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Chair

Mr. Joe Preston

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• (1100)

[English]

The Chair (Mr. Joe Preston (Elgin—Middlesex—London, CPC)): I call this meeting to order. This is meeting number 42 of the Standing Committee on Procedure and House Affairs.

We have a couple of private members' motions this morning. We have Motion M-431, in the name of Mr. Trost, and he will be sharing with us. We'll do 45 minutes on each of the private members' motions, and then we have some committee business we need to deal with at the end.

Mr. Trost, please make an opening statement somewhere in the neighbourhood of five minutes, if you could. Then we'll ask you great, hard-hitting questions after that.

Mr. Brad Trost (Saskatoon—Humboldt, CPC): Mr. Chair, it does seem sort of strange to be here having been on the other side of this for 10 years.

First, let me say thank you to all my colleagues for the unanimous support I received in the House, and the good feedback that I've received from many people. In many ways, what we're doing today is formalizing many of the informal conversations that we've been having on this issue over the past few months.

Let me also apologize for not having prepared remarks, and remarks in French. I was going to do this in French, but the moment they said there were TV cameras, I thought better of it.

Let me go through a few basic points.

First of all is the history and background of where my suggestion for the study of election of committee chairs is coming from. Back in October 2002, there was an opposition supply day where the opposition parties—and it actually passed with a considerable number of government members supporting it too—proposed to move toward elected chairs, to a system where the committees themselves chose their chairs. Prior to that, they had been appointed. That has been the practice in many Westminster parliaments, although New Zealand and Australia do elect from their committees just as we do here.

In doing some research on this and thinking about what parliamentary reforms could be done, we came across the British model, which is election by the entire House. For members who would do further research, I encourage you to look through the supply day remarks of October 31, 2002. In my speech, I noted some of the remarks by the now Minister of Justice, and also Dick Proctor,

the former NDP member for Palliser, who had some good comments on that.

What is the rationale behind the change that I'm suggesting you study and hopefully propose? It's not a criticism of the current system, but as I said in my speaking notes, it's good, better, best. Let's never rest until our good is better and our better is best. I think a change where we have a system where the committees are more directly accountable to the entirety of the House, and the committees become a greater function and their function is more direct toward the House, would be an improvement. I outlined some of these things when I spoke in the House. There's a vested interest that all members would have, because all members would vote and would have some degree of input as to who the chairs are. Again, there would be enhanced credibility and greater flexibility.

There are going to be a few questions, which I hope you will debate. I was deliberately not trying to be too prescriptive in my motion because I think we need to have consensus, if we're going to suggest this reform to the House, on some of the mechanics. I hope that as you discuss this and put some questions together here, you will concentrate on not just the general principle, but also on some of the mechanics, which is what you have to do.

Here are a few issues that need to be discussed, and I have suggestions for all of these issues.

First of all, does this apply just to chairs or also to vice-chairs? I deliberately left out vice-chairs in this because as a member of the governing party I did not want to put out the idea that with our larger numbers in the House I was trying to impose something on other parties. I was very clear. Personally, I have no problem with it, and in fact I would encourage vice-chairs to be included in this, but I think if that's going to be done, it should be done with both opposition and government support.

How do you repeal the chair? Again, I have some suggestions about how this would be done, because on occasion chairs don't function. I have some suggestions and some members may have some others. Do you elect the chair on a yearly basis? Do you do it after prorogation? How often would you elect or re-elect chairs? There are different ways to do that. Also, there are ballot mechanisms. Again, I have suggestions on all these. Later on Mr. Reid will be putting forward a ballot mechanism suggestion, which I think will be fairly applicable to this.

As you go forward with some of your more basic technical questions, I can issue my suggestions. They're suggestions to get you to think about how this could be implemented, and if this would be put to the House, how the House would best implement it, should the House decide it's a preferable suggestion.

Regarding my expectations for your study here, let me make some basic suggestions. This does not need to be fairly comprehensive. In many ways the experts on committees are—and this is unique in this situation—the people sitting around this table. I've lived this committee system for 10 years. Some of you have been here for longer than that and some of you for shorter than that, but this is what we as members actually know.

• (1105)

A quick literature review might be useful. An hour on teleconference with representatives of other Commonwealth and Westminster parliaments, particularly the British model, might be useful. Some input from past clerks, other people with expertise in the Standing Orders, and possibly previous members of Parliament from various respective caucuses might be useful.

There could be one meeting on testimony, perhaps one meeting to hash out some of the mechanisms that everyone could agree on, and a very simple one- or two-page report, or maybe slightly longer.

Those would be my expectations.

I realize that you have considerable time constraints, because you have other things to deal with, but these are suggestions to do a modest report to give guidance to the House if we wish to take up this issue again in the future.

Thank you, Mr. Chair. I very much look forward to questions from all members.

The Chair: Thank you, Mr. Trost.

We'll go to Mr. Lukiwski on a seven-minute round.

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

Thank you, Mr. Trost, for being here.

I'm going to give you more latitude to explain your motion more fully. You talked about the mechanics of the motion itself, and you had some suggestions as to how the mechanics could work. I'd like to hear more about that.

Clearly right now, or at least ostensibly, we have a system of where we elect chairs. In those committees where the government is required to have a chair, the government puts up a candidate and everyone agrees. It's the same thing with the vice-chairs. We all

know that's an agreement from the parties who do it. It's not really, perhaps, an open election as you perceive it to be.

I'd like to hear how you would envision this if you had the ability to craft the system yourself. Perhaps you could point out as well, in terms of some of the mechanics you've already identified, the differences between a majority and a minority government and how the elections might be influenced by that configuration.

For whatever is left of my seven-minute round, perhaps you would just walk this committee through how you would like to see this system enacted if you had the ability to set it up yourself.

Mr. Brad Trost: Thank you for that question, Mr. Lukiwski.

When it comes to mechanics, I'm not hard-wired or married to any particular suggestions, but I'll deal with some of the questions I had from colleagues in the corridors.

First of all, with regard to majority or minority situations, I am not suggesting in my motion that those who would be eligible for committee chairs would change. In my suggestion, if you have 24 committee chairs, you would still have 20 chairs drawn from the government and four from the opposition.

Interestingly, colleagues, that was the first question I got from the government side: in a minority situation, could the opposition elect all the chairs? I got the same question from opposition members literally the same day: would not the government, then, elect the chairs for our four members?

I'm not suggesting the eligibility criteria change for the 20 positions; the government would still be chosen. The opposition would still be chosen for the four positions.

I envision that sometime very soon after the Speaker of the House of Commons was elected, members would be presented with some form of a preferential ballot, or a series of ballots, if that's preferable, with the respective committees listed on it. They could mark their preferred choices for committee chairs on these ballots.

Of course, deadlines would be established for members to put forward their names. I don't think the system we currently have for Speaker, whereby people withdraw their names, would be wise for this, but members would put forward their names.

Somewhere here in the House of Commons, one of the committee rooms perhaps, members would cast their ballots for their respective committee chairs throughout the day. The clerks would then do the count, and at that point the results would be known. That would be a fairly simple mechanism. I think most of us would be fairly comfortable with that, since most party nominations, when there are more than two candidates, tend to run with a ballot system like that.

I noted there would be an issue of what to do when a committee chair needs to be removed. I think there are different answers for this. The principle I'm trying to establish is that the committee is responsible to the entire House. Committees are made up of ratios similar to those of parties, so there would be some continuity if we remove the vote on electing and repealing from the broader House.

If you're going to repeal the election of a chair or remove the chair, I would suggest that a vote would first have to go through committee. Then it would be presented to the entire House, with both the mover and the committee chair being challenged, then an opportunity to present their case, with very short time limits. The House would vote, possibly through a secret ballot, not in the House with a standing vote or anything, because we don't want committee business to interfere with other House business. I think that would be the most practical suggestion.

Mr. Lukiwski, do you have a question on any other particular technical matter?

• (1110)

Mr. Tom Lukiwski: I would like to hear your opinion on the fairly major difference between what you're proposing we study and the current system.

Committees are masters of their own domain now. That's always been an assailable fact in Parliament. Committees can determine what course of study they want to engage in and the course of action they follow.

You're suggesting a fundamental change, in that the committee itself does not determine who it would like to see as its chair, but that all members of Parliament should determine who they would like to see as chairs of these 24 committees.

I'm trying to get at the rationale behind this. Why do you think it would be more appropriate for entire Parliaments to determine the workings of individual committees as opposed to the system we have followed for many years?

Mr. Brad Trost: Mr. Lukiwski, let me challenge a little of your assumption.

Memberships of committees are currently determined by the whips, not by the committees themselves. We're not looking—

Mr. Tom Lukiwski: That is true, but once the committee has been established, they, as a committee, can then determine their course of action.

Mr. Brad Trost: Mr. Lukiwski, not their membership; members can get pulled from the committee at any time by the whips.

In this situation other members of committee could still be pulled by the whips. The chair, and if we were to add the vice-chair, instead of being responsible to the whips, would be responsible to the committee as a whole.

We're not changing what the committee has. Even for removal of the chair, or if we were to add the vice-chair, under my suggestion the committee would have to move the motion and pass it beforehand. If the committee members refuse to make the change, the House would have no ability. This is not removing the

committee's authority. This is a change of the whips' authority relative to that of the entire House.

The Chair: Thank you.

We'll go to Madam Latendresse, the most capable vice-chair we've ever worked with. You have seven minutes.

[*Translation*]

Ms. Alexandrine Latendresse (Louis-Saint-Laurent, NDP): Thank you very much, Mr. Chair. That is a nice compliment.

I will start with a general question for Mr. Trost.

In your view, should vice-chairs also be elected by all the members of the House or should they be elected in committees, they way they are now?

Mr. Brad Trost: Thank you for that question.

[*English*]

I did not include this in my motion because I'm a government member and most of the committees are government members, and I did not want this to be seen as being imposed on the opposition parties. I personally think the principle would apply equally. That said, if the committee feels that would be too big a change, and if the committee cannot get unanimous support for that concept, my advice to the committee would be to leave that out of your recommendations.

I think the principle is the same. I think there is no logical argument to separate one from the other, but I do understand the sensitivity that smaller parties have and their concern that something might be imposed upon them by the larger parties.

I don't think that a change like this really can or should go through the House of Commons with a majority-plus-one vote. I think it would need a substantive majority. I'm not setting a particular number to it, but if we're going to do this, more than one party has to support it, and it has to be a substantive majority of the House.

• (1115)

[*Translation*]

Ms. Alexandrine Latendresse: Why have you chosen the preferential ballot to elect committee chairs? After the election of committee chairs in Great Britain in the last election, the committee that addressed this issue said that, overall, it was a good idea, but it still recommended going back to

[*English*]

first past the post

[*Translation*]

rather than the preferential ballot, in order to simplify the process.

Do you have any comments on the issue?

[*English*]

Mr. Brad Trost: Yes. To go back to my general point, when it comes to mechanisms, I'm not married to anything in particular. If we want to do first past the post, that's a possibility too.

It's just my observation that this has been the way things have been going. If the committee wants to go there, I don't have a particularly strong opposition to it, but preferential ballots is the way a lot of nominations have been going. It's the way a lot of people do argue for things. I have problems with.... I'm a supporter of first past the post in many situations myself, but I thought this might be what might engender the largest amount of support. In particular, having looked at the situation in U.K. with their committees, eight were unanimous—there was no contestation for the post—but some of them were very multi-tier candidates situations, with many candidates for the same post.

The other thing I looked at was how our parliamentary associations are run. Our parliamentary associations use the preferential ballot, so I thought that might be the easiest for members to carry forward. Also, even though we do it over many rounds, we effectively have a preferential ballot when we elect the Speaker of the House.

[*Translation*]

Ms. Alexandrine Latendresse: With the current system, the members come to an agreement among themselves as to who will be committee chairs and then they vote in committee. Under your proposal, there would be a vote in the House. A number of people might be concerned about gender equity in terms of the number of women that will be committee chairs. Other people might be concerned about the proportion of francophones, aboriginal people and members of visible minorities being elected as committee chairs.

Do you have any comments about that?

[*English*]

Mr. Brad Trost: I didn't have my staff check through every committee chair and every category you mention. For the sake of a reference point, we checked out what the current ratio is on gender. I don't think it will surprise committee members to know that currently only one committee, the status of women committee, is chaired by a female member of the House.

