we have such an uproar from the people opposite.

First of all, I was rather disappointed, because last week, when we met on Thursday, this motion could have been dealt with very effectively within a very short period of time.

**The Chair:** Order please, Mr. Hubbard.

I understand that Mr. Tilson has called a point of order, and I will get to it in a moment.

**Mr. Pierre Poilievre:** So you were suggesting that I am not allowed to raise—

**The Chair:** Order, Mr. Poilievre. Please, we have to have some decorum.

**Mr. Pierre Poilievre:** May I go ahead with my point of order?

**The Chair:** No.

Order. I have the floor. I have the chair.

**Mr. David Tilson:** I suppose he can turn the lights out. That's next.

**The Chair:** On page 858 of Marleau and Montpetit, "disorder and misconduct" is the subject matter. It states: Disorder and misconduct in a committee may arise as a result of the failure to abide by the rules and practices of a committee or to respect the authority of the Chair. Disorder and misconduct also include the use of unparliamentary language, failure to yield the floor or persistent interruption of the proceedings in any manner.

The chair has some latitude, but we have business to do. Government members have business that they would like to do. The opposition parties each have the wish to also do business.

We do have matters of business before us. The chair has ruled that they are in order, we've given proper notice, and the first and only order of business on the table is the motion by the Honourable Charles Hubbard, who gave proper notice and his motion has been ruled to be in order.

We commenced this process. We finished at another meeting to accommodate witnesses we had on privacy but we agreed that we would continue with Mr. Hubbard at the next meeting, and that is on the transcript.

Would the clerk concur with that, that this is exactly what the committee decided?

Order.

There were no witnesses for today, and that's where we are now.

I'm sorry, but I want to move on with the order of the committee that we have. I understand that it's partisan, it's uncomfortable, and it's going to be very interesting I'm sure, but we need to move forward.

As soon as we finish disposing of this matter, I want to go immediately to the subject matter, again, of witnesses with regard to privacy, because we have no direction from the committee and we really need to do that.

I raise this, colleagues, because I don't want to get into a position where, if everybody is just going to talk to try to disrupt the meeting, nothing gets done at all. We really should try to do something. So right now....

Order.

Of course I can suspend or adjourn, but right now we have an order of business before us. It is the will of the committee to deal with this order of business, and we're going to proceed with it now. I'm going to ask Mr. Hubbard to make his brief opening remarks on the thing, but first I have to deal with Mr. Tilson's point of order.

Sir.

•(1610)

**Mr. David Tilson:** I'm only speaking in defence of my friend Mr. Poilievre, who in all good faith asked to speak on a point of order. You have completely ignored him. You would not hear what his point of order—

**The Chair:** Order.

**Mr. David Tilson:** Well sir, you would not hear—

**The Chair:** Order. You're debating, sir, and you're challenging. I've ruled that it was not a point of order.

**Mr. David Tilson:** No, I'm not debating. You do not have the right to simply ignore a member when he rises on a point of order. Mr. Poilievre, in all good faith, asked to speak on a point of order and you have ignored him.

**The Chair:** No, it was not a point of order. I ruled that it was not a point of order.

**Mr. David Tilson:** I'm sitting a number of seats away, and I have good hearing, and he said "I want to speak on a point of order."

**The Chair:** Yes, and he started to speak on yours that I had already ruled on.

**Mr. David Tilson:** No, sir.

**The Chair:** Yes, he did. That was my ruling, sir.

**Mr. David Tilson:** He then rose on another point of order. So you are not allowing him to speak.

**An hon. member:** Challenge the chair.

**The Chair:** Order.

**An hon. member:** It shouldn't be necessary to challenge the chair. This is what these rules are for, to give us direction. You simply want to co-opt this committee so you can do whatever you want.

**The Chair:** Order.

Mr. Tilson, that's debate. My ruling is that it's debate, it's not a point of order.

I want to go to Mr. Hubbard, please.

**Hon. Charles Hubbard:** Mr. Chair, thank you very much for the opportunity to bring this motion to the committee today. I was hoping that we would have dealt with it on Thursday last, but because of the length of the meeting we couldn't get to it. I'm sure today that when members hear what I have to say they will want to look at this issue.

We know that the Elections Act is important to each of us. In fact, when the last election was held, more than a thousand Canadians took it upon themselves to attempt to become a member of Parliament. As a result, we have over 300 members in the House who were elected and declared elected by Elections Canada and its agents.

During an election campaign, we have certain basic understandings and commitments under which we have to work. One of these commitments deals with the amount of money that we can spend in each constituency. With regard to this spending of money, each of us must have an official agent who works with us in submitting to Elections Canada, within days after the election, a report of the spending for that election constituency.

We know that the intent of the Elections Act is that the money spent in a particular constituency is to be spent directly in that constituency on behalf of the candidate with whom the official agent is working. Following the last election, there were concerns on the part of Elections Canada that some candidates had not submitted proper returns. We're not sure of that, but I know that there are members in the House who are under a cloud because, according to Elections Canada and the Elections Canada Act, they have never officially completed their returns for the election in 2006.

When we submitted our reports, as all members around the table did, each of us had to concur with his or her official agent that the bills as submitted and the report as returned clearly reflected the happenings within the constituency.

Most of us have been officially declared elected. Many of us still wait for a return from Elections Canada, by which some 60% of the spending in that constituency is returned through the official agency to the constituency association. It would appear that in some situations money was sent in and out of constituency offices without being directly spent within that constituency. I know that members have answered questions on this in the House, but the answers have not supported the conclusion to which Elections Canada is adhering. We know that this is before a court, but I'm sure that many members who were affected would not want to continue as members of Parliament without having the matter clarified.

Looking at ethics in terms of access to information and privacy, we want to review the ethical standards of members of the House of Commons. This being a hot afternoon, I would hope that we vote quickly. After that, Mr. Chair, your steering committee can meet with you and determine which witnesses should be brought to the committee so that we can personally and directly look with them upon the standards and the ethics of the returns as submitted.

I hope that members will concur with this brief study. I'm sure it's in the best interests of all members of Parliament. Many of us may soon be going to elections, and money will be flowing back and forth. I would hope that everyone will be treated fairly under the law with respect to our ethical commitments.

Thank you.

•(1615)

**The Chair:** Mr. Hiebert.

**Mr. Russ Hiebert:** Thank you, Mr. Chair, for recognizing me on debate.

In a few minutes I will be moving a motion to rescind the vote that was taken on June 3, some days past. The motion to rescind the vote deals with sustaining the ruling of the chair. But before I move that motion, I thought it would be appropriate to make a few comments just to clarify the nature of this particular motion.

It's important to note that this motion is not a superseding motion, as it is not listed under "Superseding Motions" on page 450 of Marleau and Montpetit; nor is it listed on any of the remaining pages of that particular chapter—that's chapter 12, "The Process of Debate".

This motion does not require 48 hours' notice, as it is related to a matter at hand. I will remind members of the routine motion that we passed at our very first meeting on November 15, 2007. It states:

That 24 hours' notice be required for any substantive motion to be considered by the committee, unless the substantive motion relates directly to business then under consideration; and that the notice of motion be filed with the clerk...

And let me just say that I'm glad to see our clerk, Mr. Rumas back. I understand you dealt with some health issues, so we applaud your return to our committee and are glad that things are looking better for you.

...that the notice of motion be filed with the clerk of the committee and distributed to members in both official languages.

I would point out at this time that this motion relates directly to the matter at hand, as it relates to the matter we are currently discussing.

A similar motion to rescind a vote was recently before the human resources committee. It was introduced by a member of the Bloc Québécois. It was debated and was found to be in order.

Did you hear me, Mr. Chair: that it was recently debated before the human resources committee and that such a motion was found to be in order? I think there's a precedent there that we can hopefully follow.

I will now move the following motion.

Do you want me to write it down, Mr. Chair?

**The Chair:** I'll hear it first.

**Mr. Russ Hiebert:** Okay.

The motion reads:

That in reference to Standing Orders 18 and 116, the Standing Committee on Access to Information, Privacy and Ethics rescind the vote "that the Chair's ruling be sustained", taken at 3:55 p.m. during the 38th meeting of the committee on June 3, 2008, so that the vote may be taken again.

Thank you, Mr. Chair.

**The Chair:** Thank you.

The motion is out of order.

Just a moment. Wait for it.

We are presently debating a motion. The only motion that can be made must have something to do with an amendment to that motion. To change a decision is a whole new matter of business.

• (1620)

**Mr. Pierre Poilievre:** Mr. Chair, you are wrong. I move to challenge the chair.

**The Chair:** Order.

The chair has ruled it out of order.

**An hon. member:** Why?

**The Chair:** We have two very experienced clerks here who very quickly advised the chair, and I concur, that you can't make a motion when we have a motion that's already under debate. You could move a motion that is an amendment. That would be in order. You also could move a motion, a substantive motion, for instance, to move that the question be put or something like that. But you cannot move

a whole new order of business that would take us into a whole other matter of debate. You can't make a motion when there's a motion on the floor. So the motion is out of order.

Mr. Poilievre has challenged the chair on that ruling. It is not debatable, so I'm going to have to put the question immediately.

I'm going to ask all members of the committee who sustained—

**An hon. member:** Roll call.

**The Chair**—the decision of the chair that the matter is out of order to please raise your hands.

**Mr. Pierre Poilievre:** We have called a roll-call vote. You cannot deny that. It requires only one person, and it's not debatable.

**The Chair:** Okay, we'll have it recorded on division.

To sustain the chair would be a yes.

**Mr. Pierre Poilievre:** No, excuse me. There has not been a vote yet. There is a roll-call vote.

**The Chair:** No, but that's when they call it. And to oppose it...

**Mr. Pierre Poilievre:** There was no roll-call vote. We asked for a roll-call vote.

**The Chair:** Yes, I'm calling it, but they have to say yes or no.

**Mr. Pierre Poilievre:** But you said that the chair's decision has been sustained already. It has not yet been sustained.

**The Chair:** No, I did not. I said that a yes would be to sustain the chair when the roll is called.

**Mr. Pierre Poilievre:** Just to clarify, you can't sustain your own ruling. We require a vote.

**The Chair:** I know. Thanks for your help.

Could I have the roll call please?

(Ruling of the chair sustained: yeas 6; nays 5)

**The Chair:** Okay, we had Mr. Hiebert.

Now Mr. Wallace has the floor.

**Mr. Mike Wallace:** No, he has the floor.

**Mr. Russ Hiebert:** I still have the floor.

Mr. Chair, I'm going to speak to this issue.

I've heard Mr. Hubbard move his motion....

**Mr. Marcel Proulx (Hull—Aylmer, Lib.):** You're at a loss for words.

**Mr. Russ Hiebert:** No, I'm not at a loss for words. I'm trying to contemplate how to best communicate this to you so you'll understand, Mr. Proulx.

This all happened at the last meeting with some force and some abruptness. I sincerely regret that there wasn't an opportunity for further discussion about this particular motion, because it's clearly my understanding—and this is why I moved the motion I did a moment ago—that the Speaker of the House of Commons has already ruled on this kind of motion.

**The Chair:** Mr. Hiebert, we've already ruled on that matter. You'll have to move on to something else, please.

**Mr. Russ Hiebert:** I'm speaking to the motion. I can speak to the nature of the motion, Mr. Chair.

• (1625)

**The Chair:** What motion?

**Mr. Russ Hiebert:** Mr. Hubbard's motion.

**The Chair:** Well, I would ask you to speak to it. It is a motion on determining ethical implications of the in-and-out matter.

**Mr. Russ Hiebert:** I think I have the floor, Mr. Chair.

**The Chair:** I understand that, but please keep relevant to the motion before us now, which is the Hubbard motion.

**Mr. Russ Hiebert:** Are you finished? I intend to, Mr. Chair. If you'll give me the opportunity and if you show some restraint and not censor every thought you think I'm going to utter, perhaps you'll recognize after a moment or two of reflection that I actually have something to contribute to this debate.

Please have some patience, Mr. Chair.

I was saying the motion Mr. Hubbard has put forward deals with a matter I believe should rightfully be dealt with by another committee. Why do I believe this? I believe this because the Speaker of the House of Commons has made it very clear, because of issues related before this committee in the recent past.

In Marleau and Montpetit, on page—

**The Chair:** Order.

Mr. Hiebert, I just want to raise with you that the matter is in order in this committee, and to debate that it should go to another committee is not relevant to the motion before us.

Please be careful on this, or I'll have no alternative but to recognize another speaker.

**Mr. Russ Hiebert:** Mr. Chair, let me explain. You've cut me off. This is my time to explain to the members of this committee why I believe....

Are you listening, Mr. Chair? You need to understand this, because you don't seem to get it.

This is my time to explain to the members of this committee why I believe they should vote against Mr. Hubbard's motion. I am allowed to speak to these matters, because of the rights I have as a member of Parliament in this committee. If I want to cite references from Marleau and Montpetit or from the Speaker of the House of Commons as to why I believe this motion should not be voted for, I am free to do so.

You may not agree with me, sir. You may not like the tenor or the tone or the nature of my arguments, but you cannot shut me down when I have the opportunity to convince my colleagues. This is what the House of Commons is all about.

I'm chair of the Commonwealth Parliamentary Association.

**The Chair:** Order, please.

Mr. Hiebert, I agree with you fully. My only point to you was that it appeared to me that you wanted to debate whether or not this motion was properly before this committee.

Mr. Hiebert, I've ruled on it. It was challenged. It was sustained by the committee. It is properly before the committee, and any debate on whether this is properly before this committee is not relevant to the motion.

**Mr. Russ Hiebert:** That is not true, Mr. Chair. I am free to use my time in debate to try to convince my colleagues why they shouldn't vote for this motion. If I can pose a convincing argument that this motion should not even be considered here, that could be a reason that could convince them, that could tip them over the point of consideration as to why they should oppose it.

