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Chair

The Honourable Larry Bagnell

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• (1105)

[English]

The Chair (Hon. Larry Bagnell (Yukon, Lib.)): Good morning. Welcome to the 56th meeting of the Standing Committee on Procedure and House Affairs.

As members know, yesterday the House voted unanimously to refer the question of privilege regarding free movement of members of Parliament within the parliamentary precinct to this committee. I think you all have a copy of that in front of you. The order of reference specifies “that the Committee make this matter a priority over all other business including its review of the Standing Orders and Procedure of the House and its committees, provided that the Committee report back no later than June 19, 2017.”

This meeting is, at the moment, in public.

Mr. Reid.

Mr. Scott Reid (Lanark—Frontenac—Kingston, CPC): Thank you. This is a point of order of which I have given you previous notice, Mr. Chair.

This deals with the point of order that I had raised just as the last committee was being gavelled shut. I have several things to say.

First of all, since the cameras were still rolling, and the microphones, too, people will be aware that I used some terms that are not parliamentary. I'm not sure whether one withdraws non-parliamentary language after a meeting that took place outside of a parliamentary reading in the formal sense, so I guess I'm not in a position to withdraw it. But I am in a position to say the following. This is what I'd intended to raise in the point of order at that time. I believed, at that point, that had we sought it we might have been able to come to a unanimous consensus in which Mr. Simms might have been willing to withdraw his motion. I, of course, as a part of that, would have been happy to withdraw my amendment to his motion. I think if we try going around the table today, we might get success in that.

While I have the floor, Mr. Chair, I will just state publicly something you're already aware of, which is that I've given a letter to the clerk and to you outlining what I believe were four points in which you, in your capacity as chair, over the course of that epic meeting, were in violation of either the practices of the House, as enumerated in O'Brien and Bosc, or else of the Standing Orders. Those are enumerated, and I would like to raise that at a future appropriate time, after we deal with the matter of privilege before us

and perhaps other matters that are of importance to the committee, and at a time that is deemed suitable by the members of the committee.

I do, however, want to say—and I take a fair chunk of the letter I've given to you to point this out—that while those specific problems are important to me as issues of privilege, I do not mean to denigrate your overall chairmanship of this extraordinary and indeed unique meeting. I thought that your chairmanship on the whole was absolutely outstanding. I already had a high regard for you as a parliamentarian, and indeed in leaving the 55th meeting, my regard is higher than it was before, based upon the overall way in which you handled things over that long period of time. But I do think it's important to deal with these matters, because I think it's important that we are clear as to which practices are acceptable and which are not.

That was really all I had to say, Mr. Chair. I thank you for the fact that you allowed me the time.

The Chair: I appreciate that, Mr. Reid. Thank you very much.

Mr. Christopherson.

Mr. David Christopherson (Hamilton Centre, NDP): Thank you, Chair.

I'll begin, if I may, just by saying that I concur with the remarks of Mr. Reid in terms of your chairing of this. I would extend that, actually, to the whole group dynamic. The fact that in the midst of that major pitched battle—it doesn't get much more pitched than that—we were still able to find an amicable way to create what we called the Simms....

Mr. Jamie Schmale (Haliburton—Kawartha Lakes—Brock, CPC): The Simms model.

Mr. David Christopherson: Yes—the Simms model, where we found a way to allow colleagues to have a say and interact in a way that's not the usual way we do it, but it was felt that it was the healthiest way for us to deal with the situation we were in.

I want to extend your remarks, if I may Mr. Reid, not only to our chair but also to colleagues. That's about as good as it gets when you're in that bad a shape. To that degree, hopefully, lessons were learned and good things will carry forward.

Chair, the reason I asked you for the floor was that the government has indicated it is withdrawing, and Mr. Simms has indicated through a tweet, conversations, and public comments that it is his intent to withdraw his motion. Mr. Reid has said that if there's a withdrawal of Mr. Simms' motion the amendment would obviously be withdrawn too. Therefore, what I want to do is clean it up. If we just move forward now, technically, that motion is still on the books and could be recalled by Mr. Simms at any time he wishes, and it would be in order. That creates a problem because it can only leave us, on the opposition benches, with the impression that the government reserves the right to bring back this heavy hammer.

In order to allow us to have a clean airing and a fresh start and get on to some real work, I wouldn't say it's necessary but certainly critically important that we go through that formal process of getting the motion and the amendment off the books. Make it go away, let us get on with our work, and that matter will move to the House where the battle will continue, but in another arena under a different set of rules, and we can get back to work.

I ask, through you, Mr. Chair, if Mr. Simms would be prepared to seek unanimous consent to withdraw his motion, and by extension the same process for Mr. Reid, to clear the matter so that both the government and the opposition are starting from the same perspective and attitude going forward, without any lingering doubts as to whether or not anything else nefarious is at play.

• (1110)

The Chair: Mr. Simms.

Mr. Scott Simms (Coast of Bays—Central—Notre Dame, Lib.): It is May 4, and I am wearing a tie decorated with the face of Darth Vader, representing the Empire.

Voices: Oh, oh!

Mr. Scott Simms: I say that jokingly, but I know it's a serious topic, and I apologize to my colleagues. Please don't take it as such.

First, I would like to say thank you for fixing my name to something that, in the future, I hope we use as an adult debate, as it were. Hopefully, during the pitched, fevered battle, among all that, I'd like to play my role not as the hard hammer but more the velvet hammer.

Before I do what I'm about to do, normally people would say, "I regret doing this", but I don't have a lot of regret for several reasons. I like the content of the motion. I do. I like the content of the discussion paper. But further to that, I really enjoyed the content of something I would call a filibuster with a small "f", because we managed to put forward a lot of ideas. We managed to put forward a lot of great discussion, some of it bordering on the best theatre I have ever seen in this place, and I mean that in a nice way—theatre as in good content. By way of example, two weeks ago, I purchased a copy of the Magna Carta.

The Chair: You didn't have to. It's in the minutes.

Voices: Oh, oh!

Mr. Scott Simms: That's actually a valid point. I just wasted \$20. No, I didn't waste it because—

Mr. David Christopherson: You have 800 more years to go.

Mr. Scott Simms: Anyway, I was inspired to buy it, and when I bought the thing I realized this was actually a useful exercise, and that's why I called it a filibuster with a lowercased "f". I actually enjoyed a lot of the content, and not just from the opposition but from our side as well. I want to thank my colleagues on all sides of this.

That being said, I brought up a point of order for a very good reason. That is, I am seeking the unanimous consent of all my colleagues, with a great deal of respect, to withdraw the motion that I tabled on.... I can't remember the date.

(Motion withdrawn)

The Chair: Mr. Reid, do we need unanimous consent to remove your amendment?

Mr. Scott Reid: I don't know.

The Chair: Let's just do it.

Mr. Scott Reid: Yes.

The Chair: Do we have unanimous consent to remove the amendment?

Mr. Arnold Chan (Scarborough—Agincourt, Lib.): With the motion removed, there would be no amendment to the main motion.

Mr. David de Burgh Graham (Laurentides—Labelle, Lib.): You can't amend thin air.

Mr. Scott Reid: You could probably talk about it for several days, though.

The Chair: Okay. Thank you, everyone.

Mr. Arnold Chan: Given that we've now dispensed of the matter, I think technically Mr. Graham noted that this would normally be March 25—

Mr. David de Burgh Graham: March 23.

Mr. Arnold Chan: Yes, so we would need to see the clock now, finally, at May 4.

We have some substantive business, particularly the matter that has been referred from the House. Can I seek my colleagues' consent to perhaps have a bit of a discussion on how we move forward, given that we now have an empty table? All the dates that we had previously filled in on the calendar, obviously, have now passed us and we need to have some consideration of how we move forward.

Sorry, Mr. Graham. I'll cede the floor to you.