Some members had expressed concern that my system would lessen diversity in this. I suppose it's possible that a man could be elected chair of the status of women committee and we could have 24 male chairs at that point. But barring that unlikely happening, I don't see how my system could lessen the diversity more than what we currently have. That's not a criticism of any particular chairs; it's just a reflection of certain realities that are out there.

[*Translation*]

Ms. Alexandrine Latendresse: Of course, mathematically, we could hardly do worse, could we?

Generally speaking, with this procedure, are we not running the risk of making the process more complicated by having all those elections at the start of each Parliament?

We already have the election of the Speaker, which we will discuss a bit later with Mr. Reid's motion. The procedure might become very long if we add the election of all those chairs.

For instance, just now, you explained your idea in the very unlikely case of a committee chair being removed. Do you not think that the system proposed is much more cumbersome than the current

system where committees can choose another chair on the spot and solve the problem?

[*English*]

Mr. Brad Trost: When the British looked at their system, they noted and divided the reforms into two types. There were reforms for the sake of efficiency, and reforms for the sake of effectiveness.

The reform that I'm suggesting here today is very much a reform for the sake of effectiveness. It doesn't mean that I don't have suggestions to keep it efficient. With the revocation of the chairs, the system that I'm suggesting might take up 30 minutes of House time. I even suggested a mechanism where the vote could be held outside of House time. There'd be only one speaker back and forth on the issue, with possible questions. That wouldn't take up House time. In the unlikely event that a chair was removed by the committee, that would maybe take up 30 minutes of time in a day.

When it comes to electing chairs when a Parliament starts, we typically have a length of time before committees are formed and settled. Again, if you use the system I'm suggesting, that the vote is conducted throughout the day, members come to a room, pick up and mark their ballots, and drop off their ballots. I think members can fit that fairly easily into their schedule, without disadvantaging anything else in the schedule of the House.

• (1120)

The Chair: Thank you very much.

Thank you, Madam Latendresse.

Now another one of my favourite vice-chairs, Mr. Lamoureux, for seven minutes, please.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Thank you, Mr. Chair.

Mr. Trost, I'm somewhat fascinated by what you're suggesting. When I think about it, I think about the idea of how committees come in to being. I read what you're trying to do here as having more independence in terms of the committee. Under the current system, the chair is elected, but in order to get elected you have to be appointed to the committee. In order to be appointed to the committee, you have to be on the right side of the party's list.

Is that a fair assessment, in terms of what I've conveyed?

Mr. Brad Trost: I'm sitting in a room full of experts—as expert as I am on this issue—and I don't argue with you, Mr. Lamoureux. Every member can make that judgment for themselves.

Mr. Kevin Lamoureux: If we isolate the chair and we say that the chair is now elected from the members as a whole, from the House, in essence what we're saying is that the whip, or the leader, if you believe that the leader is the one who instructs the whip, would have less influence in our committees.

Would that be a fair assessment?

Mr. Brad Trost: Yes.

I think this is the concept that we're dealing with. Our committee is a creature of the House; our committee is a creature of their respective party executives. I'm suggesting, for the sake of both the executive and the House, it would probably be better if committees became more directly creatures of the House, so that the responsibility would be more direct. I suspect that is how they were first envisioned.

I should say that even though I'm only talking about the chair today—I've suggested things about the vice-chair—part of the reason I did this was to provoke other members to a more robust debate on how we select committees. I took this as a very mild step. If you bite off more than you can chew, you often don't get anything. If you allow someone a small step, they'll take it, and once they've taken it they will possibly go forward.

With regard to where you're going, I think most members would agree. The question basically becomes whether the committee is responsible most directly to the House or to the executive. What is it a creature of, and what is it there to assist?

Mr. Kevin Lamoureux: I think you're being humble. This is a fairly significant step which would ultimately allow the potential for committees to be more robust in their independent ways through the chair. It's the sort of reform to committees that could benefit all Canadians, if in fact we were to move in that direction. The way I'm seeing what's being proposed here is it enables a higher sense of independence for committees.

I don't have any further questions. I just wanted to make sure my assessment wasn't too far off base.

Mr. Brad Trost: Mr. Lamoureux, I appreciate your assessment. I wouldn't overstate how grand this is. Mr. Chong is trying something through his legislation that is considerably more ambitious than what I'm proposing here today.

Perhaps I saw too many pieces of legislation, private members' initiatives, have great ideas and not go anywhere, so I decided to go with something very modest. As you saw from the vote in the House, I got the unanimous support of the House, which says that I have something that people do think is worth looking at. I can see members being opposed to it in detail, when the final result is presented by this report, but I at least have the unanimous consent of the members that this is something that needs to be thought of, namely, the general theme of looking at how our committees are structured and how they can be made more effective and more accountable to the House of Commons and ultimately to all Canadians.

• (1125)

Mr. Kevin Lamoureux: Yes, that's it. To me, it's about how we can make our committees more effective. I do appreciate the motion.

Thank you, Mr. Chair.

The Chair: We'll go to our four-minute round.

Mr. Richards, for four minutes, please.

Mr. Blake Richards (Wild Rose, CPC): Thank you, Mr. Trost, for being here. I know what it's like to sit there and be in committee and questioned about the ideas you've brought forward in terms of a private member's bill or motion. I appreciate your being here today to do that.

First, looking at this idea, I understand what you were looking to accomplish here, but you must have done a certain amount of research. Are you aware of other jurisdictions anywhere else that are using this kind of a system? What kind of research did you do in terms of those other systems, and what did you find when you were looking at other jurisdictions?

Mr. Brad Trost: What I did first was to have the great researchers at the Library of Parliament give me a brief summary of what is done in Australia, New Zealand, and the British Isles, as in Great Britain and Westminster.

New Zealand and Australia effectively have a system like the one we have here. Committees are formed, the committees meet, and then it's yea or nay for whoever is put on.

The British—and this wasn't the only inspiration; the House of Commons debate on October 31, 2002 which I referred to was also inspiration—but the British, after their parliamentary expense scandal, decided to do a look at everything in the House of Commons. As one said, it was no use wasting a crisis; they may as well use it to put through some reform.

This is one of the suggestions they came up with. It's interesting that they've found it to be very positive and something they're quite happy with. All members and all parties there support it.

I will, however, state that I don't think we should look to the British and slavishly copy them. Their culture and their system are much different. We should look to them for inspiration and maybe some practical aspects on the mechanism.

Those are the primary sources of research I looked at.

Then, of course, I've been here 10 years. You haven't been here quite as long, but we actually have some opinions about how committees should run. That very much factored into this.

Mr. Blake Richards: What about the Canadian provinces? You must have looked at those as well.

Mr. Brad Trost: That's a fair question. In fact, I have to admit that we didn't look into that all that much. We probably should have. That's a fair point.

Mr. Blake Richards: Okay.

In response to some earlier questions, you were talking about the composition of committees. I understand your proposal to have it looked at in terms of how the chairs would be comprised, but in response to an earlier question, you were sort of talking about the makeup of the committee itself. You were indicating that basically the whips choose the membership of the committee, and therefore you felt that having the committee choose the chair didn't, I guess, allow for the members of the House of Commons to have enough freedom in determining who the chair would be. I think that was the gist of what you were trying to say there.

You were indicating that the whips choose the committee itself. In fact it's actually this committee, of course, that chooses the makeup of the committees. I understand you're suggesting there's some input that comes from other places, maybe the whip or other places. I get that. But you seemed to be alluding to the fact that you felt maybe the committees needed to be appointed differently from how they currently are as well.

Am I correct in that assessment? Or what was your suggestion in terms of how the committees themselves would be made up?

Mr. Brad Trost: What you're talking about doesn't deal specifically with what's in my motion. Part of the reason I left that out was that's more ambitious, and it's a debate on which you may agree with me on this point, but you may not agree with me on that point.

I personally would like to see some changes and different ways of drawing committees and working things out, but as far as what I'm specifically recommending today is concerned, that's immaterial. I think it would be useful to provoke debate, and I hope there is more debate and there are more motions that come forward on that. It goes back to the point I was making with Mr. Lamoureux that committees should be creatures of the House. That gives them more strength; it gives them more flexibility. Frankly, it gives the executive a degree of insulation if the committee does something that the executive isn't thrilled with, because currently when the committee does something, the presumption is that the executive gave the order to do that. Having been here long enough—10 years—I know that may be true, but it isn't always true.

Sometimes the clarity of responsibility is a benefit for all involved.

•(1130)

The Chair: Thank you very much.

We'll go to Mr. Scott, for four minutes or thereabouts. I was very generous with the last questioners.

Mr. Craig Scott (Toronto—Danforth, NDP): Thank you, Mr. Chair.

Thank you, Mr. Trost, for bringing this forward.

I want to make a quick comment. Mr. Richards is correct to say that formally PROC appoints the committees, but to say it's with

some input from the whips is a little bit of an understatement. I think it's better that we go back to Mr. Lukiwski's opening concession that this is a whip-driven process, and that's the reality—whip-driven, and by definition, of course, leader-driven.

You welcome the idea that this might provoke more robust debate on committees, and I do indeed welcome that. I see this as a motion that gets us thinking. On its own merits, we should deal with it. But then what else could follow, or indeed, what could possibly be part of a recommendation coming from PROC in the context of this motion?

The whole question of the membership of committees has come up in the questions. It's all well and good to say that your system would potentially produce chairs who may be elected to chair positions because of recognized expertise, etc., but there is still the mechanism for the committee itself to remove the chair. You talked about how that might go back to the House. Would it not be a good idea to consider a reform whereby once committee members are appointed to committees, at least for a sitting, if not for a whole Parliament, they're then not removable by the whip, so as to deepen the autonomy that you're seeking to achieve in the committees?

I wonder if you see any link between your proposal and the idea of a more robust committee membership at the same time.

Mr. Brad Trost: I do.

For obvious reasons I don't want to make too strong a link, because every element of a proposal should stand on its own merits, and I think that's a debate that's worth having. On what the specifics would be, how things would be done, I think members would probably disagree, and with good arguments on either side.

I'll note that with what I have here, if you have it work for the chair, and of course, if you extend it to the vice-chairs, those are members who could only be removed with the consent of the entire House of Commons. I suppose the government could kick the member out of caucus and then they'd be ineligible, something that drastic. But you'd then have a system in which a committee chair would be responsible to the entirety of the membership, and even in a majority government—let's say the member has the support of a minority of his caucus and of the other parties—they would have independence at that point to operate on their own, which I think is a good thing.

I see the link you're making. I think it's something that needs to be debated. But I think if we're going to do reforms, we wouldn't want to package too many reforms together, because my observation in this House has been that people will vote against the larger package if there is only one element in the larger package that they dislike. It would probably be prudent, if you want to get some reforms, to have a series of votes rather than to package everything into one vote, whereby someone could say they don't like one particular element and therefore they're opposed to the entirety.

•(1135)

Mr. Craig Scott: Great. Thank you for that.

Again I'm not proposing that we tack this on, but that we use this as an opportunity to signal that maybe down the road the second reform could be considered. If the House adopts your reform, do you think it's the case that the role of the chair would be enhanced, or would there be any problems? Would it in any sense be undermined? Would it be enhanced if all of the committee members, once appointed, were not removable for a specified period? Would the committee, including the chair, be able to function more independently?

Mr. Brad Trost: I think that would be useful. I think that's a separate debate we'd want to have on a separate motion. I can think of times when that might be possible, because any member who has sat here for a long enough time knows that committee members do not always agree on everything even if they're from the same party. For parties with only one member, of course that's not going to happen, but for everyone else I've seen instances of that in both your party and our party. I can remember instances when the Liberals had disagreements, and sometimes the whips solved that by substituting people in and out. That would be eliminated if the reform you're proposing were followed through.

Mr. Craig Scott: Mr. Trost, I have one last question. Do you have any sense of how the U.K. House of Commons reform has worked in its first three or four years?

Mr. Brad Trost: I don't have the particular citation for the quote, but my researcher brought up to me the other day that someone, in their follow-up report on the reform, said that election of committee chairs was if not the best thing then one of the best things that they did. Now, the British do run things slightly differently than we do, so we shouldn't automatically cut and paste from what they do. Their culture, their history, and the influence of their committees are different, but it's interesting to note that all parties there seem to have viewed this as a positive experience.