Before you rule me out of relevance, give me the opportunity to make my arguments, because you don't know the impact my words might have on my colleagues.

**The Chair:** Order.

I'm sorry, Mr. Hiebert, I've asked you three times, three separate instances on relevance. We have to stick to the motion.

I'm going to move on to the next speaker.

Mr. Wallace.

**Mr. David Tilson:** Point of order.

I'm getting more and more concerned, Mr. Chairman, as to how you continually interrupt speakers. Mr. Hiebert was giving an explanation as part of a response to the motion made by Mr. Hubbard.

Now you're interrupting me.

**The Chair:** Order.

**Mr. David Tilson:** You have absolutely no right to do that, sir, and if you'll allow me—

**The Chair:** Order.

**Mr. David Tilson:** So you're just not going to allow him to speak, is that what your plan is? You're just going to proceed this afternoon; you're not going to allow Mr. Poilievre to speak. Mr. Hiebert was next, and now me. All three of us you've turned down. The clincher will be if you start turning down Mr. Wallace and Mr. Van Kesteren, then we'll know—

**The Chair:** Order.

**An hon. member:** Mr. Chair, you can't do this.

**The Chair:** Order.

**An hon. member:** You don't have the authority.

**The Chair:** Order.

Mr. Hiebert, on the matter of relevance, I raised it with you three times. You cannot stray from the matter before the committee. It is the motion before us. It is not a debate on whether or not this committee should do it or whether it's in order. That's been decided already. That's not before this committee right now.

With regard to Mr. Tilson, sir, with all due respect, you took the floor on a point of order, and then you started to debate the merits, and that's not a point of order, as you know, sir. So I'm moving on to the next speakers.

Mr. Wallace.

Mr. Wallace has the floor.

**Mr. David Tilson:** That's absolutely not true. I spoke on a point of—

**The Chair:** Order.

**Mr. Russ Hiebert:** You can't deny me the opportunity to convince my colleagues. You can keep yelling "Order" throughout the afternoon, but sir, I am a fully privileged member of this committee.

**Mr. Marcel Proulx:** It doesn't show.

**Mr. Russ Hiebert:** It doesn't show, does it, because the chair is ruling me out of order.

**Mr. Marcel Proulx:** The way you're conducting yourself, it doesn't show.

**Mr. Russ Hiebert:** No, no, Mr. Proulx, he is the one who's preventing me from speaking.

**The Chair:** Order.

**Mr. Marcel Proulx:** You don't have respect for the committee, Russ. Come on.

**The Chair:** Order, colleagues. Order.

**An hon. member:** How sad.

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

**The Chair:** We shouldn't make a joke of this. Colleagues, I called for order.

I must deal with this in a way I would in any other circumstance, whether it's persistent interruption or not respecting the authority of the chair. I have the authority to move on to another speaker. I have found that too many opportunities.... If valid points of order are raised, there's no problem, but if they are debate or if they're trying to go back after someone has already done something, I can't do that. I have to do it on the basis of the way I've ruled. So I've ruled on all these matters.

Mr. Wallace has the floor, please.

●(1630)

**Mr. Mike Wallace (Burlington, CPC):** Thank you for the floor, Mr. Chair.

Can I ask you a question? I have an amendment to move. Is that okay? Can I move an amendment?

You're telling me that the notice of motion Mr. Hubbard has put forward, the motion we're dealing with is this one:

That the Standing Committee on Access to Information, Privacy and Ethics investigate the actions of the Conservative Party of Canada during the 2006 election, in relation to which Elections Canada has refused to reimburse Conservative candidates for certain election campaign expenses in order to determine if these actions meet the ethical standards expected of public office holders.

Is that correct, sir? Is that the motion that's on the floor now?

**The Chair:** The motion was read to all members at the start of the meeting.

**Mr. Mike Wallace:** I wasn't here, sir. I'm sorry. I'm here now, though. I have the floor. I'm assuming I can reconfirm that is the motion that's on the floor. Is that correct, sir?

I have an amendment. Can I move an amendment? I'm assuming I can move an amendment.

My first amendment of a number of amendments relates to "investigate the actions of the Conservative Party of Canada". So here's the amendment, adding into the motion:

and the Liberal Party of Canada and the Bloc Québécois during the election of 2006, in relation to the Canada Elections Act.

Am I not allowed to move an amendment? I'm assuming I'm allowed to move an amendment.

**The Chair:** Order, please.

I heard a point of order called.

Mr. Hubbard, please get straight to the point of order.

**Hon. Charles Hubbard:** Perhaps the clerk could explain to the committee what is meant by "public office holder".

**The Chair:** I'm sorry, Mr. Hubbard, that's not a point of order.

As I understand it, the amendment proposed by Mr. Wallace is to add the Liberal Party and the Bloc Québécois.

I'm going to rule this amendment out of order, Mr. Wallace, because it—

●(1635)

**Mr. Mike Wallace:** What? How? I'm not allowed to amend the motion? I've added people to it.

**The Chair:** Excuse me.

**An hon. member:** You're excused.

**Mr. Mike Wallace:** He's not reading my full amendment.

Mr. Chair, you have to read my full amendment, with a period after "during the 2006 election", and eliminate the balance of the motion.

That way, we're discussing the investigation of actions of all three parties in the election of 2006, period. The part about the public office holders and all those other things would be eliminated in my amendment.

**An hon. member:** I like that.

**Mr. Mike Wallace:** So that is in order, sir.

**The Chair:** Order, please.

I understand that the amendment deletes everything after the word "election" and putting in the Liberals and the Bloc Québécois.

The amendment is out of order.

**An hon. member:** Why?

**The Chair:** It is beyond the scope, and it changes the nature of the motion adopted by the committee, which was to look at the ethical....

Order! Order, please.

I have ruled that it's out of order for the reason that including other parties is beyond the scope and the extent of the motion adopted by the committee. Under the last paragraph of our mandate, it is specified that we deal only with public office holders, of which there are none in the Liberal or Bloc parties.

I would therefore rule it out of order for those reasons.

**Mr. Mike Wallace:** Can we debate that?

**Mr. Pierre Poilievre:** Brian Mulroney is not a public office holder.

**The Chair:** I've ruled it out of order. Excuse me. I've just made a ruling. The amendment is out of order.

Carry on, Mr. Wallace.

**Mr. Mike Wallace:** Can we speak to that, at least? Give us a chance to speak to that.

**Mr. David Tilson:** I don't know why I'm even in here. I have no idea why I'm sitting here. You won't let me speak. You won't let me say anything. You've even cut off my microphone. I can't make the microphone work. The lights are going next.

**Mr. Pierre Poilievre:** Is Brian Mulroney a public office holder?

**The Chair:** No.

**Mr. Pierre Poilievre:** Then why did you call him?

**The Chair:** I'm sorry. I've ruled on the amendment by Mr. Wallace.

**Mr. David Tilson:** You gave us no opportunity to speak on this.

**The Chair:** Because it's *prima facie* out of order.

**Mr. David Tilson:** Mr. Chair, surely to goodness you're going to hear reasoned arguments on this.

**The Chair:** Mr. Wallace, you have the floor. Do you want to continue?

**Mr. David Tilson:** You just jump in and say what you want to say before anybody can say anything.

**Mr. Pierre Poilievre:** Motion to challenge the chair.

**Mr. David Tilson:** You do that continually. You have no right to do that.

**The Chair:** Order, please.

The chair has been challenged by Mr. Poilievre. The chair has ruled that the Wallace amendment is out of order.

**Mr. Pierre Poilievre:** Roll call vote.

**The Chair:** We're going to have a recorded division if all the members who—

● (1640)

**Mr. Pierre Poilievre:** Point of privilege.

**The Chair:** Members, say yea if you sustain the decision of the chair. We will have a recorded vote, please.

(Ruling of the chair sustained: yeas 6; nays 5) [See *Minutes of Proceedings*]

**The Chair:** Thank you.

The ruling of the chair is sustained.

Mr. Wallace, you have the floor.

**Mr. Mike Wallace:** Thank you, Mr. Chair.

I appreciate the time you took and the debate you had among members on that, because we could have made some arguments on that point. But you ruled and it's been supported by the committee, unfortunately.

I have another amendment I'd like to bring forward, if that's reasonable. Are you ready with your pen? After “the actions of the Conservative Party of Canada” we would add—and let me finish before you jump on me—“and the Liberal Party of Canada”.

The reason for that amendment, before you discuss it and think about it, if we leave the rest “if these actions meet the ethical standards expected of public office holders”.... For example, Mr. Hubbard was a parliamentary secretary when the election took place. If there had been an emergency in this country the cabinet would have been called. All Liberal members who had been sworn in to the Privy Council were public office holders and were responsible at the time, regardless of whether an election had been called or not.

So I believe the Liberal Party of Canada is a legal entity that needs to be included in this amendment so we can discuss the issues that Elections Canada has with the Conservative Party of Canada and the Liberal Party of Canada at the same time, because they were public office holders at the time of the election—not when the election was over, but at the time of the election.

**The Chair:** Excuse me for a moment, please, Mr. Wallace. The clerks want to verify the amendment.

**An hon. member:** Why don't you wait until he's finished speaking? Let him complete his argument.

**The Chair:** Order.

Let's follow the simple rule that you can speak when you're recognized by the chair or calling on a point of order, ostensibly. But wait to be recognized. It's not helpful to anyone here to have too many people talking at the same time.

The amendment is very simple. It just adds “and the Liberal Party”. Is that what I understand?

**Mr. Mike Wallace:** That is correct, sir, and I started my—

**The Chair:** I understand that.

● (1645)

**Mr. David Tilson:** You asked him for an explanation, so let him give it to you.

**The Chair:** I know. Hang on for a second. I need to consult with the clerk.

Order, please.

Colleagues, I'm going to rule this amendment out of order for the same reason as the prior one. It's consistent with the ruling made by the chair on the prior motion. You have to be consistent. It's similar in terms of the scope problem.

**Mr. Mike Wallace:** They were public office holders—

**Mr. Pierre Poilievre:** They were public office holders.

**The Chair:** But they are not involved in the investigation of Elections Canada.

**Mr. Pierre Poilievre:** It doesn't matter.

**The Chair:** They are not named by Elections Canada as being the so-called "in and out".

**Mr. Pierre Poilievre:** Elections Canada doesn't decide who comes before our committee. We decide.

**The Chair:** I understand that.

I've ruled that the amendment is out of order.

**Mr. Mike Wallace:** Let me phrase it so you can think about this a little longer.

If this committee wants to show that the Conservative Party of Canada was in error in its interpretation of the act, would it not be wise to have the Liberal Party of Canada here telling us why they were not in error, based on the fact that they had public office holders as part of the system?

It doesn't make any sense to me that you can rule it out of order that one party is involved that has public office holders, and the other party that has public office holders, which I believe you agree with—there's one sitting at our table—has nothing to give to this study. I do not believe it.

I want to hear from the clerk, because I'm taking this to the head clerk to find out what they believe.

**The Chair:** I can advise members that the clerks do not make rulings. They are here to assist the chair.

**An hon. member:** And the members. You don't own them.

**The Chair:** Order.

**Mr. Mike Wallace:** Mr. Chairman, I'm entitled, as a mover of an amendment, to hear from the clerk, because I don't understand your explanation.

**The Chair:** I will advise you that the clerk said that to be consistent with the prior amendment you brought forward, it must be ruled out of order. That's how I was advised by the clerk, and I concur.

Order, please.

Mr. Wallace, order, please.

As you know, I'm trying to keep a record of the matters debated and the points made as we move along. I have to keep this up.

Mr. Hiebert, I'm going to repeat again for you that members should speak when they're recognized by the chair. You've done it a dozen times already this meeting, and I'm sorry, but it's making it difficult to keep the meeting going. Please respect the rules of the committee. Thank you.

Mr. Wallace.

**Mr. Mike Wallace:** Are you giving me an opportunity to talk to the main motion again? Is that what you're saying?

**The Chair:** You still have the floor on the motion.

**Mr. Mike Wallace:** If I challenge the chair, do I still keep my speaking spot on this? Because I think my amendment is in order.

**The Chair:** The chair has ruled otherwise.

• (1650)

**Mr. Mike Wallace:** I know, so I need to challenge you.

**Mr. Pierre Poilievre:** I challenge the chair.

**Mr. Mike Wallace:** Okay, thank you.

**The Chair:** We have another challenge to the chair.

We'll have a recorded vote.

**An hon. member:** Roll call.

**The Chair:** Order.

**Mr. Russ Hiebert:** Mr. Clerk, I don't think you're fulfilling your obligations to the member from Burlington. He deserves—

**The Chair:** Order. The clerk is in the process of calling a vote. Please, no interruptions.

**Mr. Russ Hiebert:** I oppose the ruling because I think you owe him—

**The Chair:** Order.

(Ruling of the chair sustained: yeas 6; nays 5)

**The Chair:** Okay.

Carry on.

**Mr. Mike Wallace:** Thank you, Mr. Chair.

I have another amendment I'd like to move. I'd like to remove the words "ethical standards" in the final sentence. I'm sorry, it's just the word "ethical"; I want to delete the word "ethical". I want to start with that one.

**The Chair:** Hang on for a second. I want to consult.

**Mr. Mike Wallace:** It might not be in order, deleting the word?

**Mr. Pierre Poilievre:** If the chair doesn't like it, then it's out of order.

**The Chair:** Our practice here is to speak when you're recognized, okay?

A concern has been raised that if the word "ethical" is not there, standards are—

**Mr. Mike Wallace:** Elections Canada upholds the Elections Act, not the ethical conduct of the Parliament of Canada. I will explain that to you. Clearly, the Elections Act that I have here in front of me—

**The Chair:** So the intent is whether the Conservative election campaign expenses...of the Elections Act. The intent was whether the standards...it was the ethical standards of the....

