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Tuesday, February 12, 2008

—
Chair

Mr. Gary Goodyear

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•(1105)

[English]

The Chair (Mr. Gary Goodyear (Cambridge, CPC)): Colleagues, let's bring the meeting to order. I apologize. I was waiting for another party to be represented at the meeting.

Just to bring everyone up to date, on Friday the clerk received a letter that was in order and completely legal. I believe everybody received the amended notice for today's meeting, that pursuant to Standing Order 106(4), a meeting has been requested by four—my understanding is it was actually six, but the minimum is four—members of the committee to discuss their request to consider the second report of the subcommittee on agenda and procedure.

So the purpose of today's meeting is to consider whether or not the committee wishes to take up consideration of the second report of the steering committee. The committee is not being convened to deliberate the second report, but to consider whether we wish to do that.

I need a motion to get that started. I wonder if Madam Redman will be kind enough to turn that phrase into a motion for me.

Hon. Karen Redman (Kitchener Centre, Lib.): Mr. Chair, I move that this committee immediately proceed with the consideration of the second report of the subcommittee and complete that consideration before considering any other committee business.

The Chair: That sounds to me like the second report for the subcommittee, whereas the notice for this meeting was a request to consider the second report, and not actually consider the second report.

Hon. Karen Redman: Then it should say “to proceed to the consideration of the second report”.

The Chair: Sorry, colleagues. There's a little confusion between the clerk and me. He has clarified that Madam Redman's motion is in order and has been moved. So let's debate it.

I'm looking for speakers on this motion. We have to move to go to that business because it isn't in the exact order.

All those in favour of considering the report—

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): It is my intention to debate this. It would be out of order to subvert the process of allowing the committee to establish its own agenda by simply using this circuitous means—by saying we bring forward a motion intended for another purpose, under Standing Order 106(4), of calling a special meeting, and saying this also

allows us to predetermine the agenda of not just this meeting but of the committee at all future meetings. That's out of order.

The Chair: Is there another matter?

Mr. Godin.

Mr. Yvon Godin (Acadie—Bathurst, NDP): On that point, I think it's very clear that this committee is the master of its home, and we just go ahead with our motion.

The Chair: That's fine.

We have motion—I think it is clear—by Madam Redman. It is perfectly okay. The motion has been moved from the floor. And it's also okay that other matters be considered at this meeting. This meeting was convened for one reason; however, Madam Redman put a motion on the floor that we now proceed to considering the second report of the steering committee. That's what we are now debating.

According to the clerk, we need to vote on whether we're going to move to that business.

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Am I to understand you've ruled that Ms. Redman's motion is in order, and you will call the question?

The Chair: Correct. And I'm waiting for that.

Is there another point of order?

Mr. Scott Reid: I'm not sure I understand what's going on here.

Hon. Marlene Jennings: On a point of order, Mr. Chair, according to my understanding of the rules—you've just made two rulings—if a member is not happy with that ruling, that member should challenge your ruling; otherwise there's no debate. You've made a ruling. You're moving the question.

The Chair: There really is no debate on my ruling. However, I don't want to start this meeting off in really bad way. So very briefly, I'm going to allow Mr. Reid, because I've allowed other members, to discuss this. We all know where we're going.

•(1110)

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

I was actually on a point of order when Madam Jennings interrupted me on the theory that her points of order are more important than those of other members, I guess.

Hon. Marlene Jennings: You didn't say point of order.

Mr. Scott Reid: I didn't have the chance, because you interrupted me.

My point of order was simply that I don't actually understand what the ruling is and what the question is you're calling.

Are you calling the question on Madam Redman's motion, or are you calling the question on whether to proceed to the motion that she has just proposed, as opposed to moving to what I think is—if you follow—a debatable question, which she's put forward? Separate from that, there is a question of whether or not the committee wants to move from the letter that caused us to come here to a specific way of putting the question that we will now debate. To me those are two separate things. I'm not sure which of the two you're actually proposing to us.

As a final note, I just want to remind you that just because Marlene Jennings says that you have to rule on things doesn't mean you actually have to rule on them. She doesn't actually make the rules in this House, much as she might want to.

The Chair: Okay. I see that as a point of clarification that's justified.

Here's how we started out the meeting. This meeting was called... and I'll read it exactly so members can understand:

Pursuant to Standing Order 106(4) meeting requested by four...members of the Committee to discuss their request to consider the Second Report of the Subcommittee on Agenda and Procedure.

Herein, I believe, lies the confusion. I was hoping to get a motion for this so that we could discuss the request to consider. I think that's where Mr. Reid is probably confused. I asked Madam Redman to move that motion. Madam Redman moved a slightly different motion, which moves us one step further, and that is that we consider the second report of the subcommittee. That motion, which is slightly different from what I was expecting, is actually a superseding motion and actually is legal and allowed, and the question must be put.

So I think we're all understanding it the same way, but we're just on different levels.

Here we are right now, where Madam Redman has moved a motion that we go to discussing the second report now. That's a legal motion. It's superseding. It has to be answered now.

Mr. Scott Reid: On the same point of order here, Mr. Chair, I think I'm getting closer to understanding this. I think what you're saying here is essentially that a superseding motion can be put, and it's legal to put a superseding motion. That requires a vote as to whether the committee agrees to put the superseding motion, and then at that point, if the committee accepts it—which I think is the likely outcome of a vote—we then go to debating that motion.

The Chair: That is absolutely correct. I will remind members that this type of motion cannot be amended and cannot be debated.

Mr. Scott Reid: I understand now. Thank you, Mr. Chairman.

The Chair: Does everybody understand? I believe we've already put the question, but just for technicalities, I'll say that Madam Redman's motion is in order and I call the question.

(Motion agreed to)

The Chair: Colleagues, we will now move to debate on Madam Redman's motion, and Madam Redman has her hand up first.

Madam Jennings will follow, and I think I saw—nobody's hand is up here clearly—all right, Mr. Reid.

Some hon. members: Oh, oh!

The Chair: Colleagues, we will try to keep things focused today and very civil, please.

Madam Redman.

Hon. Karen Redman: Thank you, Mr. Chair. I'm really pleased, after listening to my colleagues for so long on the other side, to give them the opportunity to perhaps sit back and relax and reflect for a couple of minutes.

I want to underscore the fact that this piece of business has been before this committee for going on eight months now, since last August, and clearly it is the will of the majority of the members of this committee that this have a fulsome debate. This has been brought forward by the steering committee, which is a subset of this larger committee, and clearly, as always, brought forward for the ratification of the entire committee.

Having said that, there is always the assumption that there will be an active informed debate rather than the sad-sack filibuster that we've seen from our Conservative colleagues for these many months. This is an important issue. There are Canadians who—

An hon. member: Really only one colleague.

Hon. Karen Redman: That's true. It was mostly Mr. Lukiwski, who I am sure is very happy to have a bit of a rest.

There are Canadians who have many questions that have gone unanswered. This whole issue is before this committee because Elections Canada found some anomalies that they would not allow to be claimed by the Conservative Party in the election of 2006. It had to do with testimony that we read about in the paper by former Conservative candidates—some are sitting colleagues in the Conservative Party in the House of Commons—as well as official agents, who felt that they were coerced, forced, that pressure was brought to bear on them, to participate in a scheme that they themselves did not feel comfortable dealing with, but in some cases, it was reported, they felt they had no alternative. They were given ultimatums.

So because of this, I think it's something that's very important, that these particular Canadians, and indeed all Canadians, are able to have a fuller debate, and a more informed debate, on how this goes forward. It's a sad state of affairs when this in-and-out scheme that was reported in the media, as well as so many other things that this government has been involved with, comes to light only through media reports.

So I think that it is incumbent on this committee—as we know through the Standing Orders, it's this committee that is charged with dealing with issues surrounding elections, so it's certainly within the purview and the mandate of this committee to deal with these issues. It is only fair that Canadians be able to see the entire story, and not just these media reports. I would contend that, as we've seen in many other committees, the full story needs to come to light, and indeed will come to light, when we're able to proceed with this very important issue.

It'd also underscore the time lag that this committee has been forced to endure on this important issue, and point out that Ottawa is rampant with election talk. One of our real concerns is that Canadians have the full story and that we be able to move forward to a future election, not looking at anybody being compromised by anything that would be systematically dictated from the centre of...in this case it's the Conservative Party, but I would contend of any party. Elections Canada has singled out the Conservative Party alone, and no other party, as perpetrating what has been depicted—certainly in the media—as an in-and-out scheme.

It is very important that we get to that, so time is of the essence.

•(1115)

The Chair: Thank you very much, Madam Redman.

Madam Jennings, please.

Hon. Marlene Jennings: I will be very brief. I support Madam Redman's motion. I move that this committee should move immediately to consider the second report of the subcommittee on agenda and procedure, and I would support concurring in that report. I would hope that the members of this committee will finally move to the business that has been at hand before this committee for close to eight months—if not more than eight months now—and that this report be concurred in.

The Chair: At this moment, are you moving that it be concurred in?

Hon. Marlene Jennings: Yes.

The Chair: We have a new motion on the floor by Madam Jennings, that the second report of the steering committee be now concurred in, which would cause a debate to start on the second report. Is there debate on this motion?

An hon. member: Yes.