The Chair: Thank you.

If you don't mind, I'll first off declare an absolute conflict on the election of chairs. The chair is going to ask a couple of questions, too, if he could. I don't do this often, but this really has my curiosity.

Mr. Trost, if a person loved being a chair in this House and loved being the chair of a particular committee, how would you structure that from an election point of view? I would love to be the chair of this committee and certainly would put my name down to be in that election. If I were not successful—which I can't believe would be the case—I would then like to chair another committee, but if it were all happening at the same time, how would I do this? Would I put my name down under every committee? Then I might be elected to eight of them. That's a big workload too. Do you have a thought on that mechanism?

I also have one other question.

Mr. Brad Trost: That's one of the mechanism questions. I'm not particularly welded to any one particular position.

My personal preference, which may not encourage you, Mr. Chair, is that all the committee chairs would be elected at the same time. It's just like in Saskatchewan, where you can't run for MLA and member of Parliament at the same time. You pick one or the other. If I lose as the member of Parliament for Saskatoon University as the Conservative candidate and the provincial election is the month

following, I can't run as the Conservative equivalent provincially and get elected. That would be my personal preference.

The other way one could do this—but you would lose efficiency—would be that if you elected, based on a system of seniority, one committee chair after another, I think that would be inefficient and very difficult to do. I suspect the members would probably go for the system I'm suggesting. Otherwise we would start off with 50 people running for chair of, let's say, the foreign affairs committee or the international trade committee, which are very popular committees, and then some of the less popular committees at the end would be abandoned.

The Chair: As for being able to remove a chair, the committee certainly has that ability now. I've seen it done. I may be the only chair in the House ever elected while saying he didn't want to be the chair. If a chair was removed and the best person to replace him was already a chair of another committee, how would we go about that? You're precluding 21 other chairs from being able to move to a different committee which might be a better one to their minds.

● (1140)

Mr. Brad Trost: I think that contingency should be dealt with in the Standing Orders. Canadian history actually had a situation where people could run for multiple members of Parliament at the same time. Earlier, we noted that this might be inefficient on the first round, but, Mr. Chair, in the unfortunate or rather bizarre circumstance in which, say, you would be replaced, I'm sure other chairs would want the promotion to your position. There's no harm in one of them putting forward their name to be elected if the Standing Orders would permit, and leave them as eligible. They could then resign and we'd have another election.

The Chair: Mr. Lukiwski, did you have one more question, now that I've taken up all your time?

Mr. Tom Lukiwski: No, you prompted me to think of another scenario, and I just wanted to get Mr. Trost's interpretation.

How would you suggest a committee deal with a situation, which I guess speaks more to what Craig was saying earlier about maybe committee members not being able to be removed? I guess my question is more to Craig than to you, but what would happen if a member crossed the floor?

Mr. Brad Trost: Mr. Lukiwski, I think I can answer that. If you have a vice-chair or a chair, one of the eligibilities to hold that position is that—

Mr. Tom Lukiwski: For a regular member. I'm not talking about vice-chair or chair, but more generally speaking, to speak to what Craig was saying, what would happen if a committee member crossed the floor?

The Chair: We'll be pretty free today but I presume Craig wanted to respond.

Mr. Tom Lukiwski: It's an interesting concept.

Mr. Craig Scott: That's a good question. I presume we would make provision for that in the Standing Orders, if we ever got to this issue. We could complicate it by saying that we could preclude floor-crossing as a parliamentary reform. There you go; you just solved the problem.

The Chair: Oh, sure, throw that in our face.

Some hon. members: Oh, oh!

The Chair: I'm going to stop you all there and thank Mr. Trost. This committee will be seized with this also. I also want to remind committee members that although we're doing two private members' motions today, they are not the same ones, and they will be handled separately, and we'll get back to them all.

Mr. Christopherson.

Mr. David Christopherson (Hamilton Centre, NDP): I have a point of order on process. We'll finish this one now. We'll do the next one and it will be a similar kind of process. When would you expect it would come back for a substantive debate by the committee?

The Chair: Mr. Trost has suggested that there may be a couple of witnesses we'd like to see or at least get some information from. I'm assuming Mr. Reid may say the same thing. We'd then have to schedule through our steering process the time to do both of those things before we report back to the House on the private members' motions.

Thank you, Mr. Trost.

We'll suspend for just two minutes when we'll have our next witness.

• (1140) _____ (Pause) _____

• (1145)

The Chair: We're back.

We're waiting for Mr. Scott to come back, but, Mr. Reid, would you like to start, please, for about five minutes.

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): Yes indeed, Mr. Chair.

Mr. Chair, this is not the first time I have been before this committee as a witness. I appeared in this very room as an expert witness on the Clarity Act, back when Peter Milliken was chair of this committee in 1999. Since that time, my credibility has been reduced to the point where I am forced to produce motions on my own in order to come back as a witness.

Some hon. members: Oh, oh!

Mr. Scott Reid: What I am doing today is exactly that. I am presenting on Motion M-489, which I have proposed and which has been referred to this committee, dealing with an amendment to Standing Order 4 of the orders governing this House.

This motion, unlike Mr. Trost's proposal, is already laid out. There is actually a text that you can refer to, so what I am obviously hoping is that you'll look at it, decide that it is a perfectly formed jewel, and want to adopt it exactly in the form in which I wrote it. However, I am enough of a realist to recognize that you might want to amend it. If you do, the text is there to examine, but it's a somewhat different process—it's a practical matter—than what Mr. Trost is proposing.

Real estate agents tell us that we ought to sell not merely the features but also the benefits of anything we're trying to convince people to buy, so let me lay out the three substantive alterations or features of this motion.

First of all, it would introduce a preferential ballot for the election of the Speaker. "Preferential" of course refers to a ballot in which you enumerate your preference as first, second, third, and so on, exactly in the manner that Mr. Trost is proposing. It's a process with which many of us will be familiar. It's used for the leadership election in a number of parties. In many cases, it's used for nominations. I myself was nominated using such a ballot process. This tends to lead to a more consensual result. Anybody who has gone through a consensual or a preferential ballot process I think will confirm that this is indeed one of the results of doing things this way.

The proposal also includes a tiebreaking provision. Paragraph 4(8) (a) and paragraph 4(11) of the revised Standing Order 4 would allow for tiebreaking to occur. This is not currently a feature of our Standing Orders regarding the election of the Speaker, so it is conceivable you could have a tie vote. Indeed, we actually did have a tie vote on one occasion in the election of the Speaker. If memory serves, I think this was back in the nineties. Now there is a method for dealing with this.

Finally, it provides more effective discretion as to the small vote totals of people who are at the very bottom of the field, something that is not done right now. In order to avoid embarrassment, we say that vote totals will not be shown, but those who get less than 5% of the vote are automatically removed from the ballot, so you can figure out who the people are. The people who we would presumably most want to protect from this kind of embarrassment are subject to all of that embarrassment, whereas if you are the second-place finisher, there's no embarrassment in that. This provides a better bit of discretion with regard to that.

Canada's history in this regard is that we've gone through three stages. From Confederation until the early 1950s, the way Speakers were elected was by nomination by the Prime Minister. The Prime Minister would propose a motion in the House. There would be a vote, typically along partisan lines, and the Speaker, who effectively was a partisan figure, would then take the chair. This led to all of the problems you might expect with lack of credibility for the Speaker.

Starting in the 1950s, under the prime ministership of Louis St. Laurent, the process began of a motion proposed by the Prime Minister and seconded by the Leader of the Opposition. This involved some level of consultation. It was an improvement. The process, which initially involved some very cursory consultation, appeared to involve more substantive consultation with time. Nonetheless, this was deemed to be inadequate. Starting in 1986, we went to the current system, which is what is known as an exhaustive ballot.

Looking across the Commonwealth, we see that a number of different options are used in different jurisdictions: the open vote on a motion, as I have mentioned; the exhaustive ballot; first past the post, which is used in some places, for example in Cyprus; and finally, the preferential ballot, what I'm proposing, also known as the alternative ballot, which is used in India's upper house and also has been used in the House of Lords.

I do have a document that I can refer to—it's in English only and I'll leave it with the clerk. It goes through all of the different systems. The clerk can make up her mind as to whether it's too much work to translate. It's not an easily translated document, but it's available to you. It was collected from various websites.

• (1150)

Turning to the benefits of the system I'm proposing. The most important is that it's likely to produce an obviously impartial non-partisan candidate.

One way to see this is to look at who won the Speaker's elections in the two elections that have been held so far, in 2006 and 2011, in the U.K. Unlike in Canada, the results of each round of balloting are recorded. The lower house, the House of Commons, uses our system, an exhaustive ballot, and they record who got what, not merely as here, who has been eliminated. In the House of Lords they have a preferential ballot, but they reveal who was bumped off the ballot at each level, and how many votes they had following transfers.

In 2006 it's interesting to note that a Labour candidate, Baroness Hayman, won the speakership, but an independent candidate, Lord Grenfell, was in second place and moved up rapidly with each ballot count. On the first count, Baroness Hayman had 201 votes. At the conclusion, count eight, she had 263 and was up by 62. Lord Grenfell on the other hand went from 103 to 236, so he more than doubled his vote on various counts. He's the independent candidate. People tended to move away from their original candidates and favoured the most independent individual in their second and third preferences.

In the second election in 2011 Baroness D'Souza a crossbencher, which is a way of saying an independent, was the leading candidate from the start and wound up winning. She showed persistent growth

throughout the various counts. This indicates to me that the tendency to choose someone who is obviously non-partisan is favoured. Admittedly, the study is not as complete as it could be, but that's all the evidence we have available to us.

I also have a very interesting quote. If you don't mind I'll conclude on this note. This is Lord Tyler who is a member of the House of Lords. He also blogs on the blog set up by the House of Lords. You can interact with lords in the blogosphere if you so desire. He has the following comment comparing the election of the Speaker of the House of Commons to that of the House of Lords, which I thought was interesting. This is from 2009.

Lord Tyler said:

I wonder whether anybody else has examined the contrast between the two electoral systems used to produce Speakers, in the two Houses of Parliament. In the Lords, in 2007, we used an Alternative Vote (AV) system to elect our excellent Lord Speaker, Helene Hayman. In the Commons last night, they employed the "exhaustive" (and exhausting) ballot.

Although both ensure that the winner has at least 50% support – and thereby each avoids some of the crass distortion of first-past-the-post – the two systems have a different effect on the voter.

AV encourages a careful choice, in preferential terms, so that the voter adopts a positive approach, marking 1, 2, 3, and so on down the ballot paper. The least popular candidates are progressively eliminated, so you never end up with someone that most people object to. The system maximises positive support for the successful candidate.

I would argue that the Lords' system is preferable. The procedure used by MPs over several hours yesterday means that at each stage voters are encouraged to reassess the chances of remaining candidates, and to switch their votes to block those they least like. It is quite evident from the anecdotal comments we've already heard that the final round turned into a contest between those who wished to avoid one candidate and those who couldn't stand the other. In other words, the system maximized the negative.

I don't mean to suggest that has been the result in our House of Commons, but it has been my experience looking at runoff elections such as the ones that were used to determine the leadership of the Canadian Alliance, the party I belonged to before the creation of the Conservative Party of Canada, that the best strategy for a final ballot is to be harshly negative about your opponent. It does maximize your vote the best, and that is one reason I think preferential ballots are a superior way of conducting elections whenever possible.

Thank you, Mr. Chair.

• (1155)

The Chair: Thank you very much.

We'll go to questions.

Mr. Lukiwski, you're first.

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

Thank you, Mr. Reid, for being here.

I must tell you that I'm looking forward to the examination of your private member's motion and the study for a number of reasons.

The current system has its flaws. Certainly, even if we don't change the current system, I think there would still have to be—at least, I would recommend it—some changes to the Standing Orders. It doesn't make any sense to me that we would continue to have a system where if you do not want to be Speaker, you have to inform the House, rather than informing it that you do want to be Speaker.

Every time we have an election of a Speaker when a new session of Parliament starts, invariably there are one or two people who forget that they're supposed to take their names off the ballot. They get embarrassed because they have to stand up in the middle of the House and inform people that they screwed up and that they don't want to be Speaker.

