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Chair

Mr. Pat Martin

Standing Committee on Access to Information, Privacy and Ethics

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• (1030)

[English]

The Chair (Mr. Pat Martin (Winnipeg Centre, NDP)): We will reconvene the meeting.

We are now in public and dealing with the second matter on the approved agenda today with the Standing Committee on Ethics, which is the notice of motion by Mr. Charlie Angus. I think the motion has been circulated. Mr. Angus has asked for the floor to deal with his motion.

Mr. Charlie Angus (Timmins—James Bay, NDP): Thank you.

I'm bringing this forward in light of what's coming down under the supplementary estimates (B) in regard to a request for \$60,000 to the Senate Ethics Officer for an inquiry regarding compliance with the Conflict of Interest Code for Senators.

I believe it's timely for us to draw attention to this because Canadians are certainly fed up with what has been going on in the Senate, the abuse of public trust that we're seeing, and the fact that there seem to be very low standards in the Senate, time and time again, for the role of public officials in the Senate.

As we review the Conflict of Interest Act and what it means for public office holders and members, to see what seems to be very loosey-goosey rules in the Senate is simply not acceptable. Certainly the Senate seems to believe they're above the rules. We heard one of the senators say, "We are above the rules because we make them." That's not good enough when you're dealing with taxpayers' money. Taxpayers are looking to us elected officials to make sure there is accountability.

This isn't a witch hunt by any means, but I think we need to understand how the Senate is going about this. I refer you to disgraced senator Mac Harb. There was an RCMP investigation into potential breach of trust, that he was acting as a lobbyist for Niko Resources while travelling on a special government passport.

We know that many senators are sitting on all manner of boards. They can act as lobbyists. While we are worrying and discussing about fundraisers that members of Parliament may have where someone may send a cheque for \$500, we have senators who get to sit on the boards of major companies, making all manner of decisions and travelling the country on their dime, getting paid to do this while having the ability to influence legislation that is brought forward by the democratically elected members of the House. It's certainly not acceptable behaviour in 2013.

We would like to, following the rules of procedure being that they are supposedly another legislative branch, even though the money comes through our branch, ask the President of the Treasury Board to appear in the context of the study, table a report in the House asking that the House send a message to the Senate requesting the appearance before the committee of the Senate Ethics Officer before December 5, 2013, so we can find out what steps are being taken by the Senate Ethics Officer, if there is any, in light of the complete disregard for taxpayers that has been going on in that institution, if the Senate Ethics Officer is reviewing the statutes, if the Senate Ethics Officer is meeting anything that is similar to the code.

This goes back to the Federal Accountability Act in 2006 where we attempted with our colleagues on the government side to clean up house by saying that both legislative branches should be under one similar set of rules so that the abuse of the public trust could not continue on in the Senate. The Senate refused. As they have shown time and time again, they have refused any attempts to be reformed. They felt they did not have to comply with rules that democratically elected members were complying with.

This is unfinished business from the Federal Accountability Act. In light of the review we're doing, we feel it's important that we send the request to have them appear. They're asking for taxpayers' money and they should be required to do some manner of explanation to show how they are going to spend this money. Are they looking at actually bringing in a proper Senate code of conduct, or is it just scouts honour and pinky swear, "Give us the money and we'll carry on with what we've been doing"?

I'm sorry but that doesn't cut it. It doesn't cut it with us; it doesn't cut it with the Canadian people, and it certainly doesn't cut it as a standard of democratic accountability.

I'm hoping that my colleagues are not interested in promoting the status quo in that institution over there. Let's bring the Senate Ethics Officer here, ask some questions and let's find out if they're going to try to bring their code in line with the 21st century.

• (1035)

The Chair: Thank you, Mr. Angus.

Ms. Borg.

[Translation]

Ms. Charmaine Borg (Terrebonne—Blainville, NDP): Thank you, Mr. Chair.

I would like to congratulate my colleague, Mr. Angus, for introducing this motion. I think the motion is a very important one, especially in this context. In fact, some senators behaved so inappropriately that the Senate suspended them.

As parliamentarians, our duty is to approve Senate expenses, in this case \$60,000 to conduct an investigation into compliance with the Conflict of Interest Code for Senators. As an MP, I would feel more comfortable approving that amount if I was allowed to ask questions of the people involved. In fact, since there are some real ethics issues in the Senate these days, I want to know if the money will really be used to report back to Canadians and Quebeckers.

My constituents and I want to know whether this \$60,000 will really lead to concrete change in people's behaviour and in how things are done in the Senate. The current situation is simply scandalous. Of course, we would eventually like the Senate to be abolished. In the meantime, the Senate exists, but we want to ensure that this investigation, at an expense of \$60,000, will serve a purpose, increase transparency and ensure that senators, who are appointed in a non-democratic way, are accountable for that amount.

I am fully in favour of inviting the Treasury Board President and Senate Ethics Officer to appear before December 5, 2013, so that the committee can approve that amount. We need to know what we are approving and that it will serve a purpose. I hope all my committee colleagues will agree and say that this measure is essential for transparency and for taking a step forward. This involves ensuring that the Senate, which I would say is currently a rather dysfunctional institution, will become functional between now and the time the NDP is the government and abolishes that institution.