The Chair: I'm sorry, I'm going to just check this list. We're now on a new list.

Mr. Lukiwski, I see your hand up—

Some hon. members: Oh, oh!

The Chair: —or your pen...

Mr. Joe Preston (Elgin—Middlesex—London, CPC): My hand was up, but apparently I'm invisible.

The Chair: Well, I saw you put your hand down. In fairness, Mr. Preston, I saw your hand up, but then it went down. If that's a point, I will acknowledge that I did see your hand up first.

Would you like to comment?

•(1120)

Mr. Joe Preston: I would like to comment and give my friend Mr. Lukiwski a small break. I guess he would be next, since you saw his hand at the same time as mine.

We are now talking about a motion to concur in the report. I'd like to make a few points. The first one is that this is a report of a steering committee that we've certainly asked for some changes on over time, so I'll start with the thought that we're talking about a motion from a steering committee on which the government is not represented.

Chair, I know you chair the steering committee, but there's no discussion at the table from government members of the steering committee. It seems a bit of a railroad, a bit of a forced issue when a committee that's deciding the agenda of the whole committee of procedure and House affairs does not have a representative from the government. Most people would find it somewhat odd and somewhat discouraging that although the steering committee meets to set the agenda, the way this committee will move forward, the voice of one whole section of the House of Commons is not even heard at that meeting. I would certainly challenge any of the members from across the table to say differently, that the government had a voice at the steering committee meeting that set the agenda.

I know this committee tends to work very collegially for the most part and usually comes to a consensus as to how it will work or what it will work on. Apparently the steering committee does not work the same way. The thought process in the past has been that this committee would always look at legislation that comes before it. I know the people of my riding, Elgin—Middlesex—London, and I would be reasonably assured that most ridings around the country send us here to do the job of legislators, to work on legislation. I think it goes without saying that this is exactly what we're sent here to do.

In looking at the matters the steering committee had to look at, we certainly have legislation. It's been said a couple of times, even this morning, that this matter has been before us since September. You may have thought about it in August, but we first met on September 10. So from September on we've been looking at this matter, but at that very meeting, that September 10 meeting, as we moved toward what the steering committee is railroading before us now, the talk of Madam Redman's motion, we talked about Bill C-6, we talked about bill voting. At that time there was an issue before us, a piece of legislation to use photo ID to identify voters, and it is still before this committee.

So I guess what's being said by the notorious six or seven signatories to the meeting is that legislation doesn't matter anymore, that this committee can only work on its railroad issues, on what's being forced down the throat of this committee by a steering committee on which the Conservative Party is not even represented, where the Government of Canada is not even represented.

I've been on this committee through this whole House, and we started off as a very collegial committee. I continue to think of procedure and House affairs as the committee of all committees. It's the committee that assigns members to other committees. To put it in a nice way, it's the committee that all other committees strive to be. We've lost that. This group has now become a partisan pack of wolves that continues to want to put forward....

An hon. member: And then filibuster.

Mr. Joe Preston: I'm yelled at from across the room, "And then filibuster". Well, I guess if that's the only method left, if we're not represented at the steering committee, when will we be represented? When will the people...?

An hon. member: [*Inaudible—Editor*]

Mr. Joe Preston: Well, that's it. So here's when you're going to listen to me about it, because you won't let me sit at the steering committee and help you plan the agenda. You can call it a filibuster; I'm going to say it's getting in our two cents' worth. It's allowing the people of Canada to understand that we want to be part of the planning process for this committee.

● (1125)

I firmly believe that it isn't about railroading through a partisan issue; it's about setting the tone for this committee and its future work and the work it will do in looking at legislation. I think it's always been said by this group and by those who sat on this committee before us that legislation means something. Legislation is the work we're here for.

What we're being asked to look at is in no way legislation. It's not even investigating rules and regulations. I guess that within a wide, wide scope, Elections Canada falls under the control of this committee in the sense that legislation that involves Elections Canada comes to this committee to be ratified and voted on and amended before it goes back to the House.

I guess, using a very broad stroke, that brings us to the place we are today. But you know, in all the research I've been able to do.... I will admit that I'm still fairly new to this place. After two elections and three and a half years, I don't have the experience of Monsieur Guimond or Monsieur Godin or Madam Redman or Madam Jennings or Dominic—I don't want to leave you out; I guess I'd better mention you all—and Marcel and Pauline.

I don't have the same experience, but I've done my homework. It does not seem that the reason for having this committee is to investigate witch hunts. It just doesn't seem to be it. This Standing Committee on Procedure and House Affairs is actually here for the sole purpose of looking at legislation, looking at moving forward legislation that comes to us. And investigating the matters of Elections Canada would certainly be part of that. The legislation awaiting us on Bill C-6 is still waiting. We've talked about this one for eight months. Well, Bill C-6 has been here and back and here and back, and it is still waiting.

Madam Redman talked about there being election talk in the air. Well, we all know that it may be in the air, but it will be up to the other parties in this House to actually force the situation and cause an election. If they do, wouldn't it have been good to deliver to the

Chief Electoral Officer the rulings on veiled voting and on voter ID and significant voter ID changes that seemed to be wanted by almost all parties on this committee? We moved forward on that. And now we're here again, waiting behind a motion that's a witch hunt, a motion that's here to look at only one party.

This committee doesn't work that way. This committee works by consensus and looks at all things. Mr. Lukiwski moved a motion and spoke at length about it last week. I guess I may end up repeating some of the things he said, but this is about fairness, first of all, on the steering committee, where we're not represented. And now a fairness situation that we're talking about—

An hon. member: We're not represented?

Mr. Joe Preston: Okay, I'll answer the question from across the table.

We're not represented. Yes, Mr. Goodyear gets to sit there and chair the committee, but as the great chair he is, he sits there and runs the meeting. He doesn't have input. The input is from the steering committee. The committee does the work around the chair. The chair is there to make sure the procedures and rules are followed. Of course, none of us is allowed to be at the steering committee, so we can't say exactly what happens. I can only assume, knowing Mr. Goodyear as I do, that he follows those rules. That's our representation at the committee: he's the chair.

So where's the government representation? Where's the person on the steering committee arguing for legislation to move forward? Where is the sober second thought, if you will, or the sober thought we need to look at legislation rather than just at this witch hunt that's been on the table for eight months? Well, apparently it isn't there.

The opposition parties like it that way. They can put together a steering committee report and make it look almost official. It comes out on good letterhead, and it says, here's what we're going to look at. Yet one party has been completely missed in the putting together of that report. It has not even been discussed fully by all parties. It just says that this is what we're going to do. It's been predecided.

● (1130)

I understand minority governments. I have, in my short career, been on both sides—in the opposition and now in government in a minority situation—and I understand there are hardships sometimes in really trying to get your point through and get your point across. But I do understand very clearly that the voters of this country send us here to be legislators, to make legislation. I think this committee in its past has clearly done that. It has put legislation first and said, here's what we should work on, and we'll do other studies.

I know, Chair, that other studies have taken place during gaps between legislation. This committee working together, working in a very collegial manner, has also done a great study of some of the ethics situations regarding some of the documents needed from members of Parliament for reporting. I know that we even started, Mr. Chair, a study of security at one point, and moved that off onto the board.

We've done other things. This committee can do other things. That's not the point I'm making. At every point, we've always moved back to the fact that legislation takes precedence. Legislation is one of the most important things we can come up with as a committee, and we really, truly need to do that. When legislation is before us, I won't say we should take our partisan hats off, because we'll always still want our own political philosophies to work on those pieces of legislation, but at least we take off our jackets and work hard on the legislation to make sure we move forward in this country with corrective legislation.

The one we're talking about, Bill C-6, the one that is still waiting for us from the summer, is about using visual ID for people voting. I know it's been very critical and has been talked about across this country and certainly been the topic of headlines and news stories, because there are many people out there...and I can only speak for those who have spoken to me personally in my own riding, who say they have to show ID to get on an airplane. Some of the young people in my riding point out to me that they have to show ID to even get into a bar. I don't have to. Apparently I'm old enough now, and appear to be old enough that it doesn't happen to me, but I know Madam Redman would obviously be asked for ID.

The most important thing is that the casting of a vote in an election in this country did not require the showing of photo ID. It didn't happen, and I don't get it. We've asked that it does. We've put forward legislation. We put forward what we thought was very good legislation, saying that you would need to show photo ID. I used the point once with the Chief Electoral Officer, asking what part of photo ID he didn't understand, but he had some trouble with it. So this committee went back to work. We tried to say that if you show a piece of photo ID you may want to have to show the face to make sure that worked.

So this is part of Bill C-6 and where we are now. We hope we've corrected the piece we needed to correct. The people back in my riding have asked me why that wouldn't be important. Why wouldn't showing ID to be able to vote in this country be an important thing?

So here we sit with a piece of legislation waiting, but this committee wants to go on a more partisan witch hunt instead, and by its railroad committee—I guess I mean steering committee—it has put this report forward.

I think the fairness piece comes out pretty clearly. I think people back home understand this. This isn't about being able to gang up and get your way. It's not about being a bully in the school yard and if you don't get your way you're taking your ball and going home. But that's how they're acting. I don't believe it myself, because I know them to be honourable women and gentlemen, but I assume it's due to direction from their party. I know that at least the official opposition has some trouble with leadership, but they must be getting their orders from somewhere. So we've talked about how

long it's been and how we're waiting and that this motion keeps coming forward, and it's something we have to deal with.