I think it's going to be an enjoyable study and also a very important study. Clearly, the election of a Speaker is one of the most important functions of a working democracy. You have to ensure that the person who occupies that chair is impartial, and I know that's sometimes a difficult thing. We all are partisan creatures.

I think in some cases it takes a while before the Speaker can get his mind around the fact that he or she has to be completely, truly, and honestly impartial when making rulings and listening to arguments, from all members of the House. So the study itself is important.

I tend to agree with you, Mr. Reid, on the preferential ballot aspect. I think the most important thing that you pointed out was the consensual nature of the results. Even though it may not be perfect, I think that at the end of the day the person who is finally elected, after however many counts, would have the majority of the support from the people in the House. I think that's incredibly important.

I know there will be some discussion as to maintaining the status quo. Again, all of us being partisan creatures, there's something to be said for having an election where it takes multiple ballots. You can do your campaigning between ballots. You try to cut deals. You have the excitement of a political convention and the atmosphere. With a preferential ballot, you mark your ballot once and that's it. It may take a while to count and get the final results, but there's only one ballot. I think the study will be very interesting and enjoyable to conduct.

My question for you is simply this. This goes a little beyond what your private member's motion speaks to. You're talking only about the election of a Speaker. What about the associate speakers, or the Deputy Speaker? Do you have any comments on whether the current system should be altered, or are you satisfied that the current system of appointments, frankly, to those secondary speaker roles is sufficient?

Mr. Scott Reid: I think in general the current system is pretty good. It's not entirely arbitrary. The expectation is that people from the field, people who ran for Speaker, will be appointed more or less in the hierarchy that reflects their placement in the results. There's also an emphasis, and this is actually in the rules, that if the Speaker is an anglophone, the Deputy Speaker must be a francophone, and the reverse. I've never heard anybody suggest that there's a problem with that rule.

It's something that has to be enforced by the rules. It's hard to engineer a result where that will happen every time, that your first-place finisher will be of one language group and your second-place finisher will be of the other. If that were to be done, you'd have to deal with a separate rule. This is a package that deals only with Standing Order 4.

• (1200)

Mr. Tom Lukiwski: Thank you for that clarification.

I'd like your opinion on something else that you said in your opening statement, which is that under the current system, the exhaustive system of electing Speakers, it can turn into a bit of a partisan exercise. I agree with that, although I also note, at least in my 10 years of being in Parliament, that's not always the case. I would point to the 2006 election. The Conservative Party was elected as government in a minority configuration, but we had Speaker Milliken re-elected as the Speaker. He was a member of the official opposition at that time.

I think that speaks well, quite frankly, to the ability of all members of Parliament to ascertain that they would like to see someone in that chair who is competent, impartial, and fair. I would just point that out for your reference.

I would like to think that all members take the election of a Speaker quite seriously. If it were ever to get to a point where we were voting strictly on partisan lines, quite frankly, democracy could suffer.

I'd like a few comments from you on whether you think the exhaustive system would ultimately lead to partisanship rearing its ugly head.

Mr. Scott Reid: It's hard to tell because the votes are kept confidential, so we don't know for sure what happened at each stage of the voting.

In the U.K., we get more robust evidence because of the fact that in the exhaustive system they use in the House of Commons, they actually have a record. There is some indication of partisanship.

If I may go back to what Speaker Milliken was doing, that's a really good example. He was, at that point, a very experienced Speaker. He had six years in the chair. A number of us had been his supporters for many years. Back in 2000 when he first ran, he was shaking hands outside of caucus rooms, and I told him, "Don't waste your time on me; I'm already voting for you." I was never in a position to doubt the wisdom of having supported him for that role.

Obviously, removing partisanship as much as you can, systematizing the removal of partisanship is a good thing, something which I think has been an evolution. I think the current system, the exhaustive ballot, is an improvement on what we had in that period from 1954 to 1986. I think that is an improvement on the first 80 years, so we're heading in the right direction. This is, if you like, the next step in the evolution.

The Chair: Thank you, Mr. Lukiwski.

Madam Latendresse, for seven minutes.

[*Translation*]

Ms. Alexandrine Latendresse: Thank you, Mr. Chair.

Thank you very much, Mr. Reid. It is a bit odd seeing you on this side of the table. Who knows, I might be very tough with you and ask you very difficult questions about your motion.

I am not sure I quite understood your answer to Mr. Lukiwski. I think he asked you whether you were considering holding an election for the Deputy Speakers of the House.

Is that what he asked you?

Mr. Scott Reid: I simply said that, in my view, the current system for the election of the Deputy Speakers is very good.

Ms. Alexandrine Latendresse: Thank you.

Right now, there is sort of a tradition or unwritten rule saying that, in our exhaustive ballot system, the person with the highest number of votes usually becomes Deputy Speaker, and other individuals obtain the other two positions.

In a preferential ballot system like the one you are proposing, will this rule continue to apply? Will we be able to know exactly who came second and third?

Mr. Scott Reid: Based on the rules that I am proposing, the votes will continue to be secret, the way they are right now. We can change the system to be able to find out who came second and third, which might be a very good reason to create a new rule.

• (1205)

[*English*]

I don't know how to say this particular technical thing in French, the preferential results at each level of count.

[*Translation*]

That is why it might be better to make those results public.

Ms. Alexandrine Latendresse: I was thinking that might be something to consider. However, as you said when you were talking to Mr. Lukiwski, we also have something of a tradition requiring that the Speaker be bilingual and that even some of the Deputy Speakers be able to manage in both English and French just as well.

Have you considered making that requirement official in the rules governing the operations of the House or in your motion?

Mr. Scott Reid: That is the practice of the House. It is not a written rule. In a collegial system like the one in the House of Commons, a system that governs itself, it is best to use unwritten rules as often as possible. Written rules are less flexible and less practical. With written rules, any exceptions that might come up could often be problematic.

I cannot imagine that, in this day and age, we would find it acceptable that a Speaker be entirely unilingual. It might be acceptable that a Speaker is not perfectly bilingual. That is perhaps the case with the current Speaker, and that was the case with Mr. Milliken. Good intentions are very important. Here, there is no test like in the federal public service to determine whether an individual has the written and verbal understanding of the other

official language. If there were a strict rule on linguistic capability, marginal cases would pose a problem.

Ms. Alexandrine Latendresse: I completely understand your position on this. I myself have introduced a bill on bilingualism. This issue is very difficult to resolve. There are always the two options of either asking for official certification or relying on people's judgment. It is not an easy debate.

In 2011, when Mr. Scheer was elected Speaker of the House, I was a new member of Parliament. One full day was devoted to the election of the Speaker of the House. There were several ballots and I personally found it very interesting. It enabled me to get to know my colleagues a bit better. In between ballots, we were able to talk to them. The Conservative candidates would come to talk to us, and they were very nice to us. We were all surprised. It was very good.

If the preferential ballot is implemented, as you are suggesting, would that not pressure new members—like myself back then—to have to decide on a preferential order, without talking to anyone else and without necessarily having the tools to do so?

What is your suggestion to address that problem?

Mr. Scott Reid: Mr. Toone, who is another new member, said the same thing as you. He also had the opportunity to talk with his colleagues for the first time that day.

[*English*]

I suppose one way to look at this is you could adopt what they do in Britain for their elections of the Speaker, in both the House and the upper house. They have a hustings, as they call it, essentially an all-candidates debate, or at least one all-candidates debate, at which you get to hear the various candidates explain their positions. That gives you a chance to see them in action. It also gives you a chance to interact with other people.

That might serve to some degree as a substitute for the kind of interacting we had during that voting session.

On the other hand, you can get too much of a good thing. In 1986 they finally elected the Speaker after, I think, nine hours of voting; it might have been 13 hours of voting. It was 3 a.m. at any rate. I think everybody knew everybody else perhaps more intimately than they would have preferred by the end of that process.

• (1210)

The Chair: Thank you, Madam Latendresse.

Mr. Lamoureux, for seven minutes, please.

Mr. Kevin Lamoureux: Thank you very much, Mr. Chair.

I appreciate the presentation, Mr. Reid.

Ultimately, the goal is to try to remove partisanship, as you have stated, to get that sense of independence. That's what you're hoping to achieve. I think a vast majority, if not all, parliamentarians respect that and would want to see that.

I come from a system at the provincial level where we've had Speakers, and I've witnessed Speakers who were appointed by the premier directly. That system evolved into the election of Speakers. You can see the difference. There was far more partisanship in the 1990s, for example, and when we did get our first elected Speaker, it made a significant difference in terms of the relationships between the MLAs and the Speaker.

I say that because I agree with you. You made reference to the fact that this is something that's evolving. What you're suggesting is that we look at ways in which we can enhance the way a Speaker could get elected and, hopefully, add a higher sense of non-partisanship and that sense of independence we referred to.

The question I have for you is, election aside, are there not some other ideas you want to share with us as to what you think would enable that higher sense of independence? For example, a Speaker still has to get a nomination. I think that would likely do far more in terms of achieving some of your goals. Are there some other examples you think would enable future Speakers to become more independent or less partisan in their thinking?

Mr. Scott Reid: The most obvious one is the one you mentioned. I'm glad you mentioned it. I was trying to find some way of fitting it into my remarks and you provided me with the opening.

In the United Kingdom, the Speaker of the House of Lords never has to face a free election. You're appointed for life or, in some cases, you're born into the job, depending on who you are and how you got there. But you don't face a free election in the same way from your party.

In the House of Commons, the tradition has evolved. Of course their House of Commons goes back before the advent of parties. The tradition has evolved that the Speaker, when he or she seeks re-election, will run uncontested. That is to say the other parties will not put up candidates.

I don't know how the process works for internal party nominations. My guess is that the party also agrees not to run candidates there. The person abandons party membership and becomes.... The understanding is that when you become Speaker you will not be returning to your party ever. At the end of your career in the House of Commons, when you no longer wish to seek free election, you may be appointed to the House of Lords. The expectation there is that you will sit as an independent or what they call a crossbencher. The abrogation of party links is final. It's for life.

Nonetheless, there have been contested elections. It's considered bad form but it has occurred. To deal with this, in the 1930s the House of Commons formed a committee headed by Lloyd George, a former prime minister. It looked at whether or not Speakers should face a certainty of re-election by establishing a special electoral district, a special riding, in which only the Speaker would run. They decided against that because they said, in essence, "This person no longer is a member of Parliament. They are some other creature. They are not elected in the normal manner, and we think the convention that nobody runs against this person is better than a fixed rule."

This is a good example of the kind of thing I was talking about in my response to Madam Latendresse earlier.

There was an attempt to introduce the same system in Canada. Speaker Lamoureux, in 1968, announced that he would not be running. He had run as a Liberal, been elected, became a speaker and then said, "I will not be running as a Liberal. I will be running as an independent." He asked that the other parties not run candidates against him. The Conservatives chose not to run a candidate against him. The NDP chose to run a candidate against him. As a result, that practice has not been followed up on. After that, Speakers went back to contesting elections as members of a given party. He did get re-elected, by the way, notwithstanding that challenge.

It points to, I think, an important point. If there is a desire for a shift to this aspect of the system used in the United Kingdom—this could happen whether we have the preferential ballot or the current system—there may very well be merit to the parties talking among themselves starting at the House level. Ultimately, you would need the party machineries from each party involved, as well, to see whether we could agree that we would adopt this system.

The upside is obvious: less partisanship. The downside is that there is an expectation—it's not mandatory but it becomes a very strong expectation—that the person elected as Speaker in this Parliament will also, should he or she seek re-election, be the Speaker of the next Parliament. You might not want to make that concession.

If we decided to go that way, then this committee could look at that. It would be useful to have some information on that to present but the decision-makers would be outside of this committee. It would be the House leaders of the parties that would do that.

• (1215)

Mr. Kevin Lamoureux: For me it's the broader issue in terms of what it is that we can do as a committee to ensure there's a more non-partisanship label affiliated with the Speaker's office.

The last thought I want to share with you is in regard to the first-past-the-post system by which we elect the Speaker. I was an election observer in Ukraine. In Ukraine they indicate that you have to have the majority. If you don't get the 50% plus one, then there is a following election—in this case, it would be a following ballot—but all the names would be dropped except for the top two.

How firm are you in your thinking in terms of the preferential ballot? Do you think this has to be the way, or are there other possible scenarios?

