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# **Standing Committee on Procedure and House Affairs**

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**Tuesday, November 4, 2014**

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**Chair**

**Mr. Joe Preston**



## Standing Committee on Procedure and House Affairs

Tuesday, November 4, 2014

• (1100)

[English]

**The Chair (Mr. Joe Preston (Elgin—Middlesex—London, CPC)):** We'll call the meeting to order.

First off, we are here today for meeting number 55 of the Standing Committee on Procedure and House Affairs. We will be doing the clause-by-clause of Bill C-518.

Most of you remember how this goes. As we get to a clause, whoever is the mover of that clause will move it and get to speak to it for a short period of time. Then we will vote and move on.

We'll start, please, at clause 1. Pursuant to Standing Order 75(1), consideration of clause 1, the alternative title, is postponed. It will fall to the bottom of the we'll-do-it-later thing. Now the chair will call clause 2.

(On clause 2)

**The Chair:** We'll start with NDP-1.

Mr. Scott, you get to move this.

**Mr. Craig Scott (Toronto—Danforth, NDP):** I'd like to move NDP-1 but just put in context. We have NDP-1 through NDP-4, and if each one goes down, we could end up with NDP-4, including if one or the other of these is ruled out of order.

**The Chair:** I will now interrupt and suggest that in the opinion of the chair the amendments in NDP-1 and, consequently, NDP-2, NDP-5, NDP-6, NDP-7, and NDP-10 are inadmissible, because they are amendments beyond the scope of the bill.

**Mr. Craig Scott:** Okay. For confirmation, does that have to do with the parts of those amendments that deal with protecting former spouses or former common-law partners?

**The Chair:** That's right. That's beyond what the bill would originally...

**Mr. Craig Scott:** Okay. On the record, there was an attempt to do that. It's beyond the scope of the bill. It had been raised during the various discussions in committee that innocent third parties should perhaps be protected in the same way they are in the Nova Scotia legislation. If it's beyond the scope of the bill—

**The Chair:** Right.

**Mr. Craig Scott:** —then it is.

We will now move on to—

**The Chair:** I still have a speaker on that.

Mr. Simms?

**Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.):** Yes. For the record, I'd like to commend my colleague from Toronto—Danforth, Mr. Scott, for doing this, because I think it is something we should consider in the future. I think it's a good amendment despite the fact that it is outside the scope of this bill.

**The Chair:** Thank you.

We're back to you, Mr. Scott.

**Mr. Craig Scott:** Mr. Chair, what's left now? NDP-3?

**The Chair:** We will move to NDP-3. If NDP-3 is adopted, the question cannot be put on amendments NDP-4, G-1, or LIB-1.

**Mr. Craig Scott:** Obviously there will be discussion and so Tom or anybody on G-1 and Scott on LIB-1 can reference what their preference would be. Here's our preference on NDP-3. It could easily go to NDP-4 and I'll tell you why.

Keep in mind that the structure of the act right now in section 19, and all this is going to apply to section 39 as well, is that if you're expelled or disqualified, you lose your pension, basically. Mr. Williamson came here and said the main mischief that he was concerned about was with people being able to resign to escape the effects of expulsion or disqualification. What this does is actually follow the structure of the act and address the mischief.

It says that “a person who ceases to be a member”, that usually means in this context that they've resigned. The loss of pension also applies if they cease to be a member if “he or she has been convicted of an offence under any Act...” —so not just the Criminal Code but any act, which is what Mr. Williamson's original bill also applied to —“that was prosecuted by indictment...the offence arose out of conduct that...occurred while the person was a member”. That's consistent with Mr. Williamson's whole approach.

And here's the mechanism: the Senate or the House of Commons adopts a motion declaring that in its view the person would have been disqualified from the Senate or expelled from the House, as the case may be, had that person not ceased to be a member. So it's using the exact same mechanism that would be used if a person was still sitting there as a member in front of you.

There's no advance judgement about the basis on which you could be expelled or disqualified. You could be expelled for an offence where you're only getting two months as sentence or for an offence where only one year is the maximum, where five years is the maximum, where it's a tax code offence, a Competition Bureau offence, or a Criminal Code offence. That's already the case with a sitting member. All this is doing is trying to create the exact same parallelism.