Mr. David de Burgh Graham: I'm just going to ask one quick question of my colleagues. Given the motion we passed at the beginning of PROC, do you want to proceed with this part of the discussions in camera or in public? I leave it to your discretion.

Mr. Scott Reid: We're essentially moving to dealing with agenda, so that is a good question.

Mr. David Christopherson: Given the nature, though, of the matter we're dealing with, which is our access, and everybody knows what it is, could I suggest maybe that, rather than just immediately diving in camera, we can at least start talking about the structure? I think we did that the last time. In fact, I believe the whole thing was public the last time.

I stand to be corrected, Chair, but my understanding is that we did the whole thing publicly, and then it was only when we were doing our report or our deliberations that we went in camera. At the very least I would suggest that we talk about the structure of how we're going to approach this. I would suggest that, unless we run into something that suggests that we need to go in camera—and this is the point at which we would normally find it—there is no reason to immediately go in camera. Given that—to again repeat myself—we did the whole process last time publicly. There's no reason we shouldn't at least start publicly, and if somebody wants to make a case along the way that we should go in camera, make your case.

For now there's no real reason to go in camera, so let's get at it.

• (1115)

Mr. Arnold Chan: I agree. I'm fine with staying in public.

The Chair: Is everyone fine with that?

Mr. David de Burgh Graham: I think we're all on the same page. That's fine with me.

The Chair: Okay. Good.

Just while everyone is so flexible and happy, could I go a little bit off the schedule, just for a second?

If we want to make a comment on the estimates, we have to do it before May 31. We should agree on what day we might try to get those witnesses, because we need the Clerk of the House, protective services, and electoral officer people.

Mr. David Christopherson: I have a procedural question, Chair, to you and the clerk. I don't know the answer to this.

Given that it's an order of the House, and the House has actually directed that we deal with this, are we allowed to move off it to deal with anything else, given that the House is supreme to us? Even though technically we're the masters of our own destiny, the House is the boss. Could I get clarification on that, please?

The Chair: That's a good question.

The clerk thinks that because this is a precedent, and because there is this extreme deadline on the estimates, that if we agreed unanimously it probably wouldn't be a problem.

Mr. David Christopherson: That's interesting, so by unanimous consent we can thwart the will of the House. That's good to know.

The Chair: The House has also given this other deadline for estimates.

Mr. David Christopherson: Yes, so technically we'd go back to the House to ask which one is the priority.

I don't want to get lost in the weeds on this, but it's an interesting question when we're dealing with dictating our agenda.

The Chair: Yes.

Mr. David de Burgh Graham: We already set a precedent a second ago when we unanimously withdrew another motion. That was by unanimous consent outside of the scope of what we're supposed to be doing.

Mr. Scott Reid: My understanding is that, whenever you do something by unanimous consent, part of what happens is that you are not setting a precedent, so that gets you around that difficulty. I think that in a sense that's a fiction; you actually are setting a precedent to some degree.

I think what would happen is that, if we were to do something that was actually egregious in the eyes of the House, someone could raise it in the House and say, "This represents a separate violation of privilege", if there was some kind of ongoing problem with privilege that was being held up. Since this was actually Mr. Nater's point of privilege, and the rights therefore.... I realize that he was not the one who was delayed, but it's his point of privilege so he probably could speak to that. What I'm getting at here is that there is an avenue to deal with that, and my suspicion is that we won't have a problem in the House with someone raising that which we can get confirmation on.

Mr. David Christopherson: I don't think it's going to be a problem. It's just interesting for those who care about these things. But I agree. I think by unanimous consent we can do just about anything. If we're all in agreement, who up there should have a problem? Things would have to be pretty wacky.

Mr. Arnold Chan: My only point, too, is that it's theoretical. It depends on how long we think we need. We should have a conversation on how long we think it's going to take to dispense with Mr. Nater's privilege motion. My suggestion is that we might want to submit witness lists by, let's say, this Friday.

Mr. Jamie Schmale: Is that tomorrow?

Mr. Arnold Chan: It's tomorrow. This is not the first time. This has happened before, so we already have a sense of it. Even in the previous Parliament, there were two specific instances of similar incidents, and we knew what the witnesses.... We called the Speaker. We called the head of the PPS.

Mr. David Christopherson: It's only 24 hours. That's pretty tight.

Mr. Arnold Chan: I don't think it precludes us from adding additional witnesses after that.

Mr. David de Burgh Graham: If the witness testimony takes us to more witnesses, I don't think anyone's going to have a problem with calling more witnesses. What's the grounding? Let's get the first few meetings planned here.

• (1120)

Mr. Arnold Chan: We just have to figure out what to do for next Tuesday.

Mr. David Christopherson: If we all agree on it, we can schedule that.

Mr. Arnold Chan: I think we need to know that we're definitely going to have to call somebody for maybe next Tuesday to get this thing going. Maybe we can have consent on who those obvious people are.

Mr. David Christopherson: Yes.

Mr. Arnold Chan: Maybe at the top of the meeting we can then deal with anything else we have thought about between now and then. I think that's just a practical way to move this forward because we haven't had a subcommittee meeting in a while.

The Chair: Just as a point of information, I forgot to mention the researchers did a report when this came up previously, and the report's on that. It's at translation now, but you'll have it by Tuesday, so we'll know a lot of the background and we won't be starting from scratch.

Mr. Nater.

Mr. John Nater (Perth—Wellington, CPC): Thank you, Chair.

The question of privilege is uniquely in my name, even though it was not I who had my privileges initially offended, but I do have that unique opportunity to have that in my name.

I would suggest, going back to the original question of the estimates, that the motion from the House does indicate we make it a priority, but that's not to say that we can't, at the same time, review other issues as well, as long as this continues to be the priority of the committee. I think we would be consistent with the direction from the House to set aside a meeting to review the estimates prior to May 31. I think that would be consistent with maintaining this as a priority of the committee, nonetheless having the opportunity to review the estimates prior to the deemed May 31 deadline as well. That would be my suggestion, if that's the will of the committee. As the mover of the privilege motion, I'd be in favour of that.

The Chair: Would it be okay if we approached the potential witnesses to see if they could come for either of our last two meetings in May?

Mr. Scott Reid: For the last two meetings...?

The Chair: You have the schedule in front of you. I think it's the 18th and the 30th.

Mr. Scott Reid: Mr. Chair, if I could, I suspect the two witnesses we're talking about are our colleagues, Ms. Raitt and Mr. Bernier. The obvious problem with that—

The Chair: Sorry, I was talking about witnesses for estimates.

Mr. Scott Reid: Oh, I'm sorry.

The Chair: There are three witnesses. There would be protective services, who would be with the Clerk. They would cover two estimates. One is the House; one is protective services. Then there's the Chief Electoral Officer estimates for Elections Canada. These are busy people, so I was proposing that the clerk see if they were available on either the 18th or the 30th.

Mr. Scott Reid: It seems reasonable to me.

Mr. David Christopherson: How long are we looking at having them for?

The Chair: What did we have before? In the past it's been an hour with the Clerk, and an hour with the Chief Electoral Officer.

Mr. David Christopherson: Yes, and here's the thing. We still have the study of the protective services that we started quite some time ago, not long after we were constituted as a committee. We started to get a little bit of traction and then it kind of fell by the wayside as other things got layered on top. This is an opportunity to deal with some of those same issues, so putting all my cards on the table, people know some of the issues that I care about, and I'm not sure that an hour is going to cover it this time.

On the other one, I don't know about you people, but I have no agenda on the Chief Electoral Officer other than I wouldn't mind getting some deadlines from him. There is more information I would seek from him than normally under estimates, given the work we're doing on that study that's now been pushed back. I'm very concerned. I've been very up front with Mr. Chan and others about the fact that we are united—at least I am—with the government in wanting to make serious changes to the election laws.