Mr. Scott Reid: There aren't that many different electoral systems that work when you have a single post to fill. There's an ongoing interest in Canada in the multi-member proportional representation system, but obviously, as its name suggests, it involves multiple candidates operating under a party label. Proportional representation assumes more than one office to be filled.

Really, I think the options we have here are actually the exhaustive ballot in some form or another, or some form of preferential ballot.

You can do somewhat different things with regard to preferential ballot. The particular form of preferential I favour is one that, if there are 10 candidates running, lets you mark down candidate one, candidate two, candidate three, and then leave the rest of the ballot blank. If you just don't know, that should be fine. That's the system that is used in elections in Tasmania, for example.

In Australian federal elections, which also have preferential ballots, they have the requirement that you list all the candidates. You must list every single one, and if you don't, your ballot is spoiled. I don't think that's legitimate. I should be careful what I say here. I love the Australians. I used to live there, and I respect their system. But I don't think it's as good a system as the one that has been employed in some Australian states and territories, which allows for you to say you feel confident in your knowledge up to a certain point, and after that you don't have views that, in your view, are greater than the wisdom of the whole of the electorate, so you prefer just to indicate one, two, and three, or even just one.

The Chair: Thank you.

We'll go to Mr. Butt, for four minutes, please.

Mr. Brad Butt (Mississauga—Streetsville, CPC): Thank you, Mr. Chair, and thank you, Mr. Reid.

One of my first experiences since having been elected here in 2011 was that marathon process of electing our Speaker through multiple ballots. It is a good opportunity to converse with new colleagues and get to know people better, but it was extremely time-consuming. It took the entire day. I'm wondering if that was the main motivation behind your proposal, just to speed up the process of choosing the Speaker so that it's not taking hours and hours, albeit the fun and frivolity that's involved in that. Is it really just an issue of speeding the process up so we get the Speaker elected as quickly as possible?

• (1220)

Mr. Scott Reid: That's not the main motivation, but that is potentially a benefit.

In my concluding speech, my five-minute response at the end of the debate on this motion, I did a little math, and let me just repeat what I said. Following up on my colleague the parliamentary secretary's comments about the length of balloting, I took a moment to do a little math. He pointed out that, on average, seven hours had been consumed electing a Speaker in each of the Parliaments since the procedure was introduced back in the eighties. Seven hours times 308 members equals 2,156 hours. In case members are wondering, a person working 40 hours a week all year long, with no holidays, would work fewer hours than that. Essentially this is an entire year of work gone. Assuming, for the sake of argument, that we return to the worst-case scenario, 12 hours of voting—because that's what it was in 1986—in the next Parliament, when there will be 338 members, math dictates that we would spend 4,056 hours doing this, which is about two years' work.

You get an idea. There is a real cost there. On the other hand, there is a benefit as well; we do get to know each other.

My primary motivation here is to try to reduce the partisanship. Maybe a better way of putting it, because I think our last two Speakers have been excellent in this regard, is to preclude the

possibility of partisanship re-emerging at any point. I think this system would tend to lead to, if you like, an inexorable cycle because it would be reinforced by the conventions, the widespread approval of the House, and therefore, it would become part of our culture that we expect the candidates to be those who are the least partisan individuals, the most scholarly in their approach to the rules, and have the kinds of qualifications one would expect in a person whose primary role is adjudication.

I must add something else. We've done well in this regard with our last two Speakers, so perhaps I'm undercutting myself, but someone who has a bit of a sense of humour helps a lot.

Mr. Brad Butt: Just as a follow-up to that, the primary motivation wasn't necessary to reduce the number of hours of MPs' time being taken up as well as the overall costs. If we're all sitting here for seven hours, the clerks and other staff have to be here, and if it goes into overtime, then it takes more time. You talked about one that was 13 hours long in another jurisdiction. It's not really the primary motivating factor, but it is a serious consideration in the grand scheme of things.

One of the things I'm a little concerned about—although I'm quite in favour of what you're proposing—is that we know what happens when there are seven or eight candidates on the first ballot. If you do a preferential ballot, you don't get to see how things are moving, regardless of where your first-choice candidate placed. You may want to make several changes based on who is still on the second ballot or the third ballot. As an MP, based on what you know about the candidates' qualifications, if your first-place person isn't there, you may have thought your second choice was the next person. Now in the scheme of things as to who's left, you may have decided that there's a different candidate. This process obviously isn't going to allow you to go back and redo that and make a change if you saw the dynamics of the Speaker's race changing in a way that maybe you didn't think was necessarily going to happen. Once you have voted, that's it; there's no changing it, and there's no way of looking at that fluidity of how the actual election is taking place.

Mr. Scott Reid: That's right. You wouldn't know that.

The Chair: Just give a quick answer, please.

Mr. Scott Reid: Sure.

Under the current system you don't actually get complete information. You know who dropped off. You don't know how the others did. In the U.K., they actually will know how many votes each person got. It's very much like a leadership race under the old-fashioned convention system.

I personally think this is a virtue of the system. It prevents strategic voting. It more or less forces each person to rank the candidates based on their own assessment of the merits of each candidate, whatever those might be. That aspect is a feature rather than a failing of the system I'm proposing.

The Chair: Mr. Scott, you have four minutes.

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

Thanks, Mr. Reid, for bringing this motion forward.

I have to say I'm kind of agnostic on the change, but I almost don't have a basis for comparing. I was elected in a byelection after the current Speaker was elected, so I didn't have time to experience the great collegiality and fellow feeling—

• (1225)

Mr. Tom Lukiwski: The joys—

Mr. Craig Scott: —and the joys of the voting process that my colleague Mademoiselle Latendresse experienced. But I can well imagine—and don't think I'm all touchy-feely here—that there would be some kind of diffuse bonding process that must go on when you're electing a Speaker through the current process. When everybody is in the chamber, especially a lot of new MPs, it is kind of a chance to get a feel for the institution and a little bit for personalities.

If discussions go on across the aisle, surely all of those are to the good.

Also, would you concede that maybe there is something lost? If we measure only the time, I get your point. Should we at least recognize that there are other goods in the process we currently have that we would be losing?

Mr. Scott Reid: I think getting to know each other is always a good thing.

The informal system used in the U.K., because there's no rule that says this, involves what they call a hustings, an all-candidates debate. It is an occasion to interact, and it provides some of that interaction.

There's something else that I think, though, is a negative element, which has entered into our elections for Speaker. The last two sets of speakership elections, 2008 and 2011, saw the introduction of hospitality suites to keep members occupied between votes. People would go off to member X's office where they would enjoy some hospitality. Depending on which suite it was, it ranged from scotch to ice cream. Although these things exist at party conventions, I actually think they are indecorous in an environment like this one, and I was sad to see them emerging. I should mention that the winning candidate did not participate in this process, so perhaps that in itself will kill the practice off in the future. It doesn't seem to be all that successful, but I did think it was very much in the wrong direction. We really should be deciding on the merits of each candidate based exclusively on the somewhat austere judgment we have rather than based on how hospitable they might be.

Mr. Craig Scott: Great.

The other thing, in terms of the loss of time, and all the person-hours—you did an interesting calculation there, if you multiply the number of MPs by the time in the House—it's important to know that this occurs right at the very start of the Parliament, so we have to think realistically. There are no committees. People are, yes, settling in. We all have things we can always do, but are we overstating the loss of productivity on the first day of Parliament if we devote it to the current practice?

Mr. Scott Reid: As you know, philosophically I'm a libertarian. We libertarians believe that if we could keep all legislators occupied in social activities to the neglect of their legislative duties, the world

would be a better place. Perhaps I'm agreeing with you in a backhanded way.

Mr. Craig Scott: That doesn't extend to courtesy suites, hospitality suites.

Mr. Scott Reid: No, it doesn't. I'm being a bit offhand when I say that. The hospitality suites were a serious issue. It wasn't devastating, but it didn't sit well with me. The issue of people getting drinks, I agree, I don't think you say.... We are all going to get paid anyway, whether we come here or not. The building still has to be heated. I can't recall whether the House provided any refreshments or not. Perhaps that explains the hospitality suites to some degree. But I don't think a vast new burden was imposed on the Canadian taxpayers by this process. Nonetheless I do think that a process that's a bit faster.... If we stick with the current system, I think we could at least speed up the counting process. In all honesty, it did seem awfully slow, but that's merely an observation that perhaps doesn't take into account some of the difficulties that are involved in actually doing the counting. I don't know if there were any counts that were won by a single ballot, for example, in which case, they would want to recount it. That's unknown to me.

The Chair: Okay, we're finished that round. I think we'll stop it right there.

Mr. Reid, do you have any suggestions for us on continuing this study, on witnesses this committee may look at, that type of thing?

Mr. Scott Reid: Yes, I would suggest that we invite some of the participants in one or the other—

The Chair: Are the bells ringing?

Go quickly, then. I think I hear bells.

Mr. Scott Reid: Okay.

One or the other, or both, of the House of Lords elections in Britain...to deal with how that has worked out.... If I might suggest as well, I think in order to deal with the very important question that Madame Latendresse raised, we ought to invite somebody who has some familiarity with the British House of Commons election, which is our system, under a system where the votes are revealed. I think the questions to ask are about partisanship and also about the merits of secret versus open balloting, although you may have other things to add as well.

• (1230)

The Chair: Okay, thank you very much.

The bells are ringing.

Mr. Tom Lukiwski: Mr. Chair, on a point of order, I'm not sure why there are bells, but I'm suggesting we suspend and come back. This is to inform the committee that the government will not be giving consent to adjourn the committee.

The Chair: Okay, we will suspend, and come back here after whatever it is we're going to the House to do.

• (1230)

_____ (Pause) _____

• (1315)

The Chair: The committee will resume, following its suspension.

We're on to committee business.

I have Mr. Lukiwski, first, on that piece.

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

It's actually a fairly straightforward motion. Although my colleagues in the NDP feel that this is—

Mr. David Christopherson: Chair, I thought the member was going to read the motion, but if he's going to jump right into debate, then I have a point of order right off the top.

Procedurally, I just need to know when my cue is to signal you that I have a point of order.

The Chair: Okay, when you catch my eye again....

We'll let Mr. Lukiwski get into his motion, and then by all means, David.

Mr. Tom Lukiwski: I'm easy. Did you want me to read it into the record, David, or does it matter to you?

Mr. David Christopherson: I just want an opportunity to make my point of order before you begin your debate, that's all.

Mr. Tom Lukiwski: Go right ahead.

The Chair: Go ahead, David.

Mr. David Christopherson: Thanks, Chair.

If I may, I had mentioned this previously and I'll raise it again only as the major focus. Before, I made it just one of my reasons.

I'm suggesting to you, Chair, with the greatest of respect, that this motion is out of order. The main reason is that this whole matter of the study that this committee has undertaken, based on a motion that passed in the House—and that's important in this context, that we are under the orders of the House here, so to some degree we're not masters of our own destiny with regard to this. On that point of the motion, we have a point of order before the Speaker, which the Speaker has taken under advisement, meaning that there has to be some merit to it, prima facie, that the Speaker feels he needs time to review it and consider it. We are waiting for that ruling.

I would suggest to you, Chair, that it is entirely appropriate, in order, and it makes all the common sense in the world that before we continue with a motion at this committee on this matter, we allow the Speaker and give him the respect to deem whether or not that motion was actually in order. If it wasn't, the work in front of us now dissolves because, given that it originated in the House and the Speaker has claimed significant jurisdiction by virtue of at least being willing to consider it right now, it seems to us that the right thing and the respectful thing to do, Chair, would be to hold this motion at least in abeyance until such time as the Speaker has made a final ruling on the originating motion that took place some weeks ago.

That would be my point of order, Chair, in terms of the relevance and whether or not this motion is actually in order, and I respectfully submit that it is not.

The Chair: Thank you, Mr. Christopherson.

On that point of order, Mr. Lukiwski.

Mr. Tom Lukiwski: I would point out that really the point of order that the NDP raised was on the use of Standing Order 56.1 to compel Mr. Mulcair to appear at committee. That is the issue before

the Speaker. However, there is absolutely nothing that precludes the procedure and House affairs committee from conducting a study on anything it wishes to.