It would, for example, cover the current situation that we're faced with in the House—the issue of somebody having been recently convicted for something that was not a Criminal Code offence and that carries a maximum of a one-year sentence. We still don't know what the sentence is going to be. It would be caught by this just as it would be potentially caught, depending on what happens in the House and in this committee on expulsion itself, if that person were to resign.

This is frankly a watertight amendment when it comes to creating a direct parallelism with the current act and ensuring that anybody who is about to be or could be expelled cannot escape the effects by resigning. That's exactly what I think Mr. Williamson was trying to do.

The only thing that I've added, and I'm happy to drop it and just adopt NDP-4, is the portion where I say “the Senate or the House of Commons adopts a motion declaring” what I just read or “that the seat of the person to whom section 750 of the *Criminal Code* applies is vacant”—that should probably read “would have been treated as vacant.” This is because of all kinds of confusion about the effect of section 750 of the Criminal Code. I'm not so worried. I believe that the ultimate effect of that is that if the House is going to act basically by treating the seat as vacant, it amounts to an expulsion. This is a kind of a backup. It basically says that if the House would have treated that seat as vacant because the person received a two-year sentence or more, it's the same thing as having been expelled. It's kind of hedging our bets on whether that's actually an expulsion or whether it's something different.

That explains what we would like to see. I suppose our colleagues could speak to what their amendments would be because they would fall if we vote for this.

• (1105)

**The Chair:** On NDP-3 or any amendment that would fall if this one passes.

**Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC):** I would like clarification, Chair. If NDP-3 passes, you say you would make G-1....

**The Chair:** It would be gone.

**Mr. Tom Lukiwski:** Right.

**The Chair:** Liberal-1 would be gone and NDP-4 would be gone. The question can't be put on those if NDP-3 passes.

**Mr. Tom Lukiwski:** And you ruled this NDP-3 is in order?

**The Chair:** Yes.

**Mr. Tom Lukiwski:** Okay.

**The Chair:** I have Mr. Simms first on the list.

**Mr. Tom Lukiwski:** I'm sorry. I'll put my name on the list.

**The Chair:** We'll hear from Mr. Simms and I'll get back to you.

**Mr. Scott Simms:** I'll make it brief, then.

I agree with Mr. Scott's reasoning behind this and the watertight example that he gives. Obviously with someone being treated...as the seat remains vacant so therefore it gets around the idea of someone just up and quitting and avoiding prosecution.... I totally agree. I can

read between the lines and I know who we're talking about here, but I still agree that this is the thing to do.

My only concern deals with, and correct me if I'm wrong.... This is more for clarification with Mr. Scott. “The Senate or the House of Commons adopts a motion declaring....” I'm a little leery about adopting a motion where we put ourselves in the realm of the majority rules. Is that how you see this working?

**Mr. Craig Scott:** The answer is yes, and that is also already how the act works when it comes to expulsion.

**Mr. Scott Simms:** Right, okay, that's all. I just wanted clarification.

**The Chair:** Mr. Lukiwski.

**Mr. Tom Lukiwski:** Yes, well quite frankly, the difficulty I have with this is that it negates Government-1. I'll be quite honest with you. We think the amendment we put forward is probably the correct way to go—strike probably; we believe it is the right way to go. It expands the list of offences from what Mr. Williamson had originally proposed and eliminates the sentencing provisions. The reason I put that out and why I think that's important is because sentencing is somewhat arbitrary and depends on what judge you appear before. In other words, two people could be convicted of the same offence, and one judge gives the convicted 18 months, and the other one gives 24 months for the same offence. One, then, would be caught by this legislation and the other would not.

Or, there's the case of someone who engages in plea bargaining to make sure that they're just under that two-year window. If they are successful in plea bargaining down to one year and 364 days, they're not caught by the provisions of this. We believe that it's the offence that one is convicted of that should probably be the most important consideration in determining whether or not someone loses their pension benefits. That's why we brought forward G-1, and since it would be negated—I appreciate the argument that Craig has put forward—we're going to be standing by our amendment.