● (1135)

The real point is that my friend Mr. Lukiwski spoke at length a couple of times in the last week or so, and I thought he made some very good points. I'm going to share some of them with you again, because obviously they didn't make it all the way through.

Mr. Lukiwski talked about how we would immediately, even though this committee has not...or in the past has not shown cases of going into this type of investigation. This committee is more about legislation and regulations than it is about investigating...“frivolous” complaints is what I want to say, and I guess I'll leave it that way.

But we would do that. We would. We even said, “Let's get at 'er.” The idea here is let's make it so that we can look at all parties at the same time and see if there are corrections needed in the rules and regulations of election financing. We would come up with a report, after this committee looked at it, with something that we could do.

No, that isn't what the steering committee asked us. That isn't what the motion we're now discussing asks us to get to. The motion asks us to go on a witch hunt, asks us to go one-sided and only look at one thing. It isn't what the work of this committee is and it isn't what we've done in the past.

As a matter of fact, maybe I should remind this committee that at the first meeting, September 10, when we were called back again by a Standing Order 106(4) motion to come here and talk about this, the chair... I've already said what a good chair we have, and how he tends to look at all sides of the issue. But in this one, on that day, on September 10, I put forward a motion that we move directly to dealing with Bill C-6 instead. And we did. We started talking about Bill C-6, and we did a little bit of it.

We actually then got back to this motion, this witch hunt motion, and the chair said, “You know what? I don't understand. I'm not certain I like the motion. I'm not sure it's clear. I'm not sure it's what this committee does. I think there is some prejudice in it, since it's before the courts. I need the chance to go away and research this tonight.”

So while the rest of us had fun and frolic here in Ottawa in early September, I know that the chair spent the night looking at the motion, really thinking about whether this motion was in order and whether it actually passed.

And guess what? Maybe you won't remember...

Mr. Chair, I see the members from the other side talking amongst themselves, and I want to make sure they hear this point. I really want you to watch them and make sure they are actually hearing this.

I remember you once giving us, Mr. Chair, a very thoughtful, well-thought-out, well-constructed, and well-researched motion. You even brought the law clerk in on this, to talk about this motion. You ruled very clearly that it was out of order. The motion did not fit what a motion would do for the procedure and House affairs committee.

This was a really clear piece, and I know you spent a great deal of time on it. You really looked at those questions: is this something this committee should do, is the motion in order, and is there some prejudice when cases are before the courts?

And guess what? I know you will remember, Chair, and I'm hoping the members opposite also will remember, that you came back and told us that with the advice of the law clerk, this motion was out of order. It did not fit. It was not something we should do. It was clearly prejudicial, and we should not accept this motion.

But guess what happened? Boy, it was like a flash. You said it was out of order. They challenged your ruling and, like another railroad, just ran right over top of your ruling. They said that the advice, and the time you took to make sure the ruling was in order, the time you took to make sure the ruling was fit for this committee, didn't matter.

Mr. Chair, the Standing Committee on Procedure and House Affairs has always been a fine institution, and it should be careful as to what it considers and what it doesn't consider. You said no, and you did a great job. You took the time and brought together the resources. I know that some of the researchers spent some time with you on it.

It was September 10 when you went away to research it, and I don't think we came back until September 12. You really wanted that time, that 48 hours, to look at the cause and effect of putting forward a motion like this.

• (1140)

Well, there it was. You ruled against it. You said, "This is not fine. In the tradition of procedure and House affairs, it's not the type of thing this committee looks at. It is just wrong. It doesn't fit the mandate." Boy, no sooner had the words come out of your mouth than somebody over there said, "I challenge the ruling of the committee", and—boom—a vote happened, and it was done. We're still looking at it.

Madam Redman said it this morning; we're still looking at that, Chair. We're still looking at it eight months later. It still doesn't make it right. It still doesn't make the ruling wrong. The ruling was that this was an out-of-order motion. In a real place with good common sense, that motion would have died that day. It might have had to be rewritten. I'm not saying it couldn't have been fixed, but there was no attempt to even fix it. There was just an attempt to pile it back on. Here it is. Sorry, we don't care that you don't like it, Chair. We don't care that you spent all night looking at it. We don't care that the law clerk also agrees with you or found parts of it out of order. We don't care about any of that. We don't care if it's the right thing to do or the wrong thing to do. It's the partisan thing to do. We're going to slam it

forward, Mr. Chair. Over your dead body, we're bringing it forward. That's what they said to you.

I can't believe it, because I know you to be a great person. I can't believe that they would do something like that to the chair of this committee, but they did. That was back in September. So we want to talk eight months of moving forward.

Well, eight months ago, this thing died. It was brought to an end. And there it was, brought back to life because the bullies in the school yard said that if we didn't play with their ball, they were going home. That's what they said.

I'm sorry, Mr. Chair, I think Mr. Godin is starting to see the light.

An hon. member: You're making a compelling argument.

The Chair: We'll get him something next.

Mr. Joe Preston: Through you, I think honestly if I could keep this up for a little while longer, he might actually come around. The chairs have wheels, and I'll make the room. If that's the way we'd like to do it, we can go that way.

He's given me a challenge, Mr. Chair, so we'll keep working towards that.

I'm also looking at other things that this committee could be looking at. The steering committee sat there and said no, we want our partisan witch hunt. We want it at the top of the list. And what does it say? I think it says it here, "take priority over the other work of the Committee". What about legislation? What about the running of this country?

Mr. Chair, through you—and you are a member of Parliament too—do you believe that the great people of Cambridge, the centre of the universe, actually sent you here to talk about a partisan witch hunt, or did they send you here to do legislation, to make the rules and laws of this country better? Do you think they sent you here to listen to the partisanship of this? I don't think so.

I know that the people in Elgin—Middlesex—London, where I come from, didn't do that. They didn't send me here to—and I apologize—through you, Mr. Chair, listen to Mr. Lukiwski for six hours talking about how wrong this is. If they had known they were going to do that to me, they would have kept me home. I think that was the case. It was six and a half hours.

An hon. member: Who's counting?

Mr. Joe Preston: Well, there was about half an hour's worth of comment from near you that day.

They didn't send us here to do this. They really didn't. But when you're dealt the hand that you know is a winning hand, that you know has right on your side.... We're here to do the job, and we know we are. When you know you're right, it's not hard to sit and talk and to make your points and make them well. It's just not hard to do it when you know you have right on your side.

We do in this case. The steering committee—the railroad committee of procedure and House affairs—got together and said, let's only look at one thing. What did I say? Yes, “take priority over the other work of the Committee”. I can't believe that even in the most arrogant of situations, someone would say that for any matter, even if it were a good piece of legislation, we'd write that it could take priority over all of the other work of the committee.

• (1145)

What if, God forbid, something comes up? Well, sorry, this witch hunt takes priority. It doesn't matter what it is. It doesn't matter that there's legislation. It doesn't matter that there are other things that this committee could clearly look at that are far more under its jurisdiction. No, it does not matter. The members of the subcommittee on agenda and procedure of the Standing Committee on Procedure and House Affairs decided there's only one thing it wanted to look at. There's only one thing that mattered to them.

I wonder if the people back in their ridings think this is the most important thing that could ever work for them. I just wonder that, because I would guess that if they went home and listened, they might find out differently—Mr. Chair, through you, rather than talking to them. I think they might find out that they've made a mistake, that being partisan in a committee that always worked together from a collegial point of view is probably not the way to go.

What else could we be working on? I've mentioned Bill C-6, and an important piece of legislation it is. Ms. Redman talked this morning about the sound of election in the air, and she's right. There's lots of talk. Wouldn't we like to have that piece of legislation done? Wouldn't we like to ensure that there isn't the same opportunity for fraudulent voting that there may have been before Bill C-6, before we go to the next general election? Wouldn't we like to make sure that was the case? This committee, when it was working on that piece of legislation, said that. We said yes, we need to work on this; we need to make sure we cover this, that we get this done. Why did we do that?

I know, Monsieur Godin, your party may have just a slightly different view on what I'm saying, but the rest all said yes. The rest all said that we need to have voter ID, that we need to have some sort of photo ID system.

There are variances. There are different ways. We talked about different ways to do it, but we all thought that this was an important piece of legislation to be done before we got to the next election. Do you know what? On September 10, when we first talked about it, there were some byelections coming up, so we had to hurry. We felt that we really needed to get to Bill C-6 before these byelections. Well, they've come and gone. Those people have been elected, and here we sit now getting ready for a general election, perhaps.

This very committee worked on a piece of legislation establishing a fixed election date, the date for our next elections: the third Monday in October in the fourth year following every election. So that's October 19, 2009, a fixed election date. There we have it. We no longer allow the Prime Minister, as was done in the past under Liberal prime ministers, to just pick and choose, as they chose, to have an election whenever they felt it was time. We have a Prime Minister with honour now who says, “Let's fix a date and that's what I'll be held to.” Right? Unless, of course, confidence comes forward

and the opposition decides that they want an election more than the people of Canada want one. There you go.