Based on the testimony of Mr. Mulcair, which was allowed through the House reference, we heard conflicting testimony, which I will speak to in a few moments. Based on that conflicting testimony, I brought forward a motion to expand the study to try to get to the bottom of the testimony that we heard from Mr. Mulcair.

If the use of Standing Order 56.1 is ruled to be out of order, that may preclude this committee from forcing or inviting Mr. Mulcair to come back again, but it certainly does not do anything to stop this committee from conducting a study on any subject that it wishes.

• (1320)

The Chair: Mr. Lamoureux, on the same point of order.

Mr. Kevin Lamoureux: Mr. Chair, I notice the government representative wanted to move a motion, and then explain the motion and the purpose behind the motion, but even prior to our hearing the motion and getting that explanation, there is a point of order that has been raised.

It makes me reflect on the time when I was trying to get some questions asked of the Speaker. Through points of order, there is this disruptive force where the NDP is trying to avoid accountability on what I think is a very important issue. We have been charged with trying to get a better understanding and coming up with a report at the end of the day on some very serious matters, matters on which we've had professional civil servants draw up some conclusions.

I've had the opportunity to read through those confidential documents that have been provided to me. I think it behooves all of us to not only read through these documents, because there are very serious allegations that we need to investigate and look into. My concern is that we're witnessing the beginnings of some sort of a filibuster.

I would suggest to you that it is not a point of order, and that Mr. Lukiwski should go ahead and move his motion and then provide some sort of an explanation to it.

The Chair: Mr. Christopherson, very quickly on the point of order. This is not debate time.

Mr. David Christopherson: Agreed. In fact, it will be specific to the comments of Mr. Lukiwski, wherein I think he made my best case.

He made reference to the fact that this committee can do what it wishes on its own. I have no umbrage with that issue. However, Mr. Lukiwski's motion, Chair, says specifically "the committee continue its study pursuant to its order of reference". It's the order of reference that the Speaker is now deliberating on.

If anything, Chair, with respect, Mr. Lukiwski strengthened my hand by pointing out that the pivotal piece is that this is pursuant to an order of reference from the House, and that order is now the matter of a deliberation by the Speaker to make a ruling.

If separate and apart Mr. Lukiwski wants to come in after the fact, or instead of, and make the case we can do whatever we want, that's a very different debate and it wouldn't be this point of order.

I am making this point of order specifically on the fact, and I appreciate Mr. Lukiwski focusing in on it for me, that it's the pursuant part that makes this out of order because it is referring to an action, a reference from the House, and that ruling, that decision, that motion of the House is now in the hands of the Speaker who is deliberating as to whether or not it was in order and appropriate when it happened.

If he upholds that, there is no motion because it's pursuant to what? There will be nothing to be pursuant to. Therefore, the only thing that makes any common sense in my respectful submissions, Chair, is that this matter be held in abeyance until such time as the ruling is made by the Speaker.

The Chair: I'm going to rule that the motion is in order and can be debated today. Mr. Lukiwski, you still have the floor.

Mr. David Christopherson: I have another point of order. It's different.

The Chair: Let's keep it as a short point of order rather than debate this time.

Mr. David Christopherson: The motion that Mr. Lukiwski has put forward effectively amends the House order because in the last sentence it says that "provided that it shall be deemed to be a continuation of his appearance on May 15".

The House did not provide for the committee to take one date that they put as a deadline, which we honoured, and allow the committee to just say at will every day is May 15.

That is out of order in our opinion, Chair, because if I may—

• (1325)

The Chair: No, you may not.

Mr. Christopherson, I've already ruled that the motion is in order. Now you're picking another part of it suggesting that I think about it. The answer is, I ruled the motion in order and we will go to debate on that.

Mr. Scott.

Mr. David Christopherson: You know it's tough enough with the heavy hand of the government.

Mr. Craig Scott: Mr. Chair, I honestly think, with all due respect, and you know I do respect you as Chair, that's an unfair ruling. I mean the overall point—

The Chair: There's nothing that you can do. The only one thing you can do if you're not loving the Chair at the moment—

Mr. Craig Scott: All I'm saying is that this is a legitimate separate point of order about a part that could well be at least amended.

The Chair: When the Chair has already ruled that the motion is in order, picking another part of it and saying, "Yes, but think it over again Chair", is just going to keep us here most of the day. I'd like to carry on.

Mr. Lukiwski, on the motion.

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

It is apparent, obviously, from various points of order and other dilatory actions taken by the members of the NDP that they do not want this study to continue, and for one very good reason, because, I

believe, Chair, there is no argument that can be made that any reasonable person could possibly agree to. We have heard absolutely conflicting testimony from Mr. Mulcair and Madam O'Brien, who, in the words of Mr. Mulcair, is above reproach. I think every parliamentarian would agree that in terms of honesty, integrity, and competency, Madam O'Brien's bona fides are off the charts.

Let's recap for a moment. What Mr. Mulcair stated in testimony is that the House administration was well aware of the NDP's plan and subsequent actions to house staff, paid for by parliamentary resources, in Montreal in a location that was cohabitated by political staff. He stated that the House was well aware of that and that at every step of the way the NDP ensured that the House was aware of their actions.

According to Madam O'Brien, nothing could be further from the truth. In a memorandum, Chair, addressed to you, of May 9 of this year, Madam O'Brien states:

At no point was the House administration informed that the employees would be located in Montreal or that their work would be carried out in co-location with a political party's offices.

That is a direct contradiction to what Mr. Mulcair stated in his testimony before this committee.

I would also point out, Mr. Chair, that in that same memorandum from Madam O'Brien, she recalls the genesis of this action, and she states in her memorandum:

In a meeting on October 13, 2011 with Ms. Jess Turk-Browne, then Deputy Chief of Staff to the Leader of the Opposition, two officials (from Finance Services and Human Resources Services) specifically asked where the employees were working since the Employment Forms indicated Ottawa and yet the residences of the employees were in the Montreal area. Ms. Turk-Browne confirmed the employees would be working in Ottawa.

Mr. Chair, that not only is untrue, but it could be determined that it was a deliberate attempt by the NDP to mislead House administration officials. It is a declarative statement. When asked directly by House administration officials where would these employees be working, the NDP deputy chief of staff said they would be working in Ottawa, and we all know now they have never worked in Ottawa while doing what they consider to be their outreach jobs. They are located in Montreal, which is a direct contravention of the rules.

Mr. Chair, that and that alone should compel this committee to expand its study to try to get to the bottom of this issue, to try to find out the truth, because both the statements from Mr. Mulcair and Madam O'Brien cannot both be true. They are absolutely in contravention of one another.

Mr. Chair, I don't intend to take too much time making this argument, because it is so self-apparent that someone here has not been telling the truth that we, as a committee, need to further our examination and find out what is happening. At stake, Mr. Chair, is literally millions of dollars of taxpayers' money, of House of Commons resources, millions of dollars that may have been misused by the NDP, and according to Madam O'Brien, in my estimation, it certainly appears that it has been a deliberate attempt by the NDP to mislead House administration officers.

• (1330)

I would also point out, Chair, something which I think buttresses my argument, and that is the argument Mr. Mulcair tried to advance in committee, when he said, "Look, everything was going well; NDP workers were working since 2011, and it wasn't until April of this year that the House and the Board of Internal Economy said, 'You can't do this any longer'". So Mr. Mulcair said, "Clearly, if they put out a memorandum in April of this year saying, 'Thou shall not be allowed to continue this practice', it means that what we had been doing for the last three years was allowed". No, it wasn't, Mr. Chair.

What it means is that the House administration officers were not informed in 2011 where these employees would be located. Had they been informed, had Mr. Mulcair or anyone from the NDP gone to the Board of Internal Economy and said, "Look, we're planning an outreach program and we're going to pay these people out of House funds, and we're going to locate them in a political party office in Montreal. Can we do this?" chances are they probably would have received an answer saying, "No, you cannot". Once the Board of Internal Economy found out where these employees were actually located, they came out with a memorandum saying that you cannot do that.

What I suspect happened, Mr. Chair, is that after that meeting between Ms. Jess Turk-Browne and financial services and human resources officials from the House administration, after Ms. Turk-Browne stated, "Here's our plan, and by the way, these employees are going to be located in Ottawa", based on that information, got approval to go ahead with this outreach program, the NDP then said, "Well, listen. Let's not tell anybody, but actually we're going to put these people in Montreal, but just don't tell anybody. Let's send a memorandum to a finance official, to a payroll clerk, telling them where to send the cheques." I believe that's what happened.

Now, a mid-level or low-level finance official, a payroll clerk, if you will, would have no reason to question a memorandum, particularly if their House administration officials had said, "Yes, we've discussed this and based on the information, the program is a go." There's only one little thing: those payroll people were first informed it was a go based on incorrect information that House administration officials received from the NDP. You see, the NDP said all of these employees would be located in Ottawa. Then a subsequent memorandum from the NDP says, "Oh, by the way, here's where you send the cheques", wouldn't be questioned. Mainly, payroll clerks don't question anything. They just do their job and they follow instructions. Their instructions were to send the cheques to the employees in Montreal.

House administration was not aware that these employees were going to be located in Montreal. House administration officials, according to Madam O'Brien, were not aware that these employees of the NDP were going to be located in a party office. Both Madam O'Brien and Speaker Scheer have said they were unaware of this, yet Mr. Mulcair at this committee testified, over two hours, that House administration was aware of the location of these employees.

Where's the truth? If Mr. Mulcair was deliberately misleading this committee, that's serious business. That is very, very serious. We don't know the answers. I'm not accusing Mr. Mulcair of deliberately misleading this committee, but I am suggesting that we need to know

the truth. We need to know the complete truth to a very, very serious issue. We're talking about potentially millions of dollars of taxpayers' money being illegally paid to operatives working in Montreal.

Now, Mr. Chair, the NDP may say this is nothing but a political witch hunt. I can guarantee that if the shoe were on the other foot, we would hear nothing but screams and protestations from members opposite.

• (1335)

We have two conflicting statements, one from the Clerk of the House and one from the leader of the official opposition. As I keep saying of those statements, both cannot be true. One of them is; one of them isn't.

Maybe there's an easy explanation. Maybe Mr. Mulcair or the NDP has an explanation for the fact that Madam O'Brien said at no point were they ever informed of the plans of the NDP to house these employees in Montreal. Let's hear the explanation, but we cannot hear it by shutting down this examination. As the NDP would like us to do. We simply have to hear Madam O'Brien and her version of events.

If it is found there is a trail of correspondence that supports Mr. Mulcair, I would simply ask Madam O'Brien to confirm that. Then all is well. However, if Madam O'Brien can support her statement that at no point was the House administration made aware of the NDP's plans, we need to hear that as well, and then question someone from the NDP as to why Madam O'Brien was not made aware, why the Speaker was not made aware, of the plans of the NDP.

For the NDP to suggest this is not a serious issue, that this is a witch hunt, when we're talking about millions of dollars that were potentially misused, it only goes to speak to the suspicion many people have, Mr. Chair, that they knew and they deliberately knew what they were attempting to do was going to be ruled out of order and against the rules.

This is why I believe they did not approach Madam O'Brien directly. Their representative on the Board of Internal Economy did not raise this issue with other members of the Board of Internal Economy because they were afraid the ruling would come back from the board that they were not allowed to conduct themselves in the manner in which they have been doing for over three years.

I point out once again, when the board was finally made aware of the actual location of these NDP employees, they immediately came out with the ruling stating this would not be allowed to happen again, and they put a stop to it immediately.

Based on that, Mr. Chair, it appears to me at least patently obvious that had the NDP asked the board three years earlier, "Can we do this? Can we engage in this kind of practice?" the answer would have been the same, only three years earlier, "No, you can't. Those employees either have to be employed and located in Ottawa, or in a constituency office, not in Montreal, and certainly not in a co-location that also houses political party officers and operatives."

Quite simply, I believe the NDP knew their request would be refused if they made that request, so therefore, they simply didn't. They told House administration officers one thing, and then did another. They point-blank told House administration officials that all of these employees would be located in Ottawa, and they have never been located in Ottawa.

This is serious, and we need to get to the bottom of it. I think if the NDP were serious, if they honestly believed their actions were above board and had been approved, they should have no difficulty whatsoever in sending representatives of their party, whoever that may be, Mr. Mulcair or others, to this committee to justify their actions. But we certainly, at a bare minimum, need to invite Madam O'Brien representing House administration, because she is the head of House administration, to come here and tell us why she believes they were not informed.