• (1110)

**The Chair:** Mr. Christopherson, on NDP-3.

**Mr. David Christopherson (Hamilton Centre, NDP):** Thanks, Chair.

I'm having a little trouble understanding the government's position, so rather than my being argumentative, help me understand. This has been complex all along the way; everybody acknowledges that, so let's move cautiously. The purpose was to eliminate what was perceived as a loophole: that right now, if you're expelled, your pension is on the line if you meet the right circumstances. If you resign before you're expelled, you get to keep your pension. The purpose of the bill, originally, was to close that loophole. Our amendment has tied that action to the expulsion, which seems to be the most logical, common-sense, and easiest approach that leaves the least amount of leeway for error, if you will.

I remember when we started having discussions about going down the road the government is talking about, we got into the weeds big time. We got advice from legal experts who were saying, “You're going to run into problems if you're going this way; you're not going to line up with an alignment or a match the way you want.”

I'm having some trouble understanding why the government, notwithstanding pride of ownership, wouldn't agree with the simplest approach that effectively deals with the very basic purpose that the bill was originally brought in to do.

Through you, Chair, before I relinquish the floor, I would ask Mr. Lukiwski to help me understand why we go the complex way rather than the straightforward, simple way.

**Mr. Tom Lukiwski:** You're right, without question, David, this has been complex. It's been interesting; it's been a discussion we've had, and we've had many points of view on it. At the end of the day, our considered opinion—I say ours because I'm using the collective here—is that this would be the best way to go. With respect to the loophole, the clause talks about if a member ceases to or has ceased to be a member and who is convicted. It captures someone, perhaps, who has resigned. It takes care of that loophole; that's just the wording of this.

On the point of the convictions themselves, the current bill, or the original bill as proposed by Mr. Williamson, refers to any parliamentarian who is convicted of an indictable offence under any act of Parliament that carries a maximum prison sentence of such and such, of two years or more, regardless of the actual sentence imposed. It refers to just the offence carrying a maximum of over two years, if that offence was related to criminal conduct, etc. We're saying that there should be specificity when it comes to the types of offences the parliamentarian has been convicted of, regardless of what the sentence is, whether he's sitting now or ceased to be sitting because he resigned six months ago, if he's convicted.

**Mr. David Christopherson:** But you mean convicted only of the charges that you have listed—

**Mr. Tom Lukiwski:** That's correct.

**Mr. David Christopherson:** —whereas, tying it to the expulsion....

We can't help it—this is going to be tied to some degree to the instant case and the matter that's before us. It's unfortunate, to some degree, because we were trying to do this in the absence of exactly that, but we are where we are.

I'm not sure that the instant case would be captured, and yet if we go with the proposal we've made under Mr. Scott's name, we would capture it, because it would tie directly to the one penalty right now that takes away the pension—which is one of the biggest hits you can make to someone—and that is the expulsion. If resigning avoids the expulsion, the easiest way to close the loophole is to just tie it to the expulsion. If there are the same standards, whether they resign or not, if they would have been expelled, then we would have achieved the goal.

The method the government is bringing in leaves a loophole that obviously is fairly big, because the instant case in front of us may indeed be one of those. So I'm having some trouble understanding, from a non-political—capital-P political—partisan basis why the government is going this way. I'm trying to avoid—

**Mr. Tom Lukiwski:** I understand.

**Mr. David Christopherson:** —making the allegation of the obvious, which is kind of lying there, and if I need to circle back to it, I will. It's really troubling that we're not going the easiest, simplest

way and that we're going in another direction so that unfortunately one could make a case to say, “Well, this is a taking-care-of-buddies kind of world” and that is hugely problematic—

• (1115)

**Mr. Tom Lukiwski:** Could I have a chance to respond?

We're in public, so it doesn't really matter, but when you say you have something you may loop back to, which you are avoiding discussing, you're talking about the Del Mastro situation.