The Chair: Excuse me, colleagues. I do see two members of opposing parties having a discussion, and I'm thoroughly hoping that there's a negotiated settlement here. However, I'm having trouble listening to the member. So I invite the colleagues to continue with their conversations, but maybe not so close to the chair.

Mr. Preston, please.

Mr. Joe Preston: I know that I have one significant flaw in my character; whenever I'm interrupted I forget what I've already said. I may have to go backwards.

Chair, I wonder if you can pass the list down so I'll know what I have covered. Maybe I can refer to it to ensure I've covered it well, because it's important. I think I was on fixed election dates and the honour of this Prime Minister coming forward with legislation that fixed a date in time, rather than being able to pick and choose among all dates as to when an election might be

. So that's where we stand. We stand now at a piece of legislation that this committee spent time on.

Boy, wasn't it good working on legislation? Wasn't it good really accomplishing those pieces of legislation? I always felt good when legislation passed through committee, we got it done, put it back to the House, and it became law in this country. I think that's what we were sent here for. You feel the pride. You feel what is right.

Occasionally you lose too. Occasionally your philosophies and principles are different from those of others, and a piece of legislation gets modified or changed, but you were still part of it. You were still there when it happened. You were still there making it happen and changing this country, hopefully for the better, because democracy works that way sometimes too. It's a bit ugly, but it works. Democracy: that's where everyone has a vote, and at the end of the day the majority works.

Why is the steering committee not that way, Chair? Why is the steering committee missing representation? We talk about democracy and moving forward. We talk about electoral reform and what good this committee does, yet even this committee is scheduled by a steering committee that doesn't follow the same rules that we'd like to see the country have—the same level of care, of listening to all.

It doesn't matter that their opinions are different from mine. We will have philosophical differences. We will have times when Marcel and I may not agree; it just might happen. But we each have a voice. We each have a chance to debate the same pieces of legislation, give our thoughts and concerns, go home, and even collect the thoughts of the members of our constituencies and bring them forward. We always try to do as much of that as we possibly can. Then we bring them back to this committee and discuss them openly. Sometimes we win and sometimes we lose.

But why doesn't the steering committee that schedules this committee have the same democracy? How did we get there? Sometimes you shake your head.

I was saying to a member of the press yesterday that sometimes you get frustrated in this job. Sometimes you say, why in the heck did I come here to do this? Because the frustration sets in.

Here's another case of it. Rules and regulations are written and followed, but sometimes they don't make sense. Sometimes common sense makes more sense than the rules and regulations that are there for us to follow.

Here's another case. We have the case of a scheduling committee. It doesn't sound like much. It doesn't sound like it could do much damage, so we ignore it. Little do we know. Take a look. Here we are thinking that the steering committee didn't mean all that much. When we first established it, what did I care? It's a group of two or three members getting together to talk about what this committee could look at next. How much damage could that do, I asked myself. I didn't really—but I did just now.

How much damage could it really do? Well, look at what happens when you don't mind the Ps and Qs, when you don't cross *r*'s and dot the *i*'s properly. We get to this case; we get to a case where we have a committee that can actually do this.

•(1150)

Chair, look at what they've caused. Here we are. We continue to talk about one issue. Is it important? I guess it could be determined whether it is or isn't. But we continue to talk about that issue because, as a group, on the day we set down the regulations for this committee, we weren't aware the steering committee was not in balance, that it didn't work properly, and that it was dysfunctional.

An hon. member: We brought it up.

Mr. Joe Preston: I think we did bring it up, but maybe we had another one of those railroad things going on whereby they voted against us.

So here we are, not represented. Here I am. I know I'm just a small guy, literally. We are not represented on this committee. I know it's hard for me to be invisible. I know it's tough. But what am I? I'm hard to hide.

I think there is an injustice in this place. I think this committee didn't think it through, that we could be well on to doing things that we could be a lot prouder of. We could really, truly be there if we had just fixed that flaw in the steering committee way back then.

Am I saying it would have made a difference in this case? I don't know. It would still only have been one government member against the world. I could break into song there, I guess, but it would still only be that. But at least I would have felt we had a say. I would have thought we had a way forward. I could hold my head up and say that democracy prevailed, we were there, I was right, I made my case, however the schedule went this way. But we don't even get that. We don't even get the chance to be there.

Something is wrong with this, Chair. Something is really wrong when the steering committee is only allowed to look at one piece and say that's what they want, to grab the bit in their teeth and just run

with it and that's what they want and that's what they're going to do, come hell or high water. If you don't mind an old saying, Chair, that's what we're going to work on. I've got to tell you, here we are, and it doesn't feel like high water, Chair.

We've just got one topic we're going to deal with. That's what they're saying to us. Only one thing matters to us. The people of Canada be damned; there's only one thing we're going to talk about and that is the topic we're here to talk about today, the motion that's been put forward that this steering committee will only look at Ms. Redman's motion and it will take priority over the other work of the committee.

If indeed we were working on legislation, I could almost live with that last sentence. Working on legislation will take priority over all the work of the committee. I think if the steering committee had come forward and said that, I might even have said that's all right. If we're working on legislation, that could take priority over the other work.

But it didn't say that. It didn't say we'd work on Bill C-6, the piece of legislation that's before us. It didn't talk about the performance report of the office of the Chief Electoral Officer that's before this committee that needs to be looked at, at some point. It's another piece of work for this committee. Did they say we should work on that? No.

It says that this motion, this witch hunt, as Mr. Lukiwski talked about last week, this unfairness that this committee should investigate the actions.... Not look at, not determine, not decide whether there is a piece of election financing that needs to be changed, as is truly the purview of this committee, to look at regulations that have to do with elections.... No, let's investigate a party.

And not all of them. No, Chair. I know you're surprised. You have a surprised look on your face. Not four parties, not look at all parties, not even look at maybe five, six, seven parties. There are other parties out there besides the four represented in this House. Don't look at them all. Don't look at how other people have done elections—no, no, no. Let's just drill down to only one thing. Let's only look at one thing.

I know it's unbelievable. It's the action of bullies in the schoolyard. It's exactly that. It's saying we're only going to do one thing, and we're going to gang up and make sure it happens whether you want it to or not. It's a sad commentary on this place. It truly is.

The word "partisan" comes up in our vocabulary here—

•(1155)

Mr. Pierre Lemieux (Glengarry—Prescott—Russell, CPC): I have a point of order, Mr. Chair.

The Chair: There is a point of order, please.

Mr. Pierre Lemieux: There is too much noise over on that side. I can hardly hear.

The Chair: Thank you.

Colleagues, again—

Mr. Joe Preston: And I'm trying to speak loudly.

The Chair: Yes. I know who it is.

I can hear a lot of that background noise. I am not discouraging it; I'm just asking members to be a little quieter as they're discussing away from the table. And that's true too—you can step out of the room and have your discussions.

Thank you for that.

Mr. Preston, I'm sorry. You're back.

Another point of order?

Mr. Yvon Godin: Mr. Chair, if we use these, we can hear better.

The Chair: Thank you, Mr. Godin. The point has been made.

I'm cautioning members for probably the third time: keep the noise down, please.

Mr. Preston.

Mr. Joe Preston: I come equipped with my own earpieces. I blame it on rock and roll music in my youth, but that's a topic for another day, or maybe it's a topic for this day.

Now that hearing has been brought up at the committee, we could talk a bit about that. I'm not certain we're hearing Canadians or the constituents back home. I'm not sure that any of them are yelling, "Could you please go to Ottawa and go on a witch hunt?" I've been home, and I don't think they've said that. I read my newspapers, even from here, and I don't think anybody in the riding is saying, "Please go to Ottawa and join in that witch hunt that's happening in the procedure and House affairs committee." Nobody is saying that; nobody, I tell you. I haven't heard it once.

We may think this is important, and I can only assume that the opposition members believe that's the case, because otherwise why would they do this?

I've not heard from one member of the general public that we should look at this election spending thing. They want us to fix it. If it's broken, fix it. If it's not, then leave it alone and get on with your work and get the other stuff done. That's what we are sent here to do. We're actually sent here to work on legislation.

Now, did the steering committee say that? Let me read the report. It doesn't say anything about legislation anywhere in this report. Did you want me to read it out loud, Chair? I could read it, but the answer is no, they didn't say let's look at legislation.

They had to have discussed the legislation that is before this committee. They had to have discussed it at the steering committee. I know the steering committee is held in camera and therefore can't be... I wasn't there, so I think I can talk about it. I recognize that perhaps the members who were there can't talk about it, because it's held in camera, but they had to have discussed the legislation. I can't believe the incompetence of the steering committee would be such that they would not talk about the legislation before this committee.

Can you believe it, Chair? You might have been there, so I know you can't say, and I know you have no voice at the committee either. You can't say before, during, or after... But I assume legislation was talked about. I can't believe the steering committee would have sat there and said, "You know, we have Bill C-6 still. We should...".

How could you sit at the steering committee for procedure and House affairs and say, "We have a piece of legislation that's

important in this country. It is so important it has come back to this committee a couple of times to make sure that the Chief Electoral Officer gets it." But it came back here. Do you know what they must have said at steering committee? They must have said it doesn't matter.

• (1200)

Mr. Yvon Godin: On a point of order, that's in camera. You're not supposed to talk about what happens there.

