



House of Commons
CANADA

Standing Committee on Procedure and House Affairs

PROC • NUMBER 014 • 2nd SESSION • 39th PARLIAMENT

EVIDENCE

Tuesday, February 5, 2008

—
Chair

Mr. Gary Goodyear

Also available on the Parliament of Canada Web Site at the following address:

<http://www.parl.gc.ca>

Standing Committee on Procedure and House Affairs

Tuesday, February 5, 2008

• (1105)

[English]

The Chair (Mr. Gary Goodyear (Cambridge, CPC)): Colleagues, let's bring our meeting to order. As members know, we had to suspend last time due to disorder.

We will pick up where we left off. We are now resuming debate on the motion.

[Translation]

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Point of order, Mr. Chairman.

The Chair: Thank you.

Mr. Michel Guimond: Mr. Chairman, I wish to speak on behalf of my colleagues from the three opposition parties. Before beginning, we require a decision on your part with regard to the procedure for the closing of the meeting.

We have been called here to sit today for this 14th meeting. The notice of meeting says that we are to sit from 11 a.m. to 1 p.m. Consequently, could you provide me with your interpretation, in other words must the meeting imperatively end at 1 p.m. or might it go on for as long as there are speakers wishing to discuss the motion brought forward by Mr. Lukiwski? Would you please share your decision with us?

[English]

The Chair: I don't think there's a decision needed on that. In the past we have left that kind of thing up to the committee for the most part. And as usual, I'll be looking for a motion to adjourn as we approach one o'clock.

Are there any other points?

[Translation]

Mr. Michel Guimond: If I understand correctly, we may continue to sit beyond 1 p.m. if there is no motion to adjourn.

[English]

The Chair: It will be entirely up to the committee.

[Translation]

Mr. Michel Guimond: Perfect, let us not go any further.

[English]

The Chair: *Merci.*

Mr. Lukiwski, please.

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): Thank you very much, Chair.

I appreciate the earlier comments by Monsieur Guimond that he's taking his pills, that he's going to be relaxed and attentive, because I think the motion that I introduced last meeting, Chair—and I'll again refresh the committee's memories as to why I brought it forward—is extremely important, inasmuch as there have been allegations, both from Elections Canada and members of the opposition parties, that the Conservative Party in the 2006 election had contravened the Canada Elections Act.

How they have done this, allegedly, has been that they overspent the national advertising cap. The method in which they did that, again according to the allegations, was by these supposed in-and-out advertising schemes, in which local campaigns would run national ads and be reimbursed by the federal party.

I am prepared today, Mr. Chairman, to give many examples of how that practice works, but as I said in the last meeting, the position of the Conservative Party is that, one, we did absolutely nothing wrong, that we did not in fact contravene the Elections Act; and secondly, that the practices used by the Conservative Party in the 2006 election were consistent with and entirely similar to the advertising practices of all other federal parties, at least the major federal parties, those being the New Democratic Party, the Bloc Québécois, and the Liberal Party of Canada.

That was the genesis of my motion, Mr. Chair. To anyone who has more than just a passing knowledge of this committee's work, there is an apparent—I would say very overt—attempts by members of the opposition to examine only the Conservative Party's election practices, their spending practices in the 2006 election, not because they truly want to get to the bottom of this and to examine what happened and whether or not the Conservative Party was in contravention of election laws, but merely to try as best they can to embarrass the government.

We have been the only party, Mr. Chair, as you know, that has consistently stated that we are more than willing to enter into a study or an examination of all of the election spending practices of our party with one condition, and it is that all parties' election books are examined. In fact, Chair, we stated we would go beyond that, not just for the 2006 election, but we would go back to the 2000 and 2004 elections. We would willingly bring out books for examination to this committee as long as the Liberals, the Bloc Québécois, and the New Democratic Party did the same.

We suggested this would be an appropriate course of action, Chair, and that's why I brought this motion forward for two very basic reasons. The overriding reason, of course, Chair, is that we think it's a matter of fairness. If we're going to examine the Conservative books, then we should definitely be in a position where we examine all parties' books, because, Mr. Chairman—and this is my second point—as we contend, not only have we done nothing wrong, but we have engaged in the same practices as opposition parties, and these practices, Chair, are entirely within electoral law. In other words, we are contending, Chair, that not only did we do nothing wrong in the 2006 election with respect to our advertising, but neither did any of the other parties.

● (1110)

I think there may be a slight misconception on behalf of the general public on that issue. There may be some who think we are attempting to examine the other parties' books because we feel they did something illegal. We have never stated that. We have repeatedly stated...and I think you will find, if you examine the records of this committee's testimony, that I have repeatedly stated that my belief is that with respect to the so-called in-and-out advertising scheme, no party did anything wrong. All of the practices followed by opposition parties complied fully with electoral law, as did the practices of the Conservative Party of Canada.

Yet time and time again, when I try to bring this forward—my motion was just the latest in a long list of motions similar to this that we brought forward to this committee—the opposition parties absolutely reject it outright. They refuse to accept this motion.

The only interpretation that I think most people can have of their actions is that they must have something to hide. Otherwise, why are they refusing to allow an examination of their books? If, as they contend, they did absolutely nothing wrong and they complied fully with the law, why are they then so resistant to this examination?

Chair, I would suggest to you that they're doing so for partisan political reasons. They may well know that they did nothing wrong, but they are attempting to create a scandal where no scandal exists. They are attempting, as they have many times in the past with other issues, to create an impression that the Conservatives have broken the law or done something illegal with respect to election spending. We reject that argument outright.

In fact, Chair, one of the reasons we have brought a court action forward is to prove in a court of law that we have done absolutely nothing wrong. We absolutely, vehemently oppose the Elections Canada ruling or interpretation of elections law that only the Conservative Party did something wrong in the 2006 election. That's why we have brought forward a case that will be heard in Federal Court, hopefully sooner rather than later.

Chair, later in this meeting, and perhaps even in subsequent meetings, I'll be bringing examples forward to members of this committee, reading into the record some of the testimony that we will be presenting in Federal Court, and showing members of this committee fully and completely the argument we propose, the argument that exonerates us, that shows without question that the Conservative Party of Canada did absolutely nothing wrong.

As I mentioned in the last meeting and will mention again today, if this committee were truly interested in getting to the bottom of this, they wouldn't need to bring this matter forward at the committee level for examination, because in the court case that will hear our arguments, all of the facts regarding our election spending in the 2006 election will be presented. In fact, I think it very fair to say that if one is to have a complete and fulsome discussion on our advertising practices, a court of law is the best place for that discussion to take place.

To give another example, Chair, we have seen what's happening currently in the Mulroney and Schreiber affair. The ethics committee is having their own examination, yet almost to a person, the members of that committee and the editorial and political columnists agree that the only way to really get to the bottom of this is through the public inquiry, which we all know, of course, the Prime Minister has already called. I would suggest that the same situation is in play here.

● (1115)

There will be a court case heard to determine whether the Conservative Party of Canada broke any election laws. We contend that we did not. That case will be heard before a judge in federal court. That testimony and the results obviously will be made available to not only the Canadian public, but certainly to all members of this committee.

In fact, much of the testimony I will be giving today is coming from an affidavit we have presented that really sets out our legal case. This affidavit is again available to all members of this committee. I'm very surprised that they don't have copies of it with them, because when we start discussing this and I start bringing some of our evidence forward, they could follow along.

Mr. Chair, again I go back to the overriding issue that appears to be at play here, that members of the committee from opposition parties don't seem to really want to get to the bottom of this. They don't really want to have strictly an information-gathering exercise. What they are attempting to do by bringing forward their own motion, put forward by Ms. Redman, is to examine only the Conservatives' advertising practices in 2006.

Their motivation is simply this: to try to get some headlines, to try to embarrass the government, to try to somehow create a perception that it was only the Conservatives who broke electoral law.

We reject that completely and wholly, Chair; therefore, we brought forward our own motion, which said we are more than willing to have an examination and have a study of our election practices—

The Chair: Excuse me, Mr. Lukiwski; my apologies.

There seems to be a lot of peripheral noise in the room, and I know it's not coming from members at the table. If we could have some of the folks in the background keep the noise down, that would be excellent.

Mr. Lukiwski, you have the floor.

Mr. Tom Lukiwski: Thank you, Chair.

Again, I want to make sure that we're quite clear on the motivations of everyone here.

The motivation, clearly, from the opposition side is that they want to have a discussion for media purposes to try to get some headlines, to get some media stories going that the Standing Committee on Procedure and House Affairs examines Tory election spending practices, and they want to have stories coming out that because of the alleged illegal activity of the Conservative Party a standing committee of the House of Commons is examining their books.

In fact, Mr. Chair, they don't use the word "examine" or "study" in the motion put forward by the members opposite, they use the term "investigate".

Mr. Chair, if that doesn't make apparent what the opposition is up to, I don't think anything else I say could convince you, because it is absolutely, fundamentally, obviously true that the only reason and the only motivation that the opposition members have to bring forward a motion, as they have done, is to try to score some cheap political points. In fact, Mr. Chair, if they don't appreciate the fact that the examination that would take place in a Federal Court case could bring more disclosure and more light to our practices, then I would suggest all they are attempting to do is create some form of kangaroo court at this committee level.

Mr. Chair, I see absolutely no reason why the motion that I presented could not be agreed upon by members of this committee, yet we see total and absolute resistance from the members of this committee with respect to my motion. Again, I would remind members of this committee that only the Conservative Party of Canada is willing to open up our books. We've stated that quite clearly. We'll gladly do it, and we can start the examination today. We can start getting a witness list, at least, compiled today if only the opposition members would say, all right, we have nothing to hide, we'll open up our own books as well. We could start this today. Why aren't we? Quite simply because the opposition doesn't want any examination of their own books.

Mr. Chair, as I stated, I do not believe, based on the information we have compiled, that the opposition parties did anything wrong in the practices they employed in the last election, because they too engaged in what is called the in-and-out advertising—advertising practice, I would suggest, but the opposition tend to call it a scheme. But they did exactly the same thing as we did. Is that illegal? No, it is not.

Let me perhaps, for the record, try to put this into context and try to frame the so-called in-and-out scheme, and how it works, and also, Mr. Chair, try to frame the argument that the opposition members are attempting to make.

Basically, where the dispute is is that Elections Canada has contended that the Conservative Party of Canada overspent the cap that they have on national advertising. In other words, every party during a federal election has a cap on how much it can spend at the national level for advertising, whether it be radio, electronic, television, and that sort of thing. Elections Canada has contended that the Conservative party got around this cap and exceeded this cap

by getting local candidates and their local campaigns to run national ads.

• (1120)

They also contend that the national party paid for those ads in a practice known, again, as the in and out, where a local campaign would pay for an ad that they ran—which the opposition claims is national in scope—and then be later reimbursed by the national party for it. So it would have the net effect of running a national ad that wouldn't cost the local campaign anything. In fact, since they paid for the ad and were later reimbursed, they could claim their payment or their invoice as an election expense and actually get a return from it.

Chair, it may appear to many uninformed members of the general public that there's something wrong with that. How can you get reimbursed and still claim it as an expense? Well, Mr. Chairman, that's the way election laws are presented. Whether or not that's the correct method by which Elections Canada should conduct itself is a question for another day. But that is the current system that Elections Canada employed, and it was followed to the letter not only by the Conservative Party but by all other political parties.

Mr. Chair, I would like to deal with those issues as best I can. Wherein, again, the contention is that something was wrong, that the Conservatives did something wrong by overspending their national advertising cap.... In fact, one of the allegations is that local candidates should not be allowed to run national ads, that they should be allowed to run only ads that promote the local candidate, not the national party.

Mr. Chair, let me just read, for the record, the following:

In summary, the records of Elections Canada indicate that the interpretation it apparently applied in refusing to recognize the expenses for some of the regional media buys of Conservative Party candidates in the 2006 Election (due in particular to the so-called "national" content of the advertising) is expressly contrary to the interpretations repeated many times by Elections Canada in its own published interpretation material from at least 1988 through early 2007—when there was an abrupt change published without notice, over a year after the 2006 election.

Let me just deal with that for a second. What this refers to is simply that up until and including the 2006 election, for a period of at least 18 years, Elections Canada in its own material stated that candidates could run advertising campaigns that promoted either their local candidacy or the national party. That was within the parameters and the rules set down by Elections Canada. Yet a year after the 2006 election, Elections Canada came out with interpretations saying local candidates can promote only local candidates. In other words, they can't promote the national party. But that was a year after the 2006 election.

So I would submit, and I would argue, Chair, that if Elections Canada is contending that the Conservative Party of Canada broke elections law, elections rules, by having local candidates promote a national party, they're absolutely wrong, because they changed the rules after the 2006 election.

We were following the letter of the law in the 2006 election, as was each other nationally registered party. The rules were changed after the election, Mr. Chair.

Secondly, Chair, Elections Canada interpretation material also indicates, consistent with the act, that national parties have an unrestricted right to transfer funds to local campaigns—and that's the second part of the allegation that the Conservatives did something wrong. They're saying that not only did they run a national ad, which therefore contravenes the national cap on advertising, but they received money from the national party to pay for the ad. So somehow that is wrong.

●(1125)

Again, Elections Canada's own interpretive material says that the national parties have an unrestricted right to transfer funds to local campaigns. So in their own material, Chair, Elections Canada is contradicting itself, and that, frankly, is one of the main arguments we will be proposing when this case is heard in court. Here's an interpretation of Elections Canada that absolutely contravenes its written material, its instructions to candidates and national parties, the rules that we are all to follow.

How can that happen? How can Elections Canada, Chair, summarily and arbitrarily state that the Conservative Party was at fault when in fact by the letter of the elections law, we followed their instructions absolutely completely?

Mr. Chair, that's a question I don't believe anyone at this committee can answer. That's why we have to take this to court and why we have engaged in the action we have.

Again, I go back to one of the arguments I raised earlier. If the opposition parties and the members of this committee were truly interested in finding out whether the Conservative Party broke elections laws, they should let this court case play out. There will be far more examination done in a federal court of law than could ever be done at the committee level—and we all know that here. The way the committee structure is set, there's only a limited amount of time that each member can question witnesses. Yet in a court of law, the judge and the respective lawyers representing Elections Canada and the Conservative Party would be able to engage in a very fulsome argument. That's where the information will become evident, and that's where the information will be made public.

So again, it's apparent to me and to any right-minded Canadian, I think, who's been following this that all the opposition members are trying to do in this committee is to create a scandal where none exists and to do anything within their power to embarrass the government, because, Mr. Chair, we all know that in a minority government situation, there's a distinct possibility of an election being called at any moment.

So what does an opposition party trailing in the polls need to do if they want to force an election, or if they want to engage in an election campaign? They need to have an issue. They need to have

something that embarrasses the government. They need to be able to point to something during an election campaign and say, see, that's why you have to get rid of these guys.

Make no mistake, in the 2006 election—and prior to that in the 2004 election, but more so in the 2006 election—one of the main controversies and issues was the sponsorship scandal. That, of course, was a scandal unprecedented in Canadian political history, the largest political scandal in Canadian history, and it had a huge effect in the defeat of the then Liberal government. So the Liberals quite obviously know the effect a scandal can have on an incumbent government, and they are trying, with the help of their opposition colleagues, to create a scandal where none exists, and they're pointing to and considering this to be a scandal. It's absolutely partisan, Chair, and it's the only reason that committee members are adamant in their view that Ms. Redman's motion be voted upon and be followed through.

We, on the other hand, Chair, as I state for the record once again, have said that we have absolutely no problem with our books being examined. If we did, we wouldn't be bringing forward a case. We wouldn't be bringing forward to the Federal Court the very thing the opposition members on this committee have been demanding and asking for.

●(1130)

We'll be completely examining—and allowing a Federal Court judge to examine, Chair—all of our books with respect to the 2006 election. And we've gone even further, at this level: we've stated that we'll go back to 2004, we'll go back to 2000, we'll go back as far as you want—as long as the other parties agree to do the same.

Yet we have had consistent and repeated resistance from the opposition members to do so. Why? It's because this isn't about fairness; this is about partisan politics. That's all this is. The opposition members do not want to have a media story saying that their books are being examined. They only want the media stories and the headlines to say, "Tory books examined—committee investigates".

Chair, not only is that not fair, but I think it is readily apparent to all observers that this shouldn't be the purpose of this committee. This committee, probably amongst all others, has, I believe, in past years had a well-deserved reputation for being relatively impartial. This committee generally deals with issues that affect all parties in Parliament. It's the Standing Committee on Procedure and House Affairs; we talk about procedural matters, about matters that affect all parties. The legislation this committee deals with is mainly on the democratic reform side.

Again, over the past years it has had a very well-deserved reputation as a committee that gets things done, that is impartial in its nature, that does good work to the benefit of all members and all parties. Yet, Chair, we have strayed a long way away from the noble intents and the noble work that this committee has done in years past. We're down to a point now where opposition members are using this committee as a vehicle for their own partisan purposes, to try to embarrass the government, to try to create a scandal where none exists. And, Chair, that's something I'm certainly not prepared to let happen.

If you truly want to have an examination of the Conservative advertising practices, if you want to talk about the in-and-out advertising scheme, let's do so. But let's do so by examining all books.

In fact, Chair, I would even go further. If the in-and-out advertising practice that has been employed by all political parties is something this committee feels to be inappropriate—and frankly, Chair, I would suggest there may be a very good argument to be made there—then let's deal with that. We have all followed the same set of rules, and if we think that practice should stop, let's investigate the matter. Let's talk about that issue.

I'm not suggesting we make any fundamental changes to the Elections Act or to the practices of advertising, but if you want an examination, let's do that; then we can fully discuss that issue. We can examine whether other parties have followed the same practice, which they have, and whether or not it's appropriate. But let's not go down into the political gutter, as the opposition members are attempting to do, and say let's just look at one party.

You know, Chair, I'm looking forward to the court case that is going to be heard in the next few months, because it will give us clear opportunity to tell all members of this House and all members of the Canadian public exactly how we conducted our advertising practices in the 2006 election. We will be able to argue—and effectively argue—how we followed to the letter electoral law.

Part of that argument, Chair, will be comparison between what we have done and what the other parties have done. I think there's a pretty logical case to be made, if we can demonstrate, if we can completely illustrate, that the practices we followed absolutely mirrored the practices of an opposition party. And if the opposition party was not charged with any offence, then how could we be? If the opposition party was not guilty of any election infractions, and we did exactly the same thing, then how could we be found guilty of any election infractions? It doesn't make any sense.

• (1135)

That's the situation that we now find ourselves in with Elections Canada. That is why we have brought forward a legal challenge to the interpretations of Elections Canada. That is why we are fully prepared to have this whole issue investigated in Federal Court.

Interpretation guidelines contained in Elections Canada candidate handbooks, dating back to 1988, are consistent over time on the issue of candidate advertising, until a sudden drastic change in 2007, fully a year after the 2006 election. Until this drastic change, the guidelines were clear that advertising conducted by local campaigns could promote the candidate specifically and/or the national party.

That again goes back to Elections Canada and their interpretation of our advertising.

One of their criticisms, one of their allegations, is that local candidates ran national ads, and that the national party advertising cap was thereby exceeded. They say, they contend, that this is against the law.

Mr. Chairman, in their own guidelines they say that advertising conducted by local campaigns could promote the candidate or the national party. So how can it be that in their own guidelines they allow this practice to happen, yet they charge that the Conservatives, by following this practice, somehow violated elections law? It doesn't make sense. And everyone around here knows it. We've all been candidates; that's how we got to this place. It is up to the candidate to determine the most effective use of advertising for getting elected.

There's a fairly common rule of thumb in politics that 95% of the success or failure of a local candidate is determined by the success or failure of their national party. In other words, the majority of people, the majority of voters, make their decisions based on the national campaign. Certainly the local candidate has some effect. The longer the time in office, the greater the power of incumbency and the stronger the influence of the local candidate. Generally speaking, though, voters vote for the party. If they think, as voters did in 2006 with the Liberals, that a party is no longer worthy to govern, they have a right, in effect, to fire them. And in 2006, that is what the voters did.

When I was first elected in 2004, I was elected more because the voters in my riding wanted the Conservative Party to represent them than because they wanted to be represented by me as an individual. Primarily, that's why I got elected.

That's why the guidelines that Elections Canada has always followed said that local candidates can determine whether they want to run an ad promoting their own candidacy or promoting the national party. In 2004, when I was first elected, the majority of my advertising promoted the national party, because I felt that this was my best chance of getting elected.

Now, there are some rules that go along with that, and we all know them. We can run a national ad, but we have to identify our own candidacy somewhere in the ad. If it's a print ad, you have to have the name of the candidate and the official agent and authorizations. You need the same thing if you run electronic ads, whether on radio or television. But as long as you do this, it is considered eligible election expenses for the local candidate.

•(1140)

Yet all of a sudden we have this ruling from Elections Canada that because our candidates followed that very basic rule, somehow we were wrong; we, the Conservative Party candidates, erred, and violated somehow Elections Canada law. The net effect was that the ads we ran that might have been national in context and in scope actually should have been paid for and used as national ads, and that in effect exceeded the national advertising cap.

Chair, I would argue to anyone that, as a candidate, it is my sole right to determine what advertising is going to benefit me the most. If they are national ads that benefit me and contribute to my election as a candidate, then I should have the absolute right to run those ads, as long as I authorize them and as long as people know that I was the candidate responsible for paying for those ads. That's the authorization, declaration, and disclosure that I talked about just a few moments ago.

We've all done that. I would suggest that members of this committee, if they were to go back in their political careers, would find that on many occasions they have done exactly the same thing. They have run ads that promoted the national party more than their local candidacy. That was their decision—

The Chair: Excuse me, Mr. Lukiwski.

I don't mean to interrupt, but it's 11:45. If in fact we indeed are going to go over our time, it's probably a good idea to order lunch now, because it will take some time to get here.

I certainly don't want to waste taxpayers' dollars, but I need to know—and just through head-nodding, I don't want to get into a discussion—whether or not we should order lunch.

Order lunch, yes or no?

•(1145)

Mr. Michel Guimond: We don't know how long Mr. Lukiwski will take.

The Chair: All right, that's fine.

Mr. Tom Lukiwski: Well, if it helps the discussion—I hate to see any of my colleagues go hungry—I plan to go for a considerable length of time, for as long as you would allow me.

So I think we should, yes.

The Chair: Thank you very much, colleagues.

You have the floor. My apologies.

Mr. Tom Lukiwski: Mr. Chair, as I mentioned, that's basically the fundamental difference that we have with Elections Canada. They are making an interpretation that I can absolutely not understand. We have carefully examined all election rules with respect to advertising. We believe we have complied fully with those rules, and yet we can't seem to find any accommodation within Elections Canada.

I can't for the life of me understand why they have made this ruling. I know why the opposition is onside with Elections Canada; as I said before, they're just trying to make a political case out of this. But I can't understand why the ruling came down from Elections Canada.

Mr. Chair, I've said before on many occasions that other parties and other candidates have followed exactly the same practice. Let me give one of many examples that I plan to enter into the record. We'll start with my friends in the New Democratic Party. We have again provided evidence, which will be brought forward in the Federal Court, that other parties and other candidates have engaged in the same advertising practices we have.

I'll start by giving you an example of an NDP member who engaged in this and who is in fact the House leader of the NDP, Ms. Libby Davies.

We have provided evidence in our affidavit that there is an invoice from the national office of the NDP to the official agent for Ms. Davies' campaign for “election period radio advertising paid by the federal party in the amount of \$2,612”. This invoice was paid to the NDP national office by Ms. Davies' local campaign by cheque dated May 31, 2006, the same day as Ms. Davies paid over \$2,000 for advertising invoiced by the national NDP office. In other words, if you're following along, it would be an eligible election expense: the NDP invoiced \$2,000 to Ms. Davies, and she paid the bill.

The same day, the local campaign received a transfer of funds from the NDP national office for \$2,600; in other words, virtually the same amount as the invoice—hence the in-and-out. The national campaign office of the NDP invoiced Ms. Davies for \$2,600, she paid it, and the same day the national office transferred \$2,600 right back to Ms. Davies: the in-and-out scheme.

The in-and-out nature of this transaction, Chair, is specifically set out in an e-mail to the campaign from the NDP national office, which states in part: “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.” Now, “we agreed to pay for the ads”; that is coming from the national office of the New Democratic Party of Canada. What they did was run a national ad, and they paid for it, but there was an exchange of transfers and invoices.

This practice that Ms. Davies followed is exactly the practice we used in many of our campaigns—not all, but many of them—and that practice is what Elections Canada says is in violation of the Elections Act, because it was clearly a national ad. If you take all of these ads in question and all the amounts, they exceeded the national cap.

Chair, the Elections Canada people didn't charge Ms. Davies. As I said before, if Ms. Davies was following exactly the same practice as we were, how can we be charged with a violation of the Elections Act and Ms. Davies not be, particularly when the practice of both Ms. Davies and the Conservative Party is completely consistent with the regulations set down by Elections Canada? They say this is okay.

●(1150)

Now, I know that we see in this case, Chair, Monsieur Godin, the member of the New Democratic Party, shaking his head that, no, it's not exactly the same. It is exactly the same, and this will be proven in court. And I know, Chair, I was referring through you to Mr. Godin. It is exactly the same practice.

Again, I am at a bit of a loss to try to understand, from Elections Canada's perspective, how it can be that, if two candidates did in effect exactly the same thing, followed exactly the same procedures in terms of advertising, only one of those candidates or one of those parties was found to be in violation of elections law. It can't be. They're both in violation or neither is in violation. Yet that's not the situation we have before us. That, Chair, is why we have caused this legal action to go forward, because we fundamentally disagree with the interpretation of Elections Canada.

Chair, I think back to the last meeting, when there was obviously a lot of discussion, to be kind, a lot of commotion—a lot of interruptions, to be more accurate—from the opposition when I was trying to present my case. Yet I recall, Chair, that it was Monsieur Proulx who made a comment—of course it was not through you, but it was just an interruption—a comment I heard quite clearly, when I was trying to make a case, as I am today, that we have done nothing wrong. He said, well, Elections Canada doesn't think so, and that is why we should have this investigation. He said, Elections Canada doesn't think so, and therefore Elections Canada should be the sole arbiter.

Chair, I can only interpret by that—I'm going to make a bit of an extreme case, but consequentially it makes a lot of sense—that if Monsieur Proulx takes that approach, then I suppose Monsieur Proulx is saying we have no need for a judiciary, because if one is to take as gospel an allegation or a charge from an organization, why do we need the court system? If police were to charge an individual, then apparently, according to Monsieur Proulx, we could just take that as the gospel truth. We don't have to challenge that. There's no need for a court system to defend anybody, because according to Monsieur Proulx, if someone makes a charge, you've got to accept it.

We do not. We believe that Elections Canada erred, and erred seriously, in its own interpretation of the act and in its own interpretation of our advertising practices. We look forward, Chair, to being able to prove that in court, to being able to demonstrate to all concerned that the Conservative Party of Canada did absolutely nothing wrong. I have given you but one example of a practice used by a member of the opposition, and it is exactly that practice and the same methodology that was followed by many of our candidates.

As I said just a few moments earlier, Chair, perhaps this issue, this ability of national parties and local campaigns to transfer moneys back and forth, is an issue we should be discussing. Say someone brought that forward and said, "Something doesn't seem right to me. How can you have it that a local candidate gets reimbursed but still is able to claim election expenses? That may not be right." Well, hey, it's a legitimate argument and a legitimate point.

Let's discuss that, because all parties have followed that same practice, and for good reason, Chair—I must reiterate, for good reason—because it's allowed. It is not against the law. There's

absolutely nothing wrong, according to the existing Elections Canada laws, that would prevent a candidate or a national party from engaging in that practice. Yet members opposite in this committee certainly don't see fit to investigate whether or not that practice should be continued or not.

●(1155)

Again, as I mentioned earlier, I would suggest that this committee has done good work before. Perhaps that's an issue that this committee should investigate, and we should advise Elections Canada of our findings. Perhaps we could call forward the head of Elections Canada and his staff to discuss this issue, to see whether or not it was appropriate to find out the genesis of that practice—whether or not it should be continued, whether or not it was a legitimate practice, whether or not it perhaps abused taxpayers' dollars.

All of those questions are questions that perhaps we could be asking, but instead, Chair, what we have here is an attempt by the opposition to say, "Because the Conservatives engaged in the same elections and advertising practices as we have, only they should be singled out for scrutiny." And I say that's patently unfair.

I also contend, and I suggest to you, Chair, that the opposition members fully know, although they would never admit this publicly and certainly not in front of members of the media, that this is nothing more than a red herring. They are engaging in a partisan tack, a thinly concealed, thinly disguised smear campaign to try to embarrass the government.

Well, it won't work, Chair. It will not work. We have done absolutely nothing that contravenes election law.

Let's see if we can get another example. Let's turn our attention, if we can just for a moment, to a candidate from the Liberal Party of Canada. I have many, but I'll start with this one: the case of Pablo Rodriguez, member of Parliament.

An hon. member: Doesn't he work for the media?

Mr. Tom Lukiwski: Well, I know Mr. Rodriguez has had his name in the media for a while, in the last month or so, but this is another example of where he might get a little media attention.

I know, Chair, we have Monsieur Godin back talking to members of our media who are covering the proceedings, but I would suggest that...and I see my friend Mr. Naumetz is back there paying rapt attention to this, so I suggest he may want to use this example as well. Again, it's an example of how the Liberal Party and one of their candidates engaged in this in-and-out scheme.

To start off, Mr. Rodriguez receives a fully discounted invoice for services rendered from the electoral district association. In other words, his own EDA, his own riding association, invoices Pablo for \$13,322.68 on April 27, 2004. He then claims that as a legitimate election expense. So his EDA invoices him just over thirteen grand and he claims it as an election expense. That occurred on April 27, 2004.

On May 4, the same EDA that invoiced him for \$13,322.68 receives a cheque for the same amount from the Liberal Party of Canada. Then the electoral district association transfers the same amount of money back to Mr. Rodriguez.

So there is a three-way transfer here. The EDA invoices Pablo for thirteen grand. He pays it. The national party reimburses the EDA for the thirteen grand, so they're not out any money, and the EDA transfers that to Pablo.

At the end, then, he was able to claim \$13,000 and change as an election expense. It didn't cost him anything, and yet he got about a 60% rebate from Elections Canada.

• (1200)

Now, Chair, that's the in-and-out scheme that the Liberals so adamantly state is the problem with the Conservative Party of Canada. They're contending that we followed that in-and-out transfer versus receipt of invoice situation and are at fault, that somehow we've broken electoral law.

Well, Mr. Chair, again I point out that Mr. Rodriguez wasn't charged by Elections Canada for violating any electoral laws or rules, so how can it be that if Mr. Rodriguez did exactly the same thing as some of our candidates, only one of those two candidates was charged? There's a very serious disconnect there.

You cannot have a situation in which, if two people engage in the same act, only one is deemed to be in violation of law. They're either both innocent or they're both guilty. Those are the inconsistencies, the great inconsistencies that we see with the ruling from Elections Canada.

Chair, these examples and many others are going to be fully discussed and examined in the court case. That's why we brought this court case forward. Some of our candidates, Chair, have yet to receive their election returns. They're being held up because of these charges and this pending court case. We want this dealt with expeditiously. We want these charges dealt with as quickly as we possibly can.

Chair, if members of this committee want to discuss this, examine all of the registered parties' methods of advertising during a national campaign, we would welcome that; hence, my motion. Then, if this committee were truly interested, sincerely interested, in getting to the truth, of getting to the bottom of this matter, I am sure that after a careful examination this committee would conclude that no party violated the Elections Act, and perhaps we could file a report to that extent, both with Elections Canada and with Parliament.

Yet, Mr. Chair, members of the opposition don't seem too inclined to follow that suggestion of mine. They don't want, for a minute, a fulsome examination of everyone's election books, and it's quite obvious why. I've given you but two examples of many. We'll have

further examples later in my presentation this afternoon from the Bloc, more examples from the NDP, more examples from the Liberals, as to how they engaged in the so-called in-and-out scheme and how they were not charged, neither the individual candidates nor the federal parties, with any violation of the Elections Act by Elections Canada.