I appreciate the fact that you're showing some sensitivity to this, David. I really do. I think your inference was that you hoped the government wasn't trying to do something in this bill that would perhaps protect Mr. Del Mastro. That is not the case. I'll say that publicly, and I think it's going to be demonstrated probably in very short order. I believe this committee doesn't know this, because it's in the Speaker's hands, but it will come to us if the Speaker finds a prima facie case. I can assure you that this does not have anything to do with the Dean Del Mastro case.

I understand you have some difficulties with it, and that's fine. We can deal with those, but it is not tied to that in any shape or form. You have my word on that.

**The Chair:** I have Mr. Scott, then Mr. Simms, and then Madame Latendresse on this clause.

**Mr. Craig Scott:** If my motion goes down, and it seems it will, we could come back and be discussing amendment G-1, but I think it's important now to note here two things about amendment G-1. First is that Mr. Williamson's original bill did not limit the offences to the Criminal Code. This is limited to the Criminal Code. For example, the section of the Elections Act dealing with offences that are unlawful practices or corrupt practices—and one of the things Mr. Del Mastro has been convicted of, for example, is categorized as an unlawful practice—would not be caught by this.

The second thing is that the wording in amendment G-1 does change something from Mr. Williamson's bill.

**Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC):** Sorry, was that one of Mr. Del Mastro's practices or all of Mr. Del Mastro's practices?

**Mr. Craig Scott:** I should have said, “at least one”, because I'm not following what all of the charges were, but at least one was an unlawful practice.

**Mr. Scott Reid:** So you're not sure whether this would put him outside the purview of this legislation.

**Mr. Craig Scott:** It would—

**Mr. Scott Reid:** It could be entirely outside the legislation.

**Mr. Craig Scott:** It could be that under Mr. Williamson's legislation the maximum penalty he would face is one year, under any of those. Even if it's called an unlawful practice, Mr. Williamson's bill might not catch him at all anyway.

But this is adding to the element about why he wouldn't be caught, because Mr. Williamson's bill included the Elections Act, because it included all statutes. This only includes the Criminal Code. The Elections Act strikes me as going to the heart of some of the trust issues that all of these Criminal Code offences seem to touch on. That's the first thing.

The second thing is, this now removes the element of retro-spectivity that we heard an expert witness say would not be a problem in this context, because it's attaching civil consequences to something that would have been a crime before. Amendment G-1 says "ceases or has ceased to be a member and who is convicted on or after the day on which the subsection comes into force". That was not language that was in Mr. Williamson's. The "on or after" is new, and it means that any conviction before this bill comes into effect wouldn't be caught; you could resign and be safe under this.

It's not as expansive as what Mr. Williamson wanted and it's not what we heard from expert witnesses, saying that there's no constitutional problem; the witness also suggested that there is not a huge unfairness problem.

There are three elements. Let me summarize.

Mr. Williamson's bill would not catch Mr. Del Mastro, to the extent that it set a maximum two-year penalty as potential. So already it seemed not to catch that situation, which is odd, given what Mr. Williamson was trying to achieve. Secondly, this would create another reason that Mr. Del Mastro would not be caught, because it's only concerning the Criminal Code. And he would not be caught, if you understand that he has been convicted before the act comes into force. So there are three reasons.

That's why I continue to think, going back to the motion, that our amendment is the cleanest and the most principled. It follows the structure of the act, it uses exactly the same mechanism, and it doesn't get us into advanced line-drawing about what does and doesn't merit this kind of sanction, because if by definition the House decides that somebody should be expelled, that's the existing logic of the act.

If you were to resign in order to avoid that logic, surely you should be caught by the logic. That just seems to be what Mr. Williamson's bill was all about.

That's why I continue to insist that this is the best amendment.

• (1120)

**The Chair:** Mr. Simms.

**Mr. Scott Simms:** At the risk of sounding repetitive—but I guess this should be on the record—I think Mr. Scott's point is right. The spirit of the original act itself certainly illustrates throughout this about the offences caught here.