Mr. Joe Preston: Well, I wasn't there, so I can certainly talk about what I think you did.

The Chair: On the point of order, please.

Monsieur Godin, he was being hypothetical.

Mr. Yvon Godin: Oh, hypothetical. I got scared.

The Chair: Thank you. Don't fear.

Mr. Preston.

Mr. Joe Preston: Chair, through you to whoever cares, could the steering committee actually have met and not discussed legislation? Chair, I just can't believe that the steering committee could actually have met and not said at some point.... I recognize that it may have been way down their list, and I recognize that the agenda probably went witch hunt, talk about witch hunt, some more about witch hunt, maybe legislation, and then finish off with witch hunt. But the legislation was still in there.

There's legislation before this committee that needs to be dealt with. I can't imagine the steering committee on scheduling for this committee not talking about legislation at its steering committee meetings. But I get the report, I get the second report—they've obviously met before, because this is the second report—and there's no legislation on here, Chair. There's no legislation. It says, "Your Subcommittee met on Tuesday, January 29, 2008, to consider the business of the Committee and agreed to make the following recommendation".

So they considered the business of this committee. What is the business of this committee? What's the title of this committee? It is the Standing Committee on Procedure and House Affairs. Here we are. We're talking about procedure and House affairs. Election financing I don't find anywhere in there, but we'll get there. I'll make this circle.

They're going to consider the business of the committee. So wouldn't legislation come under procedure and House affairs? I would think it might.

There's Bill C-6 on voter identification. There it is. Look, there's a whole bill. It's not very big. In English it's eight pages, eight pages of what we wanted to do to send a message to the Chief Electoral Officer—I thank you for this, Mr. Lukiwski, because I didn't bring my copy of it today—and *en français, huit pages*.

We're still there.

The answer here is, we didn't. We must have. This committee must have spoken of legislation when it met.

I know that this government is not represented on the steering committee. I'm not sure if I've made that point, but we're not on that committee. You sit there and chair it, so Chair, through you to the other members who might be on the committee.... And I'm not sure I could point them out. They probably should be wearing some sort of identification so they can be blamed. It is the steering committee, so a scarlet *S*, or an *R*, for railroad, might work.

However, they met, and we know in our hearts—we can't know for sure because of the in camera nature of the subcommittee—that they must have spoken of legislation. I can't believe that the good men and women of the opposition would only speak of the witch hunt that they're attempting to reach. No, they must have said that there is legislation. But do you know what? They chose not to deal with legislation. A group of men and women on that steering committee chose to deal only with this issue. They wanted it to take priority over the other work of the committee.

This is through you, Chair, to Mr. Lukiwski. He spoke last week about the fact that even on the subject matter they want to bring forward, if it was covered, we could and would say, "Let's look at all of us. Let's open all our books. Let's do this study if it needs to be done."

I suggest that we deal with the legislation first, because it just makes sense that good legislators would come here and deal with legislation first. But when we're done.... I think we could do it in short order. We could deal with Bill C-6 and some of the other items that are outstanding matters before this committee and then actually get to this, actually get to an element of what this motion says.

But let's at least, then, add fairness to it. Let's at least add some common sense to it. If we're going to look at election financing, let's look at it all. We've said that we would throw open our books. Here they are. There they are, done. Let's all do it. Let's do it all. Let's look at all of them. No, that's not what the steering committee wants. It's not even what the members of the whole committee want. No, they would rather be the schoolyard bullies and say that unless they get their way, they're taking their ball and going home.

● (1205)

It doesn't have anything to do with looking at anybody's books. It only has to do with slinging as much mud as possible.

Hon. Karen Redman: On a point of order, Mr. Chair, I am listening with intent, and I know you're taking notes. I'm just wondering, when Mr. Preston uses tired clichés, if he could rotate them through so it's not always the same two or three.

The Chair: That's not a point of order, but it's not a bad suggestion. That's definitely debate, not a point of order.

Mr. Preston, you're back.

Mr. Joe Preston: Through you, Mr. Chair, to Madam Redman, I will do my best.

I have only a small amount to work with today. When the steering committee leaves me only that topic to work with because they chose not to deal with legislation, it's all I have.

So I'm going to make the point that we have to get to where we lose the dysfunction. We have to get back to doing the work that the good people of Canada sent us here—

An hon. member: [*Inaudible—Editor*]

The Chair: Order, please.

Mr. Joe Preston: That's great. I was learning some grammar there, so I'm getting better. It's something I could use at a future date or maybe later on in this dissertation.

An hon. member: Gary, would you send us a copy?

Mr. Joe Preston: Mr. Chair, if it would be useful after a while, we could all use a copy of what I said, so that we could get to the end of it.

I'm going to go back. Madam Redman talked about September 19—or August, she said, but it truly was September 19 when we met first to start down this road. Since then, it's not as if the committee has come to a halt. We actually have had meetings where we dealt with legislation and got things done.

I don't know where they fell or how it happened. I know once in a while it would be brought up: "What about Ms. Redman's motion?" But we actually did get work done. How did we slip off that hill? How did we get to the point where apparently no work can get done and we must now only talk about this? Sometimes we have talked about it at length. Apparently, the point is that the leadership from the other side is saying, that's all you can talk about. Let's only go there.

We're saying, let's talk about all. Let's talk about legislation. We're trying to throw some choices out here. Let me know. Can I get a nod from the other side, Chair, when I hit on something that we could actually talk about that isn't just this, that isn't just the steering committee's report about non-legislative work?

I hear from the other side, what about in and out; what about election financing? We're happy to. I'm sure Mr. Lukiwski said it maybe once—I'm not sure, he might have repeated himself; he might have said it twice in his conversation last week—that we'd be happy to go to it today. We'd be happy to bring it out, get it on. Pitter-patter, he might even have said last week, if we open all the books, if it's a fairness thing. If it's about all of us, we could do it. If it's about all of us, we'll talk about it tomorrow. But apparently it's not about all of us. Apparently it's only a witch hunt. Apparently it's only the ability to sling as much mud as possible on the governing party in this country before what might be an election.

I think most Canadians see through this. Most Canadians see that's exactly what it is. If you can't find a real scandal, try to invent one. The party that needs to invent it is trying to invent it. We're not letting it happen. It isn't going to go that way.

Let's talk about what else the steering committee could have talked about. These are outstanding matters for this committee. These are things that this committee could work on.

Bill C-6. Oh, I think we might have talked about that one. That's the legislation. It was referred back to this committee on November 15, so we had it in September, and I know we did talk about it then. But it says the bill was referred to the committee on November 15.

The performance report of the Office of the Chief Electoral Officer has been tabled in the House since November 1. We need to look at it. Apparently this committee must look at that pursuant to Standing Order 32(5).

We could review the provisions in Bill C-3, which is an act to amend the Canada Elections Act and the Income Tax Act. Again, the Canada Elections Act is under the jurisdiction of the procedure and House affairs committee. This is dealing with, I think, the Figueroa case, and there is a statutory requirement on that. I think we're required to look at this case by a certain date coming up very shortly.

Did the steering committee think of that? Did the steering committee actually sit there and say, you know, there's a statutory requirement that the committee look at the Figueroa case by May 11? Did they really sit there and say that's not important and decide to go on a witch hunt instead?

• (1210)

That's all I can assume, Chair, because the report from the steering committee simply says that. All I can assume is that they said they knew they were supposed to do their work but they decided to do this instead. That's what it says. If I were on the steering committee, I might be embarrassed by that, Chair, but as I've shared with you, no member of the government is on the steering committee.

Mr. Marcel Proulx (Hull—Aylmer, Lib.): I have a point of order.

The Chair: Point of order, Mr. Proulx.

Mr. Marcel Proulx: I'd like to remind my colleague that you, Mr. Chair, are also chair of the steering committee, so therefore you're part of the committee.

The Chair: Thank you very much. The member is correct.

Mr. Preston, please continue.

Mr. Joe Preston: That may be. Perhaps I could speak just a little to that point of order while I'm here, Chair.

I know that you get to sit there as part of the steering committee, and I know you do well, much as you're sitting here during part of this committee. I know in your heart you're participating, but I know how much you don't get to participate. You must be the chair. You have to be impartial, and you have to sit there and deal with the items of the committee, not the items of the legislation.

As I've heard in the past, and certainly when we were in opposition, chairs participating in committee, actually taking over and asking... You do a little of that, Chair. You're a wise man. You sit there, and you consider both sides of the issue and make sure that we stay straight. So as my honourable colleague opposite says, yes, you are there as part of that committee. I will give you that, but are you an active part? I think not. I think that the democracy of the

committee, the active work of the committee is done only by opposition members.

Well, I think I can show us proof that their second report says that pretty clearly. Their second report says, and I've said it a couple of times here...maybe I'm not loud enough today. I'll try to be a little louder, I guess. It says, "take priority over the other work of the Committee."

That's what the steering committee said to do. I know that if you had been an active part of the committee, you'd never have allowed that to come through that way. So there we are: a committee that is undemocratic for a committee that works on the democracy of this country. I think the people back home may have some problem with that.