Chair, I'm doing what I can right here to accommodate Ms. Redman and her motion. Ms. Redman's motion—supported, I might add, by all opposition members—stated that they wanted to have an investigation of the Conservative Party. They wanted to investigate this in-and-out scheme. In fact, I believe in the motion itself... Yes, it says "...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 illegitimate election campaign expenses".

Again, the political rhetoric spun by Ms. Redman is suggesting that this in-and-out procedure is somehow restricted to only the Conservative Party of Canada, when clearly it is not. I have given two examples from two different political parties that have engaged in exactly the same practice, Chair, yet they were not charged with any violation whatsoever of electoral rules.

• (1205)

I suggest, Chair, that not only is this patently unfair, but there was an egregious lack of judgment on behalf of the officials of Elections Canada when they first determined to level these charges at the Conservative Party of Canada, because we did nothing wrong. I will repeat and repeat again the fact that we are not suggesting for a moment that any member opposite, or any party that the members opposite represent, did anything wrong. Everyone followed the rules completely. That's why I'm at a complete loss, Chair, to understand why opposition members of this committee do not simply agree to examine with us the election expenses of all political parties. They've stated many times in the past, and I'm sure they will say it in the future, that they didn't violate any elections act. We agree. At least we have agreement on that.

Our point is, Chair, that the way to truly determine if the Conservative Party has violated any act within Elections Canada is simply to do a side-by-side comparison. We'll gladly open our books. We'll take the expenses in question from our various candidates and put them side by side with the election returns of other candidates, whether they be candidates from the Liberal Party, the New Democratic Party, or the Bloc Québécois. That's how you get to the bottom of this. That's how you do a comparison and determine whether or not a party or a candidate broke the law or perhaps violated the spirit, if not the literal interpretation, of the Elections Act. That's how you come to that determination, Chair. You do so because the investigation takes place in a fulsome and open and transparent process.

That's not what we have here with the motion opposite. The motion, as presented by Ms. Redman and supported by all members of the opposition, only wants to deal with the election spending practices of the Conservative Party. That's not the way to get to the bottom of it, Chair. That is absolutely not the way to get to the bottom of that.

So again I would suggest, Chair, what we are facing here is nothing more than a partisan attempt on behalf of the opposition to try to create a scandal where none exists. But we have many more examples.

Chair, we'll go back now to the New Democratic Party, and I think I'll concentrate for the moment on election claims of sitting members of Parliament, because I think most Canadians are more familiar with them. I could invoke names of candidates who ran for the NDP or the Liberals or the Bloc, but since they weren't successful in their elections, I won't use them as examples. Since we have many MPs who have been elected for several years and are familiar to Canadians, I think we might be able to get the attention of Canadians focused more easily if they can relate an example of election spending to an individual they know.

● (1210)

Let's use the example of Mr. Peter Stoffer of the NDP. The NDP invoiced Mr. Stoffer for \$6,118.02, dated December 29, 2005. Then a cheque from the NDP back to Mr. Stoffer for \$6,000 was deposited on January 18, 20 days later. The cheque from the candidate to the NDP to pay invoices was dated January 17 and cashed on February 1. That's exhibit 57 in our affidavit to the Federal Court, again an example of this in-and-out transfer scheme, in which a candidate claims as an election expense an invoice for which he is repaid. He's invoiced for \$6,000, claims it as an expense, and all of a sudden he's reimbursed the same amount of money from the federal party.

The contention of Elections Canada is that if the net effect is that the federal party paid for the ad, that should be included in their cap. Yet, nowhere in the submission by Elections Canada does it make mention of Mr. Stoffer's case; nor did it make mention of Libby Davies' case; nor did it make mention of the federal NDP exceeding their cap; nor did it make mention of the Liberal Party of Canada exceeding their cap when they engaged in exactly the same practices as we did.

Again, I cannot understand for the life of me how, if two parties engage in the same practice, only one party could be deemed to be in violation. You're either both in violation or you're both not. You can't have one without the other. Yet that is what we have seen from Elections Canada. Again, that is why it is my fervent wish and the wish of our party to have this case heard as quickly as possible.

I don't know when it's going to be heard. Chair, obviously there are many, many cases before the courts. If I had my way, I would certainly have this case dealt with today. I would have the proceedings start today. Unfortunately, people other than me make those decisions as to when individual cases will be held.

Chair, one of the reasons I brought our affidavit to this committee is to outline not only to members of this committee—who I'm sure will ignore it, because again, they're not interested in getting to the truth—but to the members of the media the inconsistent behaviour of

Elections Canada in this case, because it doesn't make sense. How can you take two examples, in a side-by-side comparison of two candidates—the amounts may vary, but the methodology is absolutely the same—and you have one candidate deemed to be in violation of elections law and another candidate who followed exactly the same practices deemed to be not in violation? How can that happen? In my view, it can't.

I guess it did. I guess charges were laid, but it doesn't mean they were right. That's why we are engaging in a legal pursuit to overturn the ruling of Elections Canada. That's what we should be doing.

I would humbly suggest, Chair, that if any of the other parties were in this situation, they would do exactly the same thing, as they should, to protect not only their own candidates but their own integrity and reputation, and to prove in a court of law that there was no violation of any sort with respect to our practices in the 2006 election. It is our legal right, and frankly, I believe it's our obligation to bring this case forward.

I honestly don't know where the problem lies in Elections Canada, why they had only singled out the Conservative Party. I'm not going to try to presuppose that; I'm only saying I am confused. I cannot understand why, when it is completely evident that other candidates in other parties engaged in similar practices, only one political party was singled out.

● (1215)

I will let others perhaps try to determine the answer to that question, but all I can say is that I am absolutely confused as to their interpretation. I think it was wrong on a number of different levels. It was wrong because they misinterpreted their own rules, and then they failed to see the inconsistency of their ruling with respect to the actions and practices of other parties.

Let me just go back to one of my very earliest comments here and read again the interpretation guidelines contained in the Elections Canada candidate handbooks, that advertising conducted by local campaigns could promote the candidate specifically, or it could also promote the national party.

Secondly, let me again read into the record something from Elections Canada, where Elections Canada interpretation material also indicates, consistent with the act, that "national parties have an unrestricted right to transfer funds to local campaigns". Okay? National parties have an unrestricted right to transfer funds to local campaigns, and the local campaign can determine whether it wants to run a local or national ad.

That's what has happened in all these examples. The national campaign transferred funds to a local campaign, and in Elections Canada's guidelines it says that's okay, you can do that. Then the local campaign ran a national ad with their own candidate's tag line at the bottom, and that's okay, according to Elections Canada guidelines.

We did nothing wrong, the NDP did nothing wrong, the Bloc Québécois did nothing wrong, the Liberal Party did nothing wrong, and it states so in Elections Canada guidelines. Yet we have been somehow singled out, and the suggestion is that we broke the law somehow.

I'm not a judge and I won't be hearing this case, but for the life of me, I would defy anybody at this committee to explain how this interpretation is valid. It simply is not.

That's why I brought forward a motion, because I don't want, and frankly I know our party doesn't want, this charge hanging over our heads. I want it dealt with expeditiously, and I would love to have an examination, a full study by this committee, if only they would do what we are requesting of them to do and to allow their own books to be examined at the same time as ours, to allow us to fully illustrate, as I have been attempting to do here, why the practices that we engaged in were similar and in fact, in some cases, were the exact practices of candidates from opposition parties.

If we were allowed to do that, if we were allowed to simply open up our books and the books of the opposition, put them beside each other, and compare the transactions of individual candidates and individual parties, we would quite clearly see, frankly, in a matter of moments, that we have engaged in similar common practices.

Then the question becomes, quite simply, if we're all doing things in a similar fashion, if we're all engaging in the same practices, we all have to be in the same boat when it comes to the interpretation from Elections Canada. In other words, if Elections Canada ruled that those practices were in violation of electoral law—

• (1220)

The Chair: Excuse me, Mr. Lukiwski, I see that the food is here. Unless anybody has a significant objection, we'll suspend for a few minutes to get the food set up.

_____ (Pause) _____

• (1230)

The Chair: Colleagues, let's resume our meeting where we left off.

I know there are still some folks who need to get some sustenance. Please feel free to do that. I invite folks around the room as well to partake. However, if you could just be as quiet as you possibly can, that would be much appreciated.

Mr. Lukiwski, please.

• (1235)

The Chair: Point of order, please.

Mr. Yvon Godin (Acadie—Bathurst, NDP): I don't want to have 10 points of order on this, but it is your responsibility as chair to make sure he doesn't tell the story four times. He's up to three times

already with the same story. We've heard about it. I think during filibustering he has to change the subject and continue on. It's your responsibility.

The Chair: Thank you.

Mr. Tom Lukiwski: Chair, I'm not sure, quite frankly, in debate, whether there are any hard and fast rules I've ever seen in Marleau and Montpetit that suggest that one can't repeat a particular case in point for emphasis and to stress its importance. That's what I've been doing, because frankly, Chair, I think we've seen a lot of the members being very inattentive, and I just want to make sure they're fully apprised and fully aware of the importance of my argument.

• (1240)

The Chair: We have a point of order again. We'll go to Mr. Reid, please.

Order, please.

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): I appreciate Monsieur Godin's concerns here. I actually think Mr. Lukiwski's response is a good one. It's very difficult when there is background noise and interruptions of the sort we have just heard.

I just wanted to make a point here, and I do want to make a distinction that giving multiple examples by way of proving a point is different from saying the same thing over and over again in constant repetition. And all members should be fine with that.

The Chair: Okay, the chair is quite aware, and I don't want to get into a debate on a point of order. The chair allows the widest possible debate to take place.

Mr. Lukiwski, you have the floor.

Mr. Tom Lukiwski: Thank you again, Chair.

The only point I was trying to make—and I will re-emphasize this, perhaps several times, for the benefit of Monsieur Godin and others, the media included—is that it is very important to understand that Elections Canada's own guidelines specifically state that a candidate can run a local or national ad if they wish, and that a national campaign, a national office or federal party, can transfer funds unrestrictedly to a local candidate. That's the argument they're posing to try to find that the Conservative Party of Canada has been in violation of the act.

Well, Chair, I again point out that it absolutely makes no sense. Their own guidelines state this is acceptable practice. On the one hand, they're saying this is acceptable practice in all of their written material, and yet in their findings they're saying that because we follow these very practices, somehow we're in violation of the act. Please explain that to me. How can that be? Well, it can't be.

Chair, it is true that after the 2006 election, these guidelines were changed—but that was after the fact. One cannot be found to be in violation of a guideline that wasn't in existence. I just think, Chair, quite simply, that the findings of Elections Canada are wrong and that they honestly erred in their interpretation of these rules.

I do not want to suggest for one moment there was anything but an honest mistake made by Elections Canada. I think that Elections Canada over the years has done an exemplary job in conducting elections in this country. We have had CEOs of Elections Canada before this committee on several occasions. And while we've had differences of opinion from time to time, and sometimes we might even characterize these as disputes, I don't believe there's a member of this committee—certainly not me—who's ever, ever suggested for a moment that the integrity and the honesty of Elections Canada has been questioned. That's not the case. I'm very proud of the work Elections Canada has done over the years and, frankly, proud of the fact that representatives from our country, from Elections Canada, have been instrumental on many occasions in assisting other jurisdictions throughout the world in conducting their elections.

I think our electoral process is a model throughout the world, one that is honest and above reproach, but that doesn't stop the fact, Mr. Chair, that from time to time, mistakes can be made. I honestly and sincerely believe that in this case a mistake has been made. I've given a number of examples and will continue to do so underscoring my contention that a mistake has been made.

Chair, when the court case that we have initiated is heard, I have no doubt that the findings at the end of the day will reflect the position we have taken. That, quite simply, is that we have done nothing wrong; we have followed the guidelines proposed by Elections Canada to the letter.

In fact, Chair, I might also say that I have yet to hear any member from the opposition give a definitive example of how we have violated the electoral law; I've yet to hear that. I've heard a lot of partisan rhetoric saying that clearly the in-and-out game of the Conservatives has violated elections law, and this is a scandal, but they have yet to give one concrete example of how we've done so.

•(1245)

On the other hand, Chair, I have presented, and will continue to present over the course of the next few hours or the next few days, example upon example of how opposition members have followed the same practices as put down in the guidelines from Elections Canada and have done so with impunity. They were not found to be in violation of the act.

We will also demonstrate, Chair, that if in fact that is true, and those practices were similar to ours, then how can one be found in violation and one cannot? It doesn't make any sense.

Chair, it is quite obvious that what's happening here is that we have an attempt by the opposition to smear the reputation of the Conservative Party.

I also want to point out the obvious: if the opposition members were truly interested in finding out whether the Conservative Party or any of our candidates had violated any section of the Elections Act, they would allow us to present our arguments, arguments similar to the ones we're making in Federal Court, that we engaged in practices similar to those of the opposition. Yet they're refusing to do so. They refuse to allow us to do a side-by-side comparison of their books.

They're doing that for only one reason, because they know, as we know, that if we were able to do this side-by-side comparison, it

would without question demonstrate that we were either all in violation of the Elections Act...but I think the obvious conclusion would be that none of the parties or candidates were in violation of the Elections Act.

Chair, let me see if I can get to another example, because I think that is what most people can relate to. The example I'll use, because Madam Jennings is here, is from her own campaign. Again, this is something that is fully within Elections Canada guidelines, but I think it shows how many candidates, many members of Parliament, some of whom are sitting around this table, engaged in the same practice.

Ms. Jennings' campaign received an invoice from the Notre-Dame-de-Grâce—Lachine electoral district association. In other words, her riding association invoiced Ms. Jennings' campaign for \$16,132.93, dated May 29, 2004. Later that year, in November 2004, the electoral district received the same amount, \$16,132.93, from the Liberal Party, and on the same date Ms. Jennings received a \$16,132.93 transfer from the association.

In other words, the association billed Ms. Jennings' campaign for \$16,000 and change. She claimed it as an election expense—got a rebate for it, I assume—and then the federal party paid the same amount to her riding association. Then the riding association transferred it back into Ms. Jennings' campaign.

The net effect is that it cost her nothing, but she was able to claim \$16,000 and change as a campaign expense and get a rebate.

Is there anything wrong with that? Not according to Elections Canada rules and guidelines. Subsequently, there was no finding that Ms. Jennings did anything wrong.

The point is that our candidates acted in a similar fashion. They did exactly the same thing—received invoices, paid the invoices, claimed them as election expenses, then received money back in through a transfer, either directly from the federal party or federal party to riding association to candidate.

•(1250)

In any event, the national party ended up reimbursing the local candidate for the amount of the ad, and in all cases that is acceptable according to the guidelines set down by Elections Canada itself. Whether Ms. Jennings used the money to run an advertisement promoting her own candidacy or used the money to promote the national party by running a national ad is irrelevant, because both are legal; both are acceptable. Elections Canada itself says that.

The point is, she was fully reimbursed from the national party for running ads in her campaign.

If they were national in scope, Elections Canada, if it wished to be consistent with its findings about the Conservative Party, should have then said that this \$16,000 and change should be applied to the national Liberal Party of Canada's advertising campaign cap. Why wasn't it? I don't know. I can't answer that question.

But I do know, Chair, that the process Ms. Jennings followed was the same process our candidates followed. So how can one be in violation and one not? It absolutely makes no sense.

The issue we have is obviously one of great concern to us. We disagree with the findings of Elections Canada. We will certainly be bringing forward these examples and many more arguments when our case is finally heard in Federal Court.

I have also been trying to demonstrate for the record, for the sake of all committee members here, that the allegations made by the opposition certainly don't hold any water. But do you know something, Chair? They know that as well.

They are not making these allegations in an attempt to find the truth or get to the bottom of this to find out whether or not the Conservative Party was in non-compliance. They are only doing this, Chair, in an attempt to get some headlines, to try to find out whether or not they can successfully manipulate the media into running stories that would be unfavourable to the Conservatives. I suggest, Chair, that if that is their only motivation, with time, as with most of their allegations, it too will be disproved.

I talked at our last committee meeting, before you had to suspend, about this being just the latest in a long series of examples of how opposition members are trying to create scandals where none exist.

They have done so with the Schreiber-Mulroney thing. For the days leading up to the first committee meeting at which Karlheinz Schreiber appeared, all of the questions regarding that event in question period were about the alleged—or imaginary, as it turns out—links between Schreiber, Mulroney, and Prime Minister Harper. They went to the great length of bringing in the government House leader to ask the \$64,000 question in committee: “Did you, Mr. Schreiber, have any dealings with Prime Minister Harper?” Of course, they didn't know the answer that was forthcoming, which was absolutely not. He has never talked to the Prime Minister.

Since that time, if you've noticed, we've had precious few questions about any link between Schreiber and the Prime Minister's office or Prime Minister Harper. Why? It is because, again, there is no truth to it. That is an issue that is 15 years old, but the opposition tried at the outset to create a scandal where none exists.

•(1255)

They found out in short order that the best they can do now is to try to pull a guilt-by-association trip by saying okay, we know there are no links between Mr. Schreiber and the Prime Minister's office, but if we can somehow smear Mr. Mulroney and find out if there was some sort of untoward dealing between Schreiber and Mulroney, maybe by association, even though they're two completely different political parties and this was an incident that happened 15 to 20 years ago, perhaps just by guilt by association we might be able to throw some mud against the wall and maybe it'll stick, and maybe somehow the Conservative Party and the Prime Minister will be negatively impacted by it. That's the best they can hope for.

Well, it's the same thing here. This is another issue in which we have done nothing wrong. We will be able to demonstrate that quite clearly in a court of law, but it doesn't stop the opposition from attempting to use anything and everything in their power for strictly partisan reasons to try to smear the reputation of this government.

I would suggest, Chair, that one of the primary reasons they're doing that is that they see an election in the not-too-distant future. No one truly knows when the next election will be, but clearly it is

apparent that the Liberal Party has all the cards on that issue, all of the power within their control to force an election.

I believe the Bloc Québécois and the New Democratic Party have proven by their actions and their words quite clearly that they're willing to bring down this minority government at any time at their first opportunity. So it will come down to a decision made by the Liberal Party when they want the next election to be.

I believe, Chair, in the run-up to that anticipated election—and no one, at least no one on our side, really knows when that's going to be—the Liberals primarily are trying to create a scandal to try to smear the government in any way, shape, or form possible so that when they get into an election campaign, they've got an issue or two to point to, to say this is why you should defeat that government.

Well, there's nothing on Schreiber and Mulroney. There's absolutely nothing on this issue, and I think I've demonstrated enough examples, both through what is contained in the Elections Canada guidelines and in the actions and practices of opposition members, to show that there's nothing here. Yet I know that won't stop the Liberals in particular from trying to continue with the practice of smear and fear and innuendo and all the rest of the partisan tricks that political parties try from time to time. But it certainly doesn't mean that their allegations have any basis of fact or truth behind them, because they simply don't.

Now, Chair, let's see if we can find another example. Let's talk about what happened with Mr. Dion, the leader of the opposition. Again, the Liberals are the ones contending that there's this in-and-out scheme, which they keep referring to, which the Conservative Party engaged in, and which is somehow in violation of electoral law.

Well, let's see what happened with Mr. Dion back in the 2004 election. Chair, I'll give you an example. That's again one of the reasons we thought it would be appropriate in my motion to allow an examination of all parties' election expenses going back to the year 2000, so we could see that there was a continuing pattern by all political parties that engaged in the same process that has been deemed by the opposition to be the in-and-out scheme.

In 2004, Chair, Mr. Dion's campaign received an invoice from his EDA, his riding association, dated April 21 in the amount of \$12,200. He claimed this invoice as an eligible election expense. The following day, on April 22, 2004—and this is indicated by the return from his riding association—it indicates that the association made a non-monetary transfer to the Liberal Party in the same amount, and two weeks later the Liberal Party transferred \$12,200 back to the EDA. Chair, that means the federal party was financing this. There was an invoice for the money, it was claimed as an eligible election expense, but then the federal party backfilled it. They just repaid the amount.

●(1300)

Was there anything wrong with this? No, there sure wasn't. We don't suggest there was. But it appears when one of our candidates has done this, there is something wrong—at least that's the finding of Elections Canada. We suggest again that this inconsistency on behalf of Elections Canada is at fault here.

It may be that during the course of the court case, which will hopefully begin sometime in the near future, everyone—courts and Elections Canada alike—will be able to admit that there was a mistake, that they did err in their judgment, and they'll reverse their findings. I think it's going to be apparent as soon as we get into that court case that this will be the ultimate conclusion.

What I have to point out, Chair, is that while that may be true, this committee could come to those very conclusions if they merely accepted the motion I have put forward, and that is to immediately begin examination of our books as well as their own. Yet there's simply no appetite on behalf of the members opposite to do such a thing, because it wouldn't be politically favourable for them to do that. Not that they have anything to hide—perhaps they do, but certainly in these cases that I've illustrated they haven't, because they did nothing wrong. But it wouldn't be politically acceptable to have everyone have their books examined because the attention would be on every party, and that's not what the opposition wants. The opposition simply wants the attention drawn to the Conservative Party, for their own partisan reasons, so that they can try to convince Canadians that those big bad Conservatives have done something wrong again.

Well, Chair, we have not done so. If the opposition parties were truly convinced that we had violated the Elections Act in any way, shape, or form, and they had not, they should welcome my motion. They should absolutely welcome it, because then they could apparently demonstrate to Canadians that after a thorough examination of all of our books, it was only the Conservatives that were at fault here. You'd think they would welcome my motion, because then we could get this discussion and this examination going right away.

But they haven't. Why haven't they? Because they know there's no substance behind their allegations. If they are convinced that it was only our party and our candidates that violated the Elections Act, they should welcome my motion to begin the study right now. If they have done nothing wrong, they should welcome the examination of their own books and compare it to ours. If we were in violation, that would give them the opportunity to prove it, or at least to make a fairly compelling case. The ultimate arbitrator of this will be a Federal Court judge. But if they truly felt that we were in violation of the Elections Act, they would welcome my motion, and they have not.

I don't think it takes a rocket scientist to figure out why they have not agreed to our motion, why they desperately want to avoid that side-by-side comparison. It's far easier to conduct a political smear campaign based on innuendo than on non-existent facts. That's what this has come down to. We have allegations and innuendo by members opposite, by the opposition parties, that cannot be supported by any facts.

●(1305)

On the other hand, during my presentation I am producing those facts, producing example upon example of practices used by opposition members that are exactly the same as our candidates in the last 2006 election, but they don't want to hear that. They don't want to hear that, and they certainly don't want to examine it. They don't want to bring it forward as an official committee item, because then the obvious conclusions would become apparent, not only to them but to Canadians, that all parties conducted themselves in a similar fashion and none of the parties were in violation of any Elections Canada acts. It is far easier for members of the opposition to simply sit back and cast aspersions, make innuendoes and false allegations, and hope that the general public accepts them as fact. But that is simply not the case.

Let's talk about a few more in-and-out transfers by other candidates. I had mentioned Ms. Davies earlier. I have given one example for the record, but there are more. In the 2006 election there was an invoice to Ms. Davies, who was the candidate, of course. This invoice came from the NDP, from central headquarters, for \$7,003.64. It was dated January 13, 2006, 10 days before the election. I checked them, and Ms. Davies, of course, claimed that as an election expense.

A cheque in the same amount, for \$7,003.64, from the national party to Ms. Davies was deposited by Ms. Davies on January 31, roughly a week after the election. So here we have another example of Ms. Davies claiming as an election expense an invoice from national headquarters for \$7,000 and change, and then, after she claimed it, she was reimbursed for the same amount by national headquarters—the in and out.

Was that wrong? Was that in violation? Well, that's a tough one to answer right now, because apparently if a Conservative member did it, it's in violation; if an NDP member did it, it wasn't. That's the ruling, or at least that's the finding, of Elections Canada.

An hon. member: Why don't we investigate them?

Mr. Tom Lukiwski: I can't figure it out. That's why I'd like to have this committee do an examination. Why the inconsistency? If we were to get all the parties to agree to my motion and bring the books forward, we'd have a pretty good discussion, and I think we'd have a very good opportunity to bring the Chief Electoral Officer in here and say, "It doesn't make any sense to us; explain the inconsistencies."

Here are some examples, one a Conservative and one an NDP; one a Conservative and one a Liberal; one a Conservative and one a Bloc candidate. They've all done the same thing. The amounts vary, but the process is exactly the same. So please tell me, Monsieur Mayrand, why have you only ruled that the Conservative candidates were in violation of the act? Can you explain that to me? I would love to have that discussion.

I think, frankly, we should be having that discussion. I think it should be incumbent upon this committee to enter and engage in that discussion. But the only reason we're not is because the members opposite choose not to. Why not? Again, it's simple; it wouldn't be to their political benefit to have such a discussion, because then they would be engaged in a process that would ultimately exonerate the Conservative Party. They would be in a process that demonstrated quite clearly that they follow the same practices as the Conservative Party. That wouldn't give them any political smack. That wouldn't give them the opportunity to go onto the election hustings and point a finger at the Conservatives, and that's what this is all about. That's simply what this is all about.

● (1310)

We have a situation in which the opposition members are simply trying to muddy the waters, to throw mud against the wall—in this case, the Conservative wall—and hope that it sticks. But it won't. I respectfully submit to all members of this committee that it won't. We saw the same futile attempts at trying to muddy the waters in the Schreiber-Mulroney affair. That didn't work. They backed off. We see similar attempts here.

But as much as anything, at least from the Liberals' perspective, it's an attempt to deflect attention from their own political shortcomings. Let me explain what I mean: they are attempting to use this to smear the Conservative brand.

Why would they want to deflect attention? What could be going on within the Liberal Party that they would want to deflect attention? Well, let's just examine, for a moment, their position or non-position on the continuation of the Afghanistan mission.

The Liberals and Mr. Dion have consistently said that their position was clear, that we need an end to the combat mission by 2009, and that it's the Conservatives who haven't been clear on the matter. Well, I'm going to laugh, because the only people in Canada who would suggest that we haven't been clear in our position are the Liberals.

The Manley report is one that we broadly accepted. The Prime Minister had a news conference to discuss it. He has attempted, since that time, to convince other world leaders to commit additional troops and helicopters. So our position has been clear.

The Liberals, of course, are caught in a divisive moment. Their caucus is divided on this, and they don't want to discuss it. So how do we get away from discussing the issue? Well, why don't we go to committee, make a trumped-up charge, and try to deflect attention? That's what's happening here.

At the end of the day, trumped-up charges are not going to carry the day, politically. At the end of the day, Canadians will not be fooled by this. Canadians will be looking at what's relevant to them, come the next election.

Will this supposed in-and-out scheme be an issue? I think not. But it doesn't stop the opposition members in this committee from attempting to make it an issue. I'm quite sure that when they have caucus meetings or strategy meetings, if in fact they have such things, they're thinking about things they can do either during question period or in committee to try to embarrass or take down the Conservatives. This has been one of them.

It is no secret that we had all discussed this and agreed informally that legislation would be one of our priorities as a committee. No matter what else, legislation, or proposed legislation, would be given priority. Yet when the subcommittee met and came back with their report, it said that the debate on the motion of Karen Redman would take priority over the other work of the committee. Now why would they want to do that?

We all agreed, every party agreed, that legislation would take priority, as it should. Now we have Bill C-6, which I know is very important to the Bloc Québécois. It deals with veiled voting. Well, according to the subcommittee, of which the Bloc were active members—the Conservatives were not, by the way, so were without a voice on that committee—the Bloc agreed to this motion taking priority over Bill C-6, veiled voting.

● (1315)

Now, I know the importance of that bill in the province of Quebec. I know the importance of that motion to the members of the Bloc Québécois at this committee. They've stated that many times. Yet once again partisan interests override anything else when it comes to the members opposite. Even members of the Bloc, who so passionately argued in the debate on Bill C-6, are now saying, "To heck with that, put that aside, because we might be able to create a scandal on this election advertising thing."

Well, what does that say, Chair, about the motivation behind the Bloc Québécois in this committee, who are willing to subjugate an important discussion on the examination of Bill C-6, which they have identified as a priority of theirs, because of this motion of Ms. Redman's? All that says to me is that the Bloc as well as the Liberals and the NDP are putting partisan interests before the interests of Canadians. They are putting the interests of their own party before the interests of Canadians, putting their own political interests ahead of the interests of Canadians.

Mr. Chair, I don't agree with that. I know that members of my party don't agree with that. But in an attempt to solve this impasse, I've put forward a motion and said, "Look, you want to examine our books? You think something's there? Let's get at it. Let's start doing it. The only thing is that we have to take a look at yours as well."

If you recall, I consistently have said that we do not believe any of the opposition parties have done anything wrong. They should have nothing to fear. We're even admitting that we believe they have nothing and did nothing wrong.

I don't see why they shouldn't just say this: Great, let's accept the motion, because that way, at least, starting immediately, we can start looking at the inside of the Conservative Party books. We can take a look and see what they did during the election. If they did anything wrong, we'll be able to find it. Since we did nothing wrong and we have nothing to hide, we can open up our books. You can have a full examination of our books. Of course, that will even further buttress our contention that the Conservatives were the only party that did anything wrong. By proving our innocence and proving the complicity of the Conservative Party with the so-called advertising scandal, we can make our case.

But that wasn't the reaction of the opposition parties. That wasn't the reaction of the members opposite.

An hon. member: What are they hiding?

Mr. Tom Lukiwski: My colleague just asked what they're hiding. I don't know what they're hiding. I don't know if they're hiding anything. I certainly don't think they did anything wrong. Based on the examples that I've already given—and I've many more to give—I don't think they did anything wrong. Elections Canada apparently agrees, because they didn't find any fault with the election returns of the parties who are represented by these members opposite.

So why would they object to an examination of their books if that allowed them to finally examine ours? That's what they say they want. Their allegations are that the Conservatives and only the Conservatives did something wrong. It would seem to me that the quickest way to prove that, if they can, is to get our books on the table, compare them to theirs, have everyone witness and examine all of the election practices—all of the reporting, all of the financial information, all of the disclosure—and then point to the world and say, “You see? We proved our case. We were right, they were wrong.”

● (1320)

You would think they would welcome that opportunity. You'd think they would rush to that opportunity.

In fact, Chair, it seems odd to me that they didn't even raise that motion on their own volition. If they were truly convinced that we had somehow violated the Canada Elections Act and that they had not, why didn't they bring a motion forward to say that they would gladly open up their books for examination as long as they could see the Conservatives' books? Why didn't they voluntarily say, “My motion says that we want to examine the books of the NDP, the books of the Bloc Québécois, and the books of the Liberal Party, but only if the Conservatives allow their books to be examined, as well”, and then force us to make a decision? If we said, “No, no, no, no”, then they would really have something. Then they would have this media attention, with the media saying the Conservatives were backing off and were refusing to allow their books to be examined. But it isn't that way. It's just the reverse. We are the only party, Chair, that has voluntarily put forward a motion to examine our own books. The opposition members have not.

I think any reasoned opinion that could be gained from this, Chair, is that the opposition doesn't really want an examination to find out the facts. They want an examination strictly for partisan purposes to

try to spin the media to say “Committee Investigates Tories”. Those are the headlines they want. That's all they want.

Even if, at the end of the day—and I'm sure the results would reflect this—the committee said we couldn't find anything, that wouldn't be a story as big as the initial story, which they hope would say “Committee Investigates Tories”. That's what they're trying for here.

Mr. Chair, while it's clear to members of my party at this committee and to me that this is the motivation behind the opposition, I think it will become readily apparent to members of the general public as well, because, Chair, finally, for the record, we will have information that I have been providing in this testimony that proves, without a shadow of a doubt, that there has been nothing untoward happening in terms of our reporting relationship with Elections Canada.