I guess basically we're arguing two amendments at once. All the offences as listed by amendment G-1, and there are many other offences that I looked here at that are omitted, seem to me to go against the spirit of what the original act was meant to do—by way of illustration, as Mr. Scott and others brought up, and as I've noticed throughout this: fraud over \$5,000, and you name it.

I'm not a lawyer, but by way of clarification, regarding Mr. Del Mastro the original bill says "prosecuted by indictment". Wasn't Mr. Del Mastro involved in a summary conviction, so that he therefore would have been outside of this regardless?

We're not talking about the specific case.

**The Chair:** I'm going to get you to that one right now too, folks.

Let's not try to tie this legislation to any other piece or other study that this committee may be faced with. I think that too will be well done by this committee when it happens, but let's not try to find an example that fits this case. Let's find this to be good legislation in its own right.

Mr. Simms, are you finished or not?

**Mr. Scott Simms:** My only comment was that I'd like to know this, because in the future, offences occurring similar to what happened in Mr. Del Mastro's case are probably likely, given the nature of what happened, whether it was some kind of clerical error or not. I would therefore like to know that...

Actually I see that you are getting clarification, so I'll let you deal with it.

**The Chair:** The information I'm getting is that because it's under the Elections Act, it's not under the terms you were asking about: "Is it by indictment?" It was not.

**Mr. Scott Simms:** Well, let me move on.

**The Chair:** I'm not a lawyer either and claim that I never will be.

**Mr. Scott Simms:** I'd just like to say for the record that the NDP motion is one I would favour over amendment G-1. The list of offences is not as exhaustive as I would expect, but for that reason I think there's far more clarity, and it keeps with the spirit of the original bill put forward by Mr. Williamson.

Thank you.

**The Chair:** Thank you.

Madame Latendresse.

[*Translation*]

**Ms. Alexandrine Latendresse (Louis-Saint-Laurent, NDP):** I know that we can come back to G-1 later, but if NDP-3 is withdrawn, we won't be able to go back to it and G-1 will stay.

In the opinion of the experts from whom we have heard, having a list would be problematic because it would include too many offences and omit just as many. It would be very difficult to work with a list.

Everything covered under G-1 could be covered under our amendment, which is accomplishing exactly what Mr. Williamson was trying to do by introducing his bill; it is plugging this loophole.

I have a bit of trouble understanding why we cannot just pass our amendment, which covers everything that the House and the Senate will ultimately deem sufficient to revoke those people's pensions.

[*English*]

**The Chair:** I have no one left on the speaker's list, so I'll call the question on NDP-3—

**Mr. David Christopherson:** A recorded vote, please.

**The Chair:** —with the reminder that if it's adopted, NDP-4, G-1, and LIB-1 would go away.

(Amendment negated: nays 5; yeas 4 [See *Minutes of Proceedings*])

• (1125)

**The Chair:** We'll move to NDP-4.

**Mr. Craig Scott:** Although it's available, it's the same thing.

**The Chair:** If it's not moved we can't vote on it, so we'll move to Government-1.

**Mr. Tom Lukiwski:** I've already spoken to it briefly before, but I'll do it again.

**The Chair:** Will you move it first?

**Mr. Tom Lukiwski:** Yes.

I so move, Chair.

**The Chair:** Okay, then I'll let you speak to it.

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

Very briefly, it's that we've expanded the list of offences, and rather than go on the sentencing...

I know at one time the Liberals...or at least Mr. Lamoureux was saying that the sentencing should be part of the provisions here; it should be based on sentencing. We're suggesting it should not be because of the examples that I gave before. One could plea bargain perhaps to a charge that has less than two years, or one judge would give an individual 18 months on conviction for a similar offence where another judge would give 24 months. Sentencing shouldn't come into the equation; it should be based on the offence itself.

The offences that we have indicated here are an expanded list from what Mr. Williamson has, and our position is that if one is convicted of any one of these offences, that should trigger the provisions contained in this bill.

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

Is there anyone else on G-1?

Mr. Scott.

**Mr. Craig Scott:** If I could put myself in the hands of the Chair, if I were to propose an amendment to the amendment, when I would have to do that?