**Mr. Mike Wallace:** It's not written here, Mr. Chair. It's not in the motion. It's the ethical standards expected of public office holders.

I'm saying the Elections Act, which is the responsibility of Elections Canada, does not have ethical standards in it. I can explain that to you. If you want to look at the standards expected of public office holders, I'll take "ethical" out of there. Then I'll come back to the point. The Liberals also have public office holders who had standards that had to be upheld during the elections.

We'll do it individually if we have to. We'll call Charlie. Charlie will come and tell us how he held up the standards of the Elections Act. He'd love to tell us that for a few hours.

• (1655)

**Mr. Pierre Poilievre:** Why don't I get a chance to speak? I can tell you how Charlie upheld the Elections Act.

**The Chair:** I want to look at this mandate under the Standing Orders, the last paragraph.

When I ruled on the admissibility of the motion in the first instance, I had to ensure that it was within the mandate. To make this motion admissible, the only applicable part within the mandate was subparagraph 108.(3)(h)(vi):

the proposing, promoting, monitoring and assessing of initiatives which relate to...ethical standards relating to public office holders

It is the "ethical standards" element that allowed me to rule this in order under our mandate. If it had just said "standards", without being specific—and in fact it was argued that the standards were the standards under the Canada Elections Act—I would have had to rule the Hubbard motion out of order.

As a consequence, taking out the word "ethical" would make this motion out of order. I therefore rule the amendment out of order.

**Mr. Mike Wallace:** Give me one chance to respond to that.

If that was the case, Mr. Chair, why did the motion not determine that it was the ethical standards for expected public office holders—not the ones who have been assigned yet—as in the code of conduct?

I was under the impression that there must be ethical standards in the Canada Elections Act. Potential public office holders, which all of us around the table would like to be.... Some of us made it, some of us might never get it.

**The Chair:** Order.

**Mr. Mike Wallace:** You said on Thursday that the practice of the—

**Mr. Mike Wallace:** When I get a chance I'm going to read what you said to the House of Commons on Thursday. It was a beautiful thing. I think you should hear your own words that you read to the House of Commons about the right for people to speak to the issues.

**Mr. Mike Wallace:** Hold on.

• (1700)

**The Chair:** Order.

**Mr. Pierre Poilievre:** You are the Cicero of the House of Commons.

**The Chair:** Mr. Poilievre, for the fourth time, I admonish you not to speak unless you are recognized by the chair.

Mr. Wallace, let me explain. I made a ruling that the amendment is out of order. I have to call you to order on this because you want to

debate my ruling. The only thing you can do is challenge the chair on the ruling.

**Mr. Mike Wallace:** I'm challenging the chair.

**The Chair:** Okay. That makes it easier.

We'll do this again, colleagues. The chair has ruled the amendment out of order.

(Ruling of the chair sustained)

**The Chair:** Mr. Tilson, on a point of order.

**Mr. David Tilson:** Mr. Chair, you have made a number of rulings saying that amendments aren't in order.

Marleau and Montpetit make a statement on page 858:

Decisions in committee are made following the adoption of motions by the majority of the members present.

Since you have taken it upon yourself to rule out amendments without debate, without anyone who is either for or against making comments, I believe you should give us an explanation. I'd like you to give a clear explanation as to what amendments you feel are in order. You are repeatedly ruling members out of order—

**The Chair:** Order.

• (1720)

**The Chair:** Colleagues, order, please.

I needed to take a little break. It was getting a little uncomfortable.

I know that I'm maybe pushing a little too hard to move us forward; I apologize. I want to listen to members. I just want to encourage members, please, if they have points to make, let me know the primary points—I'd like to be able to write them down—so that I can hear the argument or the statements surrounding them and I know where we are, as opposed to "Here are some points for thought, and therefore here's my point."

It would be very helpful if we could just give everyone a heads-up on the specific point being made and then develop the point afterwards, as opposed to the reverse. And I will try my best to be a little more patient with all honourable members.

I'm going to give the floor back to Mr. Wallace.

**Mr. Mike Wallace:** Thank you, Mr. Chair.

I'd like to move another amendment, if that's fine with you.

In the very last part of the sentence, after "public office holders", my amendment would include the following words: "including public office holders at the time of the election who were candidates for the Liberal Party".

**An hon. member:** That makes more sense.

**Mr. Mike Wallace:** Could you take five or ten minutes and figure out if that's in order or not?

Do you want me to read it again?

I'll read it slowly, and I'll start further up this time:

...if these actions meet the ethical standards expected of public office holders, including public office holders at the time of the election who were candidates for the Liberal Party of Canada.

**An hon. member:** Wow. I think we're on to something.

**Mr. Mike Wallace:** How could that be out of order? But I'm waiting to hear.

**The Chair:** Listen, for the third time on the same issue—we dealt with one motion with the Liberals and the Bloc being included, then we just had the Liberals, and now we're putting this somewhere down at the bottom—the amendment as worded is simply inconsistent with the others, where it is trying to bring in another party.

When the motion itself mentions with regard to this event—if we can describe it that way—the “Conservative Party of Canada” and the refusal to “reimburse Conservative candidates”, you can't say including Liberal members who were public office holders, because they never were Conservative candidates. It doesn't make sense.

Therefore, the amendment is out of order.

• (1725)

**Mr. Mike Wallace:** But in my amendment I call them “candidates for the Liberal Party”; I don't say they're Conservative candidates.

**The Chair:** Yes, but Mr. Wallace, it's with regard to the Conservative Party in relation to *its* candidates. That is the scope. You've tried to bring in more.

Therefore, for the same reasons—this is the third amendment with regard to trying to put other parties in here—I'm ruling this out of order. It changes the scope and the intent of the motion, and it simply doesn't make sense, if you read it through.

So I'm ruling the amendment out of order.

You have the floor, sir.

**Mr. Mike Wallace:** I'm going to challenge you on that, because I think we should be able to have all public office holders here.

**An hon. member:** Roll call?

**Mr. Mike Wallace:** A roll call would be excellent.

**Mr. Russ Hiebert:** I'm sorry, what are we voting on?

**The Chair:** Sustaining the chair.

**Mr. Russ Hiebert:** On what subject matter?

**The Chair:** The amendment by Mr. Wallace is out of order.

(Ruling of the chair sustained: yeas 6; nays 5)

**The Chair:** Mr. Wallace, all four amendments are out of order.

**Mr. Mike Wallace:** That doesn't stop me from moving amendments, though, Mr. Chair.

**The Chair:** We should try to get something that's—

**Mr. Mike Wallace:** Here's why I'm having some confusion, Mr. Chair. I just want to tell you why I'm having some.... I want to read to you minutes from our November 22 meeting. You were in the chair. Here's why I'm confused about why you're ruling things out of order.

A motion was moved by Mr. Pat Martin. He moved

That the Standing Committee on Access to Information, Privacy and Ethics undertake a review of matters related to the Mulroney Airbus libel settlement;

—and I'll get to the point, it's here—

including any and all new evidence, testimony, and information not available at the time of the settlement...

—blah, blah, blah—

...and ethical and code of conduct standards by any public office holders; and to report to the House on its findings, conclusions and recommendations.

Mr. Hubbard moved an amendment that the motion be amended by replacing that with

in order to examine whether there were violations of ethical and code of conduct standards by any office holder...

That is why I'm so confused by your rulings today. You ruled in a previous meeting, where I sat with you as chair, where I was part of it. You put in front of us.... There was a motion, an amendment, talking about public office holders, of people who are no longer here. I want to talk to public office holders, people who were running in the election. They happen to be Liberals. Why can we not call them if that's what we're dealing with?

**Mr. Pierre Poilievre:** Because they're Liberals. He doesn't want you to call—

**Mr. Mike Wallace:** Why can we not call them? I don't get it. If you can tell me the wording to be able to call Liberal public office holders at the time of the 2006 election, if you can help me with the wording, I'd be happy to move it. But I think I've provided the wording at least four times today.

You cannot, Mr. Chair, have the ruling less than six months ago where you allow public office holders from other areas to come. And I'm going to repeat this after you're paying attention.

It's 5:30, I see that. Bang the gavel. Let's go.

• (1730)

**Mr. David Tilson:** Let's reverse the decisions on all the other matters that were overruled.

**Mr. Mike Wallace:** He's leaving. Move to adjourn. Let's go.

**An hon. member:** Are you coming back?

**Mr. Pierre Poilievre:** Motion to challenge the chair.

**Mr. Mike Wallace:** Mr. Chair, are you paying attention?

**The Chair:** I am consulting with the clerk.

**Mr. Mike Wallace:** So the answer is no.

**The Chair:** Order.

Mr. Poilievre, for the fifth time, I'm going to ask you to please not speak out until you're recognized by the chair.

Mr. Wallace, the matters you have just raised are all continuing to debate a chair's ruling that has been sustained by the committee. I don't have to answer those questions. You don't question the—

**Mr. Mike Wallace:** On another item, Mr. Chair—

**The Chair:** Order.

Mr. Hiebert, please speak only when you're recognized. Order.

**An hon. member:** He's reasoning with you. He's using your own words. Are you defying your own logic?

**The Chair:** Mr. Hiebert, for at least the sixth time, you're interrupting the chair. It's persistent. This is disorder; it's misconduct. I'm sorry.

When the chair makes a ruling and a decision is taken by the committee, to continue to debate the matter is improper and is out of order.

Order, Mr. Hiebert.

Mr. Poilievre, you have the floor.

**Mr. Mike Wallace:** What happened to my having the floor?

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

**Mr. Mike Wallace:** What do you mean, "sorry"?

**The Chair:** I asked too many times—

**Mr. Mike Wallace:** I've moved amendments; they have not been supported, but that doesn't mean I can't talk to the main motion.

**The Chair:** I'm sorry; there are too many—

**Mr. Mike Wallace:** You can be sorry all you want, but I still have the floor—

**The Chair:** It is persistent interruptions. It is arguing with the chair after rulings have been made and decisions have been taken.

**Mr. Mike Wallace:** You've overruled some of my amendments.

**The Chair:** You'll be able to get on afterwards. I'm giving the floor to Mr. Poilievre.

**Mr. Mike Wallace:** I want back on the speakers list, and that is legal.

**Mr. Pierre Poilievre:** Chair, before I begin speaking, out of respect....

Excuse me. Now you're speaking out of turn, I might add.

I understand there are some ceremonies going on to recognize tomorrow's intended apology to the aboriginal people who were forced to take part in residential schools. I understand there are members in this room who wish to participate in those proceedings.

I wonder if you would consider adjourning until after those proceedings are over, and then we could come back. Would that be in order, Chair?

**The Chair:** We have just spent two hours and we haven't even gotten to the points on the motion before us, but it's up to....

Are you moving adjournment or suspension until some time? Is that the idea?

**Mr. Pierre Poilievre:** We could start with an adjournment, and then I would be open to entertaining an amendment to perhaps return at, say, 11:30 p.m. or next Thursday, whichever you would prefer. It could be the next scheduled meeting.

**The Chair:** Okay.

The motion is basically to adjourn until our next meeting. We have to put the question. Do you want a recorded division on this? Okay, a recorded division.

(Motion negatived: nays 6; yeas 5)

• (1735)

**The Chair:** We'll carry on.

Mr. Poilievre, carry on with your intervention, please.

**Mr. Pierre Poilievre:** That is disappointing and surprising.

Chair, you've made the point today that you would rule out of order an investigation into your party, the Liberal Party, and you have acted very aggressively to ensure that Liberal practices at election time are not investigated and do not come under any scrutiny in this House, in this chamber, in this committee. You have indicated you were willing to hear investigations into the actions of previous public office holders—Mulroney being a great example—as long as those public officers are not Liberals, in which case there can be no investigation. Your reading of the Standing Orders is that Liberals cannot be made subject to any scrutiny before your committee.

**An hon. member:** Oh, come on.

**The Chair:** Order.

**Mr. Pierre Poilievre:** I have the floor.

**The Chair:** When I say "Order", I have the floor.

**Mr. Pierre Poilievre:** Then get yourself in order.

**Some hon. members:** Whoa.

**An hon. member:** Unbelievable.

**Mr. Pierre Poilievre:** I have the floor.

**The Chair:** Would you turn off his mike, please.

**Mr. Pierre Poilievre:** You can't simply silence someone because they're putting something on the record that you don't like.

**An hon. member:** Go for another walk. You need some time.

**Mr. Pierre Poilievre:** You can cover up all you want for your party, but that's not what your role is here. You're supposed to be an objective chair.

**The Chair:** First of all, colleagues, the chair made rulings that have been sustained by the committee. It's not my decision. It is the committee's decision to sustain the chair, and I have ruled.

Mr. Poilievre, it is not relevant to the debate for you to go back now and be critical of the chair for any ruling I have made that has already been disposed of by the committee. So I'm going to ask you not to go back to matters that are over now and not to cast aspersions upon any member here, including the chair, about what I did or did not do in this committee.

I've taken decisions to the best of my ability, and I operate at the behest of the committee. I will operate on that basis.

I'm going to ask you to move on and not to reflect on matters that have already been disposed of by the committee, please.

**Mr. Pierre Poilievre:** Chair, in order to ascertain whether or not the Conservative Party's expenses merit further scrutiny, we must ask ourselves if those expenses are abnormal, if there's something abnormal about the way in which the Conservative Party went about its electoral financing practices. Only under those circumstances would we be justified to pursue any sort of investigation. So my comments will focus on whether or not these practices are abnormal.

The practices in question, of course, deal with what is known as the "in-and-out" practice. We in the Conservative Party fully admit that we partook in the in-and-out practice, just as all the other parties did. In order to ascertain whether that's a problem, we have to ask ourselves, "Did other parties do it? Do other parties do it?"