I will continue to read into the record, Chair, example upon example upon example of how the other parties, whose members are sitting at this table, have engaged in the same in-and-out advertising schemes, which they allege the Conservatives entered into and which they also allege are not only inappropriate but are against elections law.

I know they don't want to hear this, Chair, but we will enter into the record all these examples. At the end of the day, Chair, whenever that day is, we will be able to bring out this record of testimony and submit that to the ultimate arbiter of who did what that was right and what maybe was wrong, and that is the Canadian public.

I know that members opposite don't like it when I keep entering into the record examples of members of their own parties who did exactly the type of thing they contend we did and what they also contend was against the law. They don't like it when I point out that they did exactly the same thing as Conservative candidates.

We're going to continue to do that, Chair, because that's the only way I can determine that the truth will get out.

● (1325)

Well, let me back up a little. There's another way, and that is simply for the members of this committee to vote to accept this motion that I put forward, pure and simple. All they have to do is indicate that they are willing to accept this motion. As the saying goes in western Canada, Mr. Chairman, “pit or pat, or we'll get at it”. We'll get this examination going right away, I can guarantee that.

But I don't see any willingness from the other side. I see continued stonewalling of truth and justice by the members opposite. They continue to sit back and try to take what they consider to be the pious and moral high ground by saying, you know, we have to make sure we investigate those darn Tories, because if they were doing something wrong we'd better get to the bottom of it. Yet when we willingly offer to open up our books if they would do they same, they backtrack, refuse, or object.

What does that tell Canadians? I know what it tells me. And I think if any Canadian has the ability to read the testimony of this committee, Chair, they'll quickly come to the same conclusions I have, that there's absolutely no basis for the arguments or contentions of the members opposite—absolutely none. This is purely and simply a partisan attempt to smear the Conservatives, nothing more.

If they say absolutely and without political motivation, we only want to get to the bottom of this, we only want the truth, why do they then not join with us in an attempt to do that very thing? Why have they not agreed to let the court case proceed and let a court of law decide, ultimately, whether there were any violations? No, to them, that's not good enough; they want a kangaroo court established here so they can pick and choose the information they present. They don't want to let an impartial judge examine all of the relevant information and documentation, which would include, I might suggest, Chair, information and documentation and financial disclosures of the members opposite and their parties. They don't want that to happen. They're not interested in that because, in all likelihood, the judge will agree with our assertions that under the Elections Canada guidelines of the day, there was no violation in the 2006 election, that there was absolutely nothing inappropriate or in contravention of election laws. That's what the opposition doesn't want to hear.

God forbid, Chair, if we ever had this court case concluded prior to a general election and we were completely exonerated, as I believe we will be. How would the opposition take that? It would be yet another example that Canadians could point to and say, geez, is that all these guys have? They keep trying to create scandals, but these keep blowing up in their face. They don't want that, Chair. It would be better for them politically if there were an unresolved issue about which they could allege there was a scandal than actually to have the truth come out.

If we were able to proceed expeditiously at this committee with an examination of all parties' books, I don't think we'd need more than, probably, a week or two of meetings before the truth would be determined, or a consensus reached by this committee, that there had been no inappropriate behaviour or illegal activity in the advertising practices of the Tories. They don't want that. They would rather sit back and just make unfounded allegations.

• (1330)

Well, Chair, I have to admit that's part of the game, part of politics, right? We all know that. We all admit that. I would suggest there's not a person here at this table who hasn't engaged in some form of political attack on their opponents based on allegations—in some form.

We've seen examples, even in the national media, where there'd be stories the *Globe and Mail* would publish. The opposition would automatically say, "Well, it was in the *Globe*", and then a week later, or sooner than that, the *Globe* had to retract itself, saying, "The allegations we printed weren't really true." That didn't stop opposition members from grabbing onto that and trying to make a political point, or score some cheap political points. Everyone's done it. I understand that; I accept that. It's part of the political process.

The point is we've heard only the talk of the opposition, saying, "No, that's not the case. We're holier than thou. We really want this

examination, this investigation, because we think there was something wrong."

Frankly, Chair, I would suggest that it comes close to violating the mandate of this committee to enter into such an investigation. That being said, nonetheless, that's open for debate and argument, I suppose.

I would strongly suggest, Chair, that if we were to truly try to examine the advertising practices of all parties, that discussion wouldn't last very long. Do you know why? The perceived political advantage the opponents think they would get by examining only the Tory books would be gone. It would vanish. There would be no political scandal there. There would be nothing to point to, to say, "You see? Only the Tories are being investigated here. Clearly that says something. They're the only ones who did anything wrong." Well, that political tool would be gone from the tool case. They wouldn't be able to use that. So that's why they continue to resist my motion.

Frankly, Chair, I don't think Canadians have much time for the antics of the opposition when it comes to this type of thing. I sincerely hope this recorded testimony will filter its way down, and maybe not even filter but directly make its way down, unfiltered, to Canadians from coast to coast to coast. I believe even a cursory examination of the testimony I've brought forward today will certainly prove and underscore my contention that this is nothing more than a political exercise brought forward by members of the opposition—nothing more; that's it.

I know the opposition members don't want to hear that, so perhaps let's take a look at another example, with the NDP. I'll now go to what we call exhibit 58, and this will be a candidate, not an elected member—this NDP candidate didn't get elected. The name is—and I hope I don't mispronounce this, but I probably will—Rodolphe Martin. It's the same sort of in-and-out transfer scheme.

The NDP central party, national party, invoiced this candidate \$8,333.36, dated September 29, 2005. About 20 days later there was a transfer from the NDP national campaign back to the candidate for \$8,340. Well, this is a good one, because the candidate actually gained money on this one. He made \$7 on the transfer. The NDP actually transferred more money in than it invoiced him—

An hon. member: That's their accounting skill.

Mr. Tom Lukiwski: That's probably a reflection of the NDP's accounting skills. Nonetheless, this candidate was able to claim as a legitimate election expense over \$8,300 and have that amount fully reimbursed by the national party fewer than 20 days later—in and out, in and out, the very transaction process the members opposite are saying is illegal, are saying is in violation.

• (1335)

How can it be? Elections Canada determined, in the case of this candidate, that clearly this candidate was not in violation because there was no fault; there were no findings that indicated there was a problem with this candidate's election return.

I don't know this to be true, but I would suppose that this candidate has already received his full election reimbursement, while our candidates, who have done exactly the same type of thing, are still waiting for theirs. Well, good for this candidate, but the argument I would advance to members of this committee, and I would certainly advance if I had an opportunity to intervene in the court case itself, is how can this candidate then be fault free and some of our candidates who engaged in the same process, the same protocol, were found to be at fault?

You simply can't have it both ways. There is no consistency with the argument advanced by Elections Canada.

I would like to have the opportunity, and I would like to think members of this committee would like to have the opportunity, to ask those very basic questions to officials at Elections Canada. Maybe they have a very good reason for doing what they have done. I can't see it, but I would like to have the opportunity to ask those questions.

Unfortunately, because of the obstructionist tactics of this committee—at least the opposition members of this committee—they're not allowing us to do so. All they would have to do to allow that examination or cross-examination of Elections Canada officials, all that would have to happen for that examination to take place, is for members opposite of this committee to agree to the motion I presented. I'm sure we could have the head of Elections Canada and all his officials in here, at the latest, by next Tuesday.

As you can quite clearly see, there are a lot of examples I have here that I'd love to question Monsieur Mayrand and his officials about, just to ask some very simple questions. How does this differentiate? How do the actions of NDP candidate Martin differ from the actions of our candidates? Please tell me. Educate me. Help me to understand why you found fault with us and some of our candidates when you found absolutely no fault with candidates from other political parties. I don't know. I'd like to get the answers to that. I would like to think that members of this committee would have answers to that.

Here's another one. I see Monsieur Godin is showing great interest in my testimony, so I want to continue along with some of the examples from the New Democratic Party.

An hon. member: [*Inaudible—Editor*]

Mr. Tom Lukiwski: I will. It's a large document.

I will attempt to be fair in my testimony and bring examples from all political parties, as many as I can. But only because my friend and colleague, Monsieur Godin, has shown such great interest in my testimony, for his benefit I'll bring forward an example of another New Democratic Party candidate to further underscore my contention that all parties have engaged in the same process, this in-and-out transfer.

This is a candidate by the name of Barry Bell. The NDP—that is, the national party—invoiced candidate Bell for \$2,944.91 in an invoice dated January 13, 2006. Again, 10 days before the election, the national NDP central campaign office invoiced this candidate for close to \$3,000—\$2,900 and change. Then, Mr. Chair, the candidate, Mr. Bell, claimed it as an election expense. About three weeks later,

on February 2, 2006, the candidate deposited the same amount, \$2,944.91.

• (1340)

In and out: the candidate received an invoice from the national party, paid the invoice for advertising, and then was reimbursed fully and totally by the national party a few weeks later—in and out.

How, Chair, are we to interpret that? How are we to possibly sit back and say we accept the findings of Elections Canada in which they say we violated some electoral rule by engaging in this in-and-out “scandal”. That's a term obviously coined only by members of the opposition Liberals, because there is no scandal here. We all know that.

That is the question I would like to ask. I can't. Why can't I? It is because committee members here won't allow it. Why won't they allow it? It is because they won't support my motion. My motion quite clearly states that we will bring forward all of our books for full examination. These individuals, members of this committee, could call as witnesses—and I'm sure they would—election officials, campaign officials, party officials, candidates, MPs.... I'm sure their list would be extensive.

The only thing we ask, Chair, is that we be allowed to do the same thing. We would bring forward as part of our witness list a request to examine executive directors and the financial officials who ran their respective campaigns in the 2006 election, and in fact in the 2004 election and the 2000 election.

We would bring forward some of their candidates and some of their members of Parliament and would ask them questions as to whether they were fully briefed about how this process works. We've already heard testimony, which I've read into the record—an e-mail from the NDP national office to Ms. Libby Davies and her campaign office stating, in effect, not to worry about paying the invoice they were sending her, because the federal party was going to fully reimburse it.

That's in the public record. It's part of our testimony; it's part of our affidavit. It seems to me from that e-mail, that reference I just made, that perhaps the national campaign team of the NDP had to explain how this scheme worked; otherwise, why would they try to give an explanation in their e-mail? And if that's the case, Mr. Chair; if the national campaign had to explain to a local candidate how this worked, it means that this scheme was the concoction of the national party. They were the ones who came up with this. They were the ones who said, “We've examined election guidelines and we see where we can make this happen, legally and above board.”

I mention that for the record, Chair, because part of the argument I have read, from allegations and testimony given by others, is that this was a duplicitous, an illegal scheme concocted by the national campaign team of the Conservative Party because they had to convince local candidates to enter into this scheme, had to tell local candidates what to do.

•(1345)

Chair, it's quite obvious that the NDP has some explaining of its own to do. Ms. Davies is an experienced parliamentarian. She's been through a number of election campaigns, yet it was still necessary, in the view of the NDP, to send her an e-mail telling her how this whole thing would work and assuring her that she really would not be out any money. They e-mailed her and said not to worry, that the invoice amount she would be paying would be fully reimbursed by the national party: "You won't be out any money."

For any members opposite to allege that this was a protocol conceived by the national Conservative Party and forced upon local candidates is totally nonsensical, because we have evidence, which I've just produced, that says the NDP entered into the same thing. They had to explain to the local candidates how this whole thing worked. They had to e-mail them to say: "Here's the deal. We're going to invoice you. Pay the invoice, and we'll reimburse you. The ads will be national ads but they'll be played locally, and just as long as you tag your candidate's name and your authorization at the bottom, it will be okay, because we've cleared this through Elections Canada."

Do you know something? They were right. Libby did nothing wrong. None of the examples I've given were violations of the Elections Act, none of them. They're completely within the rules.

What we did and what our candidates did was exactly the same. There is nothing that we did wrong, that was outside the rules of election campaigning.

In fact, Mr. Chair, I want to relate to you, because it's certainly germane to this conversation—

The Chair: We have a point of order from Ms. Redman.

Hon. Karen Redman (Kitchener Centre, Lib.): I would just like to confirm that it's the committee's intention to continue sitting and break for the length of time it takes to do the votes this evening; otherwise we'll continue to sit despite the fact that question period is coming up.

The Chair: Yes, I was going to ask whether there would be a motion to adjourn. I doubt very much that it would pass, so it is my intention, as we've done in the past, to suspend until after question period and for any division bells that require us to vote.

So that's correct.

Hon. Karen Redman: I hope Mr. Lukiwski will indulge me here. Perhaps, if you sought consensus in the committee, we'd be happy to sit through question period.

The Chair: Okay. We'll seek that in a few minutes. I'll let Mr. Lukiwski continue and I'll ask again in just a couple of minutes.

Mr. Lukiwski, please.

Mr. Tom Lukiwski: Thank you.

As I was about to say, Chair, I'm going to give you a couple of examples that I believe are extremely germane to this conversation.

In one of my previous lives I was general manager of the Saskatchewan Party. Prior to that, I was executive director of the Progressive Conservative Party of Saskatchewan. I say that because

a lot of my duties in that capacity were to deal with candidates and to deal with election financing. Frankly, we set up a number of regional advertising buys for all of our candidates. This is quite common with respect to provincial as well as federal parties.

The point I'm making is that back in, in believe, the mid-1990s, in Saskatchewan we set out to review and make changes to the Saskatchewan Election Act. What we used as a guide was the federal Elections Act. In other words, in many areas, when we had some doubt as to what we should do to amend the act or update the act, we looked at the federal Elections Act for some guidance. Wherever possible, we actually mirrored the federal Elections Act.

With respect to this regional advertising protocol, we looked at the federal act. That's why I know it fairly well, because I was quite involved with this for several elections in Saskatchewan. We discovered that if candidates wanted to group together, to all throw in some money and collectively buy some advertising—we call it a regional advertising buy—we could gain greater efficiencies. There are volume discounts and that type of thing.

As an example, in Regina the eleven candidates would each throw a couple of thousand dollars into a pool, and the \$22,000 would be used to purchase a series of ads for the Regina candidates. The ads would play on a rotational basis, and all of the candidates, wherever the ad that had their name and authorization on it played, would be able to then claim the full portion of their \$2,000 as an election expense item.

We cleared this through the Saskatchewan elections office. They assured us that this was absolutely acceptable. They also assured us that this was entirely consistent with the federal Elections Act. Of course, I had already known this, because I was on the committee that sort of redrafted many of the elements of the Saskatchewan Election Act.

So we went forward. And this is quite a common experience.

Now, here's the point that I think is important. The ads that these eleven Regina Saskatchewan Party or Progressive Conservative candidates ran were not individual ads promoting their own candidacy. They were the provincial ads. They were the ads promoting the party, but they had the candidate's tag line on it saying, for instance, "In Regina Rosemont, vote for...", and authorized by the candidate's official agent.

So in no way, shape, or form did a candidate even attempt to have a local campaign ad promoting his or her candidacy. We didn't even show the face of the candidate in this ad. This was a provincial ad. It was one that had been running the entire election campaign, and yet it was considered as an eligible local campaign expense. The same thing has occurred in the 2006 election.

As I already read into the record, this is fully acceptable under Elections Canada guidelines. Earlier I gave you the exact wording, but I'll paraphrase it now, Mr. Chair. It states that a candidate can choose to run either a local or a national ad. That's fully up to the discretion and determination of the local candidate. That is allowed.

•(1350)

My understanding is that Elections Canada changed those guidelines about a year later, in 2007. Again I stand to be corrected, but my understanding is that in any election in the future it must be a local ad only. You can't run a national ad if you're a local candidate. I may be wrong on that, but in any event, it's a moot point because the guidelines were changed in 2007, well after the 2006 election.

The Chair: Thank you.

I don't mean to interrupt, Mr. Lukiwski, but I will just for formalities.

We have question period coming up in five minutes. Some members have duties during question period, so I want to put this on the record. Is there any will of the committee to suspend until after question period, or does the committee wish to continue right now?

Mr. Michel Guimond: I think Mr. Lukiwski is in a good mood. It's a very interesting story. We should continue.

The Chair: Let's not give him much of a rest here.

An hon. member: He's on a roll.

The Chair: I totally agree with you. That's fine. The sense of the committee is that we will continue meeting through question period.

•(1355)

Mr. Scott Reid: Shouldn't we have a vote on this?

The Chair: Okay, but here's the problem with that. The chair is not allowed to put a motion on the floor; only Mr. Lukiwski can. I'm just seeking the sense of the committee. I don't see that there's a motion forward. It was just a request.

Mr. Scott Reid: So that means the default position is to just carry on.

The Chair: Correct.

Mr. Scott Reid: Okay.

The Chair: Mr. Lukiwski, please.

Mr. Tom Lukiwski: Thank you.

So my point, going back to the protocol that we followed provincially, is that it mirrored the protocol established federally, and as indicated in the guidelines set out by Elections Canada, this is totally appropriate. The guidelines have since been changed, apparently, to that one section about national versus local advertising, but it was not changed until after the 2006 election.

If perhaps—and I don't know this to be true, but hopefully we'll find this out in our court case, and we could have been able to find this out had this committee decided to accept my motion and we could then conduct our own investigation. But perhaps Elections Canada simply erred and said, "Well, we have the guidelines in place now and we'll apply them to 2006." If in fact that was the case, and I'm not suggesting it was, clearly there was a simple error, because the guidelines were quite clear in 2006 that candidates could determine if they wanted to use advertising that was local or national in content.

In the event that someone used a national ad—and I would suggest that the majority of ads purchased or entered into by all candidates of all political parties would be national in scope—the

findings of Elections Canada apparently are that this money, the amount of money that a local candidate paid to run an ad promoting the national party, should be applied to the cap, the national advertising cap. Nowhere in Elections Canada's guidelines does it state that is the case.

In fact, just the opposite, the guidelines quite clearly state that a candidate could choose to run either a locally based ad, an ad promoting their own candidacy, or they could choose to run an ad that is national in context. So if they ran national ads and appropriately identified themselves and all their agents and followed the proper authorization requirements and protocol, then they could do so. That would be their choice—no conflict there; no untoward activity; certainly no violation, in my view, of the Elections Act.

Similarly, there's absolutely nothing that prevents the national party from paying for those ads, as long as they transferred it into the party. In other words, you can't just have the national ad be invoiced from the local candidate and have the national party pay for it directly. They have to transfer funds, after the invoice has been paid, to the local campaign, hence the in and out.

I've spoken of this before. Some people may suggest that's not appropriate, because at the end of the day you would have candidates who were able to receive a rebate for money that they really didn't... well, I guess they spent it, but they didn't really lose. In other words, they netted out revenue neutral, but they still got a nice healthy 60% rebate on that amount.

It would be interesting to find out, in the case of my members opposite, what happened when the candidates received those rebates. Did they then make a donation in the exact amount back to the national party? In that case, the national party wouldn't be out any money.

An hon. member: That's an in and out and in and out.

Mr. Tom Lukiwski: Yes.

I don't know. I'd like to ask that question, but unfortunately, members of this committee, in the opposition ranks at least, don't want those questions to be asked. They don't want any examination of their books so that we can ask those questions of their officials.

I would love to be able to ask the executive director of the Liberal Party of Canada what happened with the rebates: "After all your candidates received these rebates for money that was transferred in from the national party to their campaigns, did they return that money to the national party or did they keep it?" Interesting question, Mr. Chair.

•(1400)

Unfortunately, thanks to the efforts of my colleagues across the table, it appears we're not going to be able to ask those questions—at least in committee. I am hopeful that when we go to the court case that will hear our arguments, those questions will be asked and we'll be able to get some definite answers, but I would like to be able to discuss that here.

I'm quite sincere when I say I would love to have this discussion at this committee, and I just don't know why we are seeing and encountering such resistance from the members opposite. Mr. Chair, it certainly would appear that we have some members who, for their own reasons, don't want these discussions to be held. Even though I have consistently stated that there appears to be nothing wrong—on the surface, at least—with the protocols and procedures that the members opposite followed during the 2006 election, there has to be a reason they are so resistant to my motion. There has to be a reason.

We've already talked about the obvious ones, that they just don't want a discussion to determine the facts; they want headlines and media reports that the Conservative Party is under investigation. Those are the obvious reasons. But could there be other reasons, Mr. Chair? Could there be things we don't yet know about the financial transactions of the members opposite, which they're fearful will be discovered? It's an obvious question that I'm sure many people have asked themselves already: what are they hiding? But I guess the only way they could distance themselves from those suggestions of impropriety would be to agree with my motion.

If, for example, a groundswell of opinion starts, suggesting that the opposition members have something to hide, that they are afraid of opening up their books because they have something to hide, one would think that if they had nothing to hide, they would welcome a suggestion to prove it at committee. Mr. Chair, I find it somewhat surprising that they haven't taken that approach, that we are the only party voluntarily suggesting we open our books because, clearly, we have nothing to hide. I think that's quite obvious.

Perhaps, through reflection and my continued arguments, the members will start to realize that it might be in their best political interests to accept my motion. It doesn't appear that way yet, Mr. Chair, but I know the members opposite, generally speaking, have some political acumen and can understand the politics of this. I'm sure that if public opinion started veering against them, taking the view that the Liberals, the NDP, and the Bloc were hiding something and didn't want their books examined, their position on this motion would change, and would change rapidly.

I'm still hoping, quite frankly, that it might occur, Mr. Chair. There is some precedent for it. We've seen, particularly with the Liberals, their opinion on many issues changes frequently, particularly Mr. Dion's opinion on various issues. He'll say one thing one day and another day he'll change his mind. I'm hoping that will be the case here, that members will ultimately come to the realization that it would be in their best interests to have this full, complete examination of all books, of all parties' election practices.

• (1405)

I don't know if they'll ever fully come around to my way of thinking, but again, if I were in their position and I firmly believed we had nothing to hide but that my political opponent had something to hide, I'd say, "Hey, let's get it on. Let's agree to the motion. Let's get the Conservatives and all their officials and all their books in front of this committee so we can have a complete and fulsome examination and discussion of the books, because it doesn't matter if they examine ours, we've done nothing wrong and we have nothing to hide." So at the end of the day, if they truly believe we're the only

ones who have contravened the Elections Act, they should be welcoming this motion. They should be embracing this motion.

But I don't see that. I see nothing of the sort. I see continued resistance. And all that's going to happen at the end of the day is that ultimately the courts will determine whether or not the Conservative Party of Canada and local Conservative Party candidates were in violation, whether or not there was any electoral wrongdoing. We clearly welcome that.

One of the reasons we wanted to bring this court action forward is that a lot of our candidates were having their election returns withheld. We don't want that delay. We want election returns to be repaid to the candidates so that it will go into their election campaign accounts, because we know we're going to have another election sometime in the near future and we don't want any of our candidates unduly confined by lack of money that should be coming their way, a legitimate election return. In some cases, it's tens of thousands of dollars.

There's another question I'd like to ask Elections Canada, because I honestly don't know the answer to this. With the candidates in question, have their entire election rebates been withheld or just the portion that Elections Canada has deemed to be inappropriate?

In other words, we all know in campaigns there are many expenses. We have to pay for campaign offices and signs, and sometimes we even have to pay for staff if we can't find enough volunteers. There are personal expenses of the candidates. The limit in a lot of cases—I can only use my own as an example—is roughly \$70,000. That's the campaign expense limit that I had in the 2006 election. We maxed out, so our campaign return then would be—was it 60% back in 2006?—roughly \$38,000.

What I don't know is whether Elections Canada is holding back the entire return because of perhaps a \$2,000 invoice that might be in question, or are they only holding back that invoice and the rebate based on that invoice? I'd like to know that. But if they're in fact holding back the entire amount, that's a significant amount of money that our candidates are at risk of not even having available for the next election campaign. That's why we want to get this court case dealt with as quickly as possible.

If we could get this committee to agree to my motion, we would then be able to get all the facts, the financial disclosures, out and examined thoroughly by this committee. I would like nothing more than for the committee to come up with a consensus report that says we have done a thorough examination of all parties, we have found that there are really no inconsistencies or contraventions, and we would strongly encourage Elections Canada to reconsider their position of not releasing the election refunds for these candidates in question.

• (1410)

It doesn't appear that's going to be the case.

Maybe that's the motivation, Chair. We talked earlier about what the motivation is behind the opposition's refusal to accommodate and to agree with my motion. Maybe that's it; maybe they think that by stonewalling they can actually cause Elections Canada to delay in paying the election rebates back to our candidates.

I don't know. We're just spitballing here, but there has to be something over there, because I can't see a legitimate reason for their continued opposition to my motion.

I've given several examples to date, and I'll give several more, but all of them underscore the very primary reason for the motion. It is clear that other parties and other candidates engaged in the same practices we are being accused of doing, for which we are being accused of crossing the line with respect to election financing rules.

Nothing could be further from the truth, and the very easy way to determine this, to substantiate my claims, is to have a full examination in this committee. Again, for the life of me, I can't see why there's such resistance. As Ms. Redman and many others have stated on various occasions, the motion Ms. Redman forwarded was first put forward in August 2007, and here we are in February 2008.

We would have been done months ago. We would have been done months ago, if only the opposition had agreed to a very simple, respectful, and obvious request in a motion to examine all the books equally.

Chair, I've talked to a number of people about this issue and have asked for an opinion. I asked, "What do you think about this? Do you think it would be fair and appropriate to have a full examination of all parties and their financing?" Invariably the answer comes back, "Yes, I do."

At the same time, there are those, quite frankly, who say, "Just a minute now; clarify something. Are you saying that the opposition wants to investigate your books, but they don't want to investigate their own?" When I say, "Yeah, that's what's happening," they're the ones who ask what's going on, "What are they hiding?"

The more we can get the story out and before the public, certainly the better it would be for us politically. The strategy the opposition is employing here, to refuse and vote against our motion to examine all books and all parties' election spending practices, will, I think, ultimately backfire because most Canadians, being fair-minded individuals, will come to wonder why not just open up their books if they have nothing to hide. What do they have to fear?

That way, if the Conservatives have in fact done something inappropriate, if the Conservatives, as the opposition alleges, have in fact inappropriately or illegally spent money where they shouldn't have, that will come out in cross-examination.

So what do they have to hide? What do they have to fear? If I were in their position, I would embrace a motion such as mine. If I were fully convinced that we had done nothing wrong, but I was also convinced that the opposition had done something wrong, I would be the first one to say, "Let's get it on; let's examine this."

•(1415)

In quick order we'll dispense with our party's books, because it's there in black and white. There is nothing wrong; we complied completely with the Elections Act. But it will give me the opportunity to compare in a transparent fashion our books with the opposition's, and I contend that if the opposition did something wrong, there can be no better clarity, to exemplify the differences, than to compare those two returns side by side. I would welcome that motion.

Yet what do we hear from members of the opposition? Total resistance. They are suggesting that the only way to get to the bottom of this would be to investigate solely and individually the Conservative Party.

It is certainly not the case, Mr. Chairman.

Again, I suggest to you that all members here take a good, hard look at what they hope to accomplish by these actions. Do they believe that by refusing to allow a thorough inspection of their own election financing and their protocols they are doing themselves any favours politically? I would argue that they are not. Ultimately, Chair, the Canadian public is going to see through that and ask the very basic questions: "If they have nothing to hide, why are they resisting? If they have nothing to hide, why don't they just get it on and get their books out on the table and be done with it?"

They don't take that approach, Chair. I'm sure we'll hear from them their own spin after this, saying that it is the Conservatives who are at fault here. I remind members opposite that we are the only party willing to put our books on the table. We are the only party welcoming an examination of our books.

If we had something to hide, do you honestly think, Chair, that we would be bringing something forward to a federal court of law? If you think the examination by members of this committee would be thorough, I would suggest to you that a judge is going to be ten times as thorough. There will be examination of minutiae that members of this committee could probably not even comprehend.

If we had anything to hide, we would not have brought forward a case. We would not have brought forward a legal action to defend ourselves from what we believe to be a flawed argument by Elections Canada. It's pure and simple. Think about it, Chair. Why else, unless we believed ourselves to be totally innocent in this matter, would we have brought forward a legal action? Why?

No other party would do that. You don't bring more attention to yourself if you know you're guilty. All you would do is put out political spin and deny, deny, deny. You certainly wouldn't have gone to the extent of asking a federal court to examine our books. We're doing it because we know we have done nothing wrong, and this is our defence.

If we had something to hide, if we felt we were in violation of the Elections Act, do you think we'd be coming forward with a legal action? Of course not.

You can't spin an argument when it's in black and white. You have election guidelines that are quite clear, which Elections Canada has put out. We have campaign books that are quite clear. They show all financial transactions; they show transfers between candidates; they show expenditures by candidates and the national office; and they show the relationship between the two.

All these will be presented in Federal Court. No stone will be unturned; no transaction will be unexamined. If we had something to hide, why would we be doing this? It doesn't make sense. We're doing it because we know we are in the right. We know that at the end of the day the Federal Court will agree with our position. That's why we're bringing this court case forward. It's that and of course to get the money back to our candidates that they rightfully deserve, and to do so in a fashion that would hopefully get them their money back as quickly as possible so they can use that money, which is rightfully theirs, in the next election campaign.

• (1420)

Chair, we're willing not only to have our books examined in a federal court of law, but we're also ready to have our books examined by this committee. There's one little caveat. Let's bring forward the books of the other parties and we'll get it on.

Again, Chair, that doesn't seem to be the position of the members opposite. Why not? Well, again, they have no interest in examining their own books at this committee. It's because I'm certain, at least I'm hopeful, they've not done anything wrong. I would like to think there's no wrongdoing on behalf of my colleagues or their parties who are sitting opposite me at this table.

Mr. Joe Preston (Elgin—Middlesex—London, CPC): History tells us differently, but maybe not this one.

I'm sorry, I was thinking out loud again, Chair.

Go ahead.

Mr. Tom Lukiwski: Chair, I think again the motivation is not that they have anything to hide, but simply that they want to try, to the best of their abilities, to use this in a political smear campaign against the Conservatives, pure and simple; it's nothing more than that.

What's at stake here? What's going to happen now that we have this apparent impasse? Well, we're going to keep reading into the record examples of candidates and members of Parliament from the last campaign and other campaigns to further demonstrate the fact that this so-called illegal in-and-out advertising scheme, as characterized by my friends opposite, is nothing more than the practice followed by all political parties.

Perhaps we can give another example. There are so many here from the NDP, but let's go to the Bloc for now. I know this will appeal to Monsieur Godin, and I know my Bloc colleagues are feeling left out, Chair, so let's use an example of theirs.

Here's a sitting MP, Christiane Gagnon. Let's look at this. The Bloc party, the national party, invoiced Ms. Gagnon \$16,642.77. The candidate paid it. Then the Bloc sent another cheque to reimburse the candidate in the amount of \$17,000 about two months later.

Like the NDP, this Bloc candidate actually made money on that transaction, being invoiced slightly over \$16,600 and receiving about \$17,000 in return—the in and out. So while the Bloc candidate was able to claim that \$16,000 as an election expense, it really didn't cost her any money, because the Bloc, the national party, reimbursed it, and in fact reimbursed it with a few hundred dollars to spare.

How can that happen? Well, it happens very simply because it's allowed; it is allowed under the rules. Under the Elections Canada guidelines, unrestricted transfers from the federal party to the candidate are allowed.

I would suggest that once again we have an example, now from the Bloc Québécois, in which they engaged in the same in-and-out process or protocol, as did the NDP and as did the Liberal Party and as did the Conservative Party.

In the case of another Bloc MP, Marc Lemay, the Bloc Québécois invoiced Monsieur Lemay for \$29,285.75, dated May 24, 2004. This was during the 2004 election. A few months after that, in October, the Bloc sent a cheque back to Monsieur Lemay for \$29,200.

If I were Mr. Lemay, I'd be cranky; they ripped him off for \$85. In other words, he paid \$85 more on an invoice than the Bloc paid him back. I would be absolutely enraged and incensed if I were that candidate. Some candidates got \$200 more. They made out like bandits. But poor Monsieur Lemay actually got \$85 docked. Maybe he was a naughty boy; maybe he said something. I don't know what happened. All I know is, he didn't make out as well as some of the other candidates.