What else could the committee be working on? Obviously we've talked in the past about the video clips of the House of Commons proceedings and other video recording. I think that probably falls on the same level as what the steering committee brought forward as work. It's busy work. It's something we could work on between pieces of legislation. It's not what we could work on instead of legislation, Chair; it's what we could work on. It does need to be done. It's not to say it's not important, and I'm certain some of the people who do the videotaping around here and other people who'd like to use those video clips outside of this House need a ruling on it from this committee. They need it to be... It's a procedure. It's a House affair. It fits in there. It's stuff we do. But is it legislation? I don't think it's legislation, but we need to get at it.

We mentioned parliamentary security. That is still ongoing. We're still talking about it. I know that from another committee, at which I still deal with it too, but this committee had it on there.

I mentioned also that this committee did some great work on the conflict of interest codes. It comes to us. Many members of Parliament talked to us about how frustrated they were with the conflict of interest codes, how onerous it had become, how some of the work that was being asked of us on conflict of interest, we really couldn't... And during conversations of this committee, it has been said that this is a very important piece. We have to deal with the conflict of interest in the House. It is important that we do that. It's important that we have rules and regulations in place for us to deal with it. But it was onerous. It was different. It was difficult. Documents had been designed as if they were designed by committee, Chair. They were just onerous and beyond belief, and this committee and some of its members, as a subcommittee, have really gone to work and done some good work on this.

Chair, I will ask you, have we been able to present the conflict of interest code for members back to this committee—the work that has been done by the subcommittee? I don't think it has come back to us yet. Why? Because we're busy dealing with busy work instead of getting to the work we're supposed to be doing.

We're also awaiting some decisions on the Senate tenure bill, on consultations with electors and their preferences for appointments to the Senate. That's another piece of legislation that's out there. We'll soon need to deal with democratic representation. That's the number of seats in the House. There are some distribution issues, Chair, that we'll need to look at. These are all things that this committee will have to deal with so that they can go to the House and decisions can be made.

•(1215)

We, in fact, Chair, have lots of other work. We have, in my opinion, Chair, a couple of point-form pages' worth of work that we could be doing instead of what we're currently doing. I think if you read the list out loud to a group of Canadians—whether they're my constituents, yours, or someone else's—they might pick a few things other than what we're talking about here today. I really do. They've asked us to come here and get things done in this minority Parliament.

If you spend time in the House—and I know we'll be voting on something else again tonight—we have been passing legislation. Legislation has been going through this House, and even in a minority situation we've been agreeing to move forward to get things done, whether they're great budget items like tax relief for Canadians or something else. Canadians expect us to deal with the legislative workload we have. That's what we're here for.

If that's the expectation, how is it that the steering committee has gone so far astray? If that's truly what we're supposed to be working on, how is it that the steering committee has found only one item suitable for discussion by this committee? It didn't say, let's work on legislation; let's work on Bill C-6; let's move the ethics code, the conflict of interest code forward. It didn't say, if possible let's look at the security. It didn't give a list. It didn't even give a “what's next”. It gave a “this is the only thing this committee will work on until hell freezes over” statement at the bottom of the second report of the Standing Committee on Agenda and Procedure—take priority over all other work of the committee.

What about the other work? If this is to take priority, what else is there? Do we really need to come to work if that's all there is? I'd like to come to work to do something. I'd like to come to work on Bill C-6 and voter ID. I'd like to give the integrity of the next election in this country a greater emphasis. I can't believe that the members of the steering committee—and obviously those they represent, because there's one from each party, so there are other people on this committee that the members of steering committee represent—seriously sat there and decided, let's work on this instead of important stuff. But they must have, because it says right there that they held a meeting: “Your Subcommittee met on Tuesday, January 29, 2008, to consider the business of the Committee and agreed to make the following recommendations”. It says right there. That's what they've said.

Did they really meet and at some point in the meeting say, that's all we need to talk about; that's the business of our committee; that's where we're at; that's the most important thing? If you hear disbelief in my voice, you're right. I just can't believe that's where they headed. I can't believe they thought that was the right way to go. I can't believe they thought Canadians think that talking about this

issue at length is the way to go. I just can't believe that a steering committee made up of members of the opposition—of course, chaired by our member, but no member of the government was capable of contributing—met and agreed—

Some hon. members: I have a point of order.

•(1220)

The Chair: I haven't recognized anyone yet. I did hear Madam Redman first.

Hon. Karen Redman: I concede.

The Chair: Are you conceding on the same point, Mr. Proulx?

Mr. Marcel Proulx: I think you should ask the member to follow the rules of the House and the committees. He is not to attack a member on a personal basis, which I just heard him do to you, sir.

The Chair: He was attacking me?

Mr. Marcel Proulx: Yes, sir.

The Chair: Shame. We will not have that in the committee.

Thank you for the point, Monsieur Proulx.

Mr. Preston, you're cautioned.

Mr. Marcel Proulx: If he doesn't respect you, Mr. Chair, we do.

The Chair: Let's not go too far on the point. We may be setting up a precedent here that other members may not appreciate.

On the same point, Mr. Reid is next, please.

Mr. Scott Reid: I think it's a good theme to keep in mind. We tend to lose this as time goes on. I recall that in previous meetings some other members of the committee from the opposition side attacked you. I hope this time around we can all refrain from attacking you—and what the heck, let's refrain from attacking each other while we're at it.

The Chair: I think that's a good point. I know it will make my mom very happy, because she's listening.

Mr. Preston.

Mr. Joe Preston: Mr. Chair, I apologize if I have said anything disparaging about you. I was certainly trying to say it only about the steering committee—and no one in particular, of course. The pack has done this, not the individuals. So let's deal with it in that manner.

As I've said and will continue to say, this committee's dysfunction has a lot to do with the set-up of the steering committee. A committee that steers the agenda of this committee—made up of the members who form it, with only you chairing it, sir, and no member of the government sitting on it—has allowed us to come to a scheduling issue like this.

Whether the quality of the agenda is good or not—

Mr. Marcel Proulx: Where's Tom? He was interesting.

The Chair: Order, please.

Mr. Preston, please continue.

• (1225)

Mr. Joe Preston: Oh, I take offence. I don't often, but, "Tom was interesting." All right, I'm going to try to pick it up a little then.

Hon. Marlene Jennings: He set a high bar.

Mr. Joe Preston: We're talking about the quality of the report and not just the philosophy of it, not just the political partisanship of it. We may have got there anyway, by a straight vote of democracy, but the fact that the non-representation was there is the point I was trying to make. We may have got to the subcommittee dealing with only this topic, or dealing with this topic first. It might still have happened. But I can tell you, I feel very comfortable that should another member of the government be on that committee, we would have at least talked about, we would have at least brought forward, some talk that legislation needed to be dealt with.

But this committee in its past has always dealt that way, that legislation came first. That's not what's happened here. It clearly says that they met and they considered the business of the committee, which means they should have considered legislation. But they agreed to only deal with a very partisan motion. So there we are, that's where we're at now.

An hon. member: That's it.

Some hon. members: Oh, oh!

Mr. Joe Preston: It's about fairness. I do listen clearly to the comments from the other side, because it may help me in my search for words for the next topic. But I'm glad to see that the members are getting their scrapbooking done. It's really good that we're able to spend all this time together.

Some hon. members: Oh, oh!

Mr. Joe Preston: It would be a lonely life without coming to committee Tuesdays and Thursdays.

Let's go to the topic of the motion. It's important that we get there. We have said many times, and I believe Mr. Lukiwski read into the record during his conversation last Thursday or last Tuesday, one or the other, many cases of what is being suggested we investigate. Many cases of it being done by members of all of the parties represented in this room. This is not a case that has only been done by the Conservative Party.

First of all, under rules and regulations by Elections Canada, the transfer of funds from—I'm sorry, I thought maybe I was missing something, and that may still be the case, but that wasn't the issue—federal parties to riding associations and back is a common occurrence during election campaigns. Mr. Lukiwski read into the record last week, on either Tuesday or Thursday, many occasions of that happening, and even occasions of members opposite; even occasions of members of all the opposition parties. He also spoke at length about the rules pertaining to election advertising. That

election advertising was based on, "Could it be local, could it be regional, could it be national?"

I'll put on my hat from my previous career, as a marketing person for one of the major fast food companies.

Some hon. members: Oh, oh!

Mr. Joe Preston: Yes, I know. I did sample some of the products.

We often looked for isolated areas of the country in which to test products. It used to be the case, in the late 1970s, early 1980s, where that was possible. We picked certain areas of the country where you could actually go and test a product, and then actually do some advertising around it, so that if you were introducing a new sandwich or a new something, only the people in that area heard about it while you tested it. For example, Winnipeg, Manitoba, used to be one of those markets that had its own media influence, and so we could do this there. London, Ontario, was another with its own media, including television, but it didn't spill outwards into the surrounding areas, so you could test products there.

• (1230)

But in the mid-eighties all of this changed and we became far more regional in our advertising reach, and that what this is all about here. That is what we're talking about now with the election buys, the national versus the regional versus the local buys of television particularly.

It's very hard to buy television in a market that's only going to stay right in that market now. There are no walls up outside of London now preventing TV signals from being regionalized. The A-Channel in that market spreads throughout all of southern Ontario. As a matter of fact, they actually have branches in Windsor and in Wingham, so that a TV commercial played in London is actually being played throughout all of southern Ontario. So although it may be a TV commercial done for a local candidate or even, in the case of radio, a radio commercial done for a local candidate and tagged for that local candidate—because that's who is paying for it—it may actually spill into many ridings. If it's on TV in London, there are four London ridings plus the ten other ridings around it that it would spill into, so it's very hard to isolate this.