So let us start on a global level. In the 2006 election, the Liberal Party transferred approximately \$1.7 million to local candidates. Local candidates transferred approximately \$1.3 million back to the Liberal Party. In the 2004 election the Liberal Party transferred \$1.6 million to local candidates, and local candidates transferred \$1.3 million back to the Liberal Party. At a broad level, a macro level, transfers in and transfers out happened systematically and in very large numbers.

I will turn to individual examples. We move from the macro to the micro. Let us start with Aileen Carroll, who was a public office holder at the time she was running for election and undertaking these practices.

On July 26, 2004, the Liberal Party made a transfer to Aileen Carroll's local campaign for \$5,000. On August 6, 2004, ten days later, Aileen Carroll's local campaign made a transfer to the Liberal Party for \$5,000. That's \$5,000 in, \$5,000 out. In and out—where is Elections Canada?

Now I turn to the case of Marlene Catterall, another former Liberal MP. On July 27, 2004, the Liberal Party made a transfer to Marlene Catterall's local campaign for \$3,300. On August 18, 2004, Marlene Catterall's local campaign made a transfer to the Liberal Party for \$3,300. That's \$3,300 in, \$3,300 out. In and out—where is Elections Canada?

**An hon. member:** You can join in on this if you want.

**Mr. Pierre Poilievre:** Now I turn to the case of Yvan Corriveau.

It's been so long for some of the members since they've had in-and-out experiences.

Yvan Corriveau, the candidate for Mégantic—L'Érable—

• (1740)

**The Chair:** Mr. Poilievre, order, please.

**Mr. Pierre Poilievre:** On January 24, 2006, the Liberal Party made a transfer to Yvan Corriveau's local campaign of \$50.

**The Chair:** Order, please. When the chair calls order—

**Mr. Pierre Poilievre:** The same day—

**The Chair:** —you must stop speaking. The chair calls order, please.

**Mr. Pierre Poilievre:** Chair, all of this is perfectly relevant to whether or not one candidate's or party's expenses ought to be investigated.

**The Chair:** Order, please.

**Mr. Pierre Poilievre:** I'm waiting for you. You don't want this on a public record, that's what's happening here—

**The Chair:** Order, please.

I'm going to give the floor now to Mr. Van Kesteren, please.

**Mr. Pierre Poilievre:** I still have the floor.

**Mr. Mike Wallace:** No way. He's talking on topic, for crying out loud.

**The Chair:** I'm sorry, it's persistent interruption of the proceedings. It's not respecting the authority of the chair to call order. I'm sorry.

Mr. Van Kesteren, please.

**Mr. Pierre Poilievre:** A point of order. I have a point of order, to which you are obliged to turn over the floor, by the rules.

**The Chair:** State your point of order, Mr. Poilievre.

**Mr. Pierre Poilievre:** You have cut short my speaking time unilaterally and without any rules permitting you to do so. Explain to me how you've done this.

**The Chair:** I think the record will show that I had tried on a number of occasions to bring order to be able to address what you had said, and you continued to push and continued to ignore me and disrespect the chair.

**Mr. Pierre Poilievre:** Is this in...?

**The Chair:** Yes, it's in Marleau and Montpetit.

**Mr. Pierre Poilievre:** Mr. Chair, on January 24, 2006, the Liberal Party made a transfer to Yvan Corriveau's local campaign for \$4,950. On January 24, 2006, the same day, Mr. Corriveau's local campaign made a transfer—

**The Chair:** Order, please.

• (1745)

**Mr. Pierre Poilievre:** Why can't I say that? Why is that banned?

**The Chair:** Order, please.

I think we need to take some time.

I'm going to suspend this meeting right now until 9:30.

• (1745)

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

• (2125)

**The Chair:** Order, please.

Thank you for being prompt for the resumption of the meeting.

We're going to resume debate on the Charles Hubbard motion. When we suspended, Mr. Van Kesteren had the floor.

Go ahead.

**Mr. Dave Van Kesteren (Chatham-Kent—Essex, CPC):** Thank you, Mr. Chair.

Thank you, members, for the opportunity to speak to this motion.

I think we made a very wise decision by adjourning and having everybody go home or at least get somewhere to get away and think about things. I was glad that I had the opportunity to do that too.

They say that politics is the art of compromise, and I believe we can come to a reasonable compromise.

After having listened to a number of members offer alternative motions or changes to the motion, I see that we obviously are coming to the same theme, which is that this motion deals only with Conservative members. It does not give corrective measures for all parties.

I want to point out to the members that we have in the past conducted some very good work on this committee. I think it behoves us all, and I think everyone would agree that it is the reason we're here, to do work the public can be proud of and the public can support us in. From private conversations with each one of you, I think we've all come to the same conclusion: the people back home really don't care about our silly arguments and our fighting with each other.

I would liken it, probably, Mr. Hubbard, to a school playground brawl. When kids get together and just start to fight, teachers have a tendency to grab them all and just throw them all in the same camp. The public—reverting back to what the public thinks—really doesn't grasp what's going on here. What they do see is that we have diverted our attention from much more serious work. We were in the process of a serious study on the act. Prior to that we abandoned another very important discussion and study on identity theft. It's these things that really convince the public that we're doing a good job.

I know that each one of you wants to do that. And I really believe, too, that each one of you would like to see a compromise, something you can all live with.

I went home, and before I fell asleep, I thought about what kind of compromise we could make. I want to propose this to you, and I really seriously believe it is something we should all be able to live with.

The motion reads:

That the Standing Committee on Access to Information, Privacy and Ethics investigate the actions of the Conservative Party of Canada during the 2006 election, in relation to which Elections Canada has refused to reimburse Conservative candidates for certain election campaign expenses in order to determine if these actions meet the ethical standards expected of public office holders.

Now, the next part is the part I propose we add to this motion. And please listen carefully. It reads thus: "and should the committee find in its investigation similar ethical practices by other parties, the committee will broaden its investigation to include study of these ethical practices and make a recommendation to Elections Canada as to whether these ethical practices ought to be continued".

In the past, the amendments attempted by this side always failed, because they were not true to the motion. I feel that this is something that certainly doesn't change the nature of the motion. We all recognize that there was a problem, or at least that there was a perceived problem. We recognize that Elections Canada has deemed that and has begun to investigate the Conservative Party. So we haven't changed that at all. On the one hand, we've allowed the study to move forward.

● (2130)

I really think that all of us are in a position to do a good thing here, rather than make this.... I want to repeat that even should this be reported, even should this make the front page news, most people are just going to shrug their shoulders and say, "Why can't these people get together and work together like they're supposed to?"

This should enable us to create a study or a report that will offer the Canadian public something that is worth while, something we can be proud of, something that we as a committee can actually use to make this a better place. I really believe that each one of you wants to do that.

I recognize there are partisan opinions, and that's always going to be the nature of this place, but I've come to know each one of you, and in knowing you and speaking to you, I really believe that every one of you wants to do what is right.

**An hon. member:** But is this in order, though?

**Mr. Dave Van Kesteren:** Mr. Chair, were the clerks able to...?

Can I read it one more time?

● (2135)

**The Chair:** Do you have this written out?

**Mr. Dave Van Kesteren:** I do.

**Mr. Mike Wallace:** Read it slowly. Pat needs to hear it.

**The Chair:** We can read it out, but I think—

**Mr. Dave Van Kesteren:** Why don't I read it one more time, and then I'll give it to the clerk. It's in my writing, and I have trouble reading my own writing sometimes, but I welcome you to try.

**The Chair:** Just read the last addition.

**Mr. Dave Van Kesteren:** The addition is:

and should the committee find in their investigation similar ethical practices by other parties the committee will broaden their investigation to include the study of these ethical practices and make recommendations to Elections Canada as to whether these ethical practices ought to be continued.

**Mr. Mike Wallace:** Beautiful. I wish I would have thought of that.

**The Chair:** Okay, if I may.... I'm trying to be helpful here.

Mr. Van Kesteren, is the intent that other persons from other parties are public office holders? Because, as you know, to be within the mandate, we can only deal with public office holders. I just raise this with you as a point for consideration, but if you're fine with it as is, that's great.

**Mr. Dave Van Kesteren:** I'm fine with the way it is. I really think we need to discuss this, and get a ruling on this first, of course.

**The Chair:** Okay.

I'd like the three clerks to look at it.

● (2135)

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

● (2140)

**The Chair:** We're back.

I'd like to ask a question of Mr. Van Kesteren.

In the reference to “similar ethical practices”, is that meant to refer to “did similar things under the Canada Elections Act”?

**Mr. Dave Van Kesteren:** Mr. Chair, I think what the recommendation does is it allows us to broaden the investigation, where it will go. We ought not to be afraid of where it should go.

**The Chair:** I'm just trying to understand what “similar ethical practices”...meaning “did the same thing as Conservative candidates”, for instance? Would that be a blunt way of putting it?

**Mr. Pierre Poilievre:** This happened elsewhere.

**Mr. Mike Wallace:** If we find it did, do we get to call people?

**Mr. Dave Van Kesteren:** It takes away from the problem we had before, where the nature of the motion was changed. The nature of the motion hasn't changed; it's still the same motion.

**An hon. member:** That's right. And should we find something, we do more.

**Mr. Dave Van Kesteren:** What it does, Mr. Chair, is it takes us out of this—

**The Chair:** I appreciate your effort. It also refers to other parties.

**Mr. Dave Van Kesteren:** Rather than make this a partisan witch hunt, I'm trying to move the motion in such a way that we can actually do some good, fundamental work that would allow us to come up with a beneficial report.

**The Chair:** I think I understand the intent. I'm not sure, but I'm understanding this to mean that if the committee finds similar occurrences or practices by other persons—

**Mr. Dave Van Kesteren:** I used the words “ethical practices” because that was the term that was used in the motion.

**The Chair:** The “ethical practices” in the main motion is “ethical practices” in the code, but not in the Canada Elections Act. It's “ethical standards”.

• (2145)

**Mr. Dave Van Kesteren:** We're dealing with whether or not the practices are in order. It takes us away from a confrontational approach. I'd like to discuss it. I don't want to have this thing pass quickly. I see this as a way out, something that should be considered by all members.

**The Chair:** Colleagues, Mr. Van Kesteren is proposing an amendment that goes after the main motion. It reads:

And should the committee find in their investigation similar ethical practices by other parties...

I assume that's other persons. It could be individuals or a party—it's open.

...the committee will broaden their investigation to include the study of these ethical practices and make recommendations to Elections Canada as to whether these ethical practices ought to be continued.

Everybody has a different wording, but I understand the intent, and I think the members have made a reasonable offer to try to move us forward on this matter.

I'm going to rule the amendment in order.

Mr. Van Kesteren, you still have the floor, unless you'd like to pass your turn to one of your colleagues or continue to speak to the motion.

**Mr. Dave Van Kesteren:** I want to speak to it. I know we get a little silly when we do these things, especially when we're camped for the night. But I want to appeal to your good judgment and your sense of appreciation of what we do in this House. I would like you to bear in mind that whatever we do in this place or outside it, we're going to leave a mark.

I don't know if I need to speak to this. Nobody is listening anyway. Let's just open it up for discussion.

**The Chair:** Thank you, Mr. Van Kesteren.

Mr. Hiebert.

**Mr. Russ Hiebert:** Can I get a copy of the motion?

**The Chair:** Would you like me to move on to somebody else and come back?

**Mr. David Tilson:** Can I speak on a point of order?

• (2150)

**The Chair:** No, but you can move a point of order.

**Mr. David Tilson:** I'd like to move a point of order.

I have a brand-new copy of Marleau and Montpetit. Some of you have read this before, at page 163, where it talks about the Chief Electoral Officer:

#### Relationship with Members

The Chief Electoral Officer provides advice and assistance to the Standing Committee on Procedure and House Affairs which is responsible for reviewing and reporting on matters relating to the election of Members. The Chief Electoral Officer and his staff provide the Committee with research material and, at the Committee's request, assist in the drafting of amendments to the Canada Elections Act and the Electoral Boundaries Readjustment Act. The Chief Electoral Officer also appears before the Committee—

—that's the procedure and House affairs committee—

at its invitation to discuss the Main Estimates of Elections Canada and the reports on general elections.

I'm going to refer to the Standing Orders as well, but the procedure and House affairs committee is responsible for everything under the Elections Act and the Chief Electoral Officer. When you start looking at the mandate of the different committees, specifically the procedure and House affairs committee and the access to information, privacy and ethics committee, I would submit that the Standing Orders are pretty clear about this.

Standing Order 108—

**The Chair:** Your point is, sir?

**Mr. David Tilson:** I'm just about to say it, sir.

Standing Order 108(3) says:

The mandate of the Standing Committee on:

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

(vi) the review of and report on all matters relating to the election of Members to the House of Commons;

It says “all matters”. I say that is everything. That's what it says, everything.

Then you look at what this committee can do. This committee—and we've read this many times because we've had lots of discussion about this committee—is under Standing Order 108(3)(h), which begins:

Access to Information, Privacy and Ethics shall include, among other matters:

Running down all those things, all those points that this committee is supposed to look at, I don't see “elections” anywhere. But it's quite clear under the Standing Committee on Procedure and House Affairs.

I suppose you could say—and we've got into this before, or you've got into this before—“Well, that committee is not sitting.” Because it's not sitting, does that give this committee the authority to act?

That has obviously been tried on the floor. Mr. Lee and I had it out in the House the other day. You were there too, and we had it out on that very point: “Oh, well, they're not sitting; therefore, the House is going to deal with it.” That was one of the arguments. But I say, when you start looking at these Standing Orders, the only authority that's given to all matters under the Elections Act is the Standing Committee on Procedure and House Affairs. That's it.

So I say, with due respect to Mr. Van Kesteren and to Mr. Hubbard, that the motion and the amendment are out of order because they should be disposed of in the Standing Committee on Procedure and House Affairs.

I know you are patient with me. I just want to conclude.