**The Chair:** To which of the amendments are we speaking?

If it's now on the floor—

**Mr. Craig Scott:** Yes, it's on the floor.

**The Chair:** —then now would be the time.

**Mr. Craig Scott:** Let's put it this way. I'm thinking about an amendment on G-1, subsection 4, on page 9.

Where it says “In subsection (2) “offence” means an offence under any of the following provisions of the Criminal Code”, I would like to insert “any of the following provisions of the Criminal Code or the Canada Elections Act”. That would be after “Criminal Code”.

Then down where it says “(x)”, on page 10, the letter y. Then “(y)” would be, “any offence under the Canada Elections Act categorized as an unlawful practice or a corrupt practice by the act.”

**A voice:** It's “illegal practice”.

**Mr. Craig Scott:** Oh, it's “illegal practice or a corrupt practice by the act”.

In that, there's a specific provision.

**The Chair:** Can you start writing this for us?

I could suspend if you two want to talk about getting the wording exactly right.

**Mr. Craig Scott:** It'll take me just one second.

**The Chair:** I'll think about how much better the Leafs are playing.

**Mr. Craig Scott:** Mr. Analyst, you said the language was illegal practices?

**Mr. Andre Barnes (Committee Researcher):** I'll check out the language in the act just to confirm.

**Mr. Craig Scott:** Could I propose that we suspend?

• (1130)

**The Chair:** We'll suspend for a moment.

• (1130)

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

• (1135)

**The Chair:** We'll come back to order now.

I would agree that these amendments to this clause would be acceptable from an amendment point of view. It's up to you to decide whether you like them or not.

Is there debate?

Mr. Lukiwski, I think since it's amending G-1, you should speak to it first.

**Mr. Tom Lukiwski:** I thank Craig for bringing it forward. I know the motivation behind it and I have had some discussions with a number of people. I know this will cause some consternation on the other side but I think our position is we would like to stay with the original government amendment, G-1.

**The Chair:** That is, the unamended G-1.

If the subamendment isn't there, we'll need to vote it off there.

**Mr. Craig Scott:** Recorded vote.

**The Chair:** On the amendment to amendment G-1, this is a recorded vote to the subamendment. That's only on the additions that Mr. Scott suggested putting in there.

**Mr. David Christopherson:** Could we have the amendment read again, please?

**The Chair:** Under (4) of amendment G-1, we would add, “and the Canada Elections Act”, which brought it in under the piece. Then we would add a paragraph (y), and it would be “any offence characterized by the Canada Elections Act as a legal practice or corrupt practice”.

(Subamendment negated: nays 5; yeas 4 [See *Minutes of Proceedings*])

**The Chair:** The amendment to amendment G-1 is now negated. We're back to amendment G-1.

Mr. Scott.

**Mr. Craig Scott:** To continue with a second subamendment, and I'd be prepared for it to be quickly voted on after explaining why. On page 8, amendment G-1, the second and third lines, where it says, "ceases or has ceased to be a member and who is convicted on or after the day on which this subsection comes into force", I would propose deleting the words "on or after the day on which this subsection comes into force". I propose this because this is new wording on top of what Mr. Williamson had, and it eliminates his planned retroactivity.

We had testimony that in this context it would not be a constitutional problem. We don't believe in this context it would be an unfairness problem from a policy perspective to allow somebody to have this apply to them, even if the conviction had occurred before the act occurred, just as the conduct...it already says the conduct can have occurred before, so it doesn't quite make sense to me why the conviction must occur after.

I would like to propose deleting that.

**The Chair:** Mr. Christopherson.

**Mr. David Christopherson:** Again, I think we are showing great restraint here but it stretches credulity to continue to believe that the government is not trying to customize this in some way.

Can the government give us some explanation as to why they wouldn't support this amendment?

**Mr. Tom Lukiwski:** If you say it stretches credulity, let me point this out. The amendments we put in were before a decision came down in the Del Mastro case. How could we possibly anticipate what was going to come down? If you, in fact, are trying to float a conspiracy theory, we put these amendments in before we knew what was going to happen in the Del Mastro case.