A lot of that is contained in the Chief Electoral Officer's report. A lot of it is withdrawing the ugliness, in my opinion, from Bill C-23. That work has to be done. It would break my heart if we got to the end of this Parliament, with a majority government and at least one of the two opposition parties seriously wanting to make reforms in those areas—progressive, positive reforms—and we hadn't ripped out that ugly stuff that was stuffed down our throats in the last Parliament.

All of that is to say that I, for one, might spend a little more time than I might otherwise at estimates, but I'm not seeking to have the tail wag the dog here. I'm just saying that, from my perspective, there may be a little more time needed, given the current situation on both those files.

● (1125)

The Chair: We'll go to Mr. Reid, and then Mr. Chan.

Mr. Scott Reid: Leaving the editorials aside about the previous legislation, I'll just make the observation that I think Mr. Christopherson has a very good point that the CEO.... Of course, it's not the CEO; it's the acting CEO. The acting CEO and his eventual successor have a full plate and a change of command under way in a limited timeline, in addition to the concerns that Mr. Christopherson is expressing, which I think primarily revolve around Bill C-33. From his perspective, I think that would deal with the things he disliked the most about the existing legislation that was imposed in the last Parliament.

Would that be correct?

Mr. David Christopherson: It's a good start.

Mr. Scott Reid: Okay. What I'm getting at is that there's Bill C-33 to deal with, and what kinds of deadlines its going to face. Additionally there is the issue of Minister Gould asking us to complete our study of the 42nd parliamentary report of the CEO to our chair, so that she could then take our report, work on legislation this autumn, produce a piece of legislation and get it to the CEO in order for the CEO to act on it prior to the next election. The CEO would be able to comment to us on that.

Finally, there is the issue of the financial reform legislation, the election finance reform, or party financing legislation that Minister Gould has promised to bring before the House. I get the impression.... Actually I had a chance to ask her this and while she was not unclear in answering, I can't remember what her answer was, to be honest, but the question was essentially, "Do you need this in place by the end of 2017 in order to have it take place in the 2018 calendar year because of the way party financing works on a calendar year basis?"

There are all of those balls in the air. All of them relate back to the CEO and I think, on that basis, it would be helpful to have the acting CEO for more than an hour. I think as well we probably should agree now that, in addition to dealing with the narrow scope of the estimates, we would give ourselves liberty to deal with those broader issues. Seeing as the CEO—I assume—watches this committee religiously, we've effectively, in today's meeting, giving notice to the acting CEO that he should anticipate our desire to have some guidance on these matters.

The Chair: Go ahead, Mr. Chan.

Mr. Arnold Chan: I was really going to just suggest that we might want to be a bit flexible about it, but maybe the suggestion is to prioritize May 18 as our preferred date, because if we go to May 30, we're running up against the window. We don't have any window after that. That's if the CEO is available. If not, then they know the calendar. As it sits, we have May 16, 18, and 30 probably, in practical terms, for them to be here and to give them some flexibility. Maybe we'll start first with the Chief Electoral Officer, go as long as we need to go, and then call in the Speaker and the head of the PPS. I suspect we won't need as much time to go through their estimates process.

From a scheduling perspective, it would be respectful to give them some certainty as to when to show up. Maybe we'll just go back to you, Mr. Chair, and give them a bit more flexibility and offer them May 16, 18, and 30, with the preference that the Chief Electoral Officer comes as soon as possible, and then we slot in the Speaker and the head of the PPS after that. I don't suggest we do it on May 30, because that puts us up against the window of May 31. That would give you more flexibility in terms of questioning. I'm also very mindful that we also have a deadline on the privilege motion as well. We don't want to take forever on this, but the points you've raised are valid.

Then the other point I wanted to just raise regards the issue of the prioritization from Minister Gould for advancing her particular agenda from her mandate letter. I can undertake to consult with her staff and her about whether there is a revision with respect to certain priority items that they would like us to consider at least before we rise for the summer, if it is at all possible, because clearly there was a referral to us to get something done by May 19, and clearly we're not

going to make that deadline. I don't know that we'll have that time, given all the other things that we have jammed in right now.

We have, I think, six sitting weeks left and this to deal with and estimates to deal with. Probably in priority we'll start with this, go back to estimates, and then go back to the Chief Electoral Officer's report in table C, where we were last at.

• (1130)

Mr. David Christopherson: There are so many darn layers to this onion that I lose track.

What was the deadline on the minister's...?

Mr. Scott Reid: Do you mean Minister Gould?

Mr. David Christopherson: Yes. What was Minister Gould's deadline on...?

Mr. Scott Reid: She said the beginning of June or preferably the end of May. That was what she said to us. Those are almost her exact words.

Mr. David Christopherson: Yes. Are we on a bill with that or is that her...?

Mr. Scott Reid: No, that was in relation to our review of the Chief Electoral Officer's report.

Mr. David Christopherson: Right. I was just trying to decide. I can't recall, I just have to go back to notes.

Anyway, my point is this. Once the government accepted that the way it did it, through Bill C-33, is a non-starter going forward—don't do that anymore.... I think that message delivered, and I see certain other folks nodding heads that, yes, that's the way it's now understood. We had said that if the government were willing to stop usurping our work, we would do everything we could to try to work within her time frame. I still am, but I have to tell you that time's getting tight, and tighter.

I just leave it with you, Chair. It might also be that we talk this through in a framework and maybe we ask the subcommittee to take a look at some of the more finite deadlines that are involved and actually try to map something through that gets us close to when we still think we're going to be here. When we get to the end of June, it's never clear. There's always this: will there be deal; will we get out? Even at Queen's Park it was the same thing. There's a flurry of deals; everybody wants to get out. It depends on the mood of the House. If you get into agreement, you're out two or three days early. If not, you're there to the very last nanosecond.

There are at least three, maybe four different items that are all serious, at play, with deadlines, and in each of those cases at this stage there's a high degree of co-operation between this committee and the government and its desired agenda. I'm not sure we can do that with all of us here. We should keep talking it through, but it seems to me that at some point we're going to need to lay out all three, four, or five—whatever those pieces are. Again, keeping in mind that the House has now told us what our priorities are, I think we've agreed we can slip away with unanimous consent and do the estimates, but we have to nail that down.

I'm just concerned that, if we don't take the time now to do it in detail, we're just going to run out of runway, and then we're going to find ourselves wherever we are at the end. Then the government's going to say, "You know, we have no choice now; we're going to have to bring legislation in". That's going to cause at least me to go crazy again, and away we go and nothing's happening. To try to avoid all of that, I think it's in our best interests to get this nailed down as to exactly how we're going to proceed to maximize our ability to achieve what we want to achieve in the time frame that we have accepted.

I'm really good at explaining the problem.

The Chair: I think today we can set up the privilege and the estimates, but I agree with you that we should have maybe a working group to figure out how we get to that, how close we get at least to that other deadline on the Chief Electoral Officer's report. I'll call that when we see when people are available.

Mr. David Christopherson: That's good. That will let us revert back to the matter at hand.

The Chair: Yes.

Mr. Scott Reid: I will defer to my colleague Mr. Nater on matters relating to the point of privilege.

I did want to say that with regard to the other matters that Mr. Chan raised, I think his work plan and the suggested dates are eminently sensible. I agree with everything he said in its entirety. Everything he suggested, the suggested dates and going back to the minister, everything he said, I think, is eminently reasonable.

I would advocate the following. In your conversation with the minister or her staff, I wonder if you could couch things this way. Her relationship with the Elections Act is unique among all ministers and their responsibilities in that the CEO.... Normally someone who is administering this kind of legislation reports to a minister. The CEO does not report to a minister for obvious reasons; he reports to PROC. We carry on a conversation that she literally can't have with the CEO. Therefore, we are, to some degree, serving as her main information channel. Finding out what things she actually needs to know would be helpful to us. There may be reasons that she'd be.... Well, if you could pose it that way, I think it might prove helpful in coalescing her thoughts as to where the biggest lacunae exist in her own knowledge of what she'd want to do.