I'll leave it at that, Mr. Chair. My colleagues opposite may want to comment.

• (1340)

The Chair: Thank you.

Next on my list is Mr. Opitz.

Mr. Ted Opitz (Etobicoke Centre, CPC): Mr. Chair, I'd like to amend the motion by replacing the fourth paragraph with the following:

That the Committee invite the Clerk of the House of Commons to appear at her earliest convenience, along with any additional staff necessary to assist in answering the Committee's questions;

That the Committee consider, after the Clerk's appearance, whether to schedule additional witnesses to appear in relation to this study;

That the Committee is unsatisfied with the New Democratic Party's return to the Committee's order of May 6, 2014, respecting the production of lease documents, and, therefore, the Committee demand that the New Democratic Party produce, within two business days of the adoption of this order, a signed and completed version of the Party's sublease of suite 300 at 4428 boulevard Saint-Laurent, Montréal, and that the Clerk of the Committee request that Smart & Co. Group Canada Inc. furnish copies of its lease and sublease contracts, applying to the period from May 3, 2011, until the day this order is adopted, pertaining to suite 300 at 4428 boulevard Saint-Laurent, Montréal; and

Mr. David Christopherson: I assume the member had that right.

The Chair: Yes. I have a copy.

Mr. David Christopherson: Do you have a copy, Chair? That's good. That's handy.

The Chair: I only have it in English, so it was read into the record.

Mr. David Christopherson: How is it that you have a copy and we do not?

The Chair: It's because it was in English, and I can't distribute it.

Mr. David Christopherson: Well, we have to have it in front of us, because it's a very long and complex motion, so at the very least....

Randy, you can have the floor, if you want it. In the meantime, could you just let the rest of us have it when it's our turn?

Ted, it would be helpful if we could have it in writing. I'm not playing a game. It was a very long—

Mr. Tom Lukiwski: I'll give you my copy.

Mr. David Christopherson: Why didn't you get it in both languages? You're the government; why couldn't you get it in both languages?

Mr. Tom Lukiwski: You either want it or you don't, David.

The Chair: By unanimous consent, we can distribute it. Most amendments are read verbally into the record.

I recognize that was a long one, David.

Mr. David Christopherson: Yes. I chair a committee too, and we have those rules, but there is a point at which, out of respect for colleagues, if it gets long enough or convoluted, then you provide a copy so that you know what you're debating.

That's all I'm asking for, some element of fairness here.

The Chair: The answer, I guess, is that we'll do our best to get it to you as quickly as we can,

Mr. David Christopherson: Unfortunately, as I understand the rules, we would debate the amendment first—

The Chair: That's what we're on.

Mr. David Christopherson: —and then vote on it and then on the motion as amended, if it carries.

What I'm saying is that before we can begin, all I want is a copy of the motion—that's all—and I'm asking you to facilitate that.

The Chair: Okay, may I have unanimous consent to distribute a copy in one language only?

Mr. David Christopherson: No.

The Chair: Okay, then....

Mr. David Christopherson: No, I—

Ms. Alexandrine Latendresse: No, but seriously—

Mr. David Christopherson: What do you mean? You should have known.

An hon. member: What about the lease?

An hon. member: Why would you not call... [*Inaudible—Editor*]?

An hon. member: Mr. Mulcair presented it to the House.

An hon. member: That isn't Mulcair—

The Chair: Don't go across the table, folks.

At this moment, an amendment has been read into the record. I agree that it can be accepted as an amendment, so we will start debate on the amendment.

Mr. Scott.

Mr. David Christopherson: This just gets worse and worse.

Mr. Craig Scott: Could I kindly ask that Mr. Opitz read it again, and slowly?

The Chair: Certainly, that's a nice way to deal with it.

Mr. Opitz, please read it again, and slowly. I will then talk about the speakers list that we have.

Go ahead.

Mr. Ted Optiz: It is that the motion be amended by replacing the fourth paragraph with the following:

That the Committee invite the Clerk of the House of Commons to appear at her earliest convenience, along with any additional staff necessary to assist in answering the Committee's questions;

That the Committee consider, after the Clerk's appearance, whether to schedule additional witnesses to appear in relation to this study;

That the Committee is unsatisfied with the New Democratic Party's return to the Committee's order of May 6, 2014, respecting the production of lease documents, and, therefore, the Committee demand that the New Democratic Party produce, within two business days of the adoption of this order, a signed and completed version of the Party's sublease of suite 300 at 4428 boulevard Saint-Laurent, Montréal, and that the Clerk of the Committee request that Smart & Co. Group Canada Inc. furnish copies of its lease and sublease contracts, applying to the period from May 3, 2011, until the day this order is adopted, pertaining to suite 300 at 4428 boulevard Saint-Laurent, Montréal; and

● (1345)

The Chair: Thank you.

Do you have a point of order on that, Mr. Lamoureux?

Mr. Kevin Lamoureux: Mr. Chair, on a point of order, in my understanding, at least, I received a document from the PROC committee, at least, I believe it was from the PROC committee, that is the NDP lease. Am I led to believe that it was not the lease, or is there another part to the lease?

I don't quite understand. I thought we already had a copy of the lease.

The Chair: We have items delivered to us by the NDP. I'm not here to make a determination as to whether they fit this role or not.

Mr. Kevin Lamoureux: Am I to take it, then, that it was an incomplete submission?

The Chair: It appears that more information is being asked for; that's a good way to put it.

Mr. Christopherson, you're on the speakers list on the main motion. Did you want to be on the list for the amendment?

Mr. David Christopherson: No, not yet.

The Chair: Mr. Scott, did you put your hand up?

I have to go next to Mr. Lamoureux.

Mr. Lamoureux, you're on the speakers list for the main motion. Did you want to be on the speakers list for the amendment, or leave yourself on the speakers list for the main motion?

Mr. Kevin Lamoureux: I'll go for the main motion.

The Chair: All right.

We have two for the main motion.

Mr. Scott, you're on now for the amendment.

Mr. Craig Scott: Mr. Speaker, this is such a farce that I will pass. It's completely useless.

The Chair: Okay.

Do I have any speakers to the amendment?

Mr. Randy Hoback: I'd like a recorded vote.

The Chair: We'll have a recorded vote.

(Amendment agreed to: yeas 6; nays 3)

The Chair: We now have an amended motion.

We'll go back to the main speakers list.

Mr. Christopherson, you may speak to the main motion as amended.

Mr. David Christopherson: Thank you, Mr. Chair.

The first thing I'd like to do is to move my own amendment, which reads as follows:

That all the words following "That" be replaced with "the Committee commence a study into the mailing program of all Members and Caucuses, specifically into the nature of the subject matter being mailed, how such material is deemed to be within the Parliamentary functions of a Member (as defined in the By-Laws of the House of Commons) and that the membership of the Board of Internal Economy of the House of Commons be invited as witnesses for this study".

The Chair: It's outside the scope of the motion that we're currently dealing with. You could move it as a motion of your own and table notice of such. It changes the motion that is before us in too great a manner.

Mr. David Christopherson: You're not allowing the amendment? Is that what you're saying?

The Chair: Yes, I know there's disbelief there.

Mr. David Christopherson: There is.

It didn't cross my mind that you would rule it out of order. It picks up on exactly what's mentioned in the motion and is not unlike the other amendment in terms of replacing words. It deals with the detail of the motion, and that's what amendments are.

The Chair: I'll suggest to you that you have the same opportunity to disagree with me as I gave Mr. Scott earlier. I can give you a ruling and at that point you can do one of two things. You can say, "Thank you very much, Chair", or, "I challenge the chair".

● (1350)

Mr. David Christopherson: I challenge the chair.

The Chair: You challenge the chair on the ruling on the amendment to Mr. Lukiwski's motion.

Mr. Tom Lukiwski: I'd like a recorded vote, Mr. Chair.

The Chair: You'd like a recorded vote, okay.

It will be on sustaining the chair's ruling.

(Ruling of the chair sustained: yeas 6; nays 3)

The Chair: I'd say the chair was sustained and feels very loved.

Mr. Christopherson, you're still on the speakers list on the motion as amended.

Mr. David Christopherson: Very good. Thank you.

I want to say that the real issue here is not all the wonderful words that Mr. Lukiwski went on and on about, which really was just a bit of a Coles Notes version of the meeting we already had. Every one of those issues the member raised, with the exception of one, and I'll deal with that separately, was dealt with when Mr. Mulcair was here. Every one of those allegations, every one of those scenarios the member painted were posed to Mr. Mulcair, who gave an answer.

The government and their handmaidens, the Liberals, are just heartbroken that after two hours they couldn't find anything in the evidence of Mr. Mulcair contradictory to the statements we had been putting out from moment one, with the exception of the two-letter answer from the Speaker on a question at our previous meeting.

What happened was this. A question was placed. There was a two-letter answer, "no", from the Speaker. Immediately we brought out information to suggest that maybe wasn't the fullest answer that could have been given, shall we say. The Speaker then put out a clarification. I hope I'm not using an inappropriate term. I don't mean to cast anything other than to describe it as a response, a clarification from the Speaker.

That's the only thing new. Other than that, everything that's been talked about... We've been round and round the mulberry bush on this stuff. The government, having the majority, has the ability, along with their friends in the Liberal Party, to keep this going, because it generates great headlines. It's wonderful for the Conservatives. I don't know when the Liberals are going to wake up and realize they're doing the dirty work of the government, but that's up to them to figure out.

The fact of the matter is that the only thing new that would give argument to this motion is that one answer I just described, and immediately we had information provided that caused the Speaker to issue a clarification. A clarification—I'm not trying to say it's more or less than that, but he was clarifying his response in the context of the information we provided our staff after the meeting. That's the only thing new.

It's interesting that Mr. Lukiwski—and of course we all try to be wordsmiths—just kind of runs over the word. "Well, there was a memorandum that BOIE did. Mr. Mulcair's justification for all of this...it was merely a memorandum, and if we had known everything that was going on, it never would have been allowed from the get-go."

The problem with that is it's not accurate. What came out of BOIE was an amendment. We all know that we've had a little study of the word "amendment". We've had our own version of Clinton's what the meaning of the word "is" is. We did that on the word "amendment", and it's generally agreed that amendment means change.

If it was only a clarification or a memorandum, I have no doubt that all those brilliant wordsmiths sitting in the Conservative and Liberal chairs around that table, sitting in those chairs around that table, would have said, "Wait a minute. This is just a clarification. No, this is not a change. Let's be clear what this is." No, they didn't do that.

So the word became "amend". When it says "amend", it means change. The reason they had to change the rules was because we didn't break the rules as they existed. No matter how hard the government tried when Mr. Mulcair was here, they could not establish in any way that there were rules broken and that there just needed to be an amplification or a clarification of those rules. I believe at one time they were using a stop-order suggestion, that it's what this was. No, this was a change. What the party did, the NDP in this case, was not against the rules.

●(1355)

Clearly the government didn't like it. That's obvious. Whether they didn't like it because they're upset with themselves for not having thought of it....

To put this in context, Mr. Chair, over almost a year ago our whip sent to the Speaker as the chair of BOIE a series of issues, questions, and matters that we wanted clarified around mailings and around approvals. Remember this is a two-pronged story. On the one hand it's the satellites, and then it's the mailings. On the satellites we've answered every single question. On the mailings, however, we have a different story.

At BOIE the rule they changed did directly speak to the idea of where people will work. I'm not going to rehash the whole meeting as Mr. Lukiwski would like to do, but I ask everybody again to review the *Hansard* and try to find anywhere in there where the government had their "gotcha" moment.

Remember, Mr. Mulcair did not have to come. There was a procedure where the House ultimately could have forced him, but initially he did not have to, and we get ministers all the time who say they won't come to committee. We know that the leader of the official opposition, although not a minister, like the Speaker is paid the same as a cabinet minister and holds an important position in our Parliament. Do you think the government would let our leader be treated the same way that we treated their own minister on something as big as Bill C-23? The minister agreed to come in for an hour, and we virtually guaranteed for our part that it would be a non-disruptive kind of meeting and that we would do the business, but it was one hour.