Perhaps Monsieur Lemay didn't even recognize that. I am doing this as a public service to Monsieur Lemay.

Some hon. members: Oh, oh!

Mr. Tom Lukiwski: Now he knows that he has \$85 that he can perhaps recover from the Bloc, because it seems they stiffed him, and I don't know why. Nonetheless, Chair, the point is that here is yet another example of the so-called in-and-out-transfer, this in-and-out advertising scheme.

• (1425)

Once again, if it was not illegal for Monsieur Lemay to engage in such a practice, why would it be illegal for any other candidate to engage in such a practice? I really don't know, but perhaps we can find out.

There are many other examples, which we'll get into, perhaps in the next few hours, of different advertising. We're talking primarily now about electronic advertising: radio and television ads. But there are many other forms of publicity that are considered to be advertising, of course, that Canada is engaged in. Some may be lawn signs; some may be pamphlets. There are many other forms of media. Some may be putting information on a website and having to pay somebody to perform that task; some may be paying for a speech writer.

In any event, Chair, I would suggest that in all cases the moneys expended would be to benefit the local candidate. Yet if the national party is in effect paying for that expenditure, and if Elections Canada has ruled that because the Conservative Party engaged in that practice the money should be considered national, why is it not the case with other candidates?

The reason, of course, that I'm concentrating primarily on radio and television ads is that I would suggest probably 70% to 80%, if not 90%, of the ads that were run with these candidates would be national in content. In other words, the national party came up with this idea, established the protocol, and did the invoicing. All the invoicing came from the national party, or in some cases from the local EDA association, but they in turn were reimbursed nationally.

So at the root of all this it was the national parties that were coordinating this action. They would invoice, and I'm sure a large percentage of the ads run would be national. In other words, the national party was saying, "I'm going to pay for these ads. You're going to be invoiced, but you're going to be reimbursed. We're going to invoice you, we're going to reimburse you, and we're going to run a national ad. We'll tag your name on it, but we're going to run a national ad."

That is the argument Elections Canada is making when they say that if you run a national ad and the national party is paying for it indirectly through this in-and-out transfer process, then you should consider that to be part of the national advertising cap. That's their argument.

We disagree with that argument, because quite clearly, based on the information and the testimony I've given this afternoon, candidates and parties were well within their rights to do exactly what we've done. But the argument from Elections Canada is that you can't do that; it has to be considered part of the national cap.

If the argument is true, and if that argument has substance, then why doesn't it hold true in examples for other candidates in other parties? Why? You simply can't answer that, Chair.

Therefore, I contend, Mr. Chair, and I continue to argue, that it's because, I believe, Elections Canada erred. They made perhaps an honest error, but an error nonetheless. That's why I'm simply so anxious to have a fulsome discussion of the advertising practices of not only our own party but all political parties on this very issue. If we did, I think we could find out quite quickly that all parties engaged in similar activities, and, Chair, did so fully within electoral rules. And that's the key here.

● (1430)

If we truly want to have a fulsome examination, we have to take a look at all of the advertising practices, thereby requiring an opening up of the books of all political parties, because part of the case we have advanced is that not only did we do nothing wrong, and not only were we fully in compliance with electoral rules, but we did nothing, Chair, that the other political parties did not do themselves.

I would think that by anyone's standards a full examination and side-by-side comparison of all the parties is the only way to determine whether there were appropriate spending practices by the Conservatives or appropriate spending practices by any of the opposition parties.

If we had that fulsome discussion and complete examination here at the committee level and it were determined that only the Conservative Party had violated the Elections Act and the spending practices as outlined by Elections Canada, I would be the first one to say you are right, and we are wrong, and we will bear the full consequences of our actions.

But I am absolutely confident, Chair, that this is not the case. So confident am I that I brought this motion forward, which states that we will voluntarily bring forward and open up our books and provide to this committee all witnesses whom they wish to speak to. We will do that willingly and voluntarily and will do it immediately, with just one small condition: that the opposition parties do the same.

Yet what do we hear? No, it's not a good idea. We have yet to hear why it's not a good idea; that's something I'm still waiting to hear. And—I mentioned this a little earlier, Chair—the only reason I've heard yet from any member of the opposition as to why they're against this motion is that they say only the Conservative Party has been identified by Elections Canada as being in violation.

That presumes and presupposes that anything Elections Canada rules is correct. If you take that to its logical conclusion, it would mean, if any organization such as the RCMP or a city police force charged an individual with a violation of law, that if they charged him or her saying "it's wrong", it has to be wrong.

Well, that's not the way society works, Chair. There are recourses to that. Anyone, any citizen of this country, is allowed to defend him or herself, and that's what we are doing in this case. The argument that "the reason we're not allowing our books to be examined is that we weren't found to be at fault by Elections Canada" doesn't hold much water with me. We reject Elections Canada's arguments.

We are prepared to defend our position in Federal Court and we are even more fully prepared to defend our position and to discuss our position and all of our advertising practices here at this committee. We don't have to wait months for a Federal Court case. We can get this on right now.

Whether or not the examination by committee members would be as thorough as that of a judge or lawyers involved in a Federal Court case, I don't know, but at least we would be able to get the examination started now.

I continue to make the point, Chair, that we are the only party that has willingly supported examination of our books. The other parties are saying they'll gladly examine the Tories' books, but no, they don't want anybody looking at their books.

● (1435)

What do they have to hide, for God's sake? I don't think they did anything wrong, so they should have nothing to hide, Chair.

We have a purported or attempted smear campaign going on here, but that doesn't change the facts that in previous elections members of the Bloc Québécois, of the NDP, and of the Liberal Party engaged in exactly the same practices and followed the same protocols as the Conservative Party. Of that there can be no question, absolutely no question.

Let's give another example. This would be of a candidate with whom I am unfamiliar. It's a Liberal Party candidate by the name of Beth Phinney. The Liberal Party invoiced candidate Phinney a total of \$5,000 on June 16, 2004. Then they repaid the candidate with a \$5,000 cheque, which the candidate deposited on July 8, less than a month later.

In and out; the same thing: they claimed the reimbursement and pocketed the reimbursement, but it didn't really cost them any money. There was a transfer between the federal party and the candidate—back and forth, in and out—exactly the process the Liberals are accusing us of doing and stating that it is illegal.

How can it be illegal? How can we have contravened electoral laws when they are doing exactly the same thing? It just doesn't make any sense.

In politics, Chair, I suppose things don't have to make sense. In a political environment such as this, I suppose all that matters is that the opposition have an opportunity to try to create scandals where no scandal exists. Perhaps the only thing that matters in the minds of the opposition members is that they create opportunities for themselves to discredit the government—not on substantive matters, not on policy matters, but on spurious, made-up, unfounded, baseless allegations, to try to get themselves some political smack, to try to increase their chances in a federal election.

In other words, Chair, there is an old political axiom that says: governments aren't elected; they're defeated. Generally speaking governments, history would prove, were defeated based on two things: one is fiscal and financial mismanagement; the other is scandal.

Well, they can't get us on financial or fiscal mismanagement, Chair, but they certainly could try to create a scandal. In the 2006 election, we didn't have to create anything. There was something called the sponsorship scandal that was right in front of all Canadians to see. There was no creation of that scandal.

But since that time; since the Liberal Party saw how deeply that scandal affected their chances of re-election; since they saw the damaging effects of the sponsorship scandal; once they found out how Canadians reacted to the fact that the Liberal Party was found to be the perpetrators behind the largest political scandal in Canadian history and once they understood that, Chair, they took it upon themselves to try to create scandals for the Conservative Party. They're not scandals that actually exist, but scandals that they are trying to create because they know how damaging a scandal can be to a political party.

They have nothing on the fiscal management side. Canadians, I would suggest, are fairly happy with the more than \$60 billion in tax cuts they received last October from this government. They're happy with the direction the Prime Minister and this government are taking this country in. They're happy with the fiscally responsible manner

in which this government is taking care of business. So they really can't attack us there, Chair, because it wouldn't get them very much, wouldn't get them very far. They can't score any political points on that, so the only thing they can do is try to create some scandals.

● (1440)

Granted, Elections Canada said that they found fault, and they made a ruling that the Conservative Party violated the Elections Act in the 2006 election by overspending, referring to this national advertising cap again. But the rationale behind their ruling was the one that I keep going back to here. They said that because of this transfer, whereby local candidates receive money from the national party and put forward a national ad, that should be considered part of the national advertising campaign, and not part of a local candidate's campaign.

That is the contention of Elections Canada. I have demonstrated with many examples today, Chair, that other parties have done exactly the same thing, and yet they were not found to be at fault. You can't have it both ways. If one party is in violation for following a protocol that Elections Canada says is wrong, then all parties have to be treated equally, and we haven't seen that.

The Chair: I would just caution you, Mr. Lukiwski. I am starting to hear some repetition. I understand that some points have to be made, but there is some repetition.

I'm on page 12 of my own notes, so just focus it in a little bit. That would be great.

Thank you.

Mr. Tom Lukiwski: In any event, Chair, some things, as I mentioned earlier, certainly bear repeating—

An hon. member: Yes. I can't hear enough of some of them.

Mr. Tom. Lukiwski: —and that would be my point to you.

I know that if you take a look at—

Mr. Yvon Godin: That's what happens when you have nothing to say.

Mr. Tom Lukiwski: Chair, I know that my friend there was so anxious to participate in the discussion that he involuntarily addressed me rather than going through you.

I welcome all comments from my colleagues. I would more than welcome comments from my colleagues in an official capacity, should we be having this discussion at the committee level with all parties participating. That, however, would require that they agree to the motion to allow all parties to forward their books, to discuss fully, not just amongst committee members but with Elections Canada officials and others, the practices they employed during the 2000, 2004, and 2006 elections—a legitimate request, yet one that is being totally ignored by members opposite, again, for apparently purely political reasons.

Mr. Joe Preston: Let's vote on this and get going on it.

Mr. Tom Lukiwski: I would suggest that if we truly wanted to inform Canadians as to the methodology and the processes that all Canadians followed and engaged in during elections, we would have no difficulty in putting forward a cogent and responsible opinion from this committee, certainly within a few weeks. If we'd have voted ourselves the full examination of all our practices, citing examples, giving appropriate responses to questions from other committee members, we could have this matter dealt with probably within a couple of weeks.

The reason I say that is because I don't see how we could possibly carry on an examination longer than that, simply because the practices of all parties are similar—in fact, almost identical. How could we go beyond, say, three or four meetings, which is six to eight hours of full examination, if in fact it is first discovered that the practices that all parties engaged in are the same?

I've given examples here, time and time and time and time again, that they are the same. So if they're the same, then the conversation could really get focused and say, "All right, we've all done the same thing. Are those practices consistent with electoral guidelines, or are they inconsistent?" That's the only question, at that point in time, we would have to consider as a committee.

So, again, I fail to see why the resistance from the opposition. If they actually want to get to the bottom of what they consider to be inappropriate and illegal election practices from the Conservatives and if they also agree that their party is above reproach, why don't they just allow the motion to pass? Why don't they just allow a fulsome examination? It shouldn't take them very long, if they're right, to prove their case.

I would suggest to you that will not occur. That agreement from my colleagues opposite will never come forward, because they don't want that examination. Why? Well, because at the end of the day it would be proven beyond a shadow of a doubt, certainly to the satisfaction of this committee, that there's no untoward activity, no improper or illegal activity, with respect to election financing by the Conservative Party of Canada.

They don't want that story. Why in the world would they want a story that says "Conservatives vindicated"? They don't want that.

● (1445)

They just want a story that gives the impression, at the very least, that the Conservative Party has done something illegal, something wrong. Well, we totally reject that. We know that we have done nothing untoward. We know we have not broken any elections laws or guidelines. I've demonstrated that time and time again. I will continue to read into the record other examples. But the opposition, of course, can't accept that. That's simply not good enough for them from a political perspective. To justify their political agenda, they have to try as hard as they can to do whatever they can to cast aspersions on the Conservative Party, to try to smear the Conservative Party. Therefore, they don't want anything to do with a full disclosure, a full investigation of all parties, because they absolutely know that we would be proven to be innocent, that we have done nothing wrong.

But I think it goes beyond that. Consider this: many times, unfortunately—we've heard this before—in politics, perception is

reality. I think that was actually first coined by a former Liberal senator, Senator Keith Davey, that in politics, perception is reality.

The opposition members are trying to create the perception that the Conservative Party did something wrong. If they were successful in creating that perception, they would have succeeded in their goal. So it doesn't really matter to them what the final answer is. They're convinced that if they're able to get the Conservatives, and only the Conservatives, at this committee to answer questions about their election financing practices, that would be the perception, that only the Conservatives had done anything wrong. Therefore, they don't want anything to do with an examination of their own books, because even if they were found to be totally in compliance—

● (1450)

The Chair: Excuse me, Mr. Lukiwski.

Colleagues, for various health reasons, we're getting new refreshments in here. Our clerks have been sitting for just about the same time as a flight to England. I don't want anybody getting clots. We're going to suspend for a few minutes so people can take care of any stretching or whatever else they need to do.

_____ (Pause) _____

● (1455)

The Chair: The meeting is called back to order.

Mr. Tom Lukiwski: Thank you, Chair.

Just before we broke, we were talking about perception versus reality and how clearly this is an attempt by opposition members to create a perception that the Conservative Party did something wrong when, in fact, that is absolutely false and baseless. We have done nothing wrong.

I'd like to come back to try to determine the basis of which Elections Canada said that we were at fault, because this is extremely important. We want to make sure that everyone has a full comprehension of this. Sometimes it seems that when you're talking about the complexities involved and the relationships between a national campaign and a local campaign, people's eyes start to glaze over and they don't understand.

As simply as I can, the contention of Elections Canada was that local candidates were funded by the national campaigns to run national ads. And they've said that's wrong. And on the surface I can see how somebody could accept that argument.

If the national campaign is giving money to a local candidate and the local candidate in turn runs a national ad, I could certainly see how Elections Canada could make the argument that you can't do that, except that you can. That is within the guidelines of Elections Canada.

Maybe those rules have to be changed, but it is allowable. Let me give you an example of another party that did exactly that and were not found to be in violation. This occurred during the 2004 election and it concerns the Liberal Party of Canada again.

I know my colleague opposite, Mr. McCallum, is new to this committee. He is sitting in to give one of his colleagues a bit of a break so I don't want him to feel that I'm ignoring the Liberals. I want to make sure that he understands I'm being as fair as I can in pointing out deficiencies in the arguments of all political parties opposite. So this is mainly for the benefit of our newest member to this committee. Hopefully he'll stick around for the next two or three hours so I can again try to convince him, as I have other members, that their position is untenable and in fact is wrong.

But let me just give this example because I think it's one that really speaks to the inconsistencies of the position taken by Elections Canada. Let's go over this again.

Elections Canada's argument is that because the Conservative Party transferred money to a local candidate and the local candidate in turn ran an ad that was national in content, that was wrong, because that money, rather than being claimed by the local candidate, should have been claimed by the national party and it would have put them over their national cap. Okay, that's their argument.

We say that is not only a false argument, but is also an argument that flies in the face of the guidelines put out by Elections Canada. It also is inconsistent because other parties have done exactly the same thing.

Here is the latest example. I think this was a good one. In 2004 a Liberal ad appeared in *The Edmonton Journal* on Sunday, June 27. Now, the content of the ad, except for the name of the candidates, was entirely national. In fact, the ad had a big picture of Paul Martin and it promoted the Liberal Party of Canada. It had the names of all candidates, but no pictures. There were no pictures of the local candidates whatsoever, only a picture of Paul Martin. It was a national ad. It listed: Anne McLellan, David Kilgour, Doug Faulkner, John Bethel, Bruce King, Maureen Towns, Neil Mather, Moe Saeed, Debby Carlson, Lyle Carlstrom, Duff Stewart, Joe Dion, Rick Bonnett, Peter Crossley.

It appears that all the Edmonton area candidates participated in this, paid for this, and they were able to claim their portion as a local campaign expense. The national party was never found at fault.

Elections Canada then said that what the national party did—this advertising campaign—was completely legitimate. Yet it is exactly that type of transaction that they are saying the Conservatives did, and it is not allowed. I mean, you can't have it both ways.

This was a regional ad. The content of the ad was absolutely national. There was no reference, outside of the name, to a local candidate or local campaign whatsoever, yet it wasn't found to be in violation of the Canada Elections Act by Elections Canada. You can't have it both ways.

At the time, of course, Anne McLellan was the Deputy Prime Minister.

● (1500)

We have a letter here from the director general of the Liberal Party of Canada in Alberta, and it states:

During the past election campaign, the Liberal Party of Canada in Alberta transferred funds and/or paid for services in kind directly to the candidate on whose behalf you were acting as Official Agent.

In other words, the Liberal Party paid money to the local candidates so they could participate in this ad buy, which promoted the national party. It certainly can be argued that the national party paid for this ad. Yet, were they found at fault by Elections Canada? No. Elections Canada didn't find them to be in violation of the Canada Elections Act one bit. So my question is, if we were to be found in violation for doing the same thing, why weren't the Liberals found in violation of the Canada Elections Act for doing that? There is total inconsistency in the manner in which Elections Canada has ruled in this case, total inconsistency.

Once again I say that perhaps this practice of the national party of any political party sending money to local campaigns, having them run a national ad and claim it as an expense of their own, is something that should be examined and perhaps it should be stopped or at least altered somewhat. It's a legitimate point, and maybe that's something we should be discussing at this committee, but I don't see a rush to do that by the members opposite. I don't see a rush to do anything by the members opposite with respect to examining their own books.

I will agree, as I have done many times before, that in my estimation at least, what the Liberal Party did in this latest example I just gave you was absolutely 100% in compliance with Elections Canada regulations. It states so. It states that a local candidate can run either a local or a national ad. That's their decision. It also states that a national campaign can transfer, unrestricted, money to local candidates. That's within the guidelines, that's within the rules, and that's what happened here. The national Liberal Party of Canada, the national campaign, transferred money to local candidates, they used that money to put an ad in the paper that promoted the national party, and they weren't in violation. Elections Canada had no problem with that. Neither would I, because the rules are quite clear that it's allowed. Well, maybe we need to change the rules, but the fact of the matter is, in 2004 and in 2006, the rules hadn't been changed. That was allowed. So why have we been found in violation?

I think it truly has been just an honest mistake from Elections Canada's standpoint when they made this ruling, and I think if we were able to present that information and ask those questions of Elections Canada officials, we'd be in a better position to find out the rationale behind their rulings to begin with. Unfortunately, we're prevented from doing so because the members opposite won't agree to my motion.

It's very difficult. If we're making the argument that we have done nothing wrong, and making the argument that, to prove this, we have acted in exactly the same fashion as opposition members, how can we prove that, how can we demonstrate that, if the opposition members refuse to allow their books to be examined? We're saying, "Open up our books. Let's get at it." But to absolutely prove, in a side-by-side comparison, that we're all engaging in advertising practices in the same fashion, we need to have some agreement from members opposite. We need them to be able to, as we have done, willingly and voluntarily allow their books to be examined. They just won't do it. So what else are we to take from this? Why do you think, frankly, they're engaged in this discussion right now?

For the life of me, I cannot see any position where I would ever agree to a motion that is so clearly designed for partisan motives from the opposition to go forward. I cannot, under any circumstances, see myself or any of my colleagues allowing that to happen, because it is just a sham. It is nothing more than a political sideshow.

• (1505)

If you want to get into this, let's get into it. Let's open up your books; we'll open up ours.

I'm sure, quite frankly, that when a list of witnesses had been developed, if there was any kind of discussion or vote as to who to bring forward first, the opposition members would use their powers, as a majority on this committee, to bring forward the Conservatives. I don't even have a problem with that as long as I had the ability to use examples from the opposition, to present and defend our position in our case. That's all I'm saying.

Yet even with that, we have the collective opposition saying, "No, I don't care how fair it is, I don't care how reasonable your argument is, I'm just not going to go along with it." So no wonder we have some dysfunction going on here at this committee. We could get beyond this in a heartbeat if the opposition simply agreed to doing what they should agree to, which is to bring forward their own books, to agree with this motion.

If they don't, I'm afraid all we can do is to try to convince Canadians, through conduits such as media representatives who may be reporting on this and hopefully taking copious notes and using examples that I've been reading into the record, and to report to the Canadian public that in fact here's the story. As a famous old radio broadcaster would have said, "The true story, the untold story, page 2."

But because this issue is fairly complex for a lot of people, they just don't understand. All they hear, many times, are the headlines. If somebody makes an accusation, it gets news, it gets coverage. If somebody accuses someone of a heinous crime, that gets headlines. Maybe three months later the charges are thrown out, but it doesn't matter; the headlines are what stick in the minds of many Canadians, and that's what the opposition is trying to do here.

What I'm attempting to do, quite frankly, is to demonstrate, from example to example to example, that the rulings that were levied against us are exactly the charges, or the levies, or the findings that should have been put towards the opposition parties as well, because if we were at fault, if we were in violation of the act, it is readily apparent that all of these parties should have been found in violation, but they were not.

An hon. member: They're not guilty.

Mr. Tom Lukiwski: And neither are we.

Mr. Chair, my colleague finally agrees with our position—

An hon. member: I think he's for the motion now.

Mr. Tom Lukiwski: He understands, or I think he's starting to understand, that the practices employed by his New Democratic Party were exactly the same as those of the Conservative Party.

There was a slight variation with the Liberal Party, because they used a filter. They used their riding associations as a filter. In other words, theirs was a three-way transfer. They went from national party to riding association to local campaign, whereas the NDP went directly from national campaign to local candidate.

So there are some slight variances in the approach, but the end result is the same. However, there's no political benefit to the NDP or the Liberals to have that explanation brought forward to the Canadian public. That's what I'm attempting to do here, to show them there are some complexities, absolutely, but all parties acted in a similar fashion and all parties acted within the confines of the Canada Elections Act. They all acted appropriately. No parties broke the law. If one did, then they all did, but that wasn't the case here. It wasn't the case whatsoever.

• (1510)

Now, with some of these examples, you may say, "Well, it sounds the same, but is it exactly the same?" Well, of course, it isn't exactly the same. The amounts vary. The methodology in which the money was transferred from the federal party to the local campaign vary. I've illustrated that. The Liberals used an intermediary—their local riding associations—but the concept was absolutely the same.

Let's think about how this all came about. I would argue that this practice of national campaigns funding local campaigns, and then having the local campaign promote the national campaign, has been going on for well over a decade.

My motion only speaks to examination of the elections from 2000, 2004, and 2006, because the Conservative Party—as we know it today—wasn't around back in the 1990s. In fact, prior to the 2004 election, we weren't here, but we felt it appropriate to go back at least three elections to show this continuing pattern.

I would submit to you that if we went back and had a thorough examination of the advertising practices of all parties going back into the 1990s and beyond—I would suggest if we went back as far as 1988—you would find that the same procedures and protocols were followed by all political parties. This has not changed.

This is nothing that is any different today than it was back in 1988, with respect to the matter in which some transactions take place. Never, since 1988 to 2006—a span of 18 years—has there ever been any finding from Elections Canada that the party that engaged in these practices was at fault. This is the first example of that.

And yet, the confusing and distressing part of this whole situation is that, while we know now by my testimony that all parties have engaged in the same practice, only one party was found to be in violation of the act. I can't explain it. I wish I could. I wish we could bring all officials to this committee to ask those very questions.

But, unfortunately, unless the members of the opposition agree to my motion, that situation isn't going to occur. We're not going to get to the situation where this committee can fully examine these advertising practices that have been so consistent among all the parties for over 18 years. That, I think, is extremely unfortunate.

One of the things that this committee has done in the past—on many occasions—long before I've been an elected member and a member of this committee, is made many improvements to the procedures and practices of all parliamentarians. They have examined the Elections Act on many occasions. They have had an opportunity to debate and discuss Elections Canada guidelines before.

I suggest that it would be totally appropriate that this committee continue in that vein—not as a partisan group, but as a committee functioning on behalf of all parliamentarians—to continue with the tradition of improving the situation and procedures and practices of all the members, regardless of political affiliation.

Unfortunately, our attempt to bring that level of discourse up, to bring the level of discussion to a point where, once again, we might be in a position to make valuable recommendations to officials at Elections Canada for the benefit of all parliamentarians, is being stonewalled. We're being told by members of the opposition that that ain't going to happen.

Frankly, I think that's a real shame. I think that if we were able to put these partisan differences aside and simply get on with the examination under question, we would all be better served because of it.

But once again, I have to go back to the fact that my motion speaks to that.

• (1515)

My motion would recommend that a full examination of the advertising practices of all political parties for the last three federal elections be undertaken immediately by this committee. Frankly, that satisfies the wishes of opposition members, who are asking for that very thing. They're asking for the books of the Conservative Party to be fully examined.

I'm sure they want their shot at finding the smoking gun. We're fully prepared to allow them to have that period of examination. Of course they don't like it when we say, "What's fair is fair, and let's take a look at yours, to compare." I think it would be extremely fair and an extremely compelling argument if after the examination of all parties' books we were able to definitively say, "You see, everyone acted in a similar fashion. Everyone acted in the same fashion. Therefore we're all at fault, or none of us are at fault."

That would be an extremely simple thing to find out. I think if we had the ability to examine all the books and present these books in front of the entire committee, we'd be able to conclude those examinations probably within no more than four hours. I have given several examples here already.

An hon. member: You've done most of our work.

Mr. Tom Lukiwski: Exactly.

I mean, the opposition wanted to examine the Conservative books. Well, I've given a lot of testimony this afternoon that speaks to the very concerns they say they have. Yet we all know that's not the real reason. That's not the real motivation behind what they propose in their motion. When they go to the foyer of the House and have their scrums, send out their ten-percenters, put out the news releases, and when they speak on panel shows, they merely want the ability to say, "Tories under investigation for alleged improper election spending".

That's what they want. That's why they don't want their own books to be examined. It certainly wouldn't have the same cachet if there was an examination of all parties' books. It certainly wouldn't be in the best interest of them politically to say they're examining their own practices and have to admit after an hour or two of committee examination that they were doing the same thing as the Conservatives. Where would that get them? Frankly, it would make them look like they were being politically opportune and trying to smear the Conservatives, which in fact is exactly what they're attempting to do here.

I don't see any softening of their position. It is unfortunate that legislation has to suffer as a result of this. I'm sure the Bloc Québécois would like to see Bill C-6 passed before the next federal election. Perhaps it will; perhaps it won't. If we could merely dispense with this issue, I think we could go a long way to clearing the air, to putting this issue behind us, and to getting on with legislation I know many at this table want to discuss. That doesn't appear to be happening.

Someone mentioned Dominic LeBlanc, who up until a couple of hours ago was sitting here. His place is still reserved. I see his name on his stand. Why don't we take a look at the summary of expenses of the campaign of Dominic LeBlanc?

An hon. member: Dominic LeBlanc?

Mr. Tom Lukiwski: Well, again, there are many members and many examples that we have.

• (1520)

So let's take a look and talk about Dominic LeBlanc.

There was a regional media buy for all New Brunswick Liberal candidates in the 2006 election. The local campaign of Dominic LeBlanc in the 2006 election, in which Mr. LeBlanc was elected as the MP, apparently participated in this regional media buy organized by the national party. The documentation on the record at Elections Canada in relation to one of the participating campaigns, that of Brian Murphy, we have attached in this document as exhibit 30.

In the copy provided by Elections Canada, the cheque from the official agent in payment of the ad is made out not to the newspapers but rather to the Liberal Party. I think-

• (1525)

The Chair: Do they advertise?

Mr. Tom Lukiwski: Apparently it's national.

My colleague, I know, is listening intently, and sometimes I found that if you close your eyes your other senses, your auditory senses are more acute, and I think that's what's happening here.

The Chair: I find things taste better.

Mr. Tom Lukiwski: He's soaking in the testimony far more intently than perhaps if he had his eyes open.

In any event, a memorandum from the director of organization of the New Brunswick Liberal Association in the Elections Canada documentation states, and I quote, "the ten ridings as a collective group have decided to run newspaper ads".

The Chair: Mr. Lukiwski, sorry, a point of order.

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): I think that there is someone seated in Mr. Scott Reid's seat, who's masquerading, wearing a black mask and....

The Chair: No, it's not a point of order. It's a debate, and I wouldn't want to discriminate against members who don't have the ability to see over....

Mr. Lukiwski, please.

Mr. Tom Lukiwski: Thank you.

We've attached exhibits as well. They are the Liberal ads from the *Telegraph-Journal* and the *L'Acadie* newspapers on Saturday, January 21, 2006, which would appear to be the ads in question. The content of the ads, except for the names of the candidates, is entirely national.

The Liberal candidates who participated in this regional media buy are Dominic LeBlanc, Brian Murphy, Paul Zed, and Andy Scott—who are all sitting members of Parliament, as of right now—plus a number of candidates: Eldon Hunter, Marcelle Mersereau, Jean-Claude D'Amours, who's an MP Charles Hubbard, member of Parliament, Stan Smith, and Andy Savoy.

The situation here was that the national party transferred money to these candidates, who then ran a national ad, merely listed their names, and claimed it as a local expense. That is exactly the type of purported violation that Elections Canada has ruled the Conservative Party committed. In other words, they're saying that if the national party pays money, and the local candidates use it to run a national ad, it's a national ad, and it should be considered to be part of the national advertising cap as I mentioned earlier.

You can make a fairly strong argument for that, except that it does not comply.... It is not against the rules as set by Elections Canada. In fact, they would be in total compliance with this.

So again I simply ask the question, Chair, that if in fact it is okay for one political party to engage in regional media buys like this and to engage in the transfer of funds from national parties to local candidates, why then is it not okay for other parties to engage in the same actions? It must be.

Surely as night follows day, Mr. Chair, you must have the ability—

The Chair: Excuse me.

Monsieur Guimond, I'm going to ask you to turn the camera in to the clerk to verify that the picture has been destroyed.

Mr. Scott Reid: Point of order, Mr. Chair.

The Chair: Mr. Guimond, you should know better, and actually the chair is very discouraged by that kind of behaviour. I would not expect someone of your calibre, as a whip of a party in the House of

Commons, to so obviously break the rules. You don't have the microphone.

Mr. Reid, please.

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

On a point of order, it may interest all members, and particularly Mr. Guimond, to be aware of the fact that it was after I saw him sleeping in his seat that it occurred to me I might do the same thing.

The Chair: There is no debate. I'm going to tell you right now, members who are in this room, I don't want to hear anybody present to anyone in this committee any kind of prejudice against anyone who may not have accurate sight. We're not going to set that precedent. If members, including myself, want to sit back and take the pressure off my spine, I will do that. There will be no pictures and no violations of the rules.

My apologies, Mr. Lukiwski. You have the floor.

• (1530)

[*Translation*]

Mr. Michel Guimond: Point of order, Mr. Chairman. [*Inaudible: Editor*]

[*English*]

The Chair: Mr. Lukiwski, please.

Mr. Tom Lukiwski: Thank you, Chair.

The point I'm trying to make—

The Chair: I'm sorry, is there a point of order over here?

Ms. Jennings.

Hon. Marlene Jennings: Yes. My point of order is that when a member's requesting the microphone for a point of order, I think it's incumbent upon you to recognize them.

The Chair: My apologies. The microphone wasn't on; I didn't hear.

Monsieur Guimond.

[*Translation*]

Mr. Michel Guimond: Mr. Chairman, I simply wanted to consult the calendar which is on this cell phone. This cell phone cannot take photos; no photo was taken.

[*English*]

The Chair: The member is probably deviating as far as he possibly can from the reality of the situation, but I have no other evidence that the member may want to try to look at a different calendar. Pointing a cell phone across the room is probably a fairly immature way of checking a calendar, but I'll accept that.

Mr. Lukiwski, you have the floor.

Mr. Tom Lukiwski: Thank you, Chair.