•(1135)

Mr. Arnold Chan: That's fine. I wanted to raise only one other point. The other way we can deal with this is by more meetings or longer meetings, or somehow getting to the things that we want to get through. I don't think I'll do my challenge with respect to the motion to adjourn.

The Chair: We could talk about that at the subcommittee.

Mr. Arnold Chan: We could have conversations at the subcommittee level. Maybe we should think about calling a quick subcommittee meeting at some point. I don't know when it's convenient for the chair to.... We could do it now with all the members who are here.

Mr. David Christopherson: We could spend 25 minutes to see how much of the framework around the privilege.... It shouldn't be that difficult.

Mr. Arnold Chan: I don't think it's that difficult.

Mr. David Christopherson: Unfortunately, we've done it before so we know how to go about it. Then we could slip into a subcommittee meeting on the hour.

The Chair: Right.

Mr. Arnold Chan: Why don't we talk about the privilege motion, given that Mr. Nater is here?

Let me start, if you don't mind.

The Chair: Wait, we're not finished yet. We're going to go to Mr. Nater, but I just want to conclude this thing on the estimates.

The last suggestion I heard was to have witnesses on the 16th, 18th, and 30th, hopefully towards the earlier part, with the elections officer first. There was a suggestion that the time be a bit longer than an hour because of the ideas that Mr. Christopherson put forward, the questions we might want to ask.

Is that agreeable to everyone?

Mr. David Christopherson: [*Inaudible—Editor*]

Mr. Arnold Chan: A full day...?

Mr. David Christopherson: I don't know how else you do it. Two hours is a day.

Mr. Arnold Chan: I agree. Do two hours with the Chief Electoral Officer....

Mr. David Christopherson: And then two on the—

The Chair: Two with the Clerk and the protective services...?

Mr. Arnold Chan: Do you think you need two for the Clerk? I don't think you need two for the Clerk. I thought the Clerk and the PPS were pretty straightforward.

Mr. David Christopherson: It is to you.

Mr. Arnold Chan: This is the House's budget.

Mr. David Christopherson: I know.

Mr. Arnold Chan: Unless you have issues on the PPS side. Again, I'm not here to prejudice. You have a right to question the estimates.

Mr. David Christopherson: It's hard to completely separate that from the privilege motion. There's an overlap there. As I mentioned earlier, I did have an avenue to deal with my concern. I accept that I may be in the minority. That's fine, but I still have my rights. That's why I acknowledge that I have a venue and a vehicle for doing it, but it's buried so far down that, in effect, it's de facto not there. Some of these things I'm going to want to talk about. I want to make it crystal clear, much clearer in terms of how the command works around here. Those two just naturally overlap. I'm not trying to create a problem

Mr. Arnold Chan: I understand.

Mr. David Christopherson: —I just find it impossible to separate the two. I think you get it. I'll go on if you want, but I think you get what I'm saying.

Mr. Arnold Chan: Ironically, it's the same people coming here. Whether it's the privilege motion or the estimates' motion, we're seized of those same parties. The question is, what's the subject matter they're preparing for when they appear before us as witnesses?

Mr. David Christopherson: You're a smart guy. You can figure it out. You've heard me. You know what my other issues are. You know how they overlap on this point, and I think you can probably map out what my agenda is. I'm not hiding it. Yes, we need the two hours.

The Chair: David, another option is that we're going to have the Chief Electoral Officer in very soon, when we get back to that, and we could have PPS for the privilege motion, so you might be able to ask all those extra questions on those two occasions, as opposed to during the estimates.

Mr. David Christopherson: If you want to try to do that, and part of the first meeting dealing with the privilege also has us deal with the estimates, I'm fine with that. It makes it easier for me, quite frankly.

The Chair: No. I was suggesting that during the privilege motion we have PPS, so you would deal with the types of things you want to that aren't strictly estimates, and then we would just have them for an hour on the estimates.

Mr. David Christopherson: I see. This is where it is a matter of co-operation and honour. My friend Filomena Tassi is a lawyer and knows me well. She knows exactly what I'm saying.

If you would allow me a little more latitude than we might normally allow on the privilege part, where I'm going to get into some of the structural...just a little, then I'm prepared to look at the estimates as more of a matter of pro forma. What I was seeking to do was to raise the issues that I could raise during estimates, for which, technically, if someone wanted to push and you wanted to be stringent, I might find some difficulty raising when we're dealing with privilege.

What I want is a little bit of latitude there, because to me they are linked. It's impossible to talk about the privilege issue without talking about how security is structured here, how the command process works, and what the reality is, versus the nice flowered-up version of how things work around here vis-à-vis security.

● (1140)

Mr. John Nater: I actually respect Mr. Christopherson's comments on that. I think there is a venue through the privilege motion to discuss some of those structural things. I don't know that we need latitude, because I think they do fit in rather nicely.

Going to Mr. Chan's comments a couple of interventions ago about the framework for moving forward with the privilege motion, I suggest that perhaps as soon as next Tuesday our first witness be the acting Clerk of the House, Mr. Bosc, whom we could invite to attend the committee to outline the importance of privilege and the key issues there. From that, I think, would flow a logical framework of where we go with witnesses, and so on.

If we start with Mr. Bosc on Tuesday, that would provide us with a good starting point to move forward with the other witnesses, including PPS. Also, we may want to begin thinking about inviting the two members whose privileges were violated, Mr. Bernier and Ms. Raitt who, for reasons of political leadership, have a busy next couple of weeks.

The Chair: Okay, just hold that thought for a second. I want to finish the estimates.

Given that it appears you have that latitude, Mr. Christopherson, we could have the PPS and the Clerk for one hour.

Very soon after these two items we're going to have Elections Canada here anyway. At the first meeting we have, the first part of that meeting would be to answer all of those questions you have that are not estimates-related? That would leave them for—

Mr. David Christopherson: They are estimates-related, to the extent that it's work they are going to do, and things like that. Anyway, go ahead.

The Chair: That would leave the estimates just for an hour.

Is that okay with you?

Mr. David Christopherson: Yes.

The Chair: Okay, so we'll try the 16th, 18th, or 30th, with one hour for each, whenever they are available. We'll have one hour for protective services and the Clerk, and one hour for Elections Canada. Then we'll deal with Mr. Christopherson's other issues in the other meetings we just talked about. We'll deal with privilege in the first meeting on—

Mr. David Christopherson: Does that mean, then, that at the first meeting of the Chief Electoral Officer we'll actually have the Chief Electoral Officer in so that we can pose those questions?

The Chair: Yes, for that meeting, we'll ask for the Chief Electoral Officer to come.

Mr. David Christopherson: We've taken the time away from one place. I just need to see it added in the other, or some recognition for that. If we just went back to what we were doing, there would be staff here but not the Chief Electoral Officer.

The Chair: We'll invite him.

Mr. David Christopherson: Would we actually go into public for that portion of it?

The Chair: Sure.

Mr. David Christopherson: It's just the last piece of what I need in order to say that I'm okay with an hour rather than what I'm seeking.

If we're going to do it the other way, just make sure that when we do it the other way, I'm actually able to achieve what I would have been able to, had I not given up the right under the other proposal.

The Chair: Right.

Mr. Schmale, you were on the list.

Mr. Jamie Schmale: I think my issue got worked out. It was in regard to the steering committee. If we were going to have one, I just wanted to point out that Blake Richards is not here so it wouldn't work for us.

The Chair: Right.

Ms. Tassi.