**Mr. David Christopherson:** Give me an argument, then, as to why we wouldn't include this. What reasonable reason would you have for not supporting this, given that it's far more consistent with what your own colleague wanted in the beginning than what you have?

**Mr. Tom Lukiwski:** With respect to that, David, we've bounced this off our colleague, Mr. Williamson, and he's quite comfortable with this.

**Mr. David Christopherson:** You still didn't give me an answer.

Okay. I don't think there is an answer. You wonder where it's being said.... I hear what you're saying on the timing etc., but it's hard to avoid.

Anyway, thanks, Chair.

• (1140)

**The Chair:** Thank you.

All those in favour of the subamendment—

**An hon. member:** A recorded vote.

(Subamendment negatived: nays 5; yeas 4 [See *Minutes of Proceedings*])

**The Chair:** Back to amendment G-1, as unamended, with no changes to it.

**An hon. member:** A recorded vote.

Sure. I'll remind the group that if G-1 does carry, L-1 would not come forward.

(Amendment agreed to: yeas 5 ; nays 4 [See *Minutes of Proceedings*])

**The Chair:** Since NDP-5 has been ruled inadmissible, shall clause 2 carry?

**Mr. Craig Scott:** Lib-1 is out too?

**The Chair:** Lib-1 is out also.

Shall clause 2 carry, as amended?

(Clause 2 as amended agreed to)

(On clause 3)

**The Chair:** NDP-6 was inadmissible, consequential to NDP-1, so was NDP-7.

We're at NDP-8 and, if it is adopted, the question cannot be put on NDP-9, G-2, or L-2.

**Mr. Craig Scott:** Sorry, we're at NDP-5?

**The Chair:** NDP-8, if you're moving it.

**Mr. Craig Scott:** No, I think I'll decline to move for efficiency's sake, because it's the same discussion we've had that applies exactly to this.

**The Chair:** In that case, then, I will move to NDP-9. Again, if NDP-9 is adopted, the question will not be put on G-2 or L-2.

**Mr. Craig Scott:** I'll also decline to move.

**The Chair:** All right.

That moves us to Government-2. If Government-2 is adopted, the question will not be put on Liberal-2.

On Government-2?

**Mr. Tom Lukiwski:** So moved.

**The Chair:** Is there any discussion?

**Mr. Tom Lukiwski:** Go ahead, Craig, if you want.

**Mr. Craig Scott:** I was going to say exactly what Tom was about to say. Basically, this is exactly the same as before—

**Mr. Tom Lukiwski:** Exactly.

**Mr. Craig Scott:** —and therefore, we would want to move the exact same two amendments, but rather than wasting time in doing so, given the writing is on the wall, I won't do that. We will be voting against the amendment for the reasons that we would prefer our own amendment and we would have liked those two subamendments.

**The Chair:** Is there any further discussion on G-2? Seeing none, all in favour?

**An hon. member:** Recorded vote.

(Amendment agreed to: yeas 5; nays 4 [See *Minutes of Proceedings*])

**The Chair:** G-2 is carried, so L-2 will not be moved.

NDP-10 was inadmissible because of the ruling.

Shall clause 3 carry as amended?



**An hon. member:** Recorded vote.

**The Chair:** A recorded vote on clause 3.

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

(On clause 4—*Application*)

**The Chair:** We go to clause 4. Shall clause 4 carry?

Mr. Lukiwski.

• (1145)

**Mr. Tom Lukiwski:** Can I speak to this? We're not going to vote for it. I talked to Craig and I talked to the Liberals before, through Kevin Lamoureux. This is not amendable; we're not putting in an amendment to this because you can't. We're voting against it only because this says that the bill would then come into force on the date it was introduced, and we're saying on the date it is given royal assent. That's why we're voting against this clause, to make sure that that's when the provisions of this bill will take effect.

**The Chair:** That covers your other amendments.

**Mr. Tom Lukiwski:** That's the explanation why we're voting against the clause.

**The Chair:** Mr. Scott.

**Mr. Craig Scott:** We're also happy to vote against it because it's redundant, I think, in the sense that the new amendments from the government basically say the conviction has to occur after the amendments come into force, but the conduct can occur at any time, including before the act comes into force.