The point I have made fairly consistently in this presentation is that there is this complete inconsistency in the rulings presented by Elections Canada. We have just given two examples of regional media buys from the Liberal Party of Canada. In both cases, a number of Liberal candidates got together to pay for ads that appeared in their local newspapers that were completely national in content. But the money that was transferred from the national party to the candidates was to pay for those ads. So again I point out the obvious that there is certainly an argument to be made that perhaps that shouldn't be allowed.

But the fact of the matter is that it was allowed. For 18 years, from 1988 to 2006, the rules allowed such transfers to be made. They also allowed local candidates to determine whether or not they wished to present, on their behalf, a local campaign ad or a national ad. They determined what would be in their own best interest.

I know we read this into the record before, but I must do it again because it says—and this is right from the Elections Canada published interpretative material from 1988 to 2007:

Interpretation guidelines contained in Elections Canada Candidate Handbooks dating back to 1988 are consistent over time on the issue of candidate advertising, until a sudden drastic change in 2007 (i.e., after the 2006 Election). Until this drastic change, the guidelines were clear that advertising conducted by local campaigns could promote the candidate specifically and/or national party.

Let me point out it also states in Elections Canada's own material—this is absolutely consistent with the Elections Act itself—the national parties have an unrestricted right to transfer funds to local campaigns.

So we have seen time and time again, certainly from the Liberal Party in the 2004 election and in the 2006 election, that local candidates participated in regional media buys. By that I mean that a group of candidates who lived in the same region would all get together, contribute money—probably an equal amount of money from each candidate—and purchase newspaper ads on their collective behalf. But the ads, as I've indicated, were always national in content. They didn't promote the candidacy of the local MP or candidate. In the case of the Liberals, they would promote the national campaign. They would run a picture of the leader of the party, Paul Martin, and say “Vote Liberal”. The only reference to local campaigns was a list of names of all of the candidates at the bottom of the ad.

If that is allowed—and I would argue it was allowed under the guidelines of the day—then why should the Conservative Party, which engaged in similar practices, be found in violation of the act? It makes absolutely no sense to me. I eagerly await the Federal Court case in which we have identified these examples as being inconsistent, and get this matter determined once and for all before a court of law.

But I absolutely wish that we could get this issue dealt with at the committee level, and once and for all put this behind us and be able to demonstrate, without question, that the activities and actions of the Conservative Party of Canada and their candidates who represented that party in the 2006 election were certainly within all acceptable guidelines, as published by Elections Canada, and certainly consistent with the advertising practices of the other political parties.

●(1535)

I don't see, Chair, how there can be any dispute with that fact whatsoever, given the examples that I've already read into the record, but let me also go a little further.

The Elections Canada publication called *Election Handbook for Candidates, Their Official Agents and Auditors*, Mr. Chair, which was last updated in 1997 and issued by Elections Canada—

Mr. Scott Reid: Was that 2007 or 1997?

Mr. Tom Lukiwski: It was 1997.

The Chair: Order.

Mr. Lukiwski, I do recall some quotes from that handbook. This will be a different section, I'm hoping.

Mr. Tom Lukiwski: Absolutely. And because of the complexities of this issue, there are many items contained in that handbook, which, if taken in isolation, may be somewhat confusing, but when you put them together as part of a larger package, they clearly provide evidence that we were fully within our rights to conduct ourselves as we did in the 2006 election.

The quote I'm going to relate to you now is another piece of that massive jigsaw puzzle, if I can characterize it as such. Hopefully people can pick up on this, Chair, in the first reading. I quote:

The Chief Electoral Officer will consider adherence to this handbook as meeting the statutory handbook requirements for issuing certificates for reimbursement purposes.

In other words, what is contained in the handbook is the gospel according to the Canada Elections Act—if you want to get a reimbursement, here are the guidelines, here's what you follow. This in 1997.

In other words, Chair, the candidates and official agents and registered political parties, I would add, took this handbook, read it thoroughly, and said, okay, what can we and what can we not do? All parties did the same. And if one complied with the regulations and provisions contained in this handbook, suffice it to say, it would be the most compelling argument that a party or a candidate or an official agent acted in compliance with the act itself. That's why this handbook was published to begin with.

I know that all candidates would agree that it would be pretty difficult if you merely gave candidates and their official agents, many of whom would be doing the duties of an official agent or running as a candidate for the first time, a copy of the Elections Act and said, okay, read it and understand it because these are the rules. That would be difficult for a lot of candidates and official agents who were running or campaigning for the first time. Frankly, it would probably be difficult for a lot of veteran MPs with only a copy of the act and no other supporting documentation to say, yes, okay, I understand it all and I know exactly what it means. No. To try to simplify things there are handbooks—reference materials, in other words—that candidates, official agents, campaign workers, and so on can refer to so everyone knows what is and what is not allowable.

That's what the quote was saying, that the Chief Electoral Officer will consider adherence to this handbook at meeting the statutory requirements of the act. If you do what this handbook says you should do, you'll be okay. You'll be within compliance. That's very important, Mr. Chair. What the handbook states in terms of regional media buys, local campaigns versus national campaigns, transfers between national campaigns and local campaigns—everything that is contained in that handbook—is the procedures that the Conservative Party of Canada followed. So if this handbook states that if you adhere to this you are in compliance, then we were in compliance, without question.

We also have to again look at the definition of advertising and advertisements, because at question we have the findings of the electoral office saying that, if a local candidate received money from the national campaign and ran an ad that was national in scope, then it should be considered, in their opinion, a national ad and go against the party's cap. Let's take a look at how the term "advertising" is defined in the handbook. It states:

Although the term "advertisement" is not specifically defined in the Act, it should be interpreted to include any type of publicity which promotes or opposes a registered party or the election of a candidate. ... material...that promote[s] or oppose[s] a candidate or a registered political party should indicate that it is authorized by the official agent of the candidate.

In other words, this is coming right from the handbook, and we've just heard that if you comply with the guidelines outlined in this handbook, you're in compliance with the act.

● (1540)

This handbook states that if you run an ad that either promotes or opposes a candidate or a national party, as long as you have the proper authorization on it, it is in compliance.

That's why we see, in the examples I have given you most recently about the Liberal Party running regional ad buys, they were found to be in compliance. Because local candidates were promoting the national party, they also received money from the national party to do so, but both of those, as stated in the handbook, are deemed to be compliant. So, clearly, as I've stated many times before, it appears that the Liberal Party, in those two examples, which Mr. LeBlanc was part of, was completely in compliance with the act. However, in the Elections Canada ruling where similar regional media buys were performed by Conservative candidates getting together to pay for an ad that was national in content, Elections Canada said you're non-compliant. How can that be? How can it be that by following exactly the same guidelines as other political parties, only the Conservative Party was found to be in non-compliance? In my view, it is a serious error, an error in judgment in the ruling of Elections Canada.

One other quote that I think underscores what I've just been saying comes not from the handbook but from the report of the Chief Electoral Officer of Canada on the 36th general election, in 1997. The context was that, in the 1997 election, national political parties were not allowed to conduct advertising on June 1, which was the day before polling day in that particular year, and of course, on polling day itself. They claimed that under section 48 of the act. But candidates were allowed to do so because a similar restriction on them had been struck down by the courts. In other words, they were saying that the national party can't poll the day before polling day or

the day of polling day, but individual candidates can advertise on those days.

It is reported how this issue was administered. The Chief Electoral Officer stated:

The criteria applied to determine whether specific advertisements were to be accepted for broadcast were the identity of the sponsor and that of the body or person invoiced. The content of the advertisements accepted was subject only to the freedom of expression guaranteed by the Charter. As a result, a number of individual candidates purchased time on the day before polling and on the actual day of the election. Since the time purchased was often used to run a national advertisement with a local tag line, this rendered the prohibition in section 48... somewhat ineffectual.

So what it was saying even then is that the lines between the local candidates and the national party were somewhat blurred, because while the act at that time stated—and it has since been changed—that a national party can't advertise the day before or the day of polling, a local candidate can; and also, if a local candidate can advertise a national ad, there's confusion.

So there are interpretive problems that we have seen consistently over the years in relation to Elections Canada. Therefore, I submit to you that this seems to be one of those, in my estimation.

In reference to remarks made by Monsieur Proulx yesterday, where he was trying to defend Elections Canada, that if they made a finding or a ruling, they have to be right, they were clearly not right in 1997. The rules had to be changed because there was this confusion. I'm suggesting that perhaps the same thing might have occurred this time.

● (1545)

Mr. Marcel Proulx (Hull—Aylmer, Lib.): On a point of order, Mr. Chair, I certainly don't recall making that statement yesterday.

The Chair: That's today.

Mr. Marcel Proulx: Okay. Thank you.

The Chair: But thank you very much. I appreciate the tone of the question.

Mr. Lukiwski.

Mr. Tom Lukiwski: Thank you.

So the point is that there are at times differences of opinion on the rulings of Elections Canada, and you cannot say in all instances that Elections Canada has been correct. In fact, just the opposite. We've just given an example in which Elections Canada, in their 1997 ruling, had some problems with inconsistencies. Those rules had to be clarified. I would suggest that it's entirely possible that the rulings made by Elections Canada with respect to the Conservative Party of Canada in the 2006 election are also faulty. I would suggest that if we had a proper examination at the committee level, irrespective of whether or when our court case is heard, we would be able to determine that very thing. We would be able to determine, quite quickly, I would submit, that every action taken by all parties with respect to provisions contained in the Elections Act, as outlined in the candidates handbook, were consistently applied across the board by all parties.

The Conservative Party and I are looking for an opportunity in which to present this case, by standards of comparison with the other political parties. It is a fundamental part of our argument, which we are presenting in federal court, that we been in compliance with the act from both an interpretive and a comparative standpoint. We are in compliance for this reason: if a party other than the Conservatives has engaged in activity similar to that of the Conservatives, and that party is found to be compliant, then the Conservatives must be seen to be in compliance as well.

I think it's extremely important to recognize that, unless we have the ability to compare similar advertising practices and protocols, we will not be able to demonstrate that we have been compliant with the act. In fact, we would be denied our legal right to be able to advance our position. Therefore, Madam Redman's motion that only the Conservative books be examined in committee denies the Conservative Party an opportunity to demonstrate why we have not been uncompliant. We need that opportunity to compare our own examples with those of the other parties.

Unfortunately, my motion, which suggests that we engage in a comparative discussion of practices between parties as well as an interpretive discussion on Elections Canada, has not been favourably received by the opposition. They are seeking to deny us the opportunity of comparing our advertising practices with theirs—to deny us a fundamental right, almost a legal right.

Our request would never be refused in federal court. Can you imagine, if part of our defence in Federal Court was that we were doing exactly the same thing as the opposition parties have done, that a judge would refuse to hear our argument on the grounds that we could not enter into evidence the advertising practices of our opponents?

That would never happen. That would never happen because it would be a denial of our ability to defend ourselves. Yet that's exactly what the opposition members are attempting to argue. They are denying us the opportunity to examine their practices, because such an examination would substantiate our argument that we have done absolutely nothing wrong.

Chair, I see that the Speaker of the House is here. I certainly wouldn't want to interrupt any important conversations that the chair might have. I'm sure it's just a matter of idle curiosity that brings the Speaker down...his esteemed presence.

● (1550)

Let me say, Chair, further to some comments that I made before, that there was this confusion between whether a candidate could advertise on polling day in 1997 and advertise a national ad. This was deemed to have been not allowed from national party perspectives, and the confusion that resulted ended up with a position being presented by Elections Canada.

This position was reflected in a press release, a notice to the media, issued by Elections Canada on May 24, 1997, and May 29, 1997, respectively. Both documents made it very clear that it was Elections Canada's position that there was no restriction on the content of advertising by candidates.

This was a position taken by Elections Canada in 1997. It stated in 1997 a position that it has not reversed, up until and including the

2006 election. Let's be quite clear here on what it says. The stated position was that there was no restriction on the content of advertising by candidates.

Mr. Chair, from a ruling from Elections Canada in 2006, Elections Canada is now saying that there is a restriction. If candidates run national ads and they're paid for through transfer of funds from the national party, you can't do that. That's what they're saying now. That's their position now. But in 1997, they articulated the fact that you can run whatever kind of ad you want—local, national, whatever—and they haven't changed that position. They did change the guidelines, but again, a year after the 2006 election.

The then Chief Electoral Officer explicitly recognized that the act allowed candidates to pay for national advertisements, contingent upon, of course, their putting the appropriate tag lines on and everything else. So all right, local candidates can run and pay for national ads.

Now, if we were in a position where we were actually having a fulsome discussion on this, we would be able to enter into testimony evidence from Elections Canada in their ruling against the Conservative Party, where they stated that they felt that for local candidates running national ads with money supplied by the national campaign, those moneys should be considered a part of the national advertising cap of the registered party.

Chair, there are huge inconsistencies, not only in the interpretation of the act itself but huge inconsistencies in the application of the rulings from Elections Canada from party to party. That's something that, quite frankly, shouldn't be allowed. There has to be some form of consistency.

If we were allowed the opportunity to bring forward all of the books of the respective parties, and take example by example by example, we would clearly and quickly find out that there has been no non-compliance issues with respect to the Conservative Party of Canada. We'd be able to absolutely determine that we acted in an entirely appropriate manner, in full compliance with electoral law, with the guidelines, with the handbook, with the act itself.

Again I go back to wondering why we have this reticence exhibited by members of the opposition on this very fundamental matter. Why are they so indisposed to accepting our motion? Why do they not want a full examination of this very issue that they say proves the Conservatives have overspent? Well, there's only one reason that I can see: they do not believe their own argument.

● (1555)

They are putting forward a specious argument merely to try to throw some mud on the wall, to try to smear the Conservatives, when they know the actual truth of the matter is that the Conservative Party did nothing wrong. Were they convinced otherwise, they would have no difficulty in accepting our motion. Unfortunately, Chair, we have a situation in which, for partisan reasons, they want to deny this committee the ability and, I would suggest, their right to examine this issue thoroughly. They only want to take a certain portion of this issue, craft it to their own political use, and try to spin the story as if there was some scandal or some problem.

Chair, I would strongly suggest that if we had these matters before an independent tribunal, let alone the Federal Court, it very quickly would be determined that there has been some real wrongdoing here, but certainly no wrongdoing on behalf of the Conservative Party. The wrongdoing is that there has been an inconsistent application on behalf of Elections Canada in their rulings. I think any independent tribunal of reasonable Canadians could determine nothing but that, could come to that conclusion and nothing else. The evidence is clear that other parties have done exactly what the Conservative Party has done, and yet only the Conservative Party has been singled out by Elections Canada.

Chair, since we don't have an independent tribunal to examine this matter, the next best thing, in my opinion, would be to have this committee examine it, thoroughly examine the issue. To do that, to allow us to adequately and appropriately defend and explain ourselves, we need to be able to offer the same defence that we will be offering in Federal Court. That defence, partially, allows us to bring forward examples from other political parties on how they conducted themselves. That's part of the defence that is contained in our affidavit. That's part of the defence that we will be advancing when this case is finally heard in court. That's part of the defence that we would offer up to this committee. Yet, the opposition is denying us that right and that ability to bring forward this type of explanation, this type of defence. I keep using the word, defence, Chair, because that's exactly what it feels like here.

The opposition is making these trumped-up charges and allegations, yet not allowing us the ability to defend ourselves against the very things that they contend we did wrong. Who is playing politics here? Clearly, Chair, it is not us. We're merely trying to defend ourselves in a matter that is appropriate, consistent with the basic tenets of natural law. Yet, we have continued opposition by the members opposite to that very fundamental principle, that all parties in a dispute have the right to adequately and appropriately and fully defend themselves.

Chair, the defence that I would offer, and I would suggest the defence that members on this side of the table would offer, is twofold. First, a thorough examination of the Canada Election Act itself and the candidates handbook. Secondly, a comparison of the advertising practices of all political parties to determine if any or all of the political parties should be viewed as being in non-compliance with the act and with the regulations themselves.

• (1600)

Now, Chair, it's a commonsensical argument to make, and it just makes perfect sense to me, because anyone who wants to assure Canadians that they're trying to get to the bottom of any story, to find the truth behind any allegation, would have to admit that they have to allow a full defence. They have to allow a full examination of all of the issues. They have to allow the aggrieved party an opportunity to offer up its best defence. Yet we have an example here, Chair, where members opposite are trying to deny that very right, the very right that is afforded every citizen in this country, certainly every member of this committee.

Again, I only could draw the conclusion, Chair, that the reason the members opposite do not want to afford us that very basic right of an appropriate and adequate defence and representation is because they

are not interested in the truth. They are not interested in the fact that we may prove without a shadow of a doubt, both here at the committee level and in a court of law, that we did nothing wrong.

They do not want to hear that. They do not want that proof to be brought forward. Then, that would destroy the very little credibility they have on this issue. It would destroy it completely. It would prove completely and thoroughly that the only reason this action is taking place, this trumped-up motion that the Liberal Party have advanced, is to try to score some cheap political points. Otherwise, Chair, they would have absolutely no difficulty in accepting this motion intact, without amendment.

When I read media reports, when and if members talk about this issue, members opposite are saying, "Well, we're just trying to get to the bottom of it. We're just trying to get the truth. That's all we're trying to do." Yet their actions speak loudly and they speak otherwise. Because they don't want to get to the bottom of this. They don't want to get to the truth. All they're trying to do is create sensationalist headlines and then convince people, through an aggressive media spin, that it's only the Tories who did something wrong in terms of spending practices and advertising practices in the 2006 election.

They're not interested in the defence. Far from it. The last thing in the world they want to have happen—

An hon. member: Sore losers.

Mr. Tom Lukiwski: —is an aggressive defence, an aggressive examination of this issue.

Now, Chair, I, at least, have always been of the view that everyone, every single citizen of this country, intuitively, instinctively knows the difference between right and wrong. I think anyone taking the time to examine the testimony and examine the issue at hand would agree that the position taken by members of the opposition is absolutely wrong.

They cannot, nor should they be allowed to, continue on with this charade that purports to be acting in a manner that is impartial and fair. It's absolutely inconsistent with any definition of impartiality and fairness.

Chair, I would say that if we want to continue with this charade we're more than willing to do so. We're more than willing to do so because the opposition is giving us no option. They are merely trying to say, "Hey, look, if you want to give up the battle here and you want to turn over the floor to us, then we'll try to bring forward our motion and force an examination of only Conservative advertising practices. Let's do it." Well, I'm not prepared to give up that fight. I'm not prepared to give up the battle, because it's not the right thing to do. It is wrong.

• (1605)

I know if any member opposite were in the same position as we are, they would argue as aggressively and as vociferously as I am. Frankly, if the situations were reversed—although I would not admit it publicly—I would know in my heart that the opposition is right.

So I think that what we need to do here is continue our examination. Since it is apparent that the members opposite are not going to allow my motion to carry—my motion that is based on impartiality and fairness—then our only recourse is to continue to read into the record example upon example which further supports our argument. Then we can present this testimony at the appropriate time to Canadians and let the court of public opinion determine what's at stake here and who's right and who's wrong.

Frankly, part of me wishes that these hearings were televised right now, so that Canadians could listen in—

An hon. member: I don't look my best.

Hon. Karen Redman: Point of order, Mr. Chair.

The Chair: Proceed with your point of order, Ms. Redman.

Hon. Karen Redman: I thought we previously had agreed that we would televise these hearings. I am wondering why we aren't in a televised room. Was there an attempt made to schedule that?

An hon. member: We could get Mr. Guimond to do the camera work for us.

The Chair: Order, please.

I don't recall that we had made that decision for this particular meeting. I'm not going to get into a debate about whether it was discussed. I'm sorry. If we want them televised, we'll make that arrangement for the next time.

Actually, if it pleases the members, we'll try to do it right away. We do have this room all night; I've cleared the room. But we will attempt to do that.

I don't want to get into a debate about this.

Hon. Marlene Jennings: It's not a debate. You say that you don't recall. Perhaps the clerk would recall if such a decision was made.

The Chair: Unfortunately, Lucy is not our regular clerk. I'll check the very second that Jim gets back.

Thank you.

Mr. Lukiwski.

Mr. Tom Lukiwski: Whether or not these proceedings are televised, my point is that a part of me wishes they were so Canadians could actually listen to the arguments I'm advancing here and understand the situation at hand.

On the one hand, we have an argument advanced by Elections Canada that the Conservatives were at fault because of national ads run by local candidates funded by the national party. That would then be, in the opinion of Elections Canada, part of the national advertising buy and part of the cap.

If these proceedings were televised, we could read into the record example after example showing how other parties did exactly the same thing but were not found to be in violation of the Elections Act. It wouldn't take long for Canadians to determine on their own that there has been wrongdoing here; that there has been an incorrect application or ruling from Elections Canada.

Furthermore, the members opposite have no intention of allowing a full examination and a full defence to be offered by the

Conservative Party of Canada. They have no intention of accommodating this motion, because they do not want us to be able to demonstrate graphically and empirically that our advertising practices, procedures, or protocols—whatever you want to call them—were identical to those of the other parties. They don't want that on the record. That don't want that to be televised. They don't want Canadians to see that. They would simply prefer to continue with their attempted spin of the situation and their smear campaign.

I've always been a big believer that Canadians and the Canadian public can very easily determine what's right and what's wrong. They can easily determine in the course of an election or political discourse who's playing games and who's telling the truth. So I wish this testimony could be made available in a more visual and auditory fashion to Canadians from coast to coast to coast. I don't think it would take long for them to determine, as we have, that the political games being played here are being advanced from members opposite.

As I mentioned earlier, all we can do is give examples of and read into the record some of the defence we'll be advancing as part of our legal case, in the hope that anyone who has an interest in this case will be able to get the record of this testimony and make their own determination as to whether or not we, the Conservative Party, have ample cause to advance the arguments we have been advancing.

With that in mind, I would like to read into the record another quote. This is exhibit seven. It comes as a direct quote from the *Election Handbook for Candidates, Their Official Agents and Auditors (2000)*. With respect to section 4.4.5, election advertising, it states:

Election advertising means the transmission to the public by any means during an election period of an advertising message that promotes or opposes a candidate, including one that takes a position on an issue with which a registered party or candidate is associated.

• (1610)

The Chair: I apologize, but I couldn't hear that. Perhaps you wouldn't mind slowing down and repeating it.

Thank you.

Mr. Tom Lukiwski: Certainly, Chair.

Again, this comes from the *Election Handbook for Candidates, Their Official Agents and Auditors (2000)*. It states under section 4.45, Election advertising:

Election advertising means the transmission to the public by any means during an election period of an advertising message that promotes or opposes a registered party or the election of a candidate, including one that takes a position on an issue with which a registered party or candidate is associated.

In other words, if one of the major issues in a national campaign is X, the local candidate can choose, if he or she wishes, to advertise that issue, which is associated as a national issue, and fully be compliant. They have that ability.

In other words, Chair, all of the rules and regulations and guidelines that I have been referring to and will continue to refer to make it quite clear that it is up to the local candidate as to the type of advertising that he or she wishes to engage in. In other words, it would be absolutely false to rule that because a local candidate chose a national issue or national message or national ad to promote their own candidacy, they were in violation of any electoral law. It is quite clear that it is up to the candidate to determine which ad would best serve the election of that candidate.

It states that the only qualifier is that the local candidate must properly authorize the ad by indicating that it is authorized by the official agent of the candidate. I think we all know this. We've all gone through elections before. Even if it's an ad produced by the local candidate and not an election ad, it still has to have the name of the official agent, the proper authorization at the bottom of the ad. We all know that. We have all gone through elections time and time again. What the Elections Act states is that this is all you have to do if you want to run a national ad.

If it's electronic in nature as opposed to a print ad, somewhere that has to be contained in the body of the electronic ad. Obviously if it is a radio ad, you have to have a voice-over towards the end of the ad, or contained somewhere in the ad, saying that it's authorized by so-and-so, the official agent of such and such a candidate. If it's a television ad, you could have both audio and video if you wish, or video only, if you ran a trailer at the bottom of the ad, where it said, this ad authorized by the appropriate official agent. That would be appropriate. But as long as you have that authorization, then it doesn't matter what the content of the ad is.

Yet in its ruling against the Conservative Party of Canada, Elections Canada uses that as a basis for its argument, stating that we were in non-compliance with the act, partially because ads run from local candidates promoted the national campaign. That was the opinion of Elections Canada. Yet in their own guidelines, Chair, in their own handbooks and in the act itself, it states otherwise.

•(1615)

So what are we to draw from this? How can we possibly sit back and not engage Elections Canada in any course of legal action? Of course we have to do that, because our opinion—and I think I've illustrated many examples of this—is that Elections Canada erred, and we are going to discuss that. We are going to demonstrate that in Federal Court. I would absolutely love to be able to do it right here, but in order for us to engage in that type of active and aggressive defence, we must have the ability to compare the actions of the other political parties. That ability is being denied by members opposite in this committee. They feel it appropriate to restrict the level of discussion to an examination of the Conservative's election documentation only.

While we do not deny the fact that we're willing and fully ready to discuss that, in order for us to refute any charges that may be levelled by members opposite, we have to be able to look at their books and say, "You see? How can you possibly say that we did something wrong, when according to your own books, you've done exactly the same thing?"

That's all we're asking for, to have the opportunity to provide an adequate defence to the charges being levelled by members opposite. The members opposite will not allow us that opportunity.

It's why I equate this to being—certainly not a court of law, nothing close to it—close to a kangaroo court. In other words, if this were a court of law and it were being handled in this fashion, it would be equivalent to the situation where the prosecution said, well, I will dictate the terms of your defence, I will dictate what kinds of defence materials you can bring forward, I will dictate what kind of evidence you can avail yourself of. That would never happen in a court of law, Mr. Chair.

In any jurisdiction, in any democracy, in any court in the land in any democratic country, anyone who wishes to defend himself against a charge, no matter how fanciful it is, has the ability to request evidence, to uncover evidence that would help in the defence. Yet members opposite are saying that in their opinion, sorry, they don't recognize it as a fundamental right of ours. We are only saying and promoting the fact that one can have a limited amount of information to help present a defence—not unlimited, but limited.

They're saying that all the information we may need to help us defend ourselves and prove that our position is valid and appropriate, they're going to deny. They're not going to allow that to be brought forward.

Chair, if you can give me an example of any democratic country that runs by that set of rules in any other legal arena, I would be fascinated to see it. I would love to see a case study that suggests that a defendant is restricted in his or her ability to gather evidence and to present a spirited defence, because it just doesn't happen.

Yet according to the members opposite, that's exactly what should be happening here. They're saying, hey, you can't get your hands on the evidence that might exonerate you; you can't get your hands on any evidence that might prove that you're in complete compliance, because we won't let you have it, but on the other hand, we want the ability to try to make unfounded allegations at every opportunity and to restrict the use of evidentiary procedures; let's have a hearing so we can then go out to talk to the media and make headlines. That's what they're talking about here.

The motion presented by members opposite is the farthest thing from a judicial and impartial examination of what happened in the 2006 election that I can imagine.

•(1620)

Chair, what are we to do? We have a situation in which we'll continue to offer evidence through my testimony and my colleagues' testimony. I would suggest that it is irrefutable evidence that clearly illustrates the similarities between our advertising practices and those of the members opposite and their respective parties in previous elections. But, Chair, I don't know whether that will be good enough. That's why I made mention that if this were televised, or at least, Chair, if we were able to cohesively get our arguments in front of the Canadian public, I have no doubt that they would agree with my opinion that not only did the Conservative Party of Canada do nothing wrong in its actions during the 2006 election, but that the opposition parties are trying to actually create an incorrect impression strictly for partisan political purposes, and that though they continue to insist that their motion is one of fairness and impartiality, it is exactly the opposite.

Chair, I would suggest to you that any Canadian taking even a cursory glance at this testimony, with even a passing knowledge of electoral law, could not help but be convinced that this action by the opposition is just a sham.

But, Chair, we must press on.

I think we also have to get into the record some of the other points we have attached in our affidavit. I mentioned earlier that there was a change made in 2007, and this is something I think is important. It appears that what might have happened is that Elections Canada, pointing to the changes made in election guidelines in 2007—fully a year after the 2006 election—used those changes to say that what you did in 2006 was wrong.

To set up that situation, Chair, I've gone over excerpts from the candidates' handbook in 1997 and 2000. I'm going to refer to excerpts from the candidates' handbook in 2005 and then get into this change that occurred in 2007.

Here's the 2005 reference. I want to say that this reference I'm about to read into testimony was included in the *Election Handbook for Candidates, Their Official Agents and Auditors*, published December 2005, which in fact was the official handbook that all candidates were to guide themselves with for the 2006 election. These will be the latest guidelines prior to the 2006 election. With respect to election advertising, it states the following:

Election advertising means the transmission to the public by any means during an election period of an advertising message that promotes or opposes a registered party or the election of a candidate, including one that takes a position on an issue with which a registered party or candidate is associated.

Furthermore, it talks about the identification of election advertising, and it states:

All election advertising that promotes or opposes a registered political party or the election of a candidate, including taking a position on an issue with which a registered party or candidate is associated, must indicate that it is authorized by the official agent of the candidate.

Nothing has changed, really. It's still saying the same thing.

Going into the 2006 election, it states that if a candidate wishes to pay money for an ad that has a national message, they have the right to do so as long as they authorize it appropriately. That was the same for 1997. It was the same in 2000. I suggest it goes back all the way

to 1988. In other words, a candidate has the right to determine the advertising message that he or she wants. If it happens to be national in scope, that's okay. He or she can do it.

•(1625)

Yet Elections Canada said no, you can't do that. In their ruling against us, they said no, if a local candidate is paying for an ad that's national in scope, and if they got money from the national party, directly or indirectly, to pay for that, they can't do that. They can't claim that as an expense. It's got to be claimed as a national advertising expense. That's the position of Elections Canada, yet that is in direct conflict with its own act.

The rules, as identified in 2005 and previous years, said you can do it, and Elections Canada is saying, all a sudden now, you can't. How did that happen? Well, as I mentioned, the 2005 regulations seemed to be unchanged from 2000, and the 2005 regulations would have applied to the January 23, 2006, election.

But then, Chair, a sudden change is contained in the *Election Handbook for Candidates, Their Official Agents and Auditors* published by Elections Canada in March 2007. So a year after the 2006 election, Elections Canada comes up with a new handbook.

What does it say? Well, here's the definition of election advertising:

Election advertising means the transmission to the public by any means during an election period of an advertising message that promotes or opposes a candidate, including one that takes a position on an issue with which a registered party or candidate is associated.

In other words, the first part of it says it promotes or opposes just a candidate, not a candidate and/or a registered party. There's a change. There's a huge change. It completely then disallows a candidate from arguing or putting an ad that promotes the national party. But that rule did not come into effect until 2007. The rules in 2006, Chair, allowed candidates to either advertise local concerns or issues or place an ad national in scope.

Furthermore, the 2007 handbook goes on to say, with respect to identification of election advertising: "All election advertising that promotes or opposes a candidate"—a candidate—"including taking a position on an issue with which a registered party or candidate is associated, must indicate" who authorized it, etc. But it doesn't say "any message that promotes or opposes a candidate and/or a registered party". They have changed the rules. And it's certainly within their ambit to do so.

I've talked at length here, saying that maybe that's an issue that should be discussed. In years previous, a local candidate could receive money transferred from a national party and run a series of ads that were merely national ads. That was allowed up to 2006. Now they've changed the rules, and that's okay, but don't apply the new rules to the 2006 election, because these rules weren't in effect in 2006, Chair.

Now, Chair, I think that's where we've got this whole confusion, and I say it's confusion because, again, I'm somewhat hesitant to suggest that Elections Canada made anything more than an honest mistake. But I think that perhaps what's happened here is that the changes in 2007 to the guidelines have been applied retroactively to 2006. They shouldn't have been, because if they had been, then all the ads I've already given you examples of, run by the NDP, the Liberals, and the Bloc, should have been found to be not in compliance. But it was apparently applied to our party.