Ms. Filomena Tassi (Hamilton West—Ancaster—Dundas, Lib.): With respect to Mr. Christopherson's remarks, I think that we have a lot of the same questions for PPS. Not only do I agree that when we're looking at the question of privilege you would have the latitude to do that, but we would like the same latitude because I think we're on the same page.

Mr. David Christopherson: That's good to hear.

Ms. Filomena Tassi: It's an important issue, so I would like to be able to ask those questions as well, and I support what you're asking.

I speak for myself. If my colleagues feel differently, then of course they will say so, but that's my position.

Mr. Arnold Chan: I would like to go back to Mr. Nater.

Have we dispensed with the estimates?

The Chair: We're all agreed on the estimates. We'll make those invitations. We'll let you know when they can come as soon as we get a response.

•(1145)

Mr. Arnold Chan: I'll go back to questioning Mr. Nater.

I want to get a sense of how many days you think you need to dispense with the privilege motion, while we're having this conversation, because we've seen the previous witnesses....

From our perspective, this is not new. The question is, what are the specific facts that are before us? Obviously, we need the evidence of the members who were affected. Then we'll obviously get the response from the Speaker and/or the Clerk, the head of the PPS, and anyone else we think is appropriate. There may be video evidence, but I don't know if there are many more individuals to call after that, unless I'm missing something.

Mr. John Nater: No. I think you mentioned the key players in the situation. Some of it will be a scheduling issue, given the two members. We do know that the Speaker has a report.

I've never seen that report. I don't know if anyone in this committee has received those reports from PPS. I'm not aware of that. Those reports are out there. I think that speaking to those who wrote the reports, those who were involved in those reports would be worthwhile.

I don't think we need to spend a lot of meetings on this. I think the matter will be ensuring that we have the right people and availability in a relatively short period of time.

The Chair: Just before I go to Ms. Tassi, the normal procedure would be to have the people who were disprivileged first, and it may give us more questions for the Clerk.

Ms Tassi.

Ms. Filomena Tassi: The only point that I would like to add, Mr. Chair, is that we all agree at this table that this is a very important matter. For me, it's not only about looking at this specific case scenario and getting to the root of that; it's also about looking at the broader picture. I'm already hearing from members of Parliament on different suggestions, concerns, and issues that they have.

I just want to ensure that when we take this on, we take it on in a way that does not limit its scope to this specific issue. We want to do the best that we absolutely can in order to determine that this doesn't happen again.

Having said that, I'm never going on record as saying, "this doesn't happen again", because we're dealing with human beings, and even though we can do our best—that's what we're here to do, our possible best—that study goes beyond this specific instance. It involves ensuring that we get all the witnesses here that we need. I don't want to rush this, even though we have a huge agenda. The importance is getting everyone here that we need to make our best efforts and to do the best due diligence we possibly can to make the best attempt to ensure that it doesn't happen again. If we all approach it with that attitude....

The Chair: I'm going to go to Mr. Christopherson, but then I want to go back to Mr. Nater for some feedback.

Mr. David Christopherson: I'm on that same issue, and it's music to my ears, Filomena. I think we are on the same page.

With that in mind, again, this hasn't happened in isolation. The reason a few of us have been infuriated—and Ms. Tassi has picked up on this—is that for those of us who've been around for a while, this is *Groundhog Day*. Some of us predicted...and you're right. As long as humans are doing it, there are going to be mistakes, but there seems to still be a core ingredient of preparation and planning and prioritization of access that just doesn't happen in a way that is as serious as the other plans they're making vis-à-vis providing security for the people on the Hill. That is what causes the disruptions. That's the issue, and that's what's making some of us absolutely livid. We just cannot....

I don't want to go on and on—we'll do that at the time—but what has really done it is that they make all the promises in the world when they come in, and you believe them, and you know they're sincere, but when they get into the business that they do, our access is the same as hydro needing to find their way to a pole. No, this is bigger than that.

The thing we desperately need—and this was my point—is a review from our analysts of incidents in the past, so that we understand the context. We can understand the things that work well consistently—and give credit to that if need be—but recognize that's not the area, and home in on where there is a consistent lack. Then, when we propose solutions, we can also look at these various experiences in the past and say, “Would the solution we're offering not only solve the instant case in front of us, but would it have resolved these issues?”

If that's the case, then maybe we really are getting closer, because we have a systemic problem—not an incidental problem, a systemic problem. Ask me what time it is and I'll tell you how to make a watch. All of that is to say that I think we need a comprehensive report. I know some of that work's already been done by our analysts to give us the historical context for what is happening consistently and what has to stop.

● (1150)

The Chair: Mr. Nater has a comment, on witnesses in particular.

Mr. John Nater: I take Mr. Christopherson's point as well. I know the analyst has that information and that will feed into the witnesses we choose to call at that point.

The first witnesses we need to coordinate would be the acting Clerk, as well as the two members. Typically, the person who moves the motion of privilege would be called—which would be me—but in this case I would suggest Mr. Bernier and Ms. Raitt.

I would note—and I don't know how we would find this out—that there were other MPs as well, according to the Speaker's ruling, who were on the other buses and who were also denied the opportunity to vote. We don't know who they are. Perhaps the government knows. I was under the impression there were other MPs. That is what was in the Speaker's.... I don't know who those people were, but we should at least provide the opportunity for those other members as well, who had their privileges violated. Whether they come forward or not, I guess that's another point. Certainly the parliamentary protective service would be a witness. I suspect that would come after the acting Clerk and after the two individuals, as well as the RCMP.

Those would be the individuals I think would be appropriate. Beyond that, Mr. Christopherson, you may have an opinion because you were here in previous Parliaments. Other witnesses may come through those discussions or through the review of past breaches of privilege, but I think those are the four key individuals. In terms of the Clerk, I don't know if it would be normal to have the Speaker of the House accompany the Clerk, or if it's simply the Clerk. I don't know. I would look to the guidance of....

The Chair: Can I suggest that for the first hour on Tuesday, we have Mr. Nater, the two people who didn't get to the vote, and any other MPs we can find through the whips who were hindered and who want to come, and then in the second hour have the Clerk?

Mr. David Christopherson: The only other thing I wanted to hear was.... I don't just want a document circulated. I'd like an actual presentation on the highlights of previous incidents. I really think that is almost as important as the instant case, given it's the repetitiveness that is the overarching problem.

Mr. Arnold Chan: When do you want that by?

Mr. David Christopherson: I am very flexible, but fairly early on, so we have a context.

The Chair: The report is going to be ready by Tuesday. It's in translation now.

Mr. David Christopherson: I don't know. I would defer to Mr. Nater, but I think it needs to be near the one, two, three top things that we do. Whichever that is, I'm open.

Certainly, you could never go wrong bringing in the principals who are involved, but again, it also makes sense to make sure you do your historical and contextual work ahead of time. I'm flexible, as long as it's done up near the front.

Mr. John Nater: Perhaps, at that first meeting, we ought to take the full two hours simply with the individuals who had their rights violated, and at the same time review that historical context. Then on Thursday, if it works for the acting Clerk, have him attend—perhaps for the full two hours—as the subject matter expert.

Mr. David Christopherson: I think, however, that the Speaker should be with the Clerk, because they both play a key role in security, obviously.

Welcome back.

Ms. Anita Vandenberg (Ottawa West—Nepean, Lib.): Thank you. I'm happy to be back. What did I miss?

Mr. David Christopherson: Let's recap.

Mr. Scott Simms: That was a little too enthusiastic.

The Chair: Mr. Graham and then Mr. Nater.

Welcome back, Anita.

Mr. David de Burgh Graham: David, we can have our cake and eat it too. I propose that we sit for three hours, from 11 to two on Tuesday, to get through this report and the first two sets of witnesses.