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

**Mr. David Tilson:** What happened?

**An hon. member:** We have to take a break. The amendment is not in French.

**The Chair:** Just finish your point.

**Mr. David Tilson:** Then I'll just pick on Mr. Hubbard, because it's the same philosophy.

My point is, sir, unless you can find some authority for this committee to deal with it, the argument that the Standing Committee on Procedure and House Affairs is not sitting isn't justification for this committee to hear it. That's the argument that was used when we were having it out with Mr. Lee in the House on the Thibault matter, and we may have even had it here before, but that's not justification for this committee to hear it. There's no way it is. You have to find something in the Standing Orders to allow the ethics committee to hear it, and I submit, sir, you can't find it.

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

The motion was received, and the chair gave reasons for the decision already and ruled it in order. It was challenged and the committee sustained the chair.

I will tell you—

**Mr. David Tilson:** [*Inaudible—Editor*]

**The Chair:** No. Hold it, Hold it, hold it, sir. This is not a debate. I just want to finish the point, sir.

The operative part of the motion is to determine if the actions of some event that flowed from that meet the ethical standards. That's 108(3)(h)(vi) under our mandate.

The issue, as you know.... The committee is not trying to figure out whether anybody is guilty or innocent, or whatever. There are some matters that flow from this, and they relate, as you may recall in my ruling, to potentially pecuniary interests or the need to report to the Ethics Commissioner. Because public office-holders, when they subsequently found out this was an issue and they were named by Elections Canada—how and why Elections Canada did that is a matter that is somewhat beyond the scope of us getting involved in it too much. We know what the report says; they made a finding. Based on that finding, should it be sustained, could there be some consequences?

In any event, that was the ruling.

But your point of order is that the original motion is out of order. In fact, the committee dealt with that. It ruled it in order, so the point of order is incorrect.

• (2155)

**Mr. David Tilson:** Sir, I understand what you're saying, but this point was not raised at that time. To be fair to me, I wasn't allowed to raise it because I was cut off.

**The Chair:** I would encourage you to read the—

**Mr. David Tilson:** If this motion carries and we start having hearings, you can bet your bottom dollar you're going to have the Chief Electoral Officer here—at least we should if we're doing our job to properly study it. If you're going to have the Chief Electoral Officer come to this committee...that's why I read to you out of this book, because he's not accountable to this committee.

**The Chair:** Thank you. No, I understand—

**Mr. David Tilson:** He's accountable to the procedure and House affairs committee—no matter how you look at it. The words “Elections Act” are going to keep popping up through this entire process if it carries, and no matter how you look at it, you know in your heart, sir, that this is in the wrong committee. This should be before—

**The Chair:** Well, we've already ruled on that, Mr. Tilson. The committee has decided it's in order and it's before us for debate. Okay?

Thank you very much.

Now we're going to move on to Mr.—

**Mr. David Tilson:** I challenge your ruling, Mr. Chair.

**The Chair:** What? That I've made a ruling already?

**Mr. David Tilson:** I made a point of order and you said I was out of order.

**The Chair:** Yes. It's not in order because—

**Mr. David Tilson:** Well, I am going to challenge that ruling.

**The Chair:** —the committee has already taken a decision on that matter.

**Mr. David Tilson:** No. You ruled on the point of order I just made, which was completely different from the other point of order, and I'm challenging your ruling.

**The Chair:** No, your point of order was that the motion is out of order.

**Mr. David Tilson:** Well, that was a pretty good point of order, I'd say.

**The Chair:** Except that the committee found it in order.

**Mr. David Tilson:** What? Well, I'm challenging their ruling.

**The Chair:** Okay, that's fine.

He has challenged the chair's decision that it is not a point of order because we have already determined that this motion is in order, and therefore I will have to put the question.

I assume the members want a recorded division. There's no debate.

If you agree with the chair, you say yea. If you disagree with the chair, you say nay. I'd like the clerk to please call the roll call.

**Mr. Russ Hiebert:** Mr. Chair, I will make my vote known, but I just simply want to say that what you're hearing from Mr. Tilson—

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

**Mr. Russ Hiebert:** It's just a sentence—

**The Chair:** Order, please.

Look, it is unusual, but Mr. Hiebert may go ahead.

**Mr. Russ Hiebert:** I just want to say that what you're hearing from this side is a frustration that we've had no opportunity to voice our concerns about the motion that you ruled on some time ago, and that's why it keeps popping up. We don't feel we've had a chance to be heard.

I oppose the chair's ruling.

• (2200)

**Mr. Dave Van Kesteren:** You put me in an awkward position. I agree with Mr. Tilson's original premise that this should not have come before this committee, and as such I oppose the chair.

**An hon. member:** Wow!

**Mr. Dave van Kesteren:** I'm talking about that original motion, not this one.

(Ruling of the chair sustained: yeas 6; nays 5)

**The Chair:** The chair has been sustained.

Mr. Poilievre, *s'il vous plaît*.

**Mr. Pierre Poilievre:** Chair, I found myself a little bit conflicted on that last point as well, because while I disagreed with your original ruling, which was an unprovoked, unsolicited ruling to allow this discussion to go ahead in the first place—it was a ruling you made without even having been asked to make it by any member of the committee. Despite my disagreement with that ruling, I actually agree with your second ruling to include Mr. van Kesteren's amendment. I detect that we're moving towards a consensus.

You have now accepted this motion as being in order, and should the committee find in their investigation similar ethical practices by other parties, the committee would broaden their investigation to include the study of these ethical practices and make recommendations to Elections Canada as to whether these ethical practices ought to be continued.

In order to discuss the ethical practices of other parties, and given that you have opened the door to that discussion by ruling this amendment in order, we have to ask ourselves, what are those ethical practices?

I have some examples here of some of the ethical practices about which we are speaking and about which the chair has authorized us to speak.

In the 2006 election, the Liberal Party had a candidate named Yvan Corriveau in Mégantic—L'Érable. On January 24, 2006, the Liberal Party made a transfer to Yvan Corriveau's local campaign for \$4,950.

On January 24, 2006—

**The Chair:** Order, please.

I'm having a little difficulty hearing the member. There seems to be a bit of noise in the room.

**Mr. Pierre Poilievre:** On January 24, 2006, Yvan Corriveau's local campaign made a transfer to the Liberal Party for \$4,950. So there was \$4,950 in and \$4,950 out. In, out: where is Elections Canada?

I will note that in this particular example, the transfer in and the transfer out both happened on exactly the same day.

Lets go on to Mr. John Godfrey, who was a public office holder at the time of the election, and thus falls very much under the purview of this committee. On July 9, 2004, the Liberal Party made a transfer to—

**The Chair:** Mr. Hubbard has a point of order—but, please, make a point of order.

**Hon. Charles Hubbard:** That's twice that parliamentary secretaries have been referred to as public office holders.

You know, Mr. Chair, that at the call of an election, so-called parliamentary secretaries no longer are public office holders.

**An hon. member:** Mr. Chair, what's the point of order?

**Hon. Charles Hubbard:** It's in terms of what your colleague just said.

**An hon. member:** Is this debate?

**The Chair:** Order. Order.

Mr. Hubbard, you're in debate. That's not a point of order.

I want to point out, Mr. Poilievre, that based on the amendment, a lot of this stuff is going to come up, but this is evidence as opposed to the discussion of why it's....

I want to point out that the last time you spoke, you presented the same matter with the in and out and Liberal examples. There was the lady from Barrie.

• (2205)

**Mr. Pierre Poilievre:** It was a different example, though.

**The Chair:** Yes, that Liberal members were doing ins and outs.

**Mr. Pierre Poilievre:** Thank you. We have an admission here.

**The Chair:** Order.

We accept that you made that point the last time you spoke, and you've made it again. I think we can move on. We understand that there are transfers in and out from various candidates or riding associations or.... We understand that. But we don't need to make the same point more than a couple of times, okay? Could you move on, then?

**Mr. Pierre Poilievre:** I think it is very instructive to the broader public discussion on this issue that you, as a member of the Liberal Party, have admitted that Liberal Party candidates have engaged in in-and-out transfers. That is exactly the offence about which this committee is attempting to persecute the Conservatives, so I find it very interesting that you have made that acknowledgement.

The reason I'm giving these examples, Chair, is because the amendment that you have permitted opens the door to discussions about the ethical practices of "other parties", and in order for me to argue in favour of such an amendment, I have to give some examples of the ethical practices of "other parties".

With your permission, I will go on. I will take under advisement the point you've made about how I have, ad nauseam and systemically, proven the prolific effort to undertake in-and-out transfers in the Liberal Party. I thank you for your blunt and frank admission of the aforementioned statement, and I will turn to the next part of my binder, in which I look at examples of where the Bloc Québécois engaged in these same ethical practices.

[*Translation*]

Of course, the Bloc Québécois invented the so-called "in and out" method. They created the term to describe their own practices. This is why it is said that the leader of the Bloc Québécois is the father of the "in and out". I think I heard someone say he is the sugar daddy of the "in and out". He invented the process.

Indeed, the Bloc Québécois required all of its candidates, by contract, to use the "in and out" method. One of the candidates — I think his name was Jean-Paul Marchand — sued the party because he opposed this practice. Mr. Marchand was able to prove in court that the Bloc Québécois invented this system, used it and required all of its candidates by contract to use it.

Mr. Chair, this is what someone had to say about this:

Advertising campaigns are part of national expenditures, just as the planes and buses chartered for media representatives. They are costly. The Bloc advances the funds but, technically, each candidate assumes part of the cost.

Who do you think said this? It was the whip of the Bloc Québécois, Mr. Michel Guimond. He candidly and publicly said to the Quebec City newspaper *Le Soleil*, in December 2001, that local candidates had to provide money to pay for the leader's air travel and for bus and advertising costs. I have never met a candidate who needed a bus, a plane and advertising at the same time. Obviously, these were national, not local expenditures.

Mr. Chair, the Bloc Québécois chose to use this practice but Elections Canada is not investigating them. This goes far beyond what the Conservative Party did. I can sense some anxiety among our friends from the Bloc.

• (2210)

[*English*]

**The Chair:** Mr. Poilievre, order, please. I have a point of order. Just bear with me, please.

Mr. Proulx, on a point of order.

**Mr. Marcel Proulx:** Thank you, Mr. Chair. I understand what Mr. Poilievre is saying, and I appreciate that he is citing from different speeches and different explanations. I am questioning the relevance of this particular testimony on the part of Mr. Poilievre with regard to the motion or the amendment to the motion we have in front of us.

**The Chair:** I share the concern too. There has to be a line drawn between evidence and testimony that should be given if the committee decides to proceed with the motion before us, amended or unamended. But with regard to dealing with whether or not the amendment right now—we're debating the amendment...should the committee find similar practices that would broaden the scope.

I'm just going to suggest to you, Mr. Poilievre, that we have to differentiate between what would be given as evidence and testimony of examples. The point that there were other parties that may or may not have engaged in practices that were the same or similar that haven't had the same treatment, or that there are some ethical implications, is a valid point. But to deal with each case as if someone were on the witness stand.... I just want to encourage you to try to focus your comments on the intent of the amendment, which is to consider broadening the scope. We understand there are other persons, other parties, who have had certain transactions that have similar characteristics, but it's not for us to judge whether those are legal or whatever. That's the decision or the determination of the body dealing with that, which is Elections Canada. Our interests are the ethical implications. I just raise that with you.

As to the matter of relevance, it's hard to impose, but let's be cognizant that Mr. Van Kesteren has brought forward a motion, which I'm sure was discussed with his colleagues, that there is a sincere interest that the motion be considered, and that it should be supported in a way that says it makes some sense.

If that's it, then I'd like to move to put that question on the amendment so that you can get the affirmation that the committee agrees with you.

I'll leave it at that. I would turn the floor to you, but again, if you want the amendment, I think it would be helpful to make sure that any further points you have are on why the members would want to vote for this and why it is relevant, as opposed to the evidence that might support that argument.

**Mr. Pierre Poilievre:** As I have understood your remarks, I'm being permitted here to argue in favour of the amendment. In order to do that, in order to argue in favour of an amendment that would investigate the ethical practices of other parties, we have to ask what in fact are those ethical practices. I was attempting to share with the committee some information. Some of it is already on the public record. Some that I have is not yet on the public record but eventually will be.

I have in front of me a list of Bloc Québécois candidates who transferred systematically funds to a company called Touché! Média Marketing Inc. for national advertising. They alternate transfers that were in the scope of—

• (2215)

**The Chair:** I apologize, Mr. Poilievre. Mr. Proulx has called a point of order again.

Just for members, should a member feel that there is a matter of repetition or relevance, that can be raised by any member on a point of order.

Mr. Proulx, on a point of order.

**Mr. Marcel Proulx:** I'd ask Mr. Poilievre to bear with me for just a second.

I look at the notice of motion, and my understanding is that we are discussing whatever relating to public office holders. I don't think I've discovered or am inventing anything, but as far as I'm concerned, the Bloc Québécois—

**Mr. Pierre Poilievre:** Let's get to the point.

**Mr. Marcel Proulx:** Let me come to it, Chair.

The Bloc Québécois never had a public office holder. So why are we talking about the Bloc Québécois?

**The Chair:** Order.

This, again, is a point of relevance because it is a fact that there are no Bloc Québécois public office holders, and therefore the discussion of those and the examination of those, under our mandate and the terms of reference of this motion, are not relevant.

**An hon. member:** Yes, it is to the amendment.

**The Chair:** It is not to the amendment. The Bloc examples are not relevant because they're not public office holders, as defined. Okay?

I think you're aware of the definition of public office holders. Mr. Poilievre, who has—

**An hon. member:** I still have the floor, right?

**The Chair:** Yes.

Please, the relevance issue of the Bloc is—

**Mr. Russ Hiebert:** This is important, because in your ruling you said that other parties could be political parties or individuals.