We have looked at the Elections Canada regulations, of course, and they say that candidates can do commercials that are both local in nature, talking just about the goodness of Tom Lukiwski in Saskatchewan, and national in nature, talking only about the goodness of the Conservative Party and, therefore, on behalf of Tom Lukiwski. He could get elected simply because of the goodness of the Conservative Party only—and it works, apparently, as Tom is sitting here. It must work.

That's not to say it would be difficult to elect you, sir, without advertising. It could happen without it.

But that's the "regionalness", if there is such a word, of the advertising. If Tom runs a TV commercial in his riding, it spills into neighbouring ridings. It says somewhere in the TV commercial, either visually or through audio, that the ad is approved by the financial agent for Tom Lukiwski, or "I'm Tom Lukiwski, and I approve of this ad".

It works. It obviously works. Advertising works because we all spend a great deal of money on it. It's not just this side of the table, although we tend to be able to raise a lot more money, but the other side too that spends some of its money on advertising.

As I've said, money can transfer both ways, from national headquarters to local riding associations, and.... The regulations were there in the handbook, saying that was proper. The regulations were there in the election candidates' handbook, saying it was okay to run ads. Did it say what the ads had to be? No. It said the ads could be local in nature or national in nature to promote an issue or a party. We've done all of those things, which is why we scratch our heads at this point and ask how we got here.

We've moved forward, on our own, and are asking Elections Canada to clarify this issue. It's in court. Affidavits have been prepared and have now been given to the courts, and we're discussing the issue.

So that brings me, Chair, back to one of your original rulings. If we could take this back to September 12, I believe you ruled on whether this motion was in order or out of order. One of the things you were looking at was the fact that it was before the courts, that although it's the will and the rule of this House that legislative committees or committees like this standing committee look at legislation, and may even look at laws, we often don't tend to look at matters before the court as a matter of not influencing them. It's unwritten, if you will—though it may actually be written, because I haven't read all the books—that we just don't do it, that we don't talk about matters before the courts.

And you hear this answer a lot, that a matter is before the court; therefore, it can't be discussed. I don't think this committee or any other would want to influence the outcome of a trial or a procedure before the courts by talking about it in committee and calling witnesses forward.

I know the opposition would love that to happen. They'd love to have a trial about it here and a trial about it in court, and a trial about it in the newspapers, if possible, too, because it's about scandal to them. It's not about truth. It's not about justice. It's not about finding the way things should work. It's about scandalizing the issues so that eventually you cheapen the brand, the brand of your opponent.

• (1235)

It works. I don't disagree with their method. It works. I don't think it's what Canadians would like to see happen. As we've talked about in this issue, and I guess if you simply watch the House we talk about in other issues, here we are at this committee trying to talk about an issue that is before the courts.

As I said, Chair, you once ruled that it was out of order, and I remind you again that immediately after you ruled it out of order they challenged the chair. It's the first time I'd seen that done at a committee, and it was a bit disconcerting that it was possible that

somebody made a ruling—you gathered the information even from the law clerk so that you had a legal element to why your motion was out of order—and yet just by a show of hands.... I think we even actually asked for a recorded vote, and I suppose if I had time I could look and see who voted which way, but I think it's pretty easy to figure out.

That's right, they're admitting to it, Chair. They're admitting clearly that regardless of whether the motion was out of order or not—because I can think we can safely say it was—you ruled it was, and a wise person like you wouldn't make a mistake like that, so the motion was out of order. Your ruling was immediately overturned.

Here we are again trying to deal with something that's before the courts. I'm not certain what this would do for us. We're looking to have an investigation, as the motion says, of the actions for election campaign expenses. We want to investigate that as a committee.

I know we call witnesses before committee often on legislation. If we're looking at legislation—for example, the legislation we should be dealing with, Bill C-6.—I know that as we have dealt with it we've called witnesses forward in the past, whether it's the Chief Electoral Officer or some of his associates, and we asked them questions such as, if this legislation goes through, what it would do, how it would happen, and how they would deal with it.

We then try to find interested parties usually who would be affected by it. I remember on the investigation of Bill C-6 we brought forward some of the church groups and other religious groups to talk to them about what they thought about it, and we certainly got great input from them. They told us that voter ID or identified voters is happening in other places in this world and it works. So that's what this committee does: we investigate it.

I have trouble thinking of what we'll do on this. We all want to be Perry Mason. I think we all grew up watching television and thinking we could be that prosecutor or that defence attorney who breaks down a witness on the stand and gets them to admit to something, and that's truly how I envisioned this.

This isn't about investigating to make a piece of legislation right. This isn't about investigating or asking pertinent questions of a group on the subject matter of a piece of legislation. This isn't about that. This isn't about just gathering information so that at the end of the day we can make a report or pass a piece of legislation and say yes, we've done our job properly, we've come up with legislation that works, we think we've covered all the ends and angles, and we've come up with what will work.

This is about investigating election financing. It's not about looking at the regulations of election financing. Has anybody asked for that? I've not heard the suggestion of looking at election financing regulations. That's what this committee does. We do it very well. If we wanted to change the Canada Elections Act, we'd do that well. We've done it on many pieces of legislation. That's truly what this committee is for. Elections Canada falls under procedure and House affairs. And so we could do that.

Did someone say we should look at the Elections Canada financing act or the legislative part of advertising in an election campaign? No, that's not what we've been asked. That's not what's asked here. Let's pick up some mud and throw it at the other guy. That's what's being asked here. It's not about looking at whether the legislation works or not, it's about whether I can play gotcha politics with the other guy. That's what this is about.

●(1240)

Instead of gotcha, we've offered go-ahead politics. We've said let's look at it. If the result is that maybe we want to look at advertising regulations on election financing, if indeed that's what we want to do, if that's the result, if that's the end game, if that's where we want to end up, then let's look at it. Let's open up all the books to see what we've all done. Let's look at what's happened over the more than...I think Mr. Lukiwski's motion said 2000, 2004, and 2006 as a range of elections, so we could look at the last three elections.

That's probably a good range to look at to see if there's something in those regulations, if there's something in the Canada Elections Act, if there's something in election advertising, if there's something in the election financing pieces that we would like to change, that this committee would like to look at.

Is there something? I don't know, I suppose there is. It might have to end up being a legislative change to election financing, election advertising, so in the next election this won't occur, or we'll do it a different way.

I know right now in the House—I sat there yesterday—we were talking about loans. As we speak, there's a piece of legislation before the House on loans—good piece, and it sounds as if it's the right thing to do. Instead of being able to get around the Elections Act from a donation point of view, we need to make it so you don't get around it by just going out and getting loans and using them as donations beyond the limits that might otherwise be there.

So we found a loophole, we found something we needed to look at. We found something that was being used by people in a way that perhaps circumvented the actual rules of Elections Canada. In its wisdom, this party, this government, and this House is moving forward on changes to that, so the loans situation won't be there the next time. It's important.

As a group we've asked, instead of this motion to move forward, that all books get opened, that we look at it in a fulsome way, that we look at everybody's method of campaigning. I know we may all campaign differently and we may all structure our advertising and our election finances slightly differently, but in the affidavits that Mr. Lukiwski read in over the last week, there certainly seem to be an awful lot of similarities among what we do as parties.

My party and the parties opposite do a couple of things in common. We often will transfer money from what we would call party headquarters to local campaigns, or to local EDAs, electoral district associations, and therefore transfer it from the EDA to the campaign, or from a campaign to an EDA and from an EDA to the national and vice versa. There's the opportunity to transfer in all those directions.

Is that common only to one party? I don't think so. I think we read in some affidavits that it happens in most parties.

Are there similarities in the advertising? Yes, there seem to be. There seems to be mention of a regional ad buy in New Brunswick that I believe the Liberal Party used whereby eight to ten candidates all signed on. They all decided they would say the same things and the only difference would be the tag at the bottom of the ad or the audio tag in the radio ads, so there's a group buy put together by the national party, I believe. The ad was put together by a group, and they all paid into it out of their own...or the national paid for it and they all returned money to the national, or the national paid for it and they sent the money in an invoice to the local campaigns and then the local campaigns sent the money and the invoices back. It's a trail, but good on you, for Elections Canada follows it. It's pretty easy. Our affidavits stated it pretty clearly.

I think there was also a case in Edmonton whereby another group of candidates, people who wanted to be MPs, did exactly the same thing. They put an ad buy together because they were buying advertising that had to do with a region. The city of Edmonton has far more than one riding—ten, if I'm not mistaken—and they all contributed and they all ran ads.

●(1245)

I'm certain if we looked we could find that the Conservative Party did certain regional buys also. That's part of what I think this is about. So are we saying that this stuff isn't done? No. There's no denial here. We're not saying it's not done; we're saying it's done by everyone. We're saying we should open the books and let everyone have a good, hard look at them.