Mr. John Nater: I think the only indulgence I would ask of the committee is that we recognize some flexibility for Mr. Bernier and Ms. Raitt, who obviously have a schedule that is fairly rigid, given their cross-country tours.

• (1155)

Mr. David Christopherson: We do that for ministers and others.

Mr. John Nater: That would offer flexibility with that.

Mr. David de Burgh Graham: If they're on the Hill today, we have an hour left in this meeting.

Mr. John Nater: Your guess is as good as mine as to where they are. That might be a little quick, Mr. Graham, to do that, but if we seek their guidance, I suspect we could find a day, if the committee is willing to do that.

The Chair: The proposal would be for a three-hour meeting, with the first hour for the researcher's report, the second hour for the three witnesses, and the third hour for the Clerk.

Mr. David de Burgh Graham: I'd put the analyst first.

Mr. David Christopherson: With the Clerk and the Speaker.

Mr. David de Burgh Graham: Okay.

The Chair: The clerk is suggesting, and I think this has come up in the past, that because the Speaker made the prima facie ruling and has studied it, it may not be appropriate to have him in again, because he's already involved in the project. I think that was recommended once to a Speaker before, wasn't it, that he had ruled on something?

Mr. Arnold Chan: We're not asking for the Speaker; we're asking for the Clerk.

The Chair: Yes, but Mr. Nater and Mr. Christopherson were suggesting the Speaker as well.

Mr. John Nater: Could I just jump in here very quickly?

The Chair: Yes.

Mr. John Nater: The other element of it is that the Speaker—under the new reporting mechanism for the parliamentary protective service—has oversight over that service as well. He has that alternate role to which he made reference in his ruling, so there is that element as well. Beyond his finding of a prima facie case of privilege, he also has the administrative authority as the head of the House of Commons with the oversight of the parliamentary protective service. There is that double element there, so he might have an appropriate mechanism as well.

To that end perhaps—and I don't know how we would go about requesting the studies that he referenced in his ruling—those studies would be very much pertinent to the case at hand as well.

Mr. David Christopherson: It's an interesting point, but I do agree with Mr. Nater. There's a duality here, and we're at the stage where we're just trying to inform ourselves of all the information.

He would have no knowledge, first-hand, of what happened on the grounds, but he would be the resource for answers to questions about who makes this decision, who would do this. Just by way of being

factual, it seems to me that he's such a key component of the security services that to not have.... We may never ask him a question. He may not be needed, but I could easily see questions coming up where you must have somebody who is in that position, not to talk about the instant case—I get that, and that makes all the sense in the world—but in terms of setting the stage and understanding and having him here as a resource as opposed to a witness per se, as a witness resource, rather than a witness for the ongoing....

I just think that if we don't have him in here we're going to find ourselves with questions that can't be answered. We'll all be looking at each other and going, "You know who can answer this question? The Speaker." There's certainly no intention on my part, and I would support you in assiduously protecting the Speaker in this regard so that he's not brought into the instant case.... Certainly, I would think, he can answer structural questions, factual questions, and procedural questions that are generic and not specific to the instant case.

Mr. Arnold Chan: Could I just respond to that?

I think the acting Clerk could do all of that without the necessity for the presence of the Speaker. The Clerk ultimately reports to the Speaker, and the Speaker is the—

Mr. David Christopherson: He doesn't report to us, though. The Speaker is accountable to us. Let's remember—

Mr. Arnold Chan: I understand the point.

Mr. David Christopherson: He's first among equals, but he's still among equals.

Mr. Arnold Chan: I understand. I'm trying to address the issue that was raised by the clerk and find a way to get around this. I will just say that the procedural questions you ask can be answered in almost every instance by the acting Clerk.

• (1200)

Mr. David Christopherson: Maybe. He doesn't make decisions. He's not involved in it at all—

Mr. Arnold Chan: I understand.

Mr. David Christopherson: —as opposed to the Speaker, where the buck stops, except for the RCMP commissioner.

Mr. Arnold Chan: That was the point they were raising, that he is both decision-maker and.... I'm just trying to avoid that conflict.

Mr. David Christopherson: Yes, me too, but I also want to make sure that we have at our disposal the resources and the answers to questions that we legitimately deserve to have answered.

Mr. John Nater: Perhaps I could help to square the circle, Chair. In the Speaker's ruling, he made reference to different proposals that he's made to the parliamentary protective service. He said:

...some months ago I asked the director of the Parliamentary Protective Service, as one of his annual objectives, to provide mandatory training on an ongoing basis for all members of the service on the privileges, rights, immunities, and powers of the House of Commons....

He has stated some of the role that he has in this. Perhaps, instead of having him appear as one of the first witnesses, it would be more appropriate to have him at some point after we've heard the primary witnesses, to seek from him an update on how some of the objectives he stated are going, and to perhaps as well to seek his guidance on some of the suggestions he would have going forward on how to make recommendations back to the House, and what changes he would like to see from his authority going forward. That is perhaps not to link him initially with the acting Clerk, so that we don't get him bogged down with the current prima facie finding, but rather that we have him attend at a future date, after we have had the initial witnesses, as we go forward.

Mr. David Christopherson: With respect, I appreciate what you're trying to do. My difficulty and my concern would be that the further we push him down the process, the more he just by osmosis becomes part of it, whereas if we frame it that we're in fact-finding mode and that's part of it, it seems to me that it might be easier to keep him compartmentalized.

It's our Speaker, and we want the Speaker to succeed, so we want to keep him from that. I just worry that if we push it down too far, it starts to get mooshed together, and it's hard to separate it, whereas if we do it right up front, near the beginning, it's part of the macro, the generic, the background, and a sort of technical briefing, and then we move on to the instant case. That would be my only concern, but I appreciate the suggestions.

The Chair: At the moment, the proposal is one hour for the history, one hour for any MPs who were impeded, plus Mr. Nater, and one hour for the acting Clerk. On the third hour, we haven't finished the Speaker discussion yet.

Mr. David Christopherson: Can I just make a suggestion to colleagues that we consider flipping them and doing the historical background first, then the administrative framework, in terms of the Clerk and the Speaker? We've done the macro, and now we're stepping into the instant case—here is the person who was affected; here are other members. Now we're into it and we've kept separate the macro. I might just suggest that one switch. We could have the analyst's historical briefing first for an hour, then an administrative structural review and briefing for an hour with the Clerk and the Speaker, and then in the third hour we would dive off and get into it.

I'm not going to die on that hill. Those are just my thoughts.

Ms. Ruby Sahota (Brampton North, Lib.): I'm just trying to figure out in which place it would be better. I like Mr. Nater's idea, because the Speaker has already ruled that it's a prima facie case. It's coming here. He has done his upfront ruling at this point, and we need to get into fact-finding initially. I think it would be better, if the Speaker came, to have him do so near the end, to find out how all of this....

I think, Mr. Christopherson, in effect you are saying that you want to see some changes, right? You think the way things have evolved over time is not in the best interests of parliamentary privilege, members' privilege, so that would be something better suited to be at the end of the fact-finding mission.

I don't know. It's obviously being debated. My vote is on that side.

Mr. David Christopherson: My only worry, again, is that if we leave it too long, by then we'll be into the minutiae. We'll know the details. We'll be seized of it all, and it's going to be harder to keep the Speaker.... I get it; the Speaker shouldn't be involved in this instant case, given his unique role. But, again, if that's what everybody decides, I'll back down. It's just that, in my view, keeping him near the front gives us the information we need about how the system works in general, and he is part of that decision-making. Then once we're done, the beauty is we'll be done, and there shouldn't be any reason to bring him back, and therefore he can't get into....

But I'm open.

Ms. Ruby Sahota: I see what you're saying, Mr. Christopherson. In that case, do we have the Speaker at all? We've already had him before this committee on this, and we've asked him questions around this very issue, and you have asked these questions to the Speaker, so are we really gaining anything new by bringing him in again?