**The Chair:** Who are public officers—but it has to be within our mandate.

**Mr. Russ Hiebert:** A political party can't be a public office holder, yet you said that was one of the categories.

**The Chair:** No.

**Mr. Pierre Poilievre:** Yes, you did.

**An hon. member:** You did.

**The Chair:** Excuse me?

**Mr. Pierre Poilievre:** Mr. Chair, can you just answer one question?

**The Chair:** Order.

**Mr. Pierre Poilievre:** Are you agreeing that a party cannot be a public office holder? Are you agreeing to that?

**The Chair:** Excuse me. Order, please.

**Mr. Pierre Poilievre:** Are you agreeing to that question?

**The Chair:** Order, please. That's the third time.

Do you want one more?

Listen. I want to try to give you the explanation, because you're very skilled at putting words in people's mouths.

**An hon. member:** That's exactly what he said.

**The Chair:** I will indicate to you that when we say “investigating the actions of the Conservative Party”, the Conservative Party is not a public office holder.

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

**The Chair:** We understand that, but we are dealing with the ethical practices of the persons named by Elections Canada. Okay?

**Mr. Russ Hiebert:** That's not what it says. It says:

...investigate the actions of the Conservative Party of Canada during the 2006 election.

**The Chair:** And it says:

...to determine if these actions meet the ethical standards expected of public office holders.

It is with regard to the candidates.

**An hon. member:** It says the party, not the candidates.

**An hon. member:** It doesn't say “investigate the candidates”; it says “investigate...the Conservative Party of Canada”.

**An hon. member:** This is out of order.

**The Chair:** No.

**An hon. member:** Let's go.

**An hon. member:** You've ruled yourself out of order.

**The Chair:** No.

**An hon. member:** You've ruled everything out of order. It's true.

**Mr. Russ Hiebert:** Either we can talk about these parties or we can't. We've already stated a political party is not a public office holder.

**The Chair:** No. That's my definition.

**An hon. member:** Who are we investigating?

**An hon. member:** You've got yourself in a real mess now.

**The Chair:** Order. Order.

If you would read my ruling on why this motion before us is admissible, and I take the amendment in good faith, when we refer to parties, it has a dual meaning; it could be another political party or it could be a candidate for another political party. I understand that.

**An hon. member:** Including a Bloc Québécois candidate.

**The Chair:** In our mandate, the overriding thing is that we must maintain this on a level such that for us to be in order, for us to be able to deal with it and determine the ethical guidelines, practices and standards, it has to be in relation only to public office holders.

**An hon. member:** This is exactly the point, Mr. Chair.

**The Chair:** Thank you. You don't have the floor, though.

**Mr. Pierre Poilievre:** I have the floor.

**The Chair:** I understand that.

Hold it. Order.

In the last item we had, Mr. Proulx raised the issue about the public office holders. I want to try to be helpful to the committee. I'm taking Mr. Van Kesteren at his word that this is an attempt to try to move this forward. This is an amendment. If the amendment is not going to be operative, and if the members are saying that this amendment basically messes up everything, the amendment will be defeated and we'll be back to the main motion. If you want to make this work, you have to support this so that it works.

**Mr. David Tilson:** We haven't even had a vote yet—

**The Chair:** I understand that, but I'm saying that this is what could happen.

**Mr. David Tilson:** —so you don't have the right to say that, Mr. Chair.

**The Chair:** You know what, Mr. Tilson? You don't have the floor.

Order, please.

I'm speaking to Mr. Van Kesteren on this point. It is important. It is an amendment. We're trying to debate it from the standpoint of convincing members that it's necessary to make our work as meaningful as possible. But it is possible that this amendment could be defeated.

The floor belongs to Mr. Poilievre at this point, subject to the point on relevance. It is not only well taken, but it's absolutely correct that whatever we do on this and whatever people we're dealing with necessarily must refer to “public office holders”, as defined, and there are no members of the Bloc Québécois who are public office holders.

**Mr. Russ Hiebert:** But there could be—

**The Chair:** Excuse me. Mr. Hiebert, this is the seventh time now that I've had to admonish you that I can only hear people and the translators can only deal with this if we have one person speaking at a time. To continue to blurt out when you want to is not helpful to the committee. It's not helpful to the process.

Mr. Poilievre, you still have the floor, taking into account the issue of public office holder being relevant to the whole issue before the committee. We are only authorized to do this to the extent that we are dealing with public office holders. Is that okay?

● (2220)

**Mr. Pierre Poilievre:** All right. It's becoming increasingly difficult to express oneself in this committee. Every time one goes down a road that makes the chair, or his party, or their coalition with other opposition parties, feel uncomfortable, we are told we are interdicted from making such statements.

We have before us the original motion, which proposes an investigation of the Conservative Party of Canada. We have a chair who has admitted that the Conservative Party of Canada is not a public office holder. The Conservative Party of Canada is not a public office holder and therefore, by his own logic and his own ruling, it cannot be investigated in this committee. It can be received in the House affairs committee, perhaps, but in this committee, certainly not. According to Mr. Szabo's ruling, the chair has said that political parties are not public office holders.

**The Chair:** Mr. Poilievre, I'm sorry.

Order. I have the floor.

I have to tell you, when you make misrepresentations of what I said, it's not very helpful. Okay?

We are very clear here that the motion before this committee, presented by Mr. Hubbard, has to do with determining whether or not the public office holders who are named or involved in this in-and-out scandal that Elections Canada has identified and made findings on have met the ethical standards that are expected of them. And they do relate to public office holders.

I'd encourage members to please go and read the ruling of the chair on the admissibility of this motion and the explanation of why it's in order. The Bloc Québécois members, presently, in this regard, are not there.

I do listen to the debate in the House, and I fully expect that there's going to have to be a resolution of the question that everybody's doing it and.... That will come out in evidence and testimony, and it'll be under oath and it will be on the record. That will be important.

But right now, I want us, as closely and as carefully as we can, to see if we can move this amendment to a point where we've heard what we have to hear so that we can consider having a vote on the amendment. Okay?

Mr. Poilievre, you have the floor, please.

● (2225)

**Mr. Pierre Poilievre:** I would note at the outset of my remarks that the Hon. Lucien Bouchard was a public office holder and he did sit in the Bloc. Therefore, by the logic that permits us to investigate the Conservative Party, the Bloc is also susceptible to similar investigations in this committee.

There's nothing in the Standing Orders of this committee whatsoever that restrict our study to the 2006 election. Motions can be amended. Motions can be amended to change them.

**Mr. Sukh Dhaliwal (Newton—North Delta, Lib.):** A point of order.

**Mr. Pierre Poilievre:** The reason you amend motions is to change them.

**The Chair:** Excuse me. I'm sorry, Mr. Poilievre, but Mr. Dhaliwal has called a point of order.

**Mr. Sukh Dhaliwal:** Thank you, Mr. Chair.

Mr. Chair, I think you have made a reasonable accommodation, accepting this amendment as being in order. What Mr. Poilievre is saying is a repetition of the things that should not be said, because we are here debating this—

**Mr. Russ Hiebert:** What should not be said?

**Mr. Sukh Dhaliwal:** Perhaps you can listen to me, Mr. Hiebert. When it's your turn you just bark whatever you want to, but right now it's my turn.

**The Chair:** Thank you. Your point of order is a repetition on a point.

Again, with regard to this motion, there are no public office holders for the Bloc Québécois, but to debate a chair's ruling or this kind of thing is—

**Mr. Pierre Poilievre:** I'm not debating the ruling—

**The Chair:** Yes, but to argue something that's already been decided.... I think we should move on. We should move on, away from the Bloc issue.

**Mr. Pierre Poilievre:** I will be making these arguments outside of this committee, so silencing them here will not silence them completely. I will move on beyond the points I have raised, to new and better ones.

I see that has elicited some sort of response.

I want to read an e-mail I received, which is pertinent to this particular amendment. It says:

Subject: Radio co-op proposal.

Dear Lower Island Managers:

If each campaign can commit to providing us with \$2000 for a total of \$6000, we [the national party????] could match it for a total buy of \$12,000. The ads would be tagged equally—i.e., would refer to each candidate—and would mean a \$4000 expense under each ceiling (\$2000 from the campaign, \$2000 in-kind from the Federal Party). We would arrange bookings with a number of stations...for the last week of the campaign.

Mr. Chair, I've just read an e-mail from a British Columbia campaign organizer who describes intricately how national party money can be transferred to local campaigns, and then those local campaigns can run national advertising, and then that national advertising can be booked as a local expense, making it eligible for a rebate and allowing it not to count against the national limit.

Let me read another e-mail.

Hi, Phyllis,

We are told by communications folks in BC that these were radio ads with the Candidate's personal tag on the end - therefore a local expense to be reported under the Candidate's expense ceiling, regardless of who pays. For rebate purposes, we were asked to bill each campaign - in the case of VanEast, \$2,612.00

The good news is that the Federal Party will transfer \$2,600 to the Federal Riding Association as we agreed to pay for the ads.

That was an e-mail from the national NDP bookkeeper to the local campaign financial agent for Libby Davies, the NDP member in the riding of Vancouver East. So this gives you an example here.

The point that some will make is that she's not a public office holder, so she can do whatever she wants. Elections Canada laws don't apply to her because she's not a public office holder. Some might say that. But, Chair, as you know, they would be wrong to suggest that. And I know that you will not go any further in contorting yourself into pretzels in order to deny an honest, legitimate debate here about how other parties conducted themselves during the election campaign, the one that just went by or others previous.

I have just given you a series of examples from all the parties who have engaged in exactly the same practices in which the Conservative Party engaged.

Even if you accept the chair's flawed logic that we can only study—

• (2230)

**The Chair:** Order. Order!

Members, when I say "order", I have the floor.

You know, I'm sorry, but when the chair makes decisions and gives rulings, and we challenge the chair or whatever it might be, we have to respect the chair.

**Mr. Pierre Poilievre:** I'm not challenging your position—

**The Chair:** No, to be critical of the chair is to be disrespectful of the chair.

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

**An hon. member:** Come on.

**An hon. member:** This is like Mao Tse-tung.

**An hon. member:** Give me a break, Chair.

**The Chair:** Excuse me; this is from page 858 of Marleau and Montpetit, under "Disorder and Misconduct":

Disorder and misconduct in a committee may arise as a result of the failure to abide by the rules and practices of a committee or to respect the authority of the Chair. Disorder and misconduct also include the use of unparliamentary language, failure to yield the floor or persistent interruption of the proceedings in any manner. In the event of disorder, the Chair may....

And then it goes on to describe some things that I can do.

Once we have dealt with a matter, to start characterizing the chair's rulings or statements in a disrespectful fashion really is not helpful here. If you want to throw mud at me, you can do it outside of here. But you're not dealing with Paul Szabo here, you're dealing with the chair of the committee. No matter who sits in this place, you have to show a little bit of confidence in them.

I'm bending as far as I can to allow this matter to move forward. I don't want to do anything to stop the flow of this moving forward because it has to move forward. We're not going to get that by throwing mud at each other.

So I'm just going to ask all honourable members, please, just take a deep breath. Let's just put the points on as succinctly as possible and let's hear from the members so that we can move forward to, ultimately, at some point in time, a vote on Mr. Van Kesteren's amendment.

I'm asking; I'm just asking politely—please.

• (2235)

**Mr. Pierre Poilievre:** If we accept the logic of the chair that the only purpose of any proceeding is to investigate the conduct of current public office holders—and I don't—the only way to judge the conduct of those public officer holders is to compare their practices to the common practice. The common practice is defined by what all candidates for all parties do.

The amendment that the chair has ruled in order in a very wise ruling permits us to have a broader discussion about the practices of all the political parties. This is a discussion that the opposition has resisted for almost a year now, as we have been trying to get proceedings going in committees like this one on the subject of Elections Canada. As such, I have a book of these common practices. This is the book. There are more books like this one.

I'm not going to engage in the practice of filibustering and flipping through every single page in this book. But anybody who wants to read its contents is more than welcome to do so. I have been systematically laying it out on the floor of the House of Commons to show that the practices our party undertook, and for which this committee is attempting to persecute it, are the same practices that all parties have used to advance their electoral interests.

If we are going to discuss a motion to investigate the practices of just one party, the very least we can do as objective stewards of the public good is to compare those practices against the practices of other parties.

Mr. Chair, you have made it clear that it is possible for this committee to investigate political parties, even if those political parties, in your words, “are not public office holders”. This is an interesting interpretation. However, if we're going to allow one party to be investigated, then we have to allow all parties to be investigated, by logical extension.

If the opposition has nothing to fear, if all of its practices are as white and clean as they have claimed, then they should have no fear whatsoever of going ahead with a broad investigation that will bring their former candidates and their party officials before this committee to answer for their actions.

That is exactly what we have sought from the outset of this issue. We were the ones who sought an investigation at the PROC committee. When opposition members filibustered those efforts, we were disappointed. We attempted to persist, but unfortunately we are in a minority position on that committee. Then the opposition decided they would move the discussion over here so they could rule any scrutiny of their electoral practices out of order.

First of all, the average Canadian would say.... The average Canadian doesn't care, let's be honest. But if for some reason that average citizen had committed some sort of heinous crime and his punishment was to be dragged into this committee room to watch

these proceedings, I think he would tell you that if one party's practices were going to be investigated, then why not just have all parties' practices investigated? That is what we have sought from the outset.

• (2240)

What is so ironic about this is that we have members in this room who claim to be very anxious about getting on with this public investigation at the committee level. However, those same members from those same parties have voted against having such hearings. If they had voted last September in favour of our motion to open up the scrutiny to all political parties, then the hearings would not only have started, they probably would have ended by now.

That would have been a good thing for Canadians, because the public scrutiny you purport to seek would have occurred. It would have been a bad thing for the opposition parties, because their hypocrisy would have been made naked for all eyes to see—and what an ugly sight that is.