This says the sections apply to “any person that is a member of the Senate or House of Commons, to conduct that occurred before June 3, 2013” which is already caught by the language.

We'll agree to vote against it because it's redundant.

**The Chair:** Shall clause 4 carry?

(Clause 4 negatived)

**The Chair:** Shall the alternative title carry?

**Mr. Craig Scott:** May I have a subamendment?

**The Chair:** Sure you can.

**Mr. Craig Scott:** Currently, this act is cited as the “protecting taxpayers and revoking pensions of convicted politicians act”.

I suggest that the act be cited as the “revoking pensions of some convicted politicians act”.

**The Chair:** Discussion on the amendment?

**Mr. Tom Lukiwski:** Can I say I like his style?

**The Chair:** You are absolutely right, it's out of order. I should have caught that right away, but I love to listen.

Shall the alternative title carry?

**Some hon. members:** Agreed.

**The Chair:** Shall the title carry?

**Some hon. members:** Agreed.

**The Chair:** Shall the bill as amended carry?

Mr. Christopherson.

**Mr. David Christopherson:** My question is for the analysts. The original intent of the bill that came in was to capture the example of former Senator Raymond Lavigne.

In your opinion, this bill, that's about to be voted on and carried through by government majority, would it capture the issue around former Senator Lavigne?

**Mr. Andre Barnes:** In the sense that the parliamentarian would resign before the act and would not be caught, I suppose would depend upon what the conviction was for. I'm not sure that what the particular senator mentioned was convicted and sentenced for is on the list.

**Mr. David Christopherson:** Right.

**Mr. Andre Barnes:** But it might well be.

**Mr. David Christopherson:** Fair enough. But I think most of us think that it wouldn't.

**The Chair:** It is breach of trust and it is on the list.

**Mr. David Christopherson:** But it still leaves a huge gap.

It would have captured this one, but it wouldn't capture all as we well know. It's just hard to believe that's not by design. It's just really, really not. I understand what you are saying, but the government knows how many problems they've got in the hopper. It's not like these things weren't foreseen. Some of the key things the member came in looking to deal with and close are now not going to be.

It's hard to believe that it's not tied to the fortunes of some members of the government caucus. That really, really is unfortunate because we do try, this group as much as possible, to not be that partisan about our business. But short of an outright allegation, Chair, it really, really is very difficult from the opposition benches to believe that the government hasn't massaged and used their majority on this bill to mitigate any impact on current members of the Conservative caucus.

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

**Mr. David Christopherson:** Hang on, I get to say my piece. I get to say my piece and then you can say yours.

• (1150)

**The Chair:** Gentlemen, through the Chair.

**Mr. David Christopherson:** That's the way this works. I talk and then you talk. You can talk when I'm done talking.

**The Chair:** David—

**Mr. David Christopherson:** You can talk when I'm done talking. Well, tell him to stop talking.

**The Chair:** I'm going to tell you all to stop talking and start talking to me just like I always do. Right?

**Mr. David Christopherson:** Thank you.

**The Chair:** And please—

**Mr. David Christopherson:** Which is what I was trying to do... Here we go again, Chair. Please.

**The Chair:** Let's try to keep it as civil as we can, please, and we'll get through this and a short piece on whether the bill shall carry, Mr. Christopherson.

**Mr. David Christopherson:** Thank you. I said my bit. All I wanted to do was to say thank you, I'm now done.

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

Is there anyone else on whether the bill shall so carry?

All those in favour of the bill carrying?

**An hon. member:** Recorded vote.

**The Chair:** Great, that would be one we could get.

(Bill as amended agreed to [See *Minutes of Proceedings*])

**The Chair:** Shall I report the bill as amended to the House?

**Some hon. members:** Agreed.

**The Chair:** Shall the committee order a reprint of the bill?

**Some hon. members:** Agreed.

**The Chair:** Thank you very much. That is all we have for clause-by-clause today, folks.

We'll move in camera because we are going to deal with our other stuff.

[*Proceedings continue in camera*]

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