• (1205)

Mr. David Christopherson: The problem is that if we have only the Clerk, the Clerk is not part of the security decision-making process, so he can talk framework but he can go only so far. He can't talk, in terms of any practical sense, about how a decision is made, because he's not part of that process. The Sergeant-at-Arms is, but—

The Chair: We could have the director of PPS.

Mr. David Christopherson: The director of PPS is, but not the Clerk.

Ms. Ruby Sahota: Isn't having the director of PPS more appropriate?

Mr. David Christopherson: I'm surprised we hadn't thought of that.

Ms. Ruby Sahota: That should be the most appropriate—

Mr. David Christopherson: He should be there too.

Ms. Ruby Sahota: Yes.

Mr. David Christopherson: The three of them should be. In fact, by having the three, the Speaker may need to say nothing. He is there to ask a.... He is so integral to the decision.

I'm just looking at it and saying if we're going to talk about the administrative framework, about how this works, and the chain of command, that's controversial. But as for decision-makers, so far we've had just the Clerk, and he is not part of the decision-making process, so it would make sense to have the director and the Speaker there.

Mr. John Nater: I appreciate where we're going. My concern is that one hour would no longer be enough if we were to have the director of PPS as well as the Speaker and the Clerk.

I would almost think we'd need the full two hours to have that discussion, because when we have the director of PPS, we're getting into fairly substantive issues of how we deal with things. I like the direction that this is going, but I suspect that one hour would be awfully tight to have a meaningful dialogue with the multiple actors in that case, because, in addition to the security apparatus and the administrative framework there, we also have the Clerk's input on privilege itself, which would be an issue as well. I would be somewhat concerned about fitting this into one hour, so perhaps we could move that.

If the committee is flexible, we could designate next Tuesday and Thursday, alternating depending on availability, two hours with the Clerk, the director of PPS, and the Speaker on one day. Then the second day, in whatever order, would be for reviewing the past circumstances, as well as the MPs who were affected. I know that logically we should have the past review first, but if we could have some flexibility to do that...or perhaps if there were a three-hour meeting on Tuesday, then we could do that in the first hour, and then in the second hour, whichever witness would fit in would perhaps be an option for the committee.

Mr. Arnold Chan: Mr. Nater, perhaps in advance of Tuesday you could speak to Ms. Raitt and Mr. Bernier to find out whether they are in fact available on Tuesday, so that we could be advised and we could have a sense.... It's difficult, because we won't have another meeting before then, but at least maybe through the clerk, they could advise us whether they will in fact be attending.

Mr. John Nater: I think we can undertake that. I don't know about PROC, but I know that in other committees we have in the past had the option of video conferencing as well. That may be an option, if it's available, for the committee if these two individuals—

Mr. Arnold Chan: We'd have to go to Wellington if we did that, but that's...

Mr. John Nater: I suspect they would be eager to come before the committee, but they are running for the leadership and given their travel schedules.... I suspect that's very important to them at this point. We could show some flexibility on that if that's an option.

Mr. Arnold Chan: Further to that undertaking, can I just get a sense of when you think you could report back once you've had those conversations with their two respective offices? Can you report it to the clerk so the rest of us can know on a reasonably timely basis? Again, we're willing to be flexible. We just want to have a sense of whether they are in fact available, and then the rest of it will kind of fall into place.

Mr. John Nater: Absolutely, and I think that's something the individuals themselves would like to have locked down, so we will undertake that as soon as we can and report through the clerk back to the committee.

•(1210)

Mr. Arnold Chan: Okay.

Mr. Chair, should we then perhaps consider going to Wellington for the next meeting, if it's available?

That would give you the flexibility, Mr. Nater, if video conferencing is one of your options, to at least know we have that room. I think that's the only room we can actually....

The Chair: They'll work that out if they—

Mr. Arnold Chan: Can you possibly work that option out? That way we will know in advance. I'm just trying to figure out how we will do this structurally. If, let's say, they're not available until two weeks from now, then we won't have their evidence for a while.

The Chair: If they are available, what's the proposal for the meeting?

I'm not sure that the—

Mr. Arnold Chan: The analyst would go first for sure.

The Chair: Right.

Mr. Arnold Chan: Then the question is, what comes next?

Let's say they're not available. We haven't given notice to the Clerk and/or Speaker, whichever you want, and the head of PPS. I don't think PPS would come next. I think that would be after, given what you've discussed. We're probably looking at structure first, and then PPS and RCMP.

You could maybe give them some notice that it might be 12 o'clock or it might be one o'clock, and we'll inform them as quickly as we know. We'll probably need a really rapid response. I know it's pushing it, but maybe even by noon tomorrow. They should have a sense of their schedules for next week by now.

Mr. John Nater: We'll undertake to do it as quickly as we can.

Mr. Arnold Chan: I understand. You don't control where they are.

Mr. John Nater: I'm neutral on the leadership race. I'm not affiliated with anyone's camp.

Mr. Arnold Chan: We don't even know where they are.

Mr. John Nater: We will undertake that as quickly as we can.

Mr. Arnold Chan: I understand.

Mr. John Nater: I recognize that this is something that our side sees as a priority, and I know your side does as well, so we will do all we can to ensure that we get this—

Mr. Arnold Chan: Be mindful that we're also dealing with very busy people—the Speaker and/or the Clerk—and we have to give them some clear direction on when we expect them to show up.

Mr. John Nater: Absolutely, but perhaps as a committee we can make the decision now that for the next two meetings generally we want them.

Mr. Arnold Chan: I agree. I think the next two meetings are the privilege meetings, no matter what. It's just a matter of who goes where. We just don't know right now, because we don't know who's available.

Mr. John Nater: Perhaps the clerk could undertake that scheduling, once we confirm that, as well, and that way we won't have to come back to the committee to make further changes.

The Chair: Okay. If they are available, it will be the researcher, the offended MPs, the Clerk and/or the Speaker. If they're not available, then we'll just have the two hours, the report and the Clerk and/or the Speaker.

Mr. Arnold Chan: And we'll do it at 1 Wellington.

The Chair: It will be wherever we need to be for the video conference.

Mr. Arnold Chan: It could be at the Wellington Building, whatever building is available for video conferencing, if we need it.

Mr. David Christopherson: There's one little technicality. I thought I heard you say, "Clerk or Speaker". My understanding is that it was Clerk and Speaker, and actually I thought we were doing the PPS director.

Mr. Arnold Chan: We'll get to that.

The Chair: I said, "and/or", but Mr. Chan was suggesting it was too early for the PPS director.

Mr. Arnold Chan: I think the PPS director would come after the Clerk.

Mr. David de Burgh Graham: We can ask for them for Thursday.

Mr. David Christopherson: We could have them as part of the background briefing in terms of structure, but I like the idea that we keep it fluid, rather than trying to go any further debating which one of these two things should be first. Leave the flexibility that for now the game plan is that we'll do an hour up front from the analyst to give us the historical context, and then the next two hours will be a fluid blend of—

Mr. Arnold Chan: Whoever's available.

Mr. David Christopherson: —individuals. I still think the Speaker should be there with the Clerk, but we don't have to nail down which one has to be in front of the other. If Lisa is not available until sometime in the third hour, surely we can jig that to accommodate everyone. At the end of the three hours, we should have achieved historical background, administrative framework, and begun the details of the incident at hand.

Ms. Anita Vandenberg: Is there any reason we can't have PPS twice? We could have them in on the background, with the Speaker and the Clerk, and then bring them back when we need more specific details.

Mr. David Christopherson: We're already benefiting from your return.

The Chair: How does that sound to people? Good?

If one of those elements is not available, we'll cut the meeting back to two hours and do what we can, and we'll put the next onto the Thursday.

•(1215)

Mr. David Christopherson: It might not be seamless, but it'll work.