Chair, time and again we've seen references from the *Election Handbook for Candidates, Their Official Agents and Auditors* to the fact that local candidates can receive money from the national campaign and they can then run an ad that's national in scope. It states that consistently from 1997 up until the last publication, which was December 2005.

So let's look at the argument advanced by Elections Canada. They said, no, you can't. It was a local campaign, it ran a national ad, and money was received from the national party. You've got to consider that a national ad; therefore it's got to be put on the cap of the national registered party, and you exceeded the cap. If you take all these local ads that were national in content, and take the money away from the local campaign and add it on to the national campaign total, you've then exceeded the cap.

● (1630)

How do they come to that determination? Everything we've read, everything I've read into testimony, and everything in the candidates' handbook and the act says otherwise. It says you can do exactly what we did. In fact, Chair, and I keep pointing this out, all the other official registered parties knew of these rules and did exactly the same thing, knowing full well that they were fully within the guidelines established by Elections Canada.

That's what I'm trying to get at. If we could have this full examination of not only our books but the opposition's books, we could show that clearly before all members of this committee. We could show that to any witnesses we brought in.

We could offer evidence to the witnesses: look, here's example after example after example that all parties engaged in similar advertising practices. Election officials, why would you single out only one party? What is it that you saw that differentiates our ad campaign from a Liberal or an NDP or a Bloc Québécois campaign?"

However, Chair, we're not being afforded that opportunity. The opposition members say, sorry, you can try what you want here; you can argue that you did similar practices to us, but we're not going to give you the books to allow you to prove it. We're not going to allow you the opportunity to prove your case, yet we still want to rake you over the coals and accuse you of everything from improper election advertising to who knows what. That's no way, Mr. Chair, in a democracy like ours, to run a committee, let alone the natural law of the land.

All we're saying, Chair, is give us the opportunity. Give us our inalienable right to provide an adequate defence by opening up your books, as we will ours, and show that the practices you have engaged in are similar to the practices we engaged in. That's all we're asking.

Yet time and time again we are refused by members opposite, because...well, I don't know why. Again, that's the frustrating part about this. We've had no tangible argument by the members opposite as to why only the Conservatives should open up their books.

The closest thing we had, and I refer to this again, are comments that Monsieur Proulx made at the last meeting when he said, "Elections Canada said...". Well yes, they did, but we dispute that. We dispute that. Just because Elections Canada said something doesn't mean they're right. I've given evidence already that Elections Canada has made mistakes previously. But even if they hadn't, even if they had an impeccable record of levelling charges or making rulings that were absolutely correct, that still doesn't mean we shouldn't have the right to dispute the rulings and to offer an appropriate defence. That's what we're saying.

We absolutely disagree with Elections Canada's ruling. I pointed out a number of examples that absolutely fly in the face of that ruling. I want to have the opportunity, Chair, to bring that level of discussion to this committee. And what do we have? We have the opposition saying, well, I can't tell you why; I'm just saying no. I can't present any argument that what you say is false or off-track; I'm just saying we're not going to allow you the ability to present an adequate defence by examining our books.

● (1635)

Time after time after time in my testimony I've stated that I do not believe the opposition did anything wrong. By my interpretation of the act and guidelines, everything they did was appropriate. We gave the example where the New Brunswick and region MPs got together and ran a series of regional ads that were totally national in content—no problem with Elections Canada. We read into testimony how Edmonton and area candidates did the same thing—no problem. We read into evidence how members of the New Democratic Party received money from their national campaign, ran national ads—no problem, no dispute from Elections Canada.

So why is it, then, when the Conservative Party did the same thing, Elections Canada found fault with it? Well, I think there was an honest mistake made. But I would like the opportunity, Chair, to be able to present that argument before this committee. Yet the position of the committee, at least the position of the opposition members of the committee, is, no, you can't do that. We will not allow you to have that opportunity to bring evidence forward that might prove, might demonstrate, that you did nothing wrong. We're just going to deny you that, arbitrarily deny you that ability to examine our information contained in our books that might help you with your case.

I guess they can do that, Chair. They're apparently doing it now. But I sure as heck don't see by anybody's definition how that is fair, how that could be considered to be fair and impartial. Yet I keep hearing all the time from members opposite, you know, it is fair; let's get this examination done. Let's get it done forthwith, right now. Let's get her on. Let's do it. Give me the motion, give me your books. Let's get it on right now.

We're not going down that road, Chair, because the opposition will not allow us the opportunity to forward an adequate defence. Quite frankly, Chair, I think that's unconscionable. I think it's shameful. And I think Canadians would find it to be shameful as well.

So, Chair, now that we've found that there were rules in place governing the election in 2006, and we've found that there are rules and guidelines that have changed subsequent to the 2006 election, I think we have a sense of what might have happened here. But, Chair, I would strongly suggest that the 2005 *Election Handbook for Candidates, Their Official Agents and Auditors* is the only guideline we should refer to when trying to determine whether or not there was an infraction of electoral law.

Furthermore, I would suggest, Chair, if I may, that concerning transfers of money, the Elections Canada *Registered Party Handbook*, 2004 and 2005 editions, specifically states that transfers from a national party may be "used by the candidate directly to promote or oppose a registered party, its leader, or a candidate during an election period", and so when they are used, "the official agent must consider them as election expenses of the candidate."

Now let me go back to that last part, that "the official agent must consider them as election expenses of the candidate". That's where we have a huge difference of opinion in the ruling from Elections Canada, because Elections Canada is interpreting this, or at least interpreting the practices of the Conservative Party, to say no, sorry, he was a local candidate who received a transfer of funds from the national party, and it was a national ad, so we say that has to be considered a national ad.

Right here in black and white, and I quote, it says, "the official agent must consider them as election expenses of the candidate". There is no grey area here. There is no interpretation here. There is nothing to say, well, I guess it's kind of...you know...maybe, maybe not. No. This states, without equivocation and as clearly as possible, in the Elections Canada *Registered Party Handbook* of 2005, that transfers of funds from a federal party to a local campaign can be used by the candidate directly to promote or oppose a registered party, its leader, or candidate, and that if they do choose to do so, "the official agent must consider them as election expenses of the candidate." In other words, it states categorically in 2005 in the handbook that if transfers of funds were to go to a candidate and that candidate used those funds to promote his national party, they must be considered an expense of the candidate.

● (1640)

Yet what do we hear from Elections Canada? They're saying you can't, that it's a national ad. Funds were transferred from the national party for the promotion of national ad; ergo, it's national. Their own documentation shows that is incorrect, Chair. Their own documentation says it must be used as a local candidate expense. It must be used—not should be, shall be, may be, want to be. It must be.

Having heard this, I don't know why there should be any confusion on behalf of either Elections Canada or this committee in terms of the Conservative approach to ads. We have clearly complied with all the advertising requirements as set out by Elections Canada themselves.

We then go into the changes. There was a change in the candidates' handbook in 2007, and there's also a sudden change contained in the *Registered Party Handbook*. The quotes I have just been illustrating are from the *Registered Party Handbook*, which says a candidate can accept a transfer of moneys from the federal party, use it to promote the national party, and if they do so they have to claim that as a local expense. That's what the *Registered Party Handbook* says. That handbook is printed by Elections Canada. That is their own rule, and it states the national party can donate money to a local candidate, and the candidate can turn around and use that money to promote the national party, but you have to claim that as an election expense of the candidate.

That's what it said prior to the 2006 election. Those are Elections Canada's words, not mine.

Suddenly in 2007 there is a change to the wording in the *Registered Party Handbook*. The references I have made to the acceptability of a candidate promoting or opposing a registered party or its leader have been deleted. In other words, if you recall, prior to 2007 a candidate could receive money from the federal party and choose, if he or she wanted, to promote either the national party or the leader or promote himself or herself as a candidate. In 2007 the references to the national party and leader have been removed, so it is now stating that if you receive money from the national party during an election now and into the future, you can only promote yourself; you can't promote the national party or the leader. That will not be allowed.

That's okay. Rules are rules. But don't apply the rules from 2007 to the 2006 election campaign, and that is apparently what has happened here.

Chair, I don't know where else to go on this, other than the fact that I've raised so many questions about the interpretation of the act as apparently viewed by Elections Canada that without an opportunity to examine Elections Canada officials, it's pretty difficult in this environment to prove anything. Once again, what we require to have a fulsome debate and a thorough examination, and perhaps cross-examination, of Elections Canada officials is the ability to view the very election campaign expenses as performed by the opposition parties. We have to have the ability to say, okay, this is what we did, and now you claim we were in violation of the Elections Act; I dispute that, and I'd like you to explain that, but before we get into that, let's take a look at the practices of the opposition parties.

● (1645)

If we can demonstrate that the opposition parties conducted themselves in a similar fashion, why are we the only ones being singled out? I would love to be able to speak about that, but the opposition is not allowing it.

I think it's absolutely incumbent upon members of this committee to allow this discussion to go forward. I would be hard-pressed to think that any member, after hearing this testimony for the last several hours, could now go forward to the media and maintain that although a lot of the quotes referenced indeed come directly from the act and the Elections Canada handbook, Mr. Lukiwski is still wrong.

Why? Why would anyone say that? No one could say. There is no good argument. That's all that's going to happen. We're going to have media spin. They can't even distort the evidence that I've entered into testimony, because it's factual. It's not my view; these are words contained within the act and within the guidelines and handbooks of Elections Canada itself. So I think the opposition members would have a very difficult time in arguing why their position should be adopted, when in fact the evidence is absolutely to the contrary.

I have gone to great lengths to try to demonstrate, through my words and, more importantly, those of Elections Canada, that our position is the correct one. We dispute the ruling of Elections Canada that we have in some way violated the Elections Act with respect to advertising.

It all comes down to Elections Canada's ruling that because there was a transfer of money from a federal party to the local candidate, and the local candidate ran a national ad, the local candidate shouldn't be allowed to claim this as an eligible election expense; it should be claimed as a national advertising expense. But if you go over the cap, then you're in violation of the advertising caps. That's the position of Elections Canada. Yet the published words of Elections Canada are absolutely opposed to their ruling. Every single reference I made here is contained in their Elections Act handbook or guidelines. Elections Canada states unequivocally, categorically, that you can transfer money from the feds to a candidate and the candidate can use that money to promote either a national party or a leader. That's in the guidelines that Elections Canada published. Yet the ruling that they gave is 180 degrees away from what their own guidelines state.

Am I confused about this ruling? Yes, you're darn right I'm confused. I can't understand it. Would I like the opportunity to discuss this ruling at the committee level with officials from Elections Canada? Indeed, I would. But would I have the ability to pursue the matter fully without the opportunity to compare our practices with those of the opposition? No. That opportunity would be denied to me or any other member of the Conservative Party at this committee.

We must be given the opportunity. If we want to have a full discussion and examination of the ruling made by Elections Canada, we must have the opportunity to examine the books of the opposition.

Now, I have referenced a lot of the advertising practices and procedures of members of the opposition. I've read them into the testimony. Of course, we got this information because we were able to obtain the election records that opposition parties and candidates filed with Elections Canada. But that's not the same thing as having election officials from the Liberal Party, the NDP, and the Bloc Québécois explain to this committee why they entered into the practices that they obviously did. That has a very significant measure of importance to us when our defence is presented to Elections Canada.

•(1650)

It's one thing just to grab election returns and read them into the testimony. It's quite another to ask the executive director of one of the registered parties, why did you do this, and who organized this? Was this organized from the national level? Who put this whole

campaign together? Who sent out the e-mails from the national level to the candidate saying this was all above board, it was all okay to do this? Who collected the money? Who created the ads? What happened to the rebate money?

I can only do that if I have access to officials from the other parties to ask them those questions. The opposition is saying, sorry, we want the right to question your officials. We want the right to examine your books, and despite what you say in your testimony, despite the affidavit that we have filed in Federal Court that clearly shows we are not in violation of the Elections Act, but we are in accordance with the practices offered by the other members and the other parties, we are going to deny you the right to bring that testimony forward at committee.

So who is playing political games here? If you want to open up our books, let's do it. But let's not hide behind your sanctimonious talk—well, because Elections Canada made a ruling, we don't have to offer up any evidence ourselves. That's what Monsieur Proulx was saying. Sanctimony. I'll stop short of saying hypocrisy.

•(1655)

The Chair: We have a point of order.

Go ahead, Mr. Proulx.

Mr. Marcel Proulx: I don't like being misquoted, Mr. Chair. Please ask the member across to quote me properly or not quote me at all.

Thank you.

The Chair: It's my pleasure.

Mr. Tom Lukiwski: I will not quote, nor have I ever quoted. I have paraphrased the remarks by Monsieur Proulx and I will continue to do so to the chair. I will continue to do so because they were accurate.

That is the only defence that any member of the opposition parties has raised. As weak as it is, they're saying, "Well, Elections Canada said you did something wrong, so that's enough, that's all we need." Well, you know, we've already proven that Elections Canada has been wrong before. We know that just because somebody alleges wrongdoing doesn't mean that wrongdoing existed. If we just took mere allegations as gospel, as I mentioned earlier in my testimony, why do we need judiciary, why do we need courts? Let's just wait until somebody makes an allegation and say, well, dispense. We don't need lawyers, courts, or judges; an allegation is good enough. I know that for the lawyers sitting around this table that would be a terrible thing, because if you ever get out of this business and go back to being a lawyer, you'll need clients.

Mr. Proulx is sort of suggesting you don't need any clients because an allegation should suffice. You don't need to have a lawyer to defend yourself. You don't need a court to adjudicate.

The Chair: Colleagues, I just want to caution everybody, I don't want this to get out of hand, if possible.

Mr. Tom Lukiwski: We're coming so close to the vote too, Chair. We're doing so well here.

The Chair: Order, please. Mr. Lukiwski, please.

Let's try to keep everybody listening. I'm affording everybody the right to be heard, and Mr. Lukiwski needs to be heard.

Mr. Tom Lukiwski: Thank you very much.

In any event, I think it's quite obvious what needs to be done here, the acceptance by members opposite of the motion I've put forward that would allow us to fully examine this entire issue, but only if we're given the opportunity not only to fully examine the books of the opposition parties but to question the officials of the respective parties, who probably were the ones who put these advertising practices into effect.

I can tell you, because it's no secret, the regional media buys that the Conservative Party engaged in in 2006 were coordinated at the national campaign level. There's no secret. We fully admit that. And I am confident, I am sure that the same practices that were employed by opposition parties were all coordinated at the national campaign level. Local candidates don't have the time or, frankly, the expertise to put together a regional ad buy like this or enter into an agreement with the national party. That has to be coordinated by the people who run the national campaigns. That's quite obvious.

Let's have an opportunity, then, to speak to those people. Let's find out if they, for example, feel that they were in the right but the Conservative Party was in the wrong. Let the people who deal with these issues on a campaign-by-campaign basis enter that into testimony.

If the national campaign manager of the Liberal Party of Canada says, "Well, Mr. Lukiwski, you are wrong, and here's why: there are similarities, but there are differences as well, and here's the difference, and this difference is why you guys were in violation and we were not", I can't have that discussion and he doesn't have the opportunity to make that claim, because the opposition won't let us bring him in as a witness, because we can't get access to their books.

I need to see the books to say, "Now, Mr. Executive Director, or Mr. National Campaign Director, your books indicate here's how you conducted yourself with respect to regional media buys. Here's the transfer process. Here's the in-and-out process. Explain yourself why, in your opinion, this is compliant with elections law and election guidelines." Then I would ask the follow-up question: "Well, then, what is the difference, sir or madam, between your process and your protocol and ours?" I need to be able to ask those questions, but unfortunately, due to the resistance from members opposite, I can't. I simply can't.

I need to then be able to take the testimony provided me from election officials and by officials from each respective party and try to meld them together and to make some sense of this. I can only do that if I have the ability to do that. Right now, the opposition is not providing me or any member of the Conservative Party that ability. They are prohibiting us from gathering the necessary information to prove our case.

I said before, this appears more like a kangaroo court than any kind of real court. I can only state again that I think that's an accurate reflection of what's trying to be done here.

If we had an agreement amongst the members of this committee to go forward and approve the motion that I made at the last meeting of

this House, we could begin examination as soon as possible. Obviously it wouldn't take place today, because this would be beyond the scheduled time for this committee meeting, but I'm quite sure that the examination could take place at the start of the next meeting, without question.

Our books are ready to go. If you agree to the motion—

Mr. Joe Preston: We have some examples.

Mr. Tom Lukiwski: —we're here. We have examples not only of Liberal, NDP, and Bloc Québécois advertising. But I'm sure that their books are quite in order.

Hon. Judy Sgro (York West, Lib.): They are.

Mr. Tom Lukiwski: Let us make one point. We're not asking to see the books of the parties to see how much money they have in the bank. We're just talking about documents relating to the 2000, 2004, and 2006 elections, a completely different set of books, because everyone knows that when political parties file their annual returns, there are two returns filed. One is an annual financial return, and another is an election return. We're just talking about the election returns. I'm not asking to see the books of the opposition parties other than their election books. That's all I'm asking for. That's all we've ever been asking for.

● (1700)

If there's any hesitation from members opposite that we're trying to use this motion to get into their day-to-day financial operations, it's absolutely not true. We're merely trying to determine the method under which these parties operated with respect to transfers of money and advertising content. That's all we're trying to do.

We contend that it's entirely appropriate for all political parties to transfer money from the federal party to the local candidate level, and after that transfer has been completed, it's entirely appropriate for the local candidate to determine what the content of their advertising should be. We further submit that it's entirely appropriate for the candidate to then claim that advertising expense as a local expense. Not only do we submit that, but Elections Canada states that is what must happen. So there's no disagreement amongst parties on that fact.

Chair, there is disagreement from Elections Canada on that fact, because that's where the rulings have come down. That's where they have stated that if you run a national advertisement at the local level and there's been a transfer of money from the national campaign to the local level, you can't claim it as a local expense; it has to be claimed as a national expense. How they came to that conclusion in light of the evidence I've entered into testimony already is beyond me. It's beyond my scope of comprehension. On one hand, I am quoting from documents issued by Elections Canada, yet the ruling from Elections Canada flies in the face of the testimony that I've already given. It flies in the face of the actual wording that Elections Canada wrote. Why the contradiction?

Again, I can only go back to what I've stated before. I think there's probably an honest mistake. I'd like to get to the bottom of it. I'd like to find out where the misinterpretation is. I've racked my brain trying to think about this. I cannot understand how they can make the ruling that they did in light of the evidence I have already quoted. This is evidence that comes from Elections Canada material. Elections Canada says it's entirely appropriate to act in the manner in which we acted, yet the ruling contradicts that. I can't understand it. I wish, Chair, that I had the opportunity to ask the appropriate questions to the appropriate officials so that I could make some sense out of this.

If the members opposite changed their minds, perhaps we could, but that appears unlikely, which takes me back once again to the question of motivation. What is the motivation of the members opposite by their abject refusal to allow this type of basic questioning to take place? What is it? Clearly it's political in nature. We have not heard anything to the contrary. We can only assume that for their own political purposes, for their own political reasons, the opposition wishes to oppose our motion and carry on with a charade, a sham, a kangaroo court type of approach to this. And that's okay. I understand that. I understand that completely. What I don't understand, in light of all of this testimony, is how they can continue to make any kind of relevant argument that we were wrong and they were right.

An hon. member: Well, they can't.

• (1705)

Mr. Tom Lukiwski: They have provided absolutely no evidence to the contrary. We will continue to provide examples, Chair, that buttress our contention and our arguments that we acted in a similar fashion to members of the opposition, and if the members of the opposition were not found to be at fault, then clearly we cannot be either.

Chair, we've had many debates on this over the years, and I want to go back a number of years, because this is an issue that all parliamentarians have a direct interest in, obviously. We're all candidates at election time; we stop being members of Parliament and start becoming candidates. So there is clearly an interest of candidates in how election rules and guidelines are set and how they must be followed.

I'm going to refer to some quotes that have some local ties. They're from a former member of Parliament, who was actually an NDP member and who represented the riding I now represent. There's a further connection—not that it has any true relevance—in that I was very good friends with this member's daughter, as we went to high school together. Unfortunately, she died in a very tragic accident while parachuting, when her chute didn't open. She was a dear, dear friend of mine, so I can't think about this even today without some pretty strong feelings. Nonetheless, I use this example because of its relevance to my riding and given this member's seniority within Parliament.

Mr. Les Benjamin was a long-time member of this institution, and here's what he had to say in a debate, as taken from *Hansard*:

Some people, including one or two of my colleagues, have raised the matter of no limit on candidates in terms of the purchase of broadcast time. I am not too hung up on that one. I am not sure that there should be a limit. I think the state should

intervene to the extent of limiting expenses and requiring disclosure of the sources of contribution. The state has a right to intervene because the public has the right to know, but

—and this is the important part, Chair, and I want to emphasize this

— how the candidate spends that money and on what he spends it surely should be his business and the business of his constituents and party organization. If he has a limit of \$25,000 and the damn fool chooses to spend it all on television time, surely that is his business

An hon. member: Good point.

Mr. Tom Lukiwski: These comments were made over 30 years ago, but they just go to show, Chair, that these are exactly the types of issues that were debated in the seventies, eighties, and nineties, and now in the new millennium.

But how can we have a fulsome debate on these very fundamental issues so important to all of us as candidates without all of the information being provided? Again, that's the crux and genesis of my motion, that is, to allow this type of debate to take place at this committee. If this committee, Chair, is allowed to enter into that debate with all of the appropriate information provided to us, I would suggest that we would be providing a very valuable service, not only to parliamentarians but also to registered parties, candidates, and to Elections Canada itself.

But I suggest, as I've suggested before, Chair, that the denial of the information we need for a fulsome debate contradicts the sense of democracy we supposedly all share.

• (1710)

I again implore my colleagues opposite to reconsider their position with respect to this debate and the study. Once again, if they have done nothing wrong—and I see in my investigation that they have done nothing wrong, at least that's my interpretation—they should have no problem allowing their election books to be examined. The problem as I see it, however, is a political one. They are fearful that by their very books they will be reinforcing our argument that we did nothing wrong. I have to admit they're right. Their books would prove our innocence, if you want to phrase it in that manner—

Mr. Joe Preston: The problem is they won't let them go.

Mr. Tom Lukiwski: —because we would be able to demonstrate clearly and categorically that the practices employed by the parties opposite were identical to the practices employed by our party.

So in effect they would be assisting us in our defence, and clearly that's not something the members opposite want to do. They want no part of that. They want to be able to sit back, throw rocks at our party, make wild-eyed accusations, and make contentions that the Conservative Party is the only party that has violated the Elections Act. Well, it's simply not true. All we're saying is that we want an opportunity to demonstrate that. By anyone's definition of fairness, impartiality—

Mr. Joe Preston: Transparency.... I'm just here to help.

Mr. Tom Lukiwski: —transparency, and accountability, one would think.... Let's just make sure we all have the same information at our fingertips.

I think there's a decorum problem with my honourable colleague here, but he's far too big for me to give him a big slap.

Mr. Joe Preston: If this keeps up we'll have to suspend.

Mr. Tom Lukiwski: Let me go on with a few other quotes from members past who weighed in on this issue of the appropriateness of candidates being able to run as either local or national.

Mr. Barnett J. Danson, a Liberal who represented York North, stated as follows:

I appreciate the argument that so long as total expenditure is limited, the candidate is free to spend it in any way he wishes. One type of campaign works well in one part of the country or in one city, and works differently elsewhere.

He's exactly right, and I stated that at the onset of my remarks in the meeting we had last Thursday. You must allow the candidate to determine what is in his or her best interests in terms of electability. In other words, what is the messaging that will help me get elected? If it is a message that promotes me as being a solid community leader who is worthy of your vote and that's the message that I think will get me elected, I should have the ability to do so. But if I think that promoting the national party or my leader is more effective, I should have the ability to do so.

Until 2006 that was the case. As I testified earlier this afternoon, the rules have now changed and local candidates can't promote the national party or their leader if they wish. But we were able to do that until and including the 2006 election. So this is not something unique to the election of 2006. This is something that parliamentarians have argued successfully, I would suggest, for years.

• (1715)

Let me give you another example from Mr. Terry O'Connor, a Progressive Conservative member who represented the riding of Halton. He stated as follows:

...public subsidies should not be related to any specific method of expenditure of the subsidies that is, the grant of public funds should have as few strings attached as possible....The legislation should not attempt to dictate how and when such funds should be used. It should leave to the candidate or party the greatest possible degree of freedom to decide, in their own hands and their own minds, how to expend the funds. Each candidate and each party knows best how to run the election.

He goes on to augment his argument with other quotes, but the point, quite simply, is that I don't believe you could find that at any time in history there hasn't been a consensus among candidates of all political stripes that the candidate, and the candidate alone, should be allowed to determine how best to use his or her funds in terms of advertising. And that is the issue we have before us. That is the contradiction, it seems, between the written election guidelines and the ruling of Elections Canada.

My point is that for the last 30 or 40 years, or perhaps even beyond that, all parliamentarians, or at least the vast majority of parliamentarians, have agreed that as candidates they should have the ability to advertise a national campaign-related theme if they so wish.

Elections Canada in the act, in the guidelines, and in the handbooks states similarly that candidates should have the ability to determine how they want to use those funds. As well, Elections Canada states unequivocally, in all of their guidelines and regulations, that a federal party, a national party, can transfer funds

to a local candidate and the candidate must then claim that as a local candidate expense, regardless if they wish to use it to promote a national party or run a national ad.

That's what we did, Chair, and now that very procedure is under review by Elections Canada. That very process that, in written form, Elections Canada states is correct is now being challenged by the officials at Elections Canada. They're somehow saying, sorry, it doesn't apply to the Conservatives. You did it wrong.

But how did we do it wrong? Why?

I mean, there's nothing that I can read or that I can interpret on behalf of Elections Canada that even remotely suggests that we did anything wrong—except we had a ruling from Elections Canada. They have not explained themselves. All they have said, in my view, is that because federal funds or national party funds were transferred to a candidate who then ran a national ad, that should be considered a national expenditure. But their very words—in their very own guidelines, in the registered party handbook—say that it must be considered a local campaign expense.

I don't know if we have a situation where elections officials were unaware or didn't read or maybe misspoke, but there is a huge disconnect here. There is a huge variance of the words of Elections Canada officials and the writing of Elections Canada, and I'd like to get to the bottom of it. I'd like this committee to get to the bottom of it. But we cannot get to the bottom of it if this committee is restricted to only examining the campaign books of one party.

• (1720)

Chair, we have to have the ability to examine the advertising expenses, procedures, protocols, and books of all parties. I would argue that if we don't do that, there is a real danger for my colleagues opposite. If an incorrect ruling is made, unfairly prejudicing the Conservative Party of Canada, what is to say that at some point in the future, the same unfair, the same prejudicial treatment—and I say prejudicial with all due respect. I'm not saying that this was an obvious or deliberate attempt, but it prejudices the party—and the same misinterpretation is not applied to one of the other parties?

Mr. Chair, fair is fair. As a committee, I think it is incumbent upon us to determine the right way for political parties and candidates to conduct themselves. In light of the ruling—what I believe is an incorrect ruling—offered by election officials, we need to have some clarity on this issue. We have to have the ability to engage in this discussion. It may be a problem hoisted upon the Conservative Party today, but it may be a problem that the Liberals or the NDP or the Bloc Québécois experience tomorrow or in the next election.

I do not believe for a moment, Chair, that any of my colleagues here would want to see that situation take place. We know what's happening here. We know the games that are being played by members of the opposition parties here. Politics aside, I think every member of this committee believes that we need to get some clarity on this issue. We need to make sure that the rules are fair to every party and every candidate and are applied fairly and judiciously. If we don't have that, Chair, we run the risk of a far larger problem occurring than what we have before us today.

Again, I urge my colleagues, I implore my colleagues, to reconsider their position. I ask that they view this in as much of a non-partisan window as they possibly can. That may not be possible. I think it would behoove all of us, all of our parties and all of our constituents, to view this dispassionately, in a non-partisan manner, and eventually come to some conclusion.

As I said, Chair, if the conclusions, after a thorough examination by members of this committee, were such that in fact the ruling of Elections Canada was correct that there were improprieties or activities with respect to elections spending and that the Conservatives were at fault, I'd be the first one to say, hey, you're right, but at least we had an opportunity to examine it. I concur with the findings. I may not like them, but I concur, I agree, and we will certainly accept all of the consequences.

We're not being afforded the ability to have that type of examination. As Conservatives, we certainly have not been given the opportunity to bring forward the type of vigorous and spirited defence that we would like, simply because of the positions taken by members opposite.

They're continually stonewalling our attempts to actually get to the bottom of this by way not only of interpretation of the act but by way of comparative examination of party-to-party books. All we're suggesting is that we do hear, Chair—nothing more, nothing less. We're not trying to score political points on the opposition, as they apparently are on us. We're just trying to present our case. We will certainly be bringing our case forward in a very spirited manner when this case reaches the courts.

We will of course, at that point in time, have our legal experts, our lawyers, and people who are paid to represent us do just that before a judge, I assume, at some point in time in the future. I would like the ability and the opportunity, Chair, to do it at the committee level. I'd like to have the ability to raise some of these questions right now, right here.

• (1725)

Chair, we all know this: there are certain privileges that committees are afforded. So for anyone, for example, who says maybe that shouldn't be done, maybe that would be prejudicing one's own case in Federal Court, I must remind all members that testimony at the committee level would not be allowed in Federal Court. So in no way would we be prejudicing any testimony that will come forward at the court case that will be heard on this issue sometime in the future.

But what we could do, Chair, as a committee, at the end of our study and our investigation, is have the ability to present a report that I hope would say that after a thorough examination of the advertising practices of all political parties in the years 2000, 2004, and 2006, we have determined there have been no violations, that in our opinion there have been no violations of any electoral laws.

That's what I think the obvious conclusion would be after an in-depth committee study. I state that because of the very many reasons I have already identified in my testimony. There are many more, and we will get to those as well, but I think there would be an overwhelming case to be made for our position that there was no

illegal or inappropriate activity by the Conservative Party of Canada or their candidates during the 2006 election.

Chair, if we are given that opportunity, if we are given the opportunity to bring this evidence forward, to ask witnesses to appear before this committee, to examine and cross-examine witnesses before this committee, then, Chair, I think we would be doing ourselves a great service. And Chair, I know the view I have is not shared—

• (1730)

The Chair: Colleagues, I'm sorry to interrupt, but we obviously have a division bell all of us were expecting.

There is no motion to adjourn, is there? No. The bells are sounding, colleagues. Pursuant to Standing Order 115(5), this committee must immediately suspend as members are called to the House, unless of course there is unanimous consent in the meeting to continue to sit here. Is there unanimous consent to sit?

The meeting is suspended.

Mr. Marcel Proulx: On a point of order, Mr. Chair, could you please tell us how long after the vote you intend to resume?

Mr. Michel Guimond: Immediately.

The Chair: Immediately? I think the Standing Orders suggest 15 minutes after the business of the House is over.

Mr. Michel Guimond: Would you read that standing order, Mr. Chair?

The Chair: It is Standing Order 115(5):

Notwithstanding Standing Orders 108(1)(a) and 113(5), the Chair of the standing, special, legislative or joint committee shall suspend the meeting when the bells are sounded to call in the Members to a recorded division, unless there is unanimous consent of the members of the committee to continue to sit.

Mr. Michel Guimond: And what about the 15 minutes?

The Chair: That's entirely up to the chair.

Mr. Michel Guimond: Ah, you decided 15 minutes.

The Chair: There is a procedure. It's a proposal—

Mr. Michel Guimond: Ah, a proposal.

No, right after the vote we start. We want to listen in. It's important. Yes, I suggest that just after the vote we resume our work.

The Chair: You know, colleagues, the chair is absolutely aware of the gamesmanship going on back and forth, and I don't appreciate any of it. The fact that I'm suggesting that members have some time to get back to this room...and the term "immediately" versus "15 minutes"... I think the member opposite is raising an insignificant and trivial point, if I may say so. We have members here who limp. I'm not suggesting that's why I'm calling it. The procedure in the past has always been 15 minutes.