[English]

The Chair: Thank you, Ms. Borg.

Before we go to Mr. Calandra, we should be aware, so we can inform the debate, that the second aspect of Mr. Angus's motion is problematic. It would require the House to concur in a report of this committee.

If this committee did approve the motion today, it would create a report to the House. The House would have to concur with that report, and then invite the Senate Ethics Officer.

It's completely in order, though, to invite the President of the Treasury Board to appear to defend his supplementary estimates (B), although the first question that comes to mind is, how does he possibly think that \$60,000 would be enough to investigate the ethics in the Senate of Canada? That would be a logical question to put to him.

Mr. Mathieu Ravnagat (Pontiac, NDP): On a point of order, Mr. Chair, one thing that I don't understand is the mechanics. I'm totally in favour of this motion, but the mechanics of having the Senate invite a conflict of interest, my understanding is that the archaic system in which we live and breathe in Parliament means that we have to kowtow to the Senate in order for the Senate to approve asking the conflict of interest officer to appear in front of a parliamentary committee.

Is my understanding of the process correct? They are appointed by the Prime Minister, so there is some recognition that a parliamentarian who is at the head of our government appoints them, yet we have

to go begging for them to come to a parliamentary committee. Is this a correct understanding of the process?

It seems to me ridiculous in this day and age that we would have to summon a completely undemocratic institution like the Senate and they can decide whether or not they're going to appear.

Is there not something we can do to force them to be here to answer questions that Canadians want answers to?

• (1040)

The Chair: This is a legitimate point of order and there's a legitimate answer to it. Senate Rule 16-4(3) states:

Officers or employees of the Senate shall comply with the decision of the Senate, in response to a message from the Commons, as to whether they should attend before the House of Commons, appear before one of its committees or provide answers, either in writing or through counsel. Without such approval of the Senate, no officer or other employee of the Senate shall attend before the Commons or appear before one of its committees.

Such is the world you live in, Mr. Ravnagat, whether you like it or not.

Mr. Mathieu Ravnagat: Such is the world that we have to change.

The Chair: Mr. Calandra has the floor.

Mr. Paul Calandra (Oak Ridges—Markham, CPC): Thank you, Mr. Chair.

Yes, the Constitution can be a very difficult thing to have to listen to, I suppose, every once in a while, but people who are a lot smarter than us drafted the Constitution and I suppose there are reasons why they have a bicameral system. While we're not always proud of the different bodies, we should be proud of the system we have, because it has served us very well for a long time. I don't think anybody would disagree with that.

Just to recap, of course there are a number of accountability measures that the Senate has brought forward. We know that the Auditor General is currently undertaking a review of all Senate expenses. We also know that the government has put forward some recommendations to the Supreme Court of Canada with respect to helping us along the lines of a proper road map so that we can reform the Senate. I know there was a lot of debate on that last week in front of the Senate. Some of the provinces are discussing that. The government is discussing that. Canadians obviously are talking a lot more about the Senate than they probably have in the past.

I would agree that we have to improve the Senate and we have to have more accountability measures in the Senate. I don't disagree with that.

With respect to the motion, Mr. Chair, I think there are a number of problems with this motion. My understanding is that the President of the Treasury Board would more logically appear before the government operations and estimates committee, of which you were previously the chair, and that he would appear on the main estimates, so this particular motion seems to be a little outside the mandate of this committee.

You also highlighted a couple of the problems with the motion as it has been put forward. I think the members themselves, as they're talking about why they want to bring this motion forward, also highlight some of the problems with the way the motion is actually worded. The top part is about the main estimates. The bottom part becomes about a study. Then we need some concurrence from the House of Commons. All this has to be done by December 5.

I think there are a lot of dilemmas with respect to this motion, again, not the least of which is the fact that it falls outside the mandate of the committee. I think the appropriate place for the minister would be in front of the government operations and estimates committee and not in front of this committee.

We do have a fairly robust agenda that we are trying to deal with, when it comes to the review of the Conflict of Interest Act and a number of studies that other members have talked about, Mr. Chair. Certainly the way the motion is worded, the inconsistencies of it, has been highlighted by you, Mr. Chair, and some of the speakers. For those reasons, right now I don't think this falls within our mandate, and it's something we should leave with the government operations and estimates committee.

I do have a couple of other concerns which I think would best be expressed in camera, Mr. Chair, so I move that we go in camera.

● (1045)

The Chair: Okay, a motion to move in camera is non-debatable.

Mr. Mathieu Ravignat: Could we have a recorded vote on that, please?

The Chair: A recorded vote has been requested. We are almost out of time here. I'm going to allow this vote to go ahead, and then we're going to call a quick adjournment.

Please proceed with the vote, Mr. Clerk.

(Motion agreed to: yeas 7; nays 4)

The Chair: We will reconvene with this issue in camera at the next meeting of the committee.

Thank you, ladies and gentlemen.

The meeting is adjourned.

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