**Mr. Pat Martin (Winnipeg Centre, NDP):** Speak for yourself.

**Mr. Pierre Poilievre:** Pat Martin says I should speak for myself. I was speaking about the opposition.

Frankly, he says he's not afraid to expose his practices naked in front of the public eye. If that's the case, then I'm sure he will vote to have the NDP's financial practices “unrobed” before this committee. I'm sure he will be anxious to invite members of the NDP to be amongst the first witnesses to explain their in-and-out transactions. But I have seen no such—

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

**The Chair:** Order, please. I would ask members to keep it down. The member has the floor.

[*Translation*]

**Mr. Pierre Poilievre:** Thank you, Mr. Chair.

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

**Mr. Pierre Poilievre:** Mr. Chair, I am asking for peace.

[*English*]

So we see some anxiety on the other side.

Mr. Chair, the aggressive protests across the way notwithstanding.... I don't know if it's tears or laughter over there.

**The Chair:** Now you're just wasting time. Please.

**Mr. Pierre Poilievre:** Mr. Chair, with respect,

[*Translation*]

he is the one who interrupted me. This is a serious discussion.

[*English*]

First of all, I'd like to thank the member for his consideration. He treated me to a Coca-Cola.

**An hon. member:** I saw him shake it before he brought it to you.

**Mr. Pierre Poilievre:** I don't know if he's doing that to convince me to relent in my never-ending effort to get to the bottom of this issue. I won't relent. I thank him for the beverage. I will not be bribed. You can take your Coca-Cola back, wherever you got it from, and tell whoever gave it to you I'm not for sale.

• (2245)

**The Chair:** Thank you. I'm going to move on to Mr. Hiebert.

**Mr. Russ Hiebert:** Thank you, Mr. Chair.

I just didn't get the sense that other members were prepared to hear me.

**The Chair:** Colleagues, Mr. Hiebert has the floor, please.

Carry on.

**Mr. Russ Hiebert:** I'm here to speak to Mr. Van Kesteren's amendment, and I want to make some arguments in favour of why it should be supported. I'd like to start with what it proposes to do.

It proposes that should the committee find in its investigation ethical practices by other parties—and I note that the chair when he was making his ruling on this amendment did state, and I'm sure the blues will show it, that other parties could be individuals and they could be political parties—the committee will broaden its investigation to include the study of these ethical practices and make recommendations, and that's the key here, to Elections Canada as to whether these ethical practices ought to be continued.

Why support it? Why should we support this motion? One reason I believe we should support this motion is that it proceeds to a logical outcome. It concludes by saying we're going to do something. The present motion before the committee doesn't do that. It just says we're going to determine if these actions meet the ethical standards. It doesn't lead anywhere. It doesn't proceed to any logical outcome.

What would we do with this information if we had it? Who knows? We could report it to the House, but that's not really a purpose worth putting this kind of effort into, especially if we're going to be distracted from our current study.

What this amendment does is it says we're going to make recommendations to Elections Canada. What recommendations? What are we talking about? We're talking about a suggestion or a proposal as to the best course of action. Of course, we want to be constructive. We want the law to improve. We want refinements to the law that applies to elections, and by making those recommendations we can do that.

What we're doing here is actually constructive. It's not just using this committee as a tool for partisan purposes. I think anybody watching this proceeding would tend to believe that's what's happening here, that the opposition is in fact, as my colleague has noted, seeking to form a coalition to try to embarrass the government and not put themselves under scrutiny, but we would have—

**The Chair:** Order.

Excuse me, Mr. Hiebert, I apologize.

Excuse me, gentlemen, colleagues, the member has the floor and when two conversations are going on at once, it gets a little difficult.

Mr. Hiebert, please.

**Mr. Russ Hiebert:** Thanks.

I was just trying to make that point. Instead of this committee being used for partisan purposes, we're actually seeking—and I think Mr. Van Kesteren is very sincere in his amendment—an outcome that we can all live with. Unlike the previous motion, as it stands, it appears, and many have said, that it's simply an attack on an individual party on a partisan basis. What this would do is transform this partisan motion into something that could actually turn into something better and have some justifiable public benefit at the end of it.

To make a recommendation to Elections Canada, it wouldn't be helpful to look at one individual—the party has been defined as an individual and it's also been defined as a political party; it doesn't help us to look at one party when what we really need to do is look at the scope of the problems that are faced by parties. That's political parties or individuals. And this amendment would allow us to do that, because it says that if we were to find...we could broaden the investigation to include others. That's what the words say.

Any party could hypothetically form a government.

I apologize, Mr. Chair, for my earlier comments, because I felt myself wanting to express these points, but I couldn't because I didn't have the floor at the time. But this is my opportunity to do so.

Any present party, and I say this with all sincerity, any party that doesn't currently exist but might be formed, could hypothetically form government. That includes the Bloc Québécois. It even includes the NDP, or it could be a coalition government, which would be unique to Canada, but it would be possible. The point here is that it's hypothetically possible. It's hypothetically possible that any party could form a government. What does that mean?

The implications of this are that it's hypothetically possible, according to the chair's ruling—and I've read your ruling very closely, Mr. Chair, a number of times, and this is why I'm pleased that I have an opportunity to indirectly address it—that any candidate for any party could hypothetically become a public office holder. So the recommendations we would be making to Elections Canada would apply to them as much as to anybody else.

We don't have to look at the historical examples in Canada and just limit our discussion to the two parties; we can move beyond that. In fact, Mr. Hubbard noted, when he spoke on this motion earlier this evening, that there were 1,000 candidates in the last election. So we must be prepared to make recommendations that could apply to any of those 1,000 candidates.

But what does that mean? That means these—

• (2250)

**The Chair:** Order, Mr. Hiebert. The debate should be relevant to the amendment in the context of the motion before us. The motion deals strictly with the 2006 election, not hypothetically down the road, in the future. It is a specific election. Again, to raise this issue about the Bloc and hypothetically be a coalition and be public officer holders, it's not relevant to the motions before us. I want you to move on from that argument.

**Mr. Russ Hiebert:** Actually, Mr. Chair, I'm speaking to the amendment, which states, "...the committee will broaden their investigation to include the study of these ethical practices"....

I understand "broaden" to mean beyond the original scope of the motion as it's written. That's what the common term of "broaden" means: to broaden.

**The Chair:** Broaden it to three parties or four parties as opposed to broaden a timeframe...? Which is it?

**Mr. Russ Hiebert:** I'm very sincere; I hope you recognize that. The point I'm making, Mr. Chair, is that this is completely relevant. When you make a recommendation to Elections Canada, and when we propose laws, we don't want them specific to a single instance. We want them to have broad, general application. As a lawyer, I can tell you that individual cases always make bad law. You want to look at the breadth of possibilities that could be considered. I think if this committee is going to take this role seriously, we have to do that.

We're not just talking about hypotheticals. The fact is that any one of these individuals could win their local election. Their party could win enough seats to form a government. According to your ruling, Mr. Chair, as an individual they would need to be eligible for cabinet, they would need to pass all security screens, and they would need to have their future prime minister appoint them to cabinet. All of those are hypotheticals, but they're incorporated into the ruling you made, so, yes, it is relevant. At the end of the day, we want recommendations that will allow this committee to make a difference beyond the present.

All members here know that starting last November—and I'm about to move a subamendment, Mr. Chair—I was the one who initiated this interest in review of the Privacy Act. I'm not going to go into the details—we've had the discussion before—but suffice it to say that I and others, including Mr. Hubbard, were convinced that a study of the Privacy Act was long overdue.

We began this study after the Mulroney-Schreiber hearings wrapped up. I believe we're very close to completing our study at this point. I had hoped we could have used our meeting today, Thursday, and the two meetings next—

• (2255)

**The Chair:** On a point of order, Mr. Hiebert, you've already gone over this ground about the committee having other work.

I'm hoping we will be able to go to the Privacy Act on Thursday with regard to reviewing witnesses we can deal with. I know a number of members have raised it. We have to deal with that. It's important, so let's deal with it. I want to deal with it on Thursday, but if this matter isn't over with, then I guess we'll have to carry over the matter to next Thursday's meeting, in which case it won't get there. Of course, the clock is running out on the House itself. We have certain priorities. The members are going to have to make some choices here.

You are repeating yourself with regard to what the committee was doing and what else we could be doing. I want you to move on from that.

**Mr. Russ Hiebert:** Just to be clear, Mr. Chair, I have not made that argument before this motion. I have made this argument in the

past at this committee, but never before this motion, so no repetition is involved.

**The Chair:** Keep in mind that I may not have put the names down, but the repetition rule relates to either repeating yourself or repeating what another member said. I do have it down here about the description about privacy. One way or another, it is a repetition of the point about the committee. I've ruled on that.

**Mr. Russ Hiebert:** Fair enough.

I want to move to the subamendment I want to make. The gist of it is that I'd like us to complete our study of the Privacy Act before we initiate this particular study, as proposed by Mr. Hubbard. I think ample arguments have been made in favour of that. We're very close. This would give the clerks a chance to draft over the summer. To that effect, and this follows immediately after Mr. Van Kesteren's amendment, my subamendment reads, "but not until after the committee has finished hearing witnesses and completed its study on reforms of the Privacy Act."

This would give us an opportunity to do both, but in an orderly fashion. We would not simply dislodge all the work we've put in place. We'd wrap it up and then we would begin this additional study. It's made in good faith. It is one I hope the opposition can agree to. It doesn't affect the scope of what you're trying to accomplish. It's non-partisan.

**The Chair:** Mr. Hiebert, I'm going to have to rule the subamendment out of order because it's beyond the scope of what the amendment itself is dealing with. The amendment Mr. Van Kesteren moved deals with adding in additional work and maybe doing this, that, and the other thing; your subamendment relates to the whole motion.

**Mr. Russ Hiebert:** That's the point. It's the whole motion, including the subamendment. It's on the amendment.

**The Chair:** But it will only be, in fact, an amendment to the subamendment—sorry, the subamendment would be an amendment to the Van Kesteren one, and it's beyond the scope, so it's out of order and I've made that ruling. Okay?

• (2300)

**Mr. Russ Hiebert:** The recommendations and everything would be delayed.

**The Chair:** Because of the way you've structured it and the way it would be worded, it would actually refer to the Van Kesteren stuff not starting until after.

**Mr. Russ Hiebert:** That's fine.

**The Chair:** But the other can start. Do you understand?

In any event, the clerks both agree that the subamendment you've proposed is out of order, and I so rule.

**Mr. Russ Hiebert:** Just to clarify, does that mean I can move it later, to the regular amendment, and then it would be in order—to the regular motion? Would it be in order at that point?

**The Chair:** We'll have to deal with it when we get there. We'll have to deal with the amendment first and then see where we are.

**Mr. Russ Hiebert:** I'd like to make a different subamendment. This one would read—

**The Chair:** We are dealing with the amendment.

**Mr. Russ Hiebert:** I recognize that.

I'm just looking at this. It may or may not be in order, but I'll let the clerks decide. It reads:

...but not until the civil suit between the Conservative Party of Canada and Elections Canada, in which Elections Canada is the defendant, is resolved.

The point here is that we would give the—

**The Chair:** I want to be able to read it.

Mr. Hiebert, the motion is out of order because it simply makes no sense whatsoever.

**Mr. Russ Hiebert:** There's a comma after the amendment.

**The Chair:** There's a comma after the amendment, so after Mr. Van Kesteren's amendment, it's "...but not until the civil suit between...has been resolved".

The amendment says, "...and should the committee find in their investigation similar...the committee will broaden their investigations and make recommendations...".

**Mr. Russ Hiebert:** It would be, "...and make recommendations, but not until...".

**The Chair:** But the civil suit.... So this again is to set a timeframe that would relate only to the activities of the amendment, but not with regard to the main motion.

**Mr. Russ Hiebert:** That's correct.

**The Chair:** It's out of order for the same reason that your other amendment is out of order.

**Mr. Russ Hiebert:** You didn't understand what it said.

**The Chair:** No, we did understand. It's the same. I've just ruled it out of order.

**Mr. Russ Hiebert:** I deserve an explanation. I'm trying to delay the timing of the recommendations until after the civil suit is resolved—

**The Chair:** No, Mr. Hiebert, you proposed an amendment. I considered it. I reviewed it with the two clerks. It is the same attempt to put a time horizon on—

• (2305)

**Mr. Russ Hiebert:** On the amendment.

**The Chair:** On the amendment, but not.... It all fits together. I mean, when you pass it all together, you cannot incorporate the subamendment on the amendment and then have that apply to the main motion.

**Mr. Russ Hiebert:** It reads fine to me.

**The Chair:** Well, I have just ruled that the amendment is out of order.

**Mr. Russ Hiebert:** On what basis?

**The Chair:** I've just explained it.

**Mr. Russ Hiebert:** You can't even explain it.

**The Chair:** I've just explained it to you. It is out of order.

**Mr. Sukh Dhaliwal:** Do you want to challenge the chair?

**Mr. Russ Hiebert:** No, no, I'm not trying to challenge the chair. I want to understand why my motion...because I put a lot of thought and effort into this.

**Mr. Sukh Dhaliwal:** Are you filibustering? It's one thing or the other.

**The Chair:** Order. Order!

**Mr. Russ Hiebert:** It makes perfect sense—

**The Chair:** Order.

**Mr. Russ Hiebert:** —that we would not want to make recommendations to Elections Canada until the legal case has been resolved—

**The Chair:** Order.

**Mr. Russ Hiebert:** —because that would provide guidance to this committee.

**The Chair:** Order.

**Mr. Russ Hiebert:** I'm seeking understanding, Mr. Chair.

**The Chair:** Order.

Order, Mr. Hiebert; that's seven times.