I still question whether this is the proper place for such a discussion. I question whether we should be doing this at the Standing Committee on Procedure and House Affairs. I suggest that the matter would be better dealt with by Elections Canada and the courts. If, from that investigation, we find a need for legislative change or regulation change, then this committee would be the place to do it. This committee would be the place for discussion of the matter as well as testimony by witnesses, who would include the commissioner of Canada Elections and the Chief Electoral Officer of Canada. They could come and explain what they found, what the result was, and how they determined it.

Then we could change the legislation, if necessary. Let us get to the work that this committee truly does, which is working on legislation. If we determine a practice to be incorrect, we can prevent it. However, if it has worked for all, if it's in the handbook, maybe the answer is to leave the legislation alone. Maybe we should simply be more educational: tell people what's happening and how it works. Maybe that's the answer. I don't know.

But the investigative part—the looking into it, the digging—is this the job of this committee? I think not. I've looked at the type of work that this committee has done in the past. Although I haven't been here as long as some others have, I can't find cases of our doing investigative work of this type. Normally the legislation is brought to us and we investigate it and discuss it. But I'm not sure it's the job of this committee to do this other type of investigation.

I know that the movers of this motion and the rest of the opposition would like it to happen. It's a chance to stir up the muck on this issue. But the real answer is that it's not been done here before. It's not what we do. It's not what we've agreed as a committee to do in the past. Therefore, I really think that it's not the right way for this committee to go.

This is why we're moving in this direction. We can't see it happening in the direction suggested by the motion. The motion is saying that somebody did something wrong, that we should find that person guilty and then investigate. This is not the way the courts work. It's not the way investigations work, even at Elections Canada. We're talking about investigating and finding wrong, rather than the other way around. This motion finds fault and then promotes an investigation for the sake of publicity. I don't think that's what we really want to do.

As for the subcommittee on agenda and procedure of the Standing Committee on Procedure and House Affairs, I'm not certain that's what they meant to do either. I can't know what's in their heads, but I can't believe that they agreed to do this. I think if I gave them the chance, they would jump up, agree with me, and admit they were wrong.

I gave a gap there, just in case anybody actually wanted to jump up and register their agreement. Apparently, though, they're not in a jumping mood today.

Mr. Chair, we must come to our senses at this committee. I was so happy to be allowed to sit on this committee, so happy for the chance to research it and to see what it does in the House of Commons. I called it the granddaddy of all committees. It's the committee all committees want to be. It has such prestigious members—including the whips of most of the parties. This committee has done so much in the past.

● (1250)

It's my understanding that other committees of the House can't be struck without this committee doing it. This committee must assign the members to the other committees. We have that air of distinction, if you will. It's the pride factor of sitting on procedure and House affairs, that it's better than others. I'm not saying it from an arrogant point of view. It is something that has always been, that this committee sets the pattern for what happens on other committees. It looks at the rules and regulations of this House, the Standing Orders

and the other orders this House follows, and it massages those; it makes those right. It makes it so this place can actually be functional.

So I find great distress, Chair, that at this time this committee is sitting here and it's not functioning. This committee, the granddaddy of all committees, is sitting here looking at a motion that doesn't even truly fall into anything this committee has ever done before. It just doesn't. It isn't there. It isn't what we've done. It isn't who we are. We're better than this motion, Chair. I know this committee is better.

In the past we were able to agree by consensus on a lot of issues. We certainly had nays and yeas, but we really have worked hard on being bigger than this. And now what have we done? Well, let's make it all about partisan politics. Let's make it all about finding fault with one guy so I can look better in the eyes of others.

I don't think anybody back home really thinks that's what we're about or that it's why we want to be here. That's not what we do here. That's not what procedure and House affairs committee is.

I hope it's not what other committees are either. But having been other places, I do realize there can be some of that there. But procedure and House affairs, as we've said, really does deal with issues of legislation and the Standing Orders and—

An hon member: Filibusters.

Mr. Joe Preston: Filibusters? Well, they are a procedure. They are something this committee uses from time to time when motions or reports are put forward that don't reflect how the committee has been in the past, and that don't reflect democracy, as I was mentioning before, because the government doesn't sit on the committee, except as the chair. Sometimes procedures are all we can use. It is procedure and House affairs. We must use certain procedures to at least draw attention to the inequity of what's happening. We have to use these methods to bring forward...and to somewhat scream out that it's wrong; it's not where we want to be; it's not who we are. This committee isn't that way. We have to sometimes use any methods at our disposal.

I can't believe that Mr. Lukiwski spoke for six and a half hours last week. I was enthralled. It seemed like it was only moments. He does it far better than I do. He spoke for a great length of time, but during that time he brought forward so many good issues that all sides, if they truly sat and listened to them, would agree they were the right things to do.

The answer isn't whether it's this motion or... Mr. Lukiwski offered an amended motion of all parties last week—we'll even use your wording here, that we're going to “investigate”. I'd rather it say that we “review”. But it's about investigation. Let's make it all parties and all elections, or at least the last couple of elections. Let's make this equitable. Let's not make it about one thing; let's make it about a group. Let's make it about four parties all opening their books and examining the steps they took in the last election.

•(1255)

As I already shared with you today, and Mr. Lukiwski shared last week, we've read in many affidavits about other candidates—some successful, some not. So we're certainly not referring only to successful candidates doing this. Since all parties used these methods—as I said, not always to success—what's there to investigate if it's not all parties? I mean, we've thrown out case after case, example after example of the other parties—and it includes ours, but it's other parties too—using money transferred from national to local, from candidate to riding association, from riding association to candidate. It was used for advertising for regional purposes, for individual purposes, for only that candidate, or for national scheme advertising that affected the local candidate.

We've all done it. Why don't we accept the fact that this should look at all of us? When that investigation is done....

As I said, Chair, I'm not even certain I want that investigation to happen. I'm not certain this committee should do it. I think Elections Canada is already doing it. There's a court case already out there, and that's a far better place for it to be examined.

At any rate, once the day comes that the investigation is completed, it can come back to this committee for regulation and for legislation. We'll look at it then. Procedure and House affairs truly does look at it at that level. It's not about sticking somebody in the eye, it's about looking at the legislation, choosing good legislation, making legislation better so that if we found this to be wrong, it couldn't happen next time.

If we find that, in our affidavits, geez, every party is doing it, well, then, maybe it is something we can do. If it appears that the candidate handbook says it was okay to do, maybe all we simply have to do is verify that this is the case. We looked at it, sent it off and got it checked out by other people, and sure enough all we got back was that it was an okay thing to do: the legislation is okay, and we accept it, but least it's been looked at and come back to this committee as a piece of legislation rather than as a witch hunt.

And that is what we have before us today, Chair, we have a witch hunt. As I've stated, procedure and House affairs obviously is not the type of committee—I hope none of the committees of this House are the type—to take that kind of motion and use it.

Mr. Chair, we've had some substitutes in, so I may share with them that this motion, when it was first brought to this committee, was ruled out of order. You, through a great deal of research, ruled it out of order with help from the law clerk. Your actions were overruled because of the partisan nature here: it's great, it's a good flavour, let's go ahead and investigate it.

But you did do the work that you were supposed to do, Chair. You did it well. But it isn't where we ended up. We ended up with a motion that has been ruled out of order. It isn't the type of motion that this committee usually looks at, and yet it's still here.

And the motion keeps coming back. September 10 was the first day the motion came through, and we've had it back and forth a

bunch of times. As I've stated, through the goodness of this committee and the good work it does, we did work on some legislation between that time of September 10 and now. Some legislation came before it, but now we have a motion before the House, today's motion, that is about denying any other work happening, denying the legislation that this committee will work at. Some good legislation in the case of Bill C-6—and some very critical legislation before next election—we can't even look at. The second report of the subcommittee on agenda and procedure simply says that this motion will take priority over all other work of the committee.

Well, Chair, I'll say again—risking repetition—that this doesn't make good common sense. It just doesn't.

An hon. member: It makes no sense.

Mr. Joe Preston: My colleague helps me out by saying that it makes no sense, but I'll go back to the common sense piece. It doesn't make any sense that we would in any way handcuff ourselves, that we would have a subcommittee here putting handcuffs on the rest of the committee, saying, “And don't do any other work. Don't look at anything else.”

•(1300)

I just don't get it. I just don't get that anybody sent here by the constituents in their own riding would think that would be the appropriate thing to do. I just don't get it at all. I know in their hearts they don't believe it themselves. I know that. They're good people. Outside of this committee and even in the past during this committee, Chair, through you, I know even Mr. Guimond's heart inside is saying that the committee should get to the work it's here for; that the committee should do the legislative work it's supposed to do; that the committee is not here for the mud-slinging piece; but that it's really about getting to legislation.

How we could possibly say on a subcommittee report that it should take priority over all the other work of the committee makes no sense. It just doesn't. We need to proceed. We need to move forward.

Hon. Sue Barnes (London West, Lib.): Do you want a phone book? You could read that.

Mr. Joe Preston: I could do that too.

The Chair: I know we are shifting some members in and out, and that's all good.

Colleagues, Mr. Preston, I think you'll enjoy noting that you spoke about the election act three times and witch hunt at least 15 times, so try to stay away from that one. As much as I love the stuff on the chair, etc., that's three times.

However, this meeting was called to discuss a certain report. There was a motion moved. We are now past one o'clock.

This meeting is adjourned until Thursday.

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