When we asked for that same respect and courtesy to be shown to Mr. Mulcair, it was denied. Does that sound like fair treatment? Does that sound like people who are really trying to be fair-minded, or does it sound like people who have got the whip hand, and they've got the votes, and the tyranny of the majority will prevail?

They got him in here for two hours. He came in on his own, twice the time of their minister defending the bill that changed our election laws, twice the time that minister came in, Mr. Mulcair sat there, and make no mistake, he was grilled. He was grilled for two hours, and there was not a "gotcha" moment. There was not a "gotcha" moment. Every question was answered. I think the government realized that they'd lost that round, but they're still getting the headlines, so why not continue? Why not continue? When they may be a little bit worried that it's kind of a little obvious that they're beating up on us, the good old Liberals step in and they provide some cover because they love all this too. It's good for their partisanship.

Does anybody really think this is not about partisanship, aside from the Liberals who drank the super Kool-Aid? The fact remains that it's a kangaroo court. We've got procedures happening. Half of them are happening behind closed doors at BOIE. At the secret BOIE meetings is where half of this stuff is coming from, and then the other half of it is happening here in this public arena. That's why my amendment was there. We'll get that tabled because, if this is the way we're going to go, then the meeting is going to have lots of headlines coming because, if you want to go down this road, there's an awful lot of surprises waiting for certain parties as we open up those doors.

• (1400)

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

Mr. Tom Lukiwski: Mr. Chair, on a point of order, I was just wondering if Mr. Christopherson is characterizing Madam O'Brien as a partisan and why he's afraid to allow her to give her side of the testimony.

The Chair: I don't think that's a point of order.

Mr. Christopherson.

Mr. David Christopherson: Thanks, Chair.

I'd like to take this opportunity now just to serve a notice of motion, which reads as follows: That, in conjunction with the order of reference from the House of Commons of Thursday March 27th, 2014, the Standing Committee on Procedure and House Affairs also conduct a study into the policies by which the Board of Internal Economy allocate payment of any legal fees for members of Parliament, including those who are alleged to have committed offences in their role as candidates, for example, before becoming members of Parliament, and that the committee invite the Speaker, the government leader in the House of Commons, the chief government whip, the member for Yellowhead and the member for Beauséjour to appear as witnesses for this study.

To the best of my knowledge, it has been circulated in both official languages, and I serve notice that, at the appropriate time, I'd like to debate that motion.

By the way, just the little snippet that Mr. Lukiwski did get out there.... My words, if they weren't accurately reflecting, should have, that my partisanship comments are about process, and that doesn't involve anybody's testimony. I'm talking about the process, and the process is clearly the tyranny of the majority. The process here is not unlike what we've seen from this government. This is not new. This is what the government did with Bill C-23. This is the way they went after the Parliamentary Budget Officer. This is the way they've gone after the Chief Justice of the Supreme Court.

Going after the leader of the official opposition is entirely consistent with the disregard and disrespect for the institutions of our democracy and the people who staff them. This is just a continuation of that. At some point, and maybe it will take until the election, but at some point there have to be more and more Canadians saying, "Wait a minute. At what point does less than 40% of the vote stop giving you supreme power to rein over us at will?" That is what's going on.

Mr. Brad Butt: It was 37 in Ontario with Bob Rae's minority. What are you talking about?

The Chair: Carry on, Mr. Christopherson.

Mr. David Christopherson: Thanks, Chair.

I'm quite prepared to let Mr. Butt speak until he's finished, but I would like him to finish.

The Chair: Mr. Butt, through me, please, if you have a point of order.

Mr. Brad Butt: I do not.

The Chair: If not, then Mr. Christopherson.

Mr. David Christopherson: You'd think he'd be the one guy who'd shut up for a number of months, given what he's been through recently in terms of integrity.

Mr. Brad Butt: On a point of order, on a point of personal grievance—

Mr. David Christopherson: Thanks. Now I can read my note.

The Chair: Now we have one.

Mr. Butt.

Mr. Brad Butt: Mr. Christopherson is entitled to his personal opinion about me, but I do not appreciate being told to shut up. I think that's unparliamentary, Mr. Christopherson, beneath even you.

The Chair: This is what we get when we talk across the table to each other, so let's just move on.

Mr. Christopherson, carry on.

Mr. David Christopherson: He's right. I should have just said, "Be quiet."

I was about to say to Mr. Lukiwski—I almost got diverted, but I shan't be—I know how this ends. One will recall that we're now past the appointed time and the government has made it very clear that they have no intention of adjourning this committee until the amendment is passed. At best we could delay for a period of time, but at the end of the day the vote will be the same and the government has a majority, as we well know, and they will win this vote like they win every vote.

I think I have pretty much said what I need to say, except at some point, Chair—and it's through the people who are here watching on behalf of Canadians—somebody needs to take a really good look at what is going on in this country in terms of the dictatorial powers and authoritative approach of the Prime Minister and this government, and this is just more evidence of that. This is unprecedented, this going after the leader of the official opposition in a way that is consistent with the way they went after the PBO, that's consistent with the way they went after the Chief Justice of the Supreme Court. For goodness' sake, they went after the integrity of Madam Sheila Fraser, who has more integrity in her baby finger than the entire Conservative caucus combined. They went after her integrity.

There are no limits. They got less than 40% of the vote, and they're going to use 100% of the power available in this G-7 country to have their way no matter what it is or who it is.

I'm done. Thanks, Chair.

• (1405)

The Chair: Thank you.

We'll move to Mr. Lamoureux on the amended motion.

Mr. Kevin Lamoureux: Mr. Chairperson, I will start by giving indication, in response to Mr. Christopherson and a couple of his remarks, that it is important we recognize right up front that even Mr. Mulcair and the New Democrats are not above the rules. We all have to follow the rules. If in fact you're in violation of the rules—and as an opposition party we're trying to hold the official opposition and Mr. Mulcair accountable for alleged inappropriate usage of tax dollars—then this is the right thing to be doing.

We have had serious allegations dealing with the two-pronged—using Mr. Christopherson's words—approach in terms of the study that we have. One deals with the satellite office, where there is a series of allegations and concerns that have been raised, contradictions that have come out that need to be clarified, to the mass mailings that have also been highlighted.

I have had the opportunity over the last number of days to review a lot of the documents that were provided to all of the committee members. I want to emphasize, in particular to Mr. Christopherson, in that reading those materials, a good percentage of the factual information being provided comes from professional civil servants. You have to read the analysis that has been conducted on both of those issues. If you take the time to read what our professional civil service has come up with, one cannot help but come to the conclusion that there appears to be some inconsistencies with what we're hearing from Mr. Mulcair and the New Democratic Party and whether there has been an intent to break the rules that have been set out.

I have read the presentations. I took the opportunity the other day to ask a very straightforward question of Mr. Mulcair, and it was in dealing with the bulk mailings. Members will recall that when I attempted to try to get some information, there was a bit of frustration. I was hoping to get a bit more information, but there were limitations put on me because of the objections that were coming from the NDP.

I wanted to get a sense of who Mr. Mulcair and the New Democrats had actually met with from the Speaker's office prior to the bulk mailings, because Mr. Mulcair clearly indicated that he had that communication with the Speaker's office. I was quite surprised when the Speaker indicated that he had no meetings. Then in Mr. Christopherson's comments here this afternoon, he made reference that there was clarity provided, as if there were some sort of a victory that happened after the procedure and House affairs meeting the other day, where the Speaker provided a letter.

Mr. Chair, I have the letter. Let me read the very first sentence in that letter:

To avoid any confusion with regard to my answer to Mr. Lamoureux's first question, which related to my knowledge of a specific set of mailings, I wish to confirm that my answer to his question stands.

In my mind, that is crystal clear.

That was one of the questions I had posed related to the mailings. If you take what we've been presented and you read those documents that are kept in confidence at this point, on the surface there's reason to believe that there has been a serious attempt to mislead the public.

That is the reason I think it's critically important that we get those professional civil servants to come before the committee.

• (1410)

I'm anxious to hear what Madam O'Brien has to say. What I don't understand is why the NDP would oppose, or appear to oppose, Madam O'Brien being able to come forward with other representatives from her staff to be able to shed some light on this very important issue.

The options are somewhat limited. Was the report that was provided to members of the Board of Internal Economy written poorly and incorrectly, or was there more misinformation that is being provided to Canadians in order to potentially prevent other things from taking place that might reflect negatively on the NDP?

The Chair: Mr. Scott on a point of order.

Mr. Craig Scott: Mr. Chair, there comes a point at which, if the member continues to talk about deliberate attempts to mislead or provide misinformation, that crosses the line into abuse of the process of this committee. The Liberal Party is hiding the fact that they carpet-bombed my riding and Philip Toone's riding with the exact mailings they are now saying the NDP cannot do.

It is hypocrisy on the part of the member, who has himself risen to the level of misleading everybody watching this hearing.

The Chair: Thank you very much. That is not a point of order.

Mr. Lamoureux.

Mr. Kevin Lamoureux: Mr. Chairperson, I'm going to bring my comments right down to.... I don't want to buy into the whole confusion of things by throwing a whole pile of other things into the matter. I think we have to keep it in its simplest form.

The other question I had posed was with regard to the satellite office. You recall that when I posed that particular question of the Speaker there was a response. What came out of that particular interaction was that the deputy leader of the New Democratic Party said that she had apparently misspoken in that CTV interview. I can appreciate that at least she has taken that approach in terms of saying that she should not have said what she said on CTV in regard to the satellite office.

Mr. Chairperson, the bottom line is I do believe, in looking at the motion, there is merit for the committee to continue to look into the matter and the request would seem to be reasonable.

I was a bit surprised when Mr. Opitz, in his motion, made reference to the lease. I do plan to pull the information that I was provided. I had thought that was the complete lease, so I'm a bit surprised that might not have been the case and I wonder why.

With those few remarks, Mr. Chair, I'm prepared to vote in favour of the motion.

The Chair: I have no one else on my speakers list so I will call the vote on the amended motion.

Mr. David Christopherson: Could we have a recorded vote, please?

The Chair: A recorded vote; okay, we can do that.

(Motion as amended agreed to: yeas 6; nays 3)

The Chair: The motion is in order and carries, so that means the committee now will continue with this study, so at our earliest opportunity we'll invite the witnesses who are mentioned in the motion.

•(1415)

Mr. David Christopherson: Before we adjourn, what are we doing at the next meeting?

The Chair: I would assume it would be this, then.

Ms. Alexandrine Latendresse: Really.

The Chair: Mr. Lukiwski.

Mr. Tom Lukiwski: Just for David's thing, I don't know if I'm correct or not, but my understanding from media reports is that Madam O'Brien is not available. She is on medical leave. I think, from our standpoint at least, Madam O'Brien is the first witness we need to hear from, and if she's not available, I don't know whether we'd be comfortable in having anyone else. She is the head of House administration. She is the one who made the statement that House administration was not informed.

I wonder if we could get some clarification or some information back from the clerks as to her availability. We're saying at the earliest convenience. My understanding is that she may be off for a number of months.

The Chair: Mr. Scott, on that same point.

Mr. Craig Scott: Yes, it may jive with what Tom has just said in terms of how we proceed.

I understood that Mr. Mayrand would be—

Mr. David Christopherson: The first hour next Thursday.

Mr. Craig Scott: Yes.

Mr. David Christopherson: Mayrand, that's still on?

Mr. Craig Scott: That is still on.

Mr. David Christopherson: So it's the second hour.

The Chair: No, it's the first hour.

Mr. Craig Scott: Yes.

So you're referring to the second hour?

The Chair: I was. Sorry.

We're all right, then. We'll have Monsieur Mayrand in the first hour and we'll find out clarification on the other, and if possible have a witness. If not, we will discuss in the second hour what we are doing going forward.

Mr. Scott.

Mr. Craig Scott: On a point of order, the way the motion was rewritten by Mr. Opitz's amendment, I don't think we have the option but to follow Tom's advice, because it says to start with the clerk, right?

The Chair: Without giving your chair and his clerk a chance to really talk this through, we'll get to that, exactly.

Mr. Craig Scott: Sorry, and I didn't mean to intrude. It was only that we didn't substitute other witnesses—

The Chair: It's okay. We sometimes have to do this on the fly, right? That's how we will leave it: that would be first.

Is there anything else for the good of this committee today?

The meeting is adjourned.

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