How would it be if we did this? I'll be down here first thing, and if there's no quorum within 14 seconds, I'll adjourn the meeting.

But rather than do that, since we're playing games, I'm going to suspend the meeting until Thursday.

[Proceedings suspended on February 5 at 17:34]

[Proceedings resumed on February 7 at 11:02]

•(1100)

The Chair: Colleagues, let's resume meeting number 14, picking up where we left off.

Is there a point of order?

[*Translation*]

Mr. Michel Guimond: Mr. Chairman, we consider that last Tuesday you unilaterally and illegally suspended the meeting of your own volition.

We therefore consider that it was an adjournment. We all know that committees follow the same rules as the House of Commons and that they are perceived as appendices of it. Consequently, when the House resumes its work the day following an adjournment, there is a requirement to adopt a new agenda. And I would add in passing — and you can see it every day in the Order Paper — that there is no requirement for the House nor for committees to resume the debate interrupted the day before. We therefore believe that we should proceed with the adoption of a new agenda.

I am therefore proposing the adoption of the following agenda: that the Committee immediately undertake the study of the report of its subcommittee on agenda and procedure and that it conclude this study before dealing with any other matter.

I have here before me the text of some Standing Orders that support what I am putting forward. I also have quotes drawn from Marleau-Montpetit in support of my proposal. Therefore, I am asking you, Mr. Chairman, to hand down a decision and rule immediately.

•(1105)

[*English*]

The Chair: I've reviewed the minutes from the last meeting.

This is very, very clear. I cited the Standing Orders, which don't make reference to time. The meeting was suspended.

I appreciate the member's argument, as eloquent as it was. However, it's very clear that we suspended that meeting.

[*Translation*]

Mr. Michel Guimond: Mr. Chairman, I am challenging the decision you made unilaterally, that of suspending the meeting. I am therefore asking for a vote on your ruling.

[*English*]

The Chair: You can't break the rules. The rules are very clear.

I would be happy to make a ruling on something that's not clear, but it's very clear. No ruling is necessary.

Mr. Lukiwski, you have the floor.

Mr. Tom Lukiwski: Thank you, Mr. Chair.

The Chair: Is there another point of order?

Hon. Marlene Jennings: I'd like to hear the clerk on the issue just raised by my colleague Mr. Guimond. The clerk is here to provide advice to all members of the committee. You just made a statement that you declare is not a ruling.

I'd like to hear the clerk.

The Chair: Is that allowed?

Hon. Marlene Jennings: He's here to provide his procedural advice.

The Chair: That's a very complicated matter. I'm wondering if I should take some time to think about it.

Okay, the advice I've received is that the meeting was suspended, not adjourned, but if you have anything else to add—

The Clerk of the Committee (Mr. James M. Latimer): Well, through you to the committee, Mr. Chair, I'm not sure what the question is. Is it by which authority you suspended the meeting?

An hon. member: The Standing Orders.

The Chair: I have a point of order here from Madam Jennings.

Could you clarify what you're asking the clerk?

Hon. Marlene Jennings: Mr. Guimond has made a point of order on a ruling, a decision, that you made. You have declared that you did not make any decision, but were simply applying a rule, and I'm asking the clerk, under Montpetit—which says the clerk is there to provide procedural advice to all members—whether or not, when a chair makes a ruling that a particular rule applies, it is a ruling. When a chair makes the statement, is that a ruling or not?

The Chair: It sounds rather like “Who said the majority rules?” But anyway....

The Clerk: Mr. Chair, I could bring the committee's attention to Standing Order 115(5). I have reviewed the blues. You stated it pursuant to Standing Order 115(5), which states:

(5) Notwithstanding Standing Orders 108(1)(a) and 113(5), the Chair of a standing, special, legislative or joint committee shall suspend the meeting when the bells are sounded to call in the Members to a recorded division, unless there is unanimous consent of the members of the committee to continue to sit

According to the blues, you suspended pursuant to this standing order of the House.

The Chair: Thank you very much.

Mr. Lukiwski, please.

Is there another point of order?

[*Translation*]

Mr. Michel Guimond: It is the same point of order. We would have to read the “blues” where I asked you what the lag time is for a committee to resume its work after a recorded division. What the Clerk has just said is correct: the Standing Orders are clear; we suspend the meeting when the bell calls us to a vote. I asked you when we would be resuming our work. If you want us to read the “blues” for everyone's benefit, we will do so, because I am too young to be suffering from Alzheimer's. You answered that you would be resuming 15 minutes later. I asked you upon what you were basing your ruling, and I asked you to read the Standing Orders, which you did. There is nothing that stipulates that the 15 minutes you alluded to...

I will put the question to the Clerk. Is it true that when there is quorum, following a vote, the Committee resumes its work and there is no 15 minute waiting period? Could the Clerk confirm if that is what is set out in the Standing Orders?

[English]

The Chair: Monsieur Guimond—

[Translation]

Mr. Michel Guimond: I have not finished, and I am going to put everything on the table. When you realized that there was no 15 minute wait period, you said that you would be here within 14 seconds, but that in the absence of quorum, you would adjourn the meeting. You then stood up and stated that while you were at it you may as well just immediately suspend the meeting until Thursday and you banged down the gavel.

This is why, Mr. Chairman, I am saying that your ruling is illegal. And I maintain that we are dealing here with a ruling. We say that you adjourned the meeting and that you decided to suspend the proceedings. You therefore made a ruling, and we are challenging this ruling. Did you decide to suspend the proceedings? We say that you adjourned the meeting.

• (1110)

[English]

The Chair: First of all, let me express to members that I actually have graduated already and attended grade 3 once; I don't intend to do it again here.

I recall the argument was a reasonable 15 minutes. When you said “immediately”, a debate ensued that got out of order, and I suspended, quite to my right. If you don't like this, that meeting is over. You can appeal it to the Speaker of the House, and I encourage you to do that.

There is no ruling necessary here. You check the blues. I adjourned until today.

Let's not get out of order, and let's go on. I've done grade 3 already. Thank you.

Mr. Michel Guimond: You adjourned? You said you adjourned.

An hon. member: No, you just said you adjourned during the meeting.

The Chair: Mr. Lukiwski, please.

Mr. Yvon Godin: Maybe, Mr. Chair, you should read the note that the government just gave you so that you could have a guideline there. They've been talking into your ear and they've been giving you some memos. I think that's what you're doing; you're not...

Be fair to the committee and give us the opportunity to speak—

The Chair: Colleagues, do you know what? I'm happy to entertain a vote of non-confidence.

What interests me about this, Monsieur Godin, is that when I enforce the rules to the benefit of one side of the House it makes you happy. When I enforce the rules to somebody else's, this is like grade 3. You're only happy with the rules when they work for you. That's not the game I play.

Now, if you want to keep calling points of order...

We're into a debate—

M. Yvon Godin: Mr. Chair, if that is so, when you come in with an agenda, you ought to go by the agenda instead that we established in the same committee.

The Chair: I am going by the rules, which means that Mr. Lukiwski has the floor, and when you have the floor, I will respect that just as equally.

Mr. Lukiwski, please.

Mr. Tom Lukiwski: Thank you, Chair.

It's obvious, Chair, that this matter is one of considerable emotion to members opposite.

The Chair: Excuse me. If you want to have discussions between members and calculate, and coordinate, and take orders from above and beyond, please step away from the table. The hallway is also at your convenience.

Mr. Lukiwski.

Another point of order.

[Translation]

Mr. Michel Guimond: For the record, I simply wish to underscore...

[English]

The Chair: Debate.

Mr. Lukiwski.

Mr. Tom Lukiwski: Thank you, Chair.

As I started to say, obviously this is a very emotional issue for my colleagues opposite, but it doesn't change the fact that what we have here is a pretty fundamental issue. The issue is one of fairness, Chair.

I note with great interest that in the news conference that was held yesterday with representatives of all the three opposition parties they alluded to fairness as well. In fact, one of the main arguments they raised in the news conference was that the Conservative Party obviously had something to hide because it was refusing to accommodate the motion originally made by Ms. Redman. That motion of course, as we all know, stated that there be an immediate investigation—that was the word Ms. Redman used—of only the Conservative Party and its election spending practices in the 2006 election.

I would submit to you, Chair, that is the furthest thing from being fair. The fairer approach would be for all parties to voluntarily submit their books to this committee and allow this committee the opportunity to give a full examination of all of the parties' spending practices. Because the fundamental part of our argument has been that we have done absolutely nothing wrong with respect to election financing and election campaign rules, and secondly, that the practices the Conservative Party engaged during the 2006 election were exactly the same practices employed by all of the opposition parties.

I had cited several examples in Tuesday's meetings to this effect. I will continue to cite examples in today's meeting, and I will continue to re-emphasize for all members present and all observers that according to Elections Canada and its own guidelines we have done absolutely nothing wrong.

But, Chair, before I begin that, let me just deal with another issue that apparently is one of the main arguments that the collective opposition has. This is an argument again that they advanced yesterday in their collective news conference. They stated the reason the Conservative Party is the only party that should be investigated is that Elections Canada made a ruling and that ruling, according to the members opposite, should be sufficient to conduct this investigation of only one party.

The clear implication, Chair, was that if Elections Canada was conducting an investigation of the Conservative Party, then that says something. In fact, the implication is that they must have contravened electoral law, because otherwise Elections Canada would not be investigating them, and since they are the only party that Elections Canada is investigating, we must assume that they have done something wrong and that warrants an investigation.

My response to that, Chair, yesterday, and it will continue to be my response today, is that just because Elections Canada is investigating does not mean automatically that the party under investigation has done something wrong. If that was true, Chair, we have a member of this committee who clearly has done something wrong. Monsieur Godin is under investigation by Elections Canada. The election expenses, I should say to make it more clear, of Mr. Godin are being investigated by Elections Canada. So by Monsieur Godin's own rationale—the Monsieur Godin who participated actively in the news conference yesterday—he then must be guilty. But I'm sure if we asked Monsieur Godin, he would deny that.

• (1115)

I would also assume that Monsieur Godin, his official agent, and all of his election officials are going to be vigorously defending themselves and trying to demonstrate in some fashion to Elections Canada that they did not break any election financing rules.

That's irrelevant. That is Monsieur Godin's right. I firmly respect that. I think that's something he should be doing. But then I would ask why Monsieur Godin does not recognize the same basic rights that should be afforded to the Conservative Party in this case.

The reason why Monsieur Godin and the other members of the opposition have an approach that means "Do as I say, not do as I do" is that this is nothing more than a political witch hunt. What the Conservative Party is engaged in right now is a perfectly legitimate legal dispute with Elections Canada. However, the opposition is attempting to turn this legal dispute into a political witch hunt.

If the situation were to be reversed, Chair, if the situation were to be that this committee decided to investigate the 2006 election expense return of Monsieur Godin, and only Monsieur Godin, based on the investigation being put forward by Elections Canada, then I am quite sure that Monsieur Godin would be.... I'll choose my words carefully here and just say that Monsieur Godin would be strenuously objecting to the attempt of this committee or opposition members to investigate and do a complete study of his 2006 election return.

And do you know something? Monsieur Godin would be quite right to take that approach.

Again, I find it interesting, to say the very least, that Monsieur Godin now would be one of the chief proponents in arguing that only

the Conservatives should be investigated because there's an investigation launched by Elections Canada.

Well, tit for tat, Mr. Chair. I would suggest that Monsieur Godin, if he wanted to do the honourable thing, should voluntarily state before this committee that he wants to include his own riding expense campaign to be investigated.

Why shouldn't he take that approach? He certainly is of the approach that the Conservative Party elections campaign expenses should be investigated because Elections Canada suspects they may have contravened elections rules. Well, by his own reasoning, clearly Elections Canada believes that Monsieur Godin did something wrong. They are investigating the 2006 campaign expenses of Monsieur Godin. They did not investigate mine. So I'll use the same argument that Monsieur Godin does: they did not investigate my 2006 election campaign, only his; therefore, his expenses should be examined and should be investigated by this committee.

That's the argument. I don't agree with it. I think it's hogwash. Yet that doesn't stop Monsieur Godin and other members of the opposition from advancing that very argument here to try to convince certainly not this committee but the general public, the voting public, that there is a scandal at work here and that the Conservative Party has clearly broken election financing rules.

• (1120)

Chair, as I stated yesterday and will say again today, it is our position that the Conservative Party did absolutely nothing wrong in the 2006 election. We are willing to prove that not only in a court of law but at this committee. All we have asked—and this is, obviously, the main thrust of my motion—is that all parties agree to examination of their own books. Monsieur Godin should be the first one who embraces this. Although he is being investigated by Elections Canada, I am sure, if you asked him, he would say that he did nothing wrong. Yet I don't see him volunteering to bring his own campaign expenses under the light here at this committee. Why not?

Well, Chair, I would suggest it's because he has the perfect right to defend himself in the appropriate manner and in the appropriate venue. I don't know how the investigation is going, but that venue may well end up in a court of law. It is his right to do so. He has every right to object to the Elections Canada position. He has every right to take whatever steps he feels necessary to demonstrate his position. He has every right to engage in whatever legal activities are to his avail to prove his point of view.

Contrast that, if you will, with what's happening in this committee. The Conservative Party has already engaged in legal action. We have stated quite clearly and for the record on many occasions that we did absolutely nothing wrong in terms of elections spending in the 2006 election. In fact, in order to prove that, beyond a shadow of a doubt, we have taken legal action. We are having our case heard before Federal Court because we dispute and object—

• (1125)

The Chair: Excuse me, Mr. Lukiwski. I'm sorry.

I am listening carefully when the content of what you're talking about changes, and I accept that completely. Some of the phrases that you are using I have heard before, so I'm just going to try to caution you to stay away from repeating too much.

Mr. Tom Lukiwski: I appreciate that, Chair.

An hon. member: Oh, what a good chair...[*Inaudible—Editor*]

The Chair: Order.

Mr. Tom Lukiwski: I'm sure Monsieur Guimond said that—

An hon. member: I think we've heard that before too.

Mr. Tom Lukiwski: —in all sincerity.

Perhaps Monsieur Guimond could address his remarks to the chair.

The Chair: Please, no.

Mr. Tom Lukiwski: My point is simply this. We seem to have two different standards here. You mentioned in some of your remarks earlier that it's quite obvious that we do have two different standards here, one for the opposition and one for the government.

As the opposition contends, investigation must mean you're guilty. Yet when the situation is reversed, if an investigation takes place of either an opposition party or an opposition member, that doesn't mean anything. It doesn't mean they are guilty. It just means there is an investigation. You can't have it both ways, Chair. You cannot have it both ways.

At the risk of repeating myself, but it certainly bears repeating once again, the only reason this discussion is taking place is because there is a political vendetta and a political smear campaign being orchestrated by all opposition parties. Why shouldn't they? It's certainly good politics if they can get the attention of the national media. It's certainly good politics back at their home ridings to be able to point fingers at the Conservative Party and say, "You see? They're under investigation; we always told you they were corrupt." But that's all it is, Chair, is good politics. There is no basis in fact. There's no basis in fairness. It is only politics at its purest and most partisan sense.

That's why, Chair, we need to take the approach as offered by my motion. If in fact the Conservative Party of Canada has done anything untoward in the 2006 election, we're more than willing to allow that study, that examination, to take place, but on one condition: that all parties offer their books for examination themselves. It was apparent in the words of the opposition members in yesterday's news conference that they don't think they did anything wrong. They continually stated that since only the Conservative Party is under investigation—

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Chair, on a point of order.

• (1130)

The Chair: Mr. LeBlanc.

Hon. Dominic LeBlanc: Thank you, Mr. Chairman.

On a point of order, I'm wondering if you could tell the committee, and if the clerk may also confirm this or if the clerk would agree, whether the standing committee that is meeting now, that we're sitting in now, has in fact received, as a committee, the second report of the subcommittee on agenda and procedure. In other words, is the committee in possession of that second report that you were to bring

before the committee? Have we received the second report of the subcommittee on agenda and procedure?

The Chair: We have.

Hon. Dominic LeBlanc: We have received it. Thank you.

The Chair: Mr. Lukiwski.

Mr. Tom Lukiwski: Thank you, Chair.

Again, let's make sure we're all quite clear on this very important point—

An hon. member: Perhaps you should start over.

Mr. Tom Lukiwski: If opposition parties are of the view that only the Conservatives have somehow breached elections campaign financing laws and they then have nothing to hide, they should then welcome the fact and the opportunity to begin an investigation immediately. Yet that's clearly not the case.

I kept asking in Tuesday's meeting, Mr. Chair, what the opposition has to hide, because I had stated on several occasions that I believed that none of the opposition parties had done anything wrong, from what I could see. In all the election documents I've examined, I can see nothing that would suggest to me that any of the opposition parties had done anything wrong. Yet if that is the case, Mr. Chair, then why do they not just summarily and voluntarily say "Hey, let's get this investigation going. Here are our books; come on, let's get the witness list going and let's start the investigation." They would probably, I would suggest, also recommend—and that might even end up with a vote on this matter—that we start with the Conservative Party. Well, if that's what it came to, they obviously have the numbers. I'm sure that would be the order in which these investigations took place.

But they didn't even get to that point, Chair, and again, it has to raise the question of what they are afraid of. What are they hiding? I note with great interest yesterday's news conference. These are quotes, rather than paraphrases, from Monsieur LeBlanc, who states: "We're also wondering what the Conservatives are so afraid of."

Mr. Chair, once again, let me remind not only Monsieur LeBlanc but also all members of this committee, all members of the media, and all who are observing these proceedings and listening to these proceedings that we do not have anything to hide—well, Mr. Godin might have something to hide, since he is being investigated by Elections Canada, Chair. I wanted to clarify my position there; perhaps Mr. Godin does have something to hide—perhaps that's why he's not volunteering his election campaigns—but the fact is that Mr. LeBlanc stated that in the news conference yesterday.

I would contend that simply the reverse is true. We are the only party that has voluntarily offered to have all our books and all our officials present at this committee for a full and thorough examination and discussion of our advertising practices in not only the 2006 election but also in the 2004 and 2000 elections.

Why are we the only party that has offered to do so? Why haven't the opposition members voluntarily and with great dispatch said they have nothing to hide, that their books are open and transparent, and that they want to begin the committee work? According to statements made in yesterday's news conference, they say they want to get to work.

•(1135)

I'll see if I can get the exact reference, Chair. I believe this comes from my friend Mr. Godin, who says, and I quote, "I'm very pleased to be with the two other parties this morning to show the solidarity of the opposition that we don't believe in a minority government"—well, that's interesting in itself—"that the Conservatives should take over the way that they have been trying to do it by using tactics that they're using now to stop us to do our work."

It's quite apparent, Chair, to anybody who is paying attention to these proceedings that the only parties that don't want to do the work are the opposition parties. They perhaps want to do partial work, at best, by investigating one party but not the others. I think one could even make an argument, Chair, that should Monsieur Godin be under investigation by Elections Canada, perhaps there are others in the New Democratic Party who are in a similar position. Perhaps the party itself has employed practices similar to those of Monsieur Godin, and they may ultimately be placed under investigation by Elections Canada.

I would think, Chair, that they would want to clear the air and try to give confidence not only to the political parties themselves but also to the general electorate and general public that all candidates in all parties are above reproach and conduct themselves in an appropriate and entirely legal manner.

One would think that the only way to do that—to truly inspire that level of confidence, Chair, and provide the public and others, including aspiring politicians and those who may someday wish to seek public office, with the confidence that their elected representatives and the political process in Canada are working well and working in a fashion that is true to the democratic principles of this country and true to the guidelines as established by Elections Canada—would be to be fully transparent when talking about advertising and advertising expenses.

There is much confusion, Chair, in the minds of Canadian voters and the Canadian public as to how this whole party-versus-candidates, national-versus-local expense thing works. What are these caps all about? What's the discussion about? Well, I can understand why members of the general public would be confused over this, because Elections Canada has presented a pretty complex set of rules. In fact, I think there could certainly be an argument that the rules themselves—the guidelines surrounding election spending by parties and by candidates—should be examined and perhaps changed, and I think that would be a worthy discussion for this committee.

In other words, Chair—and I'll certainly read this into the record in a few hours—the attitudes of some, and perhaps the comments I will read into the record, reflect those of a journalist who covers the political scene. Perhaps they are reflective of the views of many, if not most, of the Canadian public, and those views deal with the possible need for a change in the way Elections Canada administers election spending.

•(1140)

The Chair: We have a point of order, please.

Go ahead, Mr. Proulx.

[*Translation*]

Mr. Marcel Proulx: Thank you, Mr. Chairman.

With all due respect to Mr. Lukiwski and journalists, I wonder as to the relevance of questioning, on the heels of articles written by reporters, the validity or the appropriateness of Election Canada's regulations, Mr. Chairman. I would like to hear your opinion. Thank you.

[*English*]

The Chair: I think it's pretty clear in the Standing Orders and in Marleau and Montpetit that we allow as much range of discussion as possible, and that's what we're doing.

Mr. Tom Lukiwski: Chair, I will just reassure my honourable colleague that the article to which I referred is extremely relevant, although I won't enter its complete content into the record at this time. I will be doing that later this afternoon or this evening, but I will give you the headline, Chair, to give you and my honourable colleague the sense of why this is relevant.

The article's headline is "Hardly the same as Adscam, Grits' Attempt To Pin Advertising Fraud On Tories Is Off Base". The entire article deals with the motion and the story that we're discussing this very day. I would suggest it would be extremely relevant.

In this article, Chair, the writer makes what I think is a very valid and relevant point. It is that perhaps there should be some changes in the way Elections Canada sets its guidelines for advertising caps. This is at the core of the dispute we have before us. Frankly, I suppose Elections Canada has launched its investigation because they think there are, at the very least, some gray areas here, but the opposition members certainly contend that the Conservative Party was transferring money to local candidates so that the local candidates could then run a series of national ads—in other words, promoting the national party—and that in fact is wrong, because that's not a local ad; it's a national ad, and that money should be part of the national advertising cap.

In the 2006 election the national advertising cap for every political party was \$18.3 million. The members opposite who presented their arguments in yesterday's news conference made a point of saying this could potentially allow the Conservative Party to exceed the advertising cap by as much as \$10 million. My guess is that the calculation they used in coming up with this figure of \$10 million was based on the number of candidates for election. There are over 300 ridings, and if you run a candidate in all the ridings and each of them receives \$30,000 from the federal party and spends that money on strictly national ads, then the Tories could conceivably exceed their national advertising cap of \$18.3 million by \$10 million.

Again, we're talking about a situation that... When I saw them making this claim, I had to think this was so outrageous and so unbelievable that anyone who knows anything about elections and their campaigns would see the absolute absurdity behind this contention.

First, to suggest that every one of the candidates running for the Conservatives across Canada would have \$30,000 left in their campaigns under their own caps to run national ads is absolutely, simply, absurd. I can only speak about my case, but I'm sure my situation is probably reflected by almost all, if not all, of the members of this committee. My cap to run a local campaign in Regina—Lumsden—Lake Centre was slightly more than \$70,000, and I can assure all the members that I ran the maximum. I spent all of that, so to suggest that I and 300-plus other candidates would spend \$30,000 less than we were able to do in order to receive \$30,000 from the national campaign for only national ads is absolutely absurd.

• (1145)

The caps that candidates have include all forms of expenses, including advertising, lawn signs, the establishment of a campaign office, telephones, and all of those things. You need that money to effectively run a good campaign, so the suggestion made in yesterday's news conference that the Tories have the potential to exceed their national cap by \$10 million because they can send \$30,000 to each of their candidates across Canada—who would then in turn run national ads to promote the national party—is absolutely absurd. The local candidates would not be able to cut back \$30,000 and lop it off their local campaign expense cap to facilitate that type of request. I certainly wouldn't. I would want that money to pay for the essentials of running a campaign. I would not have that amount of room.

In other words, if my campaign expense limit in Regina-Lumsden-Lake Centre was roughly \$70,000, I wouldn't agree to anything or anybody who told me I had to be able to cut down my expenses and only run a \$40,000 campaign because they were going to give me \$30,000 to run national ads. I'd tell them get out of here, to take a hike. I can't do it and won't do it. That's why I say that much of what was said in yesterday's news conference is absolutely nonsensical. It's bordering on the absurd to suggest this is part of a major scheme the Tories have.

Not only was there the implication during this news conference, Mr. Chair; there was also the outright assertion by opposition members that we want to get this done because an election could be imminent. If we don't deal with this now, this committee can't investigate those dirty Tories and get to the bottom of this if an election is held in the near future. Before we've had a chance to thoroughly examine the books of the Tories, they could potentially exceed the national advertising cap for the next election by \$10 million. They are stating there is a sense of urgency to get this investigation going because an election may be called within the next month. According to the opposition, they want to have this matter settled and dealt with to prevent the Tories from having the ability to exceed the national cap in the next election, the one that may be coming very shortly.

Mr. Chair, I would suggest that if the opposition members are truly interested and concerned about doing that because they think the Conservative Party has this master scheme to go into an election with an unresolved issue that would open up the door to allow the Tories to spend millions of dollars above our cap, then let's start the investigation right now. It could be done today. All the opposition members have to do is agree to support my motion.

Mr. Chair, as I stated earlier and as was raised to me in a question by a member of the media yesterday, the probability is that the investigation of the Tories and of our election campaign would be one of the, if not the, earliest campaign investigations by this committee. In other words, if they agreed to my motion to look at the books of all four parties, then the internal determination has to be where we start.

Where do we start? There are four parties here. Do we bring them all in at the same time, or do we do it one by one? How do we coordinate and arrange the witness lists? Chances are we would be speaking to Conservative officials and taking a look at some of the Conservative campaign expenses before any others. Those are just the odds of probability, I would suggest, Mr. Chair, but even with that high degree of probability, the opposition members continue to refuse to support my motion.

• (1150)

My colleague just asked, off the record, "What do they have to hide?" That is something I'm starting to ask now.

Unfortunately, Chair, we have another member who has just joined, has obviously not been here, and has not heard my comments of the last few moments—

Mr. Joe Preston: Maybe you should start from the beginning, Tom.

Mr. Tom Lukiwski: Well, I do want to make sure that the member opposite is familiar...

The Chair: Do that. I'm listening. Please continue.

Mr. Tom Lukiwski: Well, Chair, I always thought the catch line "I'm listening" came from Dr. Frasier Crane, but it works well with you too. It looks good on you.

My point is that if the opposition's motives are sincere in actually trying to correct a wrong and find out if something was actually intentionally done illegally, then they should have no difficulty in supporting my motion. They obviously do, so I have to ask, since we were the only party that has voluntarily agreed to bring our books for examination and they have not, what they have to hide.

We know that the Liberals, of course, have a lot to hide. I wouldn't suggest for a moment that some of the \$40 million from the sponsorship scandal might have ended up in any of those campaigns, but perhaps that's part of it; I don't know. All I can say is that without equivocation, the examination of our books could have begun long before this had the opposition merely agreed to support this motion. Without question, they have not done so for strictly political reasons.

I know they are going to be opposing this, or at least disagreeing with my comments and my observations. They did so yesterday in their news conference, but I would suggest to you, Chair, that the more this discussion takes place and the more this discussion becomes known to the general public, the more it will be apparent to members of the general public that it is nothing more than a witch hunt.

Chair, there appears to be a great deal of election speculation going on, at least at this point in time. If you are a political junkie or even a casual but interested observer of politics, I think election fever has ramped up significantly over the past two days. I would suggest that if you polled even most members of Parliament, last week you would probably have found that the majority of members would have said they didn't think there was going to be an election any time soon. Perhaps they'd have said later this year, maybe even later this spring, but they certainly weren't thinking an election would happen imminently.

Well, events have changed significantly in the last 48 hours, Chair, and the observations made by many—particularly the political pundits, those commentators whose job it is to observe and report and prognosticate and pontificate on all things political—are almost of one mind right now. Again, this attitude has changed over the last 48 hours; all those individuals are pretty well agreed in opining that there is likely to be an election now, caused by the defeat of the budget.

They're suggesting that, Chair, because the Liberal Party does not want to face an election on the Afghanistan issue, because as we know....

Chair, I appreciate your wanting me to bring this into relevance. I'll tie the ends together. It's quite obvious the reason this—

An hon. member: [*Inaudible—Editor*]

Mr. Tom Lukiwski: Chair, perhaps you could ask Monsieur Guimond to allow me to make my presentation uninterrupted.

• (1155)

The Chair: I'm not sure that he didn't get the message. Please carry on.

Mr. Tom Lukiwski: Thank you, Chair.

But the reason this is so entirely relevant is that since this is—

An hon. member: [*Inaudible—Editor*]

The Chair: I guess that means he didn't get the message, so I'll just call order for the record, and let's allow the member to continue.

Mr. Tom Lukiwski: Thank you, Chair.

This is entirely relevant, the discussion regarding election timing, because this discussion on the advertising practices of not only the Tories but other parties is tied into the election.

The opposition is looking for an election issue. They desperately want to be able to go into an election with an issue that they can say demonstrates the Tories are in the midst of a scandal or are corrupt or conduct themselves inappropriately. That's what they need. So they're using this committee as a vehicle to try to achieve their objective. I think it's entirely relevant to talk about the election and when it may occur, because that factor has great relevance to the timing of this committee's work and this discussion, that the opposition members want this discussion on only the Conservative Party election practices to happen as soon as possible. Their fervent desire, their hope, is that they can uncover something that will allow them to go into that election, which may be imminent, with an issue. Even if they don't uncover anything, at least they would be able to say, "Well, you see the procedure and House affairs committee is

having the Tories' election spending practices before it and investigating it." They would at least have that.

What they don't want to have happen is have the balanced story that all parties are having their election books examined. That doesn't do them any good politically. That's not good. Because it's balanced, it's not good. They want something to be strictly over the top in a partisan manner that reflects poorly on the Conservatives. That's why they're so desperate to get this thing done now and not allow their own books to be investigated.

That brings me back to when the election may actually occur. As the political observers have noted, what has changed in the last couple of days is the fact that the Conservative government will be putting on the notice paper a resolution regarding Canada's plan to extend the Afghanistan mission. The Liberal Party does not want to have an election on that issue because they're so seriously divided within their own caucus as to what to do. They do not want to go into an election campaign with that being the ballot question.

So how do they avoid that? Well, they have to force the election on another issue. The first opportunity would probably be the budget. I say "probably" because no one knows when the budget will be tabled. Again, rumours and speculation have it that that budget would be tabled on or about February 26, and then—

• (1200)

The Chair: We have a point of order.

[*Translation*]

Mr. Marcel Proulx: Mr. Chairman, I would be grateful if you asked your Conservative colleague to please come back to the issue at hand.

[*English*]

The Chair: That's not a point of order.

Mr. Lukiwski, please.

Mr. Tom Lukiwski: Thank you, Chair.

Again, I'll explain the relevance to this, because this is a political exercise we're engaged in. The opposition clearly want to do this for purely political reasons, and because of that, a discourse on the political motivation behind the opposition is entirely relevant, Chair. In fact, I would suggest to you that 90% of the discussion has to be to examine the political motives behind not only the opposition but the political situation today, because that situation, with the threat of an imminent election, is driving the opposition agenda far more than any interest in election campaign financing.

To go back to my point that if the Liberals don't want to fight an election on Afghanistan, and I would suggest, too, that the Liberals do not want to fight an election on our tackling violent crime issue, which is being held up in the Senate, the only issue that really would give them some opportunity—

The Chair: Excuse me, Mr. Lukiwski.

Monsieur Proulx.

[*Translation*]

Mr. Marcel Proulx: Mr. Chairman, could you ask Mr. Lukiwski to not simply mention one bill that is held up in the Senate, but to talk also about Bills C-292 and C-293? Thank you.

[English]

The Chair: Of course, that's debate. That was a really good try, though, and I actually do like how you.... That's a good try. Thank you.

Mr. Lukiwski.