I'm sorry, but if you really respect the committee and the committee's time, you'll respect the decisions of the chair. You have opportunity to challenge the chair if you disagree with him, but as you well know—

**Mr. Russ Hiebert:** That's nonsense.

**The Chair:** Order.

The chair—all colleagues should know this—does not have to explain every decision to the members and take questions and enter into a debate. The chair must take into account all of the facts, consult with the clerks, and make a decision—in accordance with our policies and practices, our Standing Orders, and our best judgment—on what is in order.

I've made a decision. You may not agree with it, but it's the decision of the chair. I don't want to have a debate every time I make a decision.

Now, I—

**An hon. member:** Do I have the floor?

**The Chair:** Order.

This will be the fourth time I've had to admonish you about coming to order when I say the word "order". And I say that to get us back under control, but you continue and you persist.

I'm sorry, Mr. Hiebert, but this can't continue. If I call for order, let's just have order and move on with it. This badgering of the chair, this disrespect for the chair, is not helpful. All it does is show contempt—

**Mr. Pierre Poilievre:** I have a point of order.

**The Chair:** We're in the middle of something. Just hold on; I'll get to your point of order.

**Mr. Pierre Poilievre:** A point of order does interrupt.

**The Chair:** No, no...well, we're in one right now.

So I want to ask you, sir, please, respect our practices and our convention that when the chair calls for order, members should stop talking and stop trying to have a debate with the chair. The chair calls order to bring order back to the committee.

Now I have a point of order from Mr. Poilievre.

Go ahead, sir.

**Mr. Pierre Poilievre:** You indicated that Mr. Hiebert's subamendment didn't make sense and therefore was out of order. I'm not sure what standing order indicates that the chair must be able to understand the motion for it to be in order.

However, I would just suggest—it's just a suggestion, and I think you will agree it—

**The Chair:** Order.

We made a ruling—

**Mr. Pierre Poilievre:** It's just a suggestion—

**The Chair:** Order.

We made a ruling, on the first attempt by Mr. Hiebert, that you couldn't make the subamendment on the amendment because that didn't apply to the main motion. It's not that it just didn't make sense; it was the same situation where it didn't work its way up. It was in the wrong order.

Mr. Hiebert asked if he could move it later. Well, it depends on whether or not the amendment passes.

So I've made a ruling on that. You, on a point of order, have decided that you want to debate with me a ruling that I've already made. It is not a point of order, sir. It is debate. So I'm going to move on.

Mr. Hiebert has the floor.

**Mr. Pierre Poilievre:** I—

**The Chair:** Mr. Hiebert has the floor.

**Mr. Pierre Poilievre:** Mr. Chair, I have a point of order.

**The Chair:** You have another point of order, a new point of order? Are you sure it's a point of order?

**Mr. Pierre Poilievre:** Yes.

**The Chair:** Okay, Mr. Poilievre, on a point of order then.

**An hon. member:** Wow, fresh troops.

**An hon. member:** Shift number two.

**An hon. member:** We're going all night.

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

**Mr. Pierre Poilievre:** I—

**The Chair:** Order, please, colleagues.

Those who came into the room, please, we're in the middle of a point of order.

Thank you.

Mr. Poilievre, please.

**Mr. Pierre Poilievre:** Sir, is there order here or what?

Chair, I was going to make a suggestion to bring this to a resolution.

**The Chair:** Order. I'm sorry, that's not a point of order, making a suggestion.

Mr. Hiebert, you have the floor.

**Mr. Pierre Poilievre:** But, Chair, I was just about to—

● (2310)

**The Chair:** Order, please.

**Mr. Russ Hiebert:** If I understand you correctly, Mr. Chair, you've ruled the first two motions out of order. I'm going to try again with a different one, so that's why I'm seeking your clarity. I'm seeking another subamendment to the amendment, but I want to make sure that I don't make the same mistake again.

So just to clarify, subamendments can only affect the amendment. They cannot affect the original motion. Is that correct?

**The Chair:** On the floor right now is the amendment, and we are debating the amendment. When you want to change the amendment, it is called a subamendment. So you are working with the Van Kesteren item only.

**Mr. Russ Hiebert:** Okay. So any subamendment that I move cannot affect the original motion. Is that correct? It can only affect the amendment.

**The Chair:** That's if the amendment passes. That's why you may have to make another motion later. But you're dealing solely with the amendment.

**Mr. Russ Hiebert:** All right. So just to clarify, my next subamendment focuses only on the Van Kesteren amendment. It does not address the original Hubbard motion.

It reads:

...and to determine why Elections Canada has applied a double standard in sanctioning Conservative MPs and not any of the myriad of other MPs from the parties who have undertaken the same actions involving their past campaign expenses.

I think, Mr. Chair, if you'd look closely at this subamendment, it applies directly to the Van Kesteren amendment and not to Mr. Hubbard's main motion. If that's the standard for acceptability, I would hope that you would find it in order.

**The Chair:** Could I have it so that we can compare it to what we have, please? I want to be sure we have it correct.

**Mr. Russ Hiebert:** I read it slowly. I think—

**The Chair:** No, I want to see what you read, because every word is important, as you know.

**Mr. Russ Hiebert:** Fair enough. Just give me a moment.

**The Chair:** Members, if you have any motions or amendments, they should be in writing, with a copy available so that the clerk can make copies. It's good practice.

The principle is that an amendment to a motion, or a subamendment to an amendment, should be trying to define more clearly or place more precision to what is there, as opposed to adding more to it. When you add more to it, a new element, it goes....

I'm sorry, Mr. Poilievre, did you ask what the hell I am talking about?

•(2315)

**Mr. Pierre Poilievre:** What are you talking about? I'm sorry, Mr. Chair, are you saying we can't amend a motion now?

**The Chair:** I am in the middle of making a ruling on this—

**Mr. Pierre Poilievre:** Making up rules.

**The Chair:** Making up rules. Okay.

**Mr. Pierre Poilievre:** I challenge the chair, and it's not debatable. He's ruling your motion out of order.

**Mr. Russ Hiebert:** He hasn't made a ruling yet.

**The Chair:** I'm sorry, but we have other speakers here.

**Mr. Russ Hiebert:** I apologize for Mr. Poilievre. I'd like to hear your ruling.

**The Chair:** I'm sorry. I have tried very hard to be patient, to listen to members, and to be respectful, but the language I'm hearing from Mr. Poilievre I find totally unacceptable.

I demand an apology, Mr. Poilievre. There must be respect for the chair. You can't say, "What the hell are you talking about", and be critical of me in the middle of giving a ruling on—

**An hon. member:** A point of order.

**The Chair:** I am in the middle of ruling on—

•(2320)

**Mr. David Tilson:** He cut this member off. He has no right to do that.

**An hon. member:** A point of order, Mr. Chairman.

**The Chair:** I'll get to it. I'm in the middle of ruling on the amendment that Mr. Hiebert presented.

We're on the amendment proposed by Mr. Hiebert to Mr. Van Kesteren's amendment. We refer to it as the subamendment. I tried to explain that the intent or the action of an amendment to anything should be to provide greater precision to the motion it's amending, not to add on to it more elements to do more things. When it reaches that point, it goes beyond the scope of the motion or the amendment that you're trying to amend.

The reason for the inadmissibility of the amendment is that it's going beyond the scope of the Van Kesteren amendment, because it's doing a whole new set of activities not contemplated, not referred to in the Van Kesteren motion. So I rule the amendment out of order.

Mr. Tilson, on a point of order.

**Mr. David Tilson:** Mr. Chairman, you have been repeatedly attacking Mr. Hiebert and Mr. Poilievre for their conduct. You don't

have the right to do that. I'm going to refer you to Marleau and Montpetit. Page 858 says:

In the event of disorder,...

—which is what you're suggesting when you attack these honourable members—

...the Chair may suspend the meeting until order can be restored or, if the situation is considered to be so serious as to prevent the committee from continuing with its work, the meeting may be adjourned. Neither committees nor their Chairs...

—that's you, Mr. Chairman—

...have the authority to censure an act of disorder or misconduct.

So I say to you, sir, you don't have the right to demand an apology from members, to be critical of members of this committee. If you're losing control of this meeting, you know what to do, and that's not to criticize members.

**Mr. Marcel Proulx:** On the same point of order, Mr. Chair.

**The Chair:** Mr. Proulx.

**Mr. Marcel Proulx:** I don't understand how asking for an apology from Mr. Poilievre is an act of censure, through you, Mr. Chair, to Mr. Tilson.

It's a normal, reasonable request of a member who has been using improper vocabulary against the chair.

**The Chair:** Order.

The chair has been subject to a lot of abuse, but when it gets personal, an honourable member will withdraw unparliamentary remarks and criticism, particularly of a chair. That's not censure; it's a request to do the right thing. The only censure can come from the House, and that would be pursuant to report. If I wanted to do that, I suppose I could do a report to the House and attach the transcripts of the meetings. I don't intend to do that. I don't have to, because we have to try to work this out. But it's deteriorating.

I'm in the middle of rulings, and members start debating or start being critical. I'm sorry, but we have made no progress. This has been repetition, irrelevance. It has been frivolous argument. There have been motions that clearly are way beyond the scope. Now this is growing into a monster. It's not getting smaller; it's getting bigger. This whole process has to get smaller.

Mr. Van Kesteren made his pitch in faith that this terminology, the language, was to parallel the meaning and the intent in that, and that we would deal with it. But it's just deteriorated from there. To get into argument about whether or not a political party is a public office holder is moot. There is a definition; it's in the Conflict of Interest Act. A public office holder is a cabinet minister, a parliamentary secretary, or an order in council appointee. So we don't have to go there, but we do have to make progress. When I ruled on this matter, this amendment, it was because it's a matter of scope. It goes beyond the scope of the Van Kesteren amendment.

**An hon. member:** What was the amendment?

**The Chair:** What was the amendment?

That's why we should have them in writing in advance. Do members have the Van Kesteren amendment before them?

At the end of that, you would add the words:

...and to determine why Elections Canada has applied a double standard in sanctioning Conservative MPs and not any of the myriad of other MPs from other parties who have undertaken the same actions involving their past campaign expenses.

The point is that we're not dealing with Elections Canada. Now we're being asked to judge or to assess Elections Canada about a double standard.

Now, on the concurrence....

Order.

**Mr. David Tilson:** It's right there: "Elections Canada".

**The Chair:** No, no, to judge Elections Canada on exercising a double standard.

**Mr. David Tilson:** It's not an amendment that you have approved, sir.

**The Chair:** No.

The Van Kesteren amendment is there. This subamendment to that amendment has just been put forward. I've consulted with the clerks. It is beyond the scope, and I've ruled it out of order.

• (2325)

**Mr. Russ Hiebert:** Mr. Chair, I hear you saying that subamendments have to make the amendments smaller. That's what I wrote down when you said that.

I'm sorry, I've been here for four years...and I'm not going to debate this, but I'm just saying I have never known a subamendment to be restricted to making an amendment get smaller. I thought there was unlimited scope to how these things could be debated, but I guess not.

I'd like to move a subamendment.

**The Chair:** Could you write it out for us and then pass a copy to the clerk, so that—

**Mr. Russ Hiebert:** Do you not want me to read it so that other members can hear it?

**The Chair:** I want to be sure.

Do you have it all written out already?

**Mr. Russ Hiebert:** Well, it's changed, so I'd have to rewrite it.

**The Chair:** Okay. Could you rewrite it so that we're absolutely sure that whatever you say is what's there on paper?

• (2330)

**Mr. Russ Hiebert:** I do think there would be a benefit to all members hearing it.

**The Chair:** Yes, wonderful. Write it down and we'll hear it.

**Mr. Russ Hiebert:** Okay.

**The Chair:** Excuse me, you're not signed into the committee.

**An hon. member:** It doesn't matter, Mr. Chair.

**The Chair:** Yes, it does, because we're in the middle of something else. You can't do it without the consent of the committee.

**An hon. member:** I can, under Standing Order 119.

**The Chair:** No, no. I'm sorry, you need the consent of the committee.

**Mr. David Tilson:** Mr. Chairman, if I could read to you Standing Order 119, it says:

Any Member of the House who is not a member of a standing, special or legislative committee, may, unless the House or the committee concerned otherwise orders, take part in the public proceedings of the committee, but may not vote or move any motion, nor be part of any quorum.

I would suggest, Mr. Chairman, that you look at that standing order.

**The Chair:** Thank you.

Colleagues, order, please.

We are having some difficulty, because I'm concerned that Madame Lavallée has not been able to get the amendments and subamendment in the language of her choice. I'm going to require that we have amendments and copies of proposed amendments circulated to members whenever we have these things. It's the only way to make the committee run efficiently, and we will try to get Madame Lavallée a quick translation. But this idea of dictating it on the fly is not working.

It's 11:30. I think we are probably hitting a point at which the committee has had a long day. Tomorrow is a very special day. And we do have a meeting on Thursday, from 3:30 to 5:30—or to the call of the chair.

I think at this point we need to have another break. It appears that we're going down a road that may not be in the best interests of the committee and I think of the parties. Because of the direction it's going in here, with amendments and subamendments, people may want to consider their own positions and have an opportunity to discuss them.

As a consequence, I think what I'm going to do is adjourn the meeting to the call of the chair, till Thursday at 3:30.

**Mr. David Tilson:** On a point of order, Mr. Chairman, do you have the authority to do that?

**An hon. member:** Yes.

**An hon. member:** Of course.

**Mr. Russ Hiebert:** Do we have witnesses on Thursday?

**The Chair:** No.

We have Mr. Mulroney.

**Mr. Mike Wallace:** Is he a public office holder?

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

**Mr. Pierre Poilievre:** He can't testify on Thursday. He's not a public office holder.

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

**An hon. member:** Are we seeking witnesses?

**The Chair:** Could I have a motion to adjourn?

Thank you. We're adjourned till Thursday at 3:30.

There's a motion to adjourn from Mr. Proulx.

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