Mr. Tom Lukiwski: The reason Monsieur Proulx doesn't want any reference to the Senate holding up our bill is because that's a sore point in the Liberal caucus. It's certainly an issue that will come up during the election, and they don't want to discuss that. Not only do they not want to discuss it during an election campaign, it appears they don't want to discuss it here. They don't want any reference to the fact of the Senate...but it goes back to the point that there's a political motivation behind this, Chair.

If that's the case, Chair, if we have three major issues before us right now that are all potentially confidence issues—two are definitely confidence issues and one may be a confidence issue—that's three opportunities where the government may fall if the Liberals choose to vote against the government. Out of those three potential confidence issues—tackling violent crime, Afghanistan, and the budget—only the budget gives them an opportunity, Chair, to go into an election without having the albatross of their divided position on Afghanistan hanging around their necks, and only that has given them an opportunity to go into an election with the albatross of being soft on crime hanging around their necks.

Whether or not, Chair, we will have an election after the budget, I don't know. No one here truly knows. I suppose the only people who have an inkling of whether or not there will be an election, based on a non-confidence vote on the budget, the only people who would have any semblance of knowledge of this, would be members of the Liberal Party themselves and the Liberal caucus, and I don't even know if they've come to a firm decision on that.

Again, I refer back to all of the political commentators and observers who are suggesting that is the most likely scenario. If that is the case, if we were for a moment just to go down that path and accept that rationale as being true and likely, then one can start to see more clearly what's happening here and the motivation these individuals have.

We saw an example yesterday when the opposition held a joint news conference to try to criticize the government for its handling of this issue. That's the first time we saw the collective voices of the opposition in any formal manner, and it leads one to suspect again that this is a coordinated plan. In other words, this isn't something the opposition just decided to do. This is something they determined to do by design and in a strategic fashion. They undoubtedly—let's break it down even more than that, Chair. I know my colleagues opposite will not want to hear any of this. They want to try to inhibit debate and discussion on this matter, but it is entirely germane to the discussion we have before us.

We know that the New Democratic Party is on record.... Several times in the last number of months they've stated that they would be willing to take down the government at any opportunity, that they would be willing to vote against the government at any opportunity, and in fact they have. At least I give them credit for that. They certainly have. They have stood up and voted. The Bloc Québécois,

similarly, have also indicated quite clearly that they will be voting against the government in any confidence measure. It doesn't matter whether it's a private member's bill, a motion, or a confidence vote. The Bloc Québécois have stated that they will be attempting to bring down the government, so we know that. We know the motivation has been there, but the dynamic that has been missing, until now, Chair, is the position of the Liberal Party of Canada.

• (1205)

While at times they have stated—these are their terms I think—that this government is going down the wrong path and taking the country in a wrong direction, they haven't actually been able to back up their words with action, because as we and all Canadians know, they have abstained on several occasions on critical confidence votes. In other words, they have not seen the need, nor did they have any political desire, to force an election over the course of the past few months, but it appears that now the situation may be changing. It may be changing, Chair, not of their own volition, not because they want an election, but because they feel they may be forced into an election.

My comments on the Afghanistan mission are most relevant to that because, regardless of what they say publicly, privately there is an incredible division within their own party on that issue. How can any political party go into a federal election and have a chance of being successful if they are divided—publicly divided—on one of the most crucial issues we have seen in this country in the last two decades. I would suggest to you, Chair, that the Afghanistan mission is that very issue. So again, that's what's happening here. They do not want to deal with Afghanistan. They are afraid that if the budget passes there will be a confidence vote on Afghanistan. Monsieur Dion has already stated his preference. He has said that this will be a whipped vote by the Liberal Party. We also know that if you were to believe reports coming from some media members, there are members in their own party—

• (1210)

The Chair: Madam Redman, on a point of order.

Hon. Karen Redman: I really am listening. I find the relevance very tenuous at best.

The Chair: It's about elections.

Mr. Lukiwski, please.

Mr. Tom Lukiwski: Thank you, Chair.

Again I've attempted to point out the absolute relevance of this. It goes to motivation. It goes to the motivation of why the opposition is trying to do what it's trying to do.

As I was saying, if you were to believe the media reports over the last couple of days, there has been at least one Liberal member of Parliament who in their own caucus meeting has stood up and challenged the leader by stating that he did not agree with Mr. Dion's position on the Afghanistan mission.

The Chair: Mr. Proulx, on a point of order.

Mr. Marcel Proulx: Seeing that Mr. Lukiwski tends to know so much, maybe he should be on this side of the table talking about our caucus. He seems to have been there.

Mr. Scott Reid: Don't tempt us.

Mr. Marcel Proulx: On a sub-point of order, I wasn't asking Mr. Reid, by all means. Thank you.

The Chair: We're obviously having a little fun, and I want to thank God for that. Mr. Lukiwski may want to make that decision after he thinks about it very hard, but I would recommend that we don't do that now. I would recommend that Mr. Lukiwski get back to his discussion.

Mr. Tom Lukiwski: Chair, to answer through you to my colleague, who is questioning the accuracy of my statements—I know he normally hangs on every word I say in these discussions—I did say if one were to believe the media reports of the last few days, and there have been, of course, media reports, they have been stating that Roy Cullen was the member of Parliament in question. If that is true, and I would suspect, Chair, that there is some truth to that.... We noted the last time there was a vote on the extension of the Afghanistan mission that there were several Liberal members of Parliament who voted with the government. I would think, Chair, there is probably a better than 50-50 chance that the media report was true.

I would suggest, Chair, that again, if the budget passes and the next confidence vote is that of extending the Afghanistan mission, and of course there has been no decision as to when that motion would come before the House, that would put the Liberals in a very precarious position, a very difficult position, one that they want to avoid at all costs, I would suggest.

Again, that absolutely narrows their options in terms of whether they vote for an election now or whether they somehow manage to avoid an election until it better suits the political needs of the Liberal Party of Canada. I think they have started to determine, Chair, that there is no way to get out of it, that we need to have an election now, only because we can't avoid major controversy on Afghanistan. We can't avoid the type of internal division that will surely follow a vote of a divided caucus on extending the Afghanistan mission. That means, Chair, that we may be looking at an election call within a month.

From the Liberal perspective, I'm sure they're thinking: "What then can we do to try to gain as much political advantage in the next month as we can? Are there any policy issues that we can advance? Are there any weaknesses within the Tory policy position that we can exploit, or is there any scandal that we can create that might give us some form of political advantage?"

I would suggest to you, Chair, that they have determined in many of their strategy meetings that this is one of the issues they need to try to exploit. This is potentially something that they could go to the polls with and say, it's a scandal. Chair, there are normally only two primary things that tend to bring down governments—financial or fiscal mismanagement and scandal. It's clear that this committee, at least the opposition members of this committee, are well into their strategic approach to try to create a scandal.

Chair, I should also point out a couple of fundamental flaws in some of the things they have said—some contradictions, if you will. I mentioned a few moments ago that during their conference of yesterday, the opposition members stated that if left unchecked, if this matter wasn't dealt with quickly, the Tories could potentially exceed their national advertising cap by \$10 million. I think we're

going to find, Chair, in the days and the weeks to come...you'll see that figure being bandied about more and more, when in fact according to pretty accurate estimates based on the allegations of impropriety from the 2006 election, if in fact all of the allegations of overspending were true, the amount the Conservative Party would have exceeded their elections cap was about \$800,000 to \$850,000, not \$10 million.

•(1215)

But again, that's not sexy enough. That doesn't really ring true. That's not a big enough number. So the opposition members are coming up with this fictitious and totally absurd number of \$10 million, and I'm sure that's what we're going to hear. That further underscores my contention that what's going on here, these allegations from the opposition, are nothing more than partisan attempts to create a scandal where none exists.

I can see no other reason that they would have raised this figure of \$10 million except for the fact that it has some impact; it has headlines. They didn't want to say, well, that doesn't make sense. They didn't want to look at the facts and find the average transfers from the federal party to local campaigns being far less than \$30,000. No, that wouldn't create headlines. So they have to manufacture a figure that they hoped would make headlines.

Chair, that is just one more example to demonstrate my contention that this has nothing to do with finding out whether or not Conservatives acted in some improper manner during the 2006 election, but it has everything to do with the fact that they are trying to create a scandal.

Once again, Chair, let's agree, without question, upon one thing: how Elections Canada has set the rules and how the relationship between the national party and the local campaigns are to work. I read into testimony yesterday that by Elections Canada's own guidelines, the national party is allowed in an unrestricted fashion to transfer funds to the local campaign, and the local candidate has been allowed, up until recent changes, but certainly was allowed in 2006, was absolutely within their rights, to use that money that was transferred in to promote either their own candidacy or the national campaigns, or to promote the leader. In other words, by Elections Canada's own guidelines, you can transfer money from the national party to a local campaign; that local campaign can create and print and produce, whether it be in print or electronically, a national ad, and that's fully within the rules. But what are the allegations of the opposition?

They're saying, "You can't do that", and that's all they have to go on. It's simply their allegation that it is wrong. And that's, Chair, why we are so—perhaps it's a misnomer, but I think it's pretty accurate—desperate to get our court case heard as quickly as possible. Without question, we believe we have a solid case that will absolutely demonstrate that we did nothing wrong.

We are also so firm in our convictions that we want to bring that discussion to this level. But in an attempt to do that, Chair, we need to have access, which we will have in a court of law, to information —

An hon. member: [*Inaudible—Editor*]

•(1220)

The Chair: Carry on.

Mr. Tom Lukiwski: The reason, Chair, that we need access to the—

An hon. member: [*Inaudible—Editor*]

The Chair: Order, please.

Mr. Tom Lukiwski: The reason we need access to the books of the opposition parties is to further demonstrate that we have done nothing wrong. If we need an opportunity to fully defend ourselves, members opposite are denying it.

Chair, I think if we're talking about fairness and certainly transparency, we have to agree as a committee that all books can be brought forward. I don't know if the opposition would ever admit to this, but I will, for the record, state again that if they absolutely believe that the Conservative Party broke the election financing and expense laws, if they absolutely believe that, and if they absolutely believe they did nothing wrong, they should welcome this motion. We've heard no arguments that would contradict that statement—none.

Chair, there's only one thing that anyone can conclude by this, because if they had nothing to hide, then clearly they would say, "Here are our books, open them up, let's go", but they don't. I think Canadians are starting to understand why. They're certainly hiding something, Chair, or at least—

An hon. member: [*Inaudible—Editor*]

The Chair: Order, please. Let's just keep the conversation going one way.

Mr. Joe Preston: Some respect should be shown for Mr. Lukiwski's dissertation.

Mr. Tom Lukiwski: Well, and perhaps they are—

The Chair: Yes, Mr. Lukiwski, go ahead.

Mr. Tom Lukiwski: Chair, although these members clearly are under instructions from their leadership not to allow this motion to pass, and I can appreciate that, I can appreciate where the—

An hon. member: [*Inaudible—Editor*]

The Chair: Order, please.

Please, Mr. Lukiwski.

Mr. Tom Lukiwski: Chair, I think if we were able to have quite an honest discussion on this issue at committee, it would certainly change not only the content but also the spirit of this discussion.

Let me go back again to defining and putting into context the accusations that have been levelled against the Conservative Party.

An hon. member: [*Inaudible—Editor*]

•(1225)

The Chair: Order, please.

I know there's going to be some noise being made here while we bring in lunch. I'm tempted to suspend for two minutes while we do that. I sure as heck wouldn't want to be chastised for being compassionate, so let's see if we can keep the noise down and maybe

we won't have to do that. Heaven forbid that we allow folks to take care of their biological needs. Heaven forbid we show that type of compassion.

Mr. Lukiwski, please.

Mr. Tom Lukiwski: Again, Chair, let's frame this argument that the opposition members have. Let's see if we can actually, in as simple terms as possible, put the accusations that are being levelled against the Conservative Party into terms that we can all understand, and then examine whether or not those allegations have any basis in truth.

Chair, here's the accusation the opposition is making—that the Conservative Party of Canada transferred \$1.2 million to 67 candidates who weren't going to spend up to the limit. Those candidates then either made a group or regional buy, depending on your definition, and paid the party to produce advertising, which was national in scope. We don't deny that. The point of contention is that the Liberals claim that this is a violation of the Elections Act. In other words, they're saying they believe that if a national party transfers money to individual candidates who then spend that money on national ads, or ads promoting the national party, this is a violation. That is the position of the Liberal Party.

The Chair: Ms. Redman, on a point of order.

Hon. Karen Redman: Just for the record, it was Elections Canada that made that assertion and that determination, not the Liberal Party of Canada.

The Chair: Okay.

Points of order usually clarify how a proceeding should take place, not offer debate.

Hon. Karen Redman: This was not proceeding with veracity.

The Chair: We could certainly add that, because you are on the speaker's list, Ms. Redman. I'll remind you of that order when we come to you.

Mr. Lukiwski, please.

Mr. Tom Lukiwski: Let me point out to my honourable colleagues that this is a—

The Chair: Sorry. We have another point of order.

Madam Jennings, please.

Hon. Marlene Jennings: It's on the proceedings. You just mentioned the witness list. Could you give us the names that are on the witness list?

The Chair: You are welcome to ask the clerk for that any time.

Mr. Lukiwski, please.

Mr. Tom Lukiwski: In response to my honourable colleague's point of order, what I just stated is the position of the Liberal Party. If they wish to change their position, well, they've done that on many other issues, perhaps they can do it on this issue as well, but as far as I understand now, that is the position of the Liberal Party.

Secondly, I would point out to my honourable colleague that this is not the claim, as she suggests, from Elections Canada. Let's make sure my honourable colleague has her facts straight when she makes interventions. There is an investigation going on, but they have not said that this transfer of money to local candidates to use in national ads is a violation of the act. They have never said that, but the Liberals have, Chair.

Unfortunately, because of the ongoing investigation, the 67 candidates in question have not yet been paid or been reimbursed the money they would normally be reimbursed. This was one of the primary reasons we decided to engage in a legal proceeding because our position is that there was nothing improper about the way in which either the national party, the national campaign, or the local candidates conducted themselves.

But since the Liberals do claim that this transfer, which they call the in-and-out scheme, was a violation of the act—that is their position, that is what they are alleging—let's take a look at some of the things the Liberals have done. One would suggest that if the Liberals' position is to claim a violation of the act for doing this type of transaction, then they would never have done anything like this themselves, because then they themselves, by their own contention, would have violated the Elections Act.

Let's take a look and see if they did anything of this sort. Well, it appears that they have. In a story that was published in the *The Hill Times* on December 3, it appears in the findings of this story, at least, that the Liberals do exactly the same thing. In New Brunswick, all 10 Liberal candidates participated in a group buy for advertising in *The Telegraph-Journal* of Saint John and *L'Acadie Nouvelle* on January 21, 2006.

• (1230)

The Chair: Ms. Redman, on a point of order.

Hon. Karen Redman: I understand that Mr. Lukiwski has a limited amount of material to cover, but I believe this is the second if not the third time he has given the same example.

The Chair: No, I'm sorry. I am actually checking my own notes, and I'm being very careful that we don't mention the same members we mentioned the other day. I have that right here. In fact, I have all the members of the opposition parties with whom Mr. Lukiwski spoke written down, so I will be watching for repetition.

That's enough, please.

Hon. Karen Redman: My condolences that you have to follow this that closely.

The Chair: Thank you.

Mr. Lukiwski.

I am watching.

Mr. Tom Lukiwski: The story goes on to point out that although the local candidates paid for the ad, the content of the ad was completely national, and of that there's no question.

In the story they go on to interview some people who have more than, I would suggest, just a passing knowledge of this story and this issue and to ask for their opinions. After the example of this apparent contradiction with respect to the Liberal position was pointed out,

they asked a few observers what they made of this. The head of Democracy Watch, Mr. Duff Conacher, who everyone here knows, says it's possible that the Conservatives do have a point. The only difference was that the Liberals spent on print rather than TV advertising, so their spending was listed under the "other" category and the Conservatives' was listed under the "radio and television" category. That's the only difference.

If you examine the definition of advertising contained in the Elections Canada guidelines, this point is moot. Advertising is advertising, whether it be print or electronic. It doesn't matter.

Frankly, Chair, while we're on that point, I should make another point, because this has been brought up by some, at least, who have suggested that if Conservative candidates have paid for advertising that is national and claim that it is in fact going to promote their own candidacy—we've had a discussion on that, and Elections Canada agrees that you can promote your own candidacy by promoting the national party, and I think all of us agree that that's a very effective way of getting yourself elected, by promoting your own national party—then at the very least you have to have those ads run in your own riding.

Some have noted that, well, in certain parts of the country, there was an ad that was paid for by candidate X, but the ads were running in the riding of candidate Y. Well, television and radio in many parts of this country span many, many ridings. And I know it's always been a point of discussion in my own campaign, when talking to my campaign managers and others who help me with the campaign, whether we should invest in television ads because of the inefficiencies sometimes. In other words, if I pay the cost of a television ad, which is very expensive compared to print or radio advertising or billboards or signs, it seems to many that it's somewhat inefficient because it doesn't appear just in my riding, it appears maybe in 20 or 30 other ridings. And because of that range, because of the scope of television, the cost goes up. So the argument always is whether it is the most efficient use of our money to buy television, because it doesn't appear just in our riding.

If you buy a bunch of brochures and distribute them, you know it's just going to constituents in your riding. If you put money into signs, you pound them into the lawns just within your riding walls. But if you buy television.... In Saskatchewan I can use this example, of course. I could buy an ad to promote my candidacy in Regina. That same ad is going to be shown in Yorkton. So some of you may say, "Hey, what's going on here? You're funding the Yorkton candidate's campaign." No, he happens to be in the coverage area of the television buy—nothing more, nothing less.

•(1235)

Chair, the point is to refute the Liberal argument, or their position, that states that they believe there was a violation of the Elections Act because the national Conservative Party sent money to local candidates who had room under their advertising cap. They took the money and spent the money on a national ad. They authorized it, of course, as they were required to do, and the ad ran primarily on radio or television. Because of that, the Liberal position is that the Conservatives violated the act. But, Chair, I will go back to the exact guidelines as printed by Elections Canada, which specifically state that that is allowable, that is okay, that is acceptable, that is legal, according to Elections Canada.

Chair, I can't for the life of me understand how the Liberals can take a position that if they took any opportunity just to read the Elections Act itself or some of these guidelines that Elections Canada produces for candidates and registered parties, they would know that their position does not hold any water, that their position is absolutely wrong, but that hasn't stopped them from making the allegations.

The Chair: I'm sorry.

Could we just turn off our cellphones and perhaps our cameras?

Hon. Dominic LeBlanc: I think that was actually a doorbell. Mrs. Jennings has a doorbell here.

The Chair: Maybe somebody wants in. I don't suspect for a minute anybody wants in to the committee, so it must be a cellphone.

While I have everybody's attention, food is at the back. Please make your way to get yourselves some sustenance. I wouldn't want to see anybody passing out from hypoglycemia.

In the interim, Mr. Lukiwski, please continue.

Mr. Tom Lukiwski: Thank you, Chair.

Chair, we have an allegation from the Liberals that the Conservative Party has violated elections spending practices and laws because of a transfer situation to candidates and the candidates then spending the money on national ads. Because of that, according to the Liberals, they want this matter investigated. They want our books to be open. They want to examine them because they say we did something wrong and they say they want an opportunity to prove it at this committee.

Yet, Chair, I would suggest that it is more than slightly disingenuous to take that position because there are many examples of Liberal candidates either being investigated or being in potential violation of electoral law. I want to list a few of these examples. Again, I would suspect that these are not examples the Liberals want me to raise, but I will raise them for the record anyway, because it shows again the hypocrisy between their own stated position and what some of their own people have been doing.

The former Liberal member of Parliament in west Vancouver, Blair Wilson, is accused of evading electoral spending limits in 2006 by paying some campaign workers in cash and not reporting some donations and some expenses. Mark Marissen, who is a B.C. Liberal organizer and Stéphane Dion's national campaign co-chair, allegedly was made aware of the irregularities 12 days before they became public, but they were not reported until they did become public.

I'm wondering why the Liberals, in all their sanctimony of saying that we have to get to the bottom of this, that we can't allow this type of scandal to take place, haven't then come before this committee and asked for Mr. Wilson's election returns to be examined.

•(1240)

The Chair: Mr. LeBlanc, on a point of order.

Hon. Dominic LeBlanc: Mr. Lukiwski is talking about Mr. Wilson. I'm wondering whether later on in his comments he'll also talk about Wajid Khan, or has that been swept under the rug?

The Chair: That's complete debate.

Mr. Lukiwski.

Mr. Tom Lukiwski: Thank you, Mr. Chair, it was a point of debate, but I'd be more than welcome to talk about it because Elections Canada has settled that. To my knowledge, there has been no settlement with Mr. Wilson.

Hon. Dominic LeBlanc: I think it's been swept under the rug.

Some hon. members: Oh, oh!

Mr. Tom Lukiwski: I do appreciate the rug reference. Even though it may be the second time, it was just about as funny as the first time.

Mr. Scott Reid: Some of us are slower in figuring this out.

Hon. Dominic LeBlanc: The settlement included a new hairpiece.

Mr. Tom Lukiwski: Easy.

The Chair: Please, no more on this.

Mr. Scott Reid: Just further to this point of order—

The Chair: It wasn't a point of order; it was debate.

Mr. Scott Reid: I was just wondering if Mr. LeBlanc has an explanation for Mr. Benoit's hair.

Some hon. members: Oh, oh!

The Chair: Excuse me.

Colleagues, that was enough time to allow Mr. Lukiwski to go to the washroom. I'm just telling you right now that sometimes committee members take opportunities that are worth it. They lighten the mood of the room and they're compassionate. I just want to put that on the record, although you aren't leaving, my friend, you are speaking.

Mr. Tom Lukiwski: Any time the chair wishes to have a biological break, a washroom break, that would be much appreciated.

The Chair: It sucks to be you.

Please continue.

Mr. Tom Lukiwski: Thank you.

The other thing that is potentially—

An hon. member: [*Inaudible—Editor*]

Mr. Tom Lukiwski: Well, I think we can get around that, Mr. Proulx.

I'm sorry, Chair, I should have addressed my remarks through you.

A potentially very serious problem, I believe, again with the Liberal Party of Canada, is the situation with respect to many of their leadership candidates. As of January 1 of this year, many of the leadership candidates—I should probably more accurately say contenders, because the four individuals that I will name were certainly a very real part of the leadership convention, and any one of them at one point in time was being touted as a potential winner. But all of these major contenders are seriously in debt. As of January 1 of this year, Mr. Ignatieff was in debt to the tune of \$529,496; Mr. Rae, \$221,522; Mr. Kennedy, \$568,102.10; and the granddaddy of them all, in terms of debt load, Chair, is the leader of the official opposition, Monsieur Dion, who as of January 1 of this year was still in debt to the tune of \$838,707.03.

The reason this is relevant is if these debts aren't paid off by June 3 of this year, the candidates risk violating the Canada Elections Act. They have some options.

• (1245)

Mr. Marcel Proulx: On a point of clarification, I appreciate that Mr. Lukiwski has reminded us of all of this, but I would like to clarify that all of these debts and donations have been fully declared, contrary to what Mr. Harper has now done.

The Chair: You know what? I really want to continue to recognize points of order, but so far I haven't heard any. So I'm going to be very cautious from now on in recognizing points of order.

Mr. Marcel Proulx: But that was a point of clarification.

The Chair: That was debate, and we're back to Mr. Lukiwski.

Mr. Tom Lukiwski: Thank you, Chair.

The reason I mention that, Chair, is I'm wondering whether or not there was a loophole in the act—

The Chair: Excuse me, everybody. Could we write down that Mr. Guimond is leaving for two minutes? Did anybody not get that?

Thank you, Monsieur Guimond. It's very important.

[Translation]

Mr. Michel Guimond: Point of order, Mr. Chairman.

[English]

Mr. Tom Lukiwski: The reason I mention this is because there was a loophole in Elections Canada that we have now closed, and that is, prior to our legislation coming into effect, the leadership candidates could actually go to their donors and ask them to forgive the debt. I'm wondering whether or not that will take place, because we have now, as most here know, changed that legislation and that is now not an option.

It would appear to me, Chair, that if the individuals in question, two of whom are sitting members of Parliament and two of whom will be candidates in upcoming byelections—or is a candidate in one case—and may soon become members of this place, if they have not then paid off their debt by June 3 this year and have not asked the donors to forgive their debt, they could potentially be in violation of the Elections Act.

So I find it, to say the very least, interesting that on one hand the Liberal Party can take the position of alleging that the Conservative Party is violating the Canada Elections Act when, by anyone's

definition, including the definition of Elections Canada itself, we are not. Yet they do not make mention of any desire to bring other cases before this committee. Why not? If there is a sincere desire by the Liberals to examine all alleged illegal activities, why haven't they asked Monsieur Godin to appear before this committee and be investigated? Why have they not called upon Mr. Wilson? Why have they not called the leader of the opposition to come forward and explain his plans to reduce his debt before June 3? After all, \$800,000-plus is a very significant debt load to pay off in approximately four and a half months.

Chair, the only reason they have not asked for these investigations to take place is that it would not be to their political advantage. In fact, it would be quite the opposite. It would be to their political disadvantage. They would have to admit—and by “they”, I mean at least the New Democratic Party and the Liberal Party of Canada—that there are not only some serious questions about the propriety of some of their own members' spending practices, but there is in one case, and that is in the New Democratic Party, a member, Monsieur Godin, who is under active investigation.

Chair, what's right is right, and it would appear to me that if we want to truly and sincerely be the arbiter of all that is in question or under question by Elections Canada, then we should be investigating all such situations. I saw Monsieur Godin yesterday very forcefully and eloquently present himself before the media in the National Press Gallery, the press centre, and state: “We want the Conservatives to stop its filibustering. We want the Conservatives to stop their petty games and we want to get to the bottom of this.” Elections Canada has them under investigation. Yet I listened very carefully, and I have to say that while I'm certainly not fluent *en français*, I had the ability to have his commentary translated to me, so I listened very carefully, very intently, and not once during his dissertation did I hear him say, “Oh by the way, to show that I am an honourable and fair man, I am going to ask the committee to investigate me because I also am under investigation by Elections Canada.

• (1250)

As a matter of fact, I thought perhaps because Monsieur Godin is an honourable man I might have missed it. So I took the time to get the transcripts, and after careful examination of the transcripts, it was confirmed that Monsieur Godin did not mention that he himself is under investigation by Elections Canada.

Chair, I think it's as plain as the nose on your face, it's quite apparent, that Monsieur Godin had no intention of raising his own investigation at that news conference, because of course that wouldn't look good. We all know that this is not about fairness or openness; it's about partisanship, pure and simple.

If we truly want to dispense with this matter, and dispense with it quickly, let's agree to my motion. Or perhaps we can just, as the testimony will indicate, take a hard look at the examples I have raised to date, and I will continue to raise, of contradictions in the opposition position, and in fact in the Elections Canada position with respect to their own stated guidelines for election spending. That, in my view, at least, is the only way to deal with this in a correct manner.

In other words, let's look at what the rules are, agree to what the rules state, examine what the allegations are all about, and then put the two together. I have given myriad examples over the last couple of days that show clearly the contradictions between the positions of the opposition in this matter and Elections Canada's own guidelines.

I would suggest, Chair, that had the opposition been able to present one morsel of evidence to this committee to accompany the motion of Ms. Redman, that would have had far more weight and far more significance than their simply stating that in their opinion some violations occurred. But they didn't. One would think, again, if you're looking at things just from a purely common-sense perspective, that if the Liberals, Bloc Québécois, or the New Democratic Party had any evidence whatsoever, they would have attached those documents to accompany their motion, to state, "Here and now is the hard evidence that suggests we need to have an investigation of the Tories. It's not just our allegations, this is not just political partisanship, but there is some truth, some substance, behind our allegations."

Chair, we saw absolutely none of that. Why? Because there isn't any evidence.

• (1255)

I want, Chair, to continue to give examples of both the Elections Canada guidelines and the apparent contradictions in the actions of opposition parties and also the apparent contradictions—and I would suggest real contradictions—in the allegations levelled against the Conservatives.

Perhaps before I do that, Chair, to again put this in proper context, I will read into the record a column that appeared in the *National Post* that deals directly with this issue. I do this to contextualize and frame the argument that the opposition is attempting to make. Once that's been done, Chair, then we can go into specific examples of both what is contained within Elections Canada guidelines and also what opposition parties have done in compliance or non-compliance with those guidelines.

Let me read this article, Chair. It appeared September 6, 2007, in the *National Post*, and it was a column written by Mr. John Ivison. I read the headline before, Chair, but I will repeat it for the record. The headline that appeared on top of this article reads, "Hardly the same as Adscam, Grits' Attempt To Pin Advertising Fraud On Tories Is Off Base". The byline is Ottawa. It reads:

The louder the Liberals shout about how much more reputable they are than the dastardly Conservatives, the faster one is inclined to count the spoons.

Incredible as it may seem, the party that brought you the sponsorship scandal is now attacking the Tories for an "election fraud" that, if proven, represents a "gross breach of public trust"—a subject on which they have some expertise.

The Liberals rolled out one of their most able performers yesterday, Dominic LeBlanc, to charge that the Conservatives have "orchestrated" an election financing scheme aimed at circumventing the Elections Act on spending limits.

"Is this any different to the athlete who uses performance-enhancing drugs to win a race,"—

An hon. member: [*Inaudible—Editor*]

• (1300)

The Chair: Order, order.

Is there a point of order?

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Yes. We are no longer getting the translation.

[*English*]

Mr. Tom Lukiwski: Translation?

The Chair: Is there a problem with translation?

Mr. Marc Lemay: Yes.

The Chair: My apologies.

An hon. member: Let's suspend until we fix it.

The Chair: No, no.

[*Translation*]

M. Marc Lemay: It is not...

[*English*]

The Chair: That's fine. Thank you very much.

The translators do not have the article in front of them. I'm going to ask Mr. Lukiwski—

Mr. Tom Lukiwski: Sorry about that.

The Chair: —to slow down.

I apologize to all our members, but, Mr. Lukiwski—

Mr. Marc Lemay: No, you go in French.

Mr. Tom Lukiwski: The article is in English and I'm—

The Chair: The other option, of course, is to wait till we get a copy to the translators. It's not my preference to do that. Please speak slowly and let's get the translation correct.

Thank you.

Mr. Tom Lukiwski: Thank you, Chair.

Did the honourable member wish me to start from the top or...?

[*Translation*]

Mr. Marc Lemay: No, it has come back.

[*English*]

Mr. Tom Lukiwski: That's what I thought, that you might want to go back.

The Chair: I'm trying to make sure that there's no way anybody can come back on the chair for disallowing all members to fully appreciate the contents of this discussion.

Is it the member's wish to have this repeated or just to continue from this point at a slower pace? Continue?

[*Translation*]

Mr. Marc Lemay: Mr. Chairman, I would like him to resume from the beginning, but also that he read more slowly in order to give a chance to the interpreters. You must understand that when articles are read very quickly, our poor interpreters are unable to follow.

[*English*]

The Chair: Thank you very much. We will do that.

Mr. Lukiwski, I'm sure you understood that. Please begin the article, and speak a little bit slower.

Mr. Tom Lukiwski: Certainly, Chair.

The louder the Liberals shout about how much more reputable they are than the dastardly Conservatives, the faster one is inclined to count the spoons.

Incredible as it may seem, the party that brought you the sponsorship scandal is now attacking the Tories for an “election fraud” that, if proven, represents a “gross breach of public trust”—a subject on which they have some expertise.

The Liberals rolled out one of their most able performers yesterday, Dominic LeBlanc, to charge—

An hon. member: [*Inaudible—Editor*]

The Chair: Order, please.

Colleagues, I've heard a number of points of order during this meeting, but I have not heard a point of order that calls me to change my mind. The time of this meeting ended at one o'clock.

This meeting is now adjourned.

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

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

**Also available on the Parliament of Canada Web Site at the following address:
Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante :
<http://www.parl.gc.ca>**

The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.

Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.