The Chair: Would you rather start at 10 a.m. and finish at 1 p.m., or start at 11 a.m. and finish at 2 p.m.?

Mr. David Christopherson: I prefer 10 a.m. till 1 p.m.

Mr. Scott Reid: Sorry, which day?

The Chair: It's next Tuesday.

Mr. Scott Reid: If you can give me a second to check my calendar, I'll provide you with a better answer than I can without having checked it.

Mr. David de Burgh Graham: Are we going 10 a.m. to 1 p.m. instead of 11 a.m. to 2 p.m. on Tuesday?

Mr. David Christopherson: I was just saying that 10 a.m. to 1 p.m. works better for me.

Mr. David de Burgh Graham: Well, 10 a.m. to 1 p.m. is fine with us.

Mr. David Christopherson: Yes, I like that hour before QP to—

Mr. Scott Reid: That's fine with me.

The Chair: Okay. We'll go 10 a.m. to 1 p.m., if we have three hours' worth of work. If we don't, we'll go regular hours, 11 a.m. to 1 p.m. We've already decided on the estimates.

Mr. Arnold Chan: Can I also ask my colleagues if they are...? I'm fully seized of Mr. Nater's four or five witnesses, namely, the acting Clerk and Speaker, two members, and the head of the PPS or RCMP. The question is whether there are any other witnesses. I had suggested that tomorrow might be a bit fast for getting additional witnesses, and the evidence might suggest that we need to call other witnesses. We'll leave that to the committee to decide. I suggest that if we have additional ones we want to put on the table, we do so relatively expeditiously. I'd like to deal with this expeditiously and report back to the House.

Mr. John Nater: I appreciate that, and I think that's the way we would like to see this happen as well. I think by early next week, by Monday perhaps, we could have additional witnesses, if there are any.

The only other thing that flows out of this is that I think it would be worthwhile if we could see a copy of the report the Speaker referenced in his ruling. That might cause us to see another witness from that list, depending on the incident commander. I think that might be something we need to see sooner rather than later to determine what additional witnesses we may need to have—whether we need to call a witness who was at the site, the incident commander, or the supervisor and officer. Whether that would be worthwhile or not, I don't know. Depending on what the report says, it might require an additional witness. I think sooner rather than later we should knock this down so we're not dragging this out ad nauseam.

Mr. Arnold Chan: The only other question I wanted to ask you, Mr. Chair, maybe through you to the clerk, was whether we know if the Speaker's report, which you mentioned earlier, is available and whether it will be shared with the committee.

The Chair: The clerk doesn't know.

Mr. Arnold Chan: Okay. That would expedite our review, because then we would at least have a factual report coming back in terms of—

Mr. David Christopherson: I understand.

Mr. Arnold Chan: I was just saying that if the Speaker has already prepared a report based upon knowing that there was this incident, it would be helpful to have that information, if we have it. Obviously, they don't know when it's going to be available. I'd suggest that you might want to send a transmission to the Speaker's office. If the report is available, it certainly would be helpful to us in expediting our review.

The Chair: Okay, we'll ask.

The other thing is that I'll leave it up to the whips to see if there are any other MPs who thought something their privileges were adduced on that day, and they can join Ms. Raitt and Mr. Bernier at that round table if there are other people available.

Are we all set? Are we done?

An hon. member: I could probably make a speech on something if you want.

Some hon. members: Oh, oh!

Mr. Scott Reid: Mr. Chair, I put a notice of motion before the committee. I had anticipated it would not be possible to move it, because I actually thought we would be seized entirely with the matter of privilege and did not want to intrude upon that, given its priority.

I did speak to Mr. Chan and indicated I wouldn't be moving it with that presupposition in mind. However, just to repeat what that motion is, it is to invite the government House leader to appear before the committee. I cannot remember if the wording says this, but my hope would be that she would come before this committee prior to her acting upon the intention she indicated in the letter she put out this previous Sunday, in which she said she would act by means of a government motion to essentially draft standing order changes on, I think, five topics. I won't enumerate them here, but the Prime Minister's questions on Wednesday is just one of those items.

I should just explain. I could move the motion, but not if it's going to tie us up unduly. The purpose of the motion is simply this. The minister has stressed her interest in having what she characterizes as a dialogue or a discussion. Discussion is, I think, the term she uses. Of course, a government motion makes that very difficult. In practice, it is not easy to amend a motion of that nature when it's being debated in the House, which is one of the reasons that these things ought to preferably be dealt with in committee.

Should I stop?

• (1220)

Mr. Arnold Chan: No, I just want to make sure that I get an opportunity to respond to you.

Mr. Scott Reid: Okay, sorry.

I can't speak to the details of the conversation I had with Mr. Chan, because that was private, but I raised that with him.

The purpose here is that this actually provides some opportunity for discussion. It's not the ideal way of doing it, but I think it allows her to do what she has said she wants to do, and it allows her, as well, to get some feedback from us in advance on those four or five items she says she'll be moving forward. I can't speak for anybody other than myself, but my suspicion is that she would find the kind

of input that I know I would like to have to potentially be helpful on those items.

Frankly, the things that I personally found most problematic in the discussion paper are no longer part of what she's putting forward. I would add, as well, that some of those things were specifically enumerated in the Liberal election platform, and hence her point about their having a mandate and no one should have a veto over it is stronger on those. I can see those points, but I do think she might find it helpful. I know we would find it helpful as well, if that could be done.

That was my sales pitch for the motion.

The Chair: Are you suggesting a positive discussion on those five things?

Mr. Scott Reid: Yes, where you can actually come along and say, "You went for these five things. Here are some things you might want to think about on this or that." We get no opportunity to do that, otherwise, until after it's presented and it is harder to make changes. It's a bit like dealing with a bill only at third reading.

The Chair: Right.

Mr. Arnold Chan: I am happy to share our conversation.

I am sensitive to the point you are raising, Mr. Reid, with respect to hearing from the minister, hopefully before anything is tabled before the House from this committee.

First of all, let me answer the broad principle. The government is happy to have the minister appear. In terms of the motion you tabled, which I know you have not moved yet, clearly we won't be able to meet your initial deadline of May 12, given that we are now dealing with the privilege motion and we also have the estimates issues that we will have to juggle at some point, but in principle I don't have a problem with the appearance of the minister. From the government side, we are happy to do that. Initially, I was going to suggest that if, for some reason—and I knew we couldn't dispense with the privilege motion—I am aware that the minister is not available at certain periods of time.... That is now moot. As a sequencing process, let's first deal with privilege and then with estimates, because we are under very specific time constraints.

Then, if we can get back to it.... You called for an appearance for two hours. The government's position is that we are prepared to have her appear for one hour. If we need additional time, that's fine. We'll consider it after she has made an appearance. You can ask whatever questions you want to ask based upon the letter that she has tendered.

It just depends on how fast we can dispense with the privilege matter and the estimates matters. At that point, if you wish to move a similar motion that calls the minister, we will be supportive of it, but only if it is for one hour, and obviously within her schedule. I can't undertake that this won't be before something is tabled, because we have these other matters that have come in front of this particular committee.

I don't know her timing with respect to when she might submit something to the House, but if we can quickly dispense with the privilege matter and the estimates matters, we might even possibly be able to fit this in before the end of the month, and if not, hopefully in the first week of June. Then we'll see where we go from there.

I know that's tight, but it's the best we can do, given the circumstances. As I said, had we moved forward on the discussion paper, the minister would have been the first person we would have called from the government. We have nothing to hide on that. Our point is that the minister needs to explain what she was trying to advance. Now that obviously the terms have changed with respect to limiting it to the five platform items—that was tabled in the more recent letter to the opposition House leaders—you are welcome to ask questions about that.

Again, we don't have a sense of what the standing order changes.... We have a framework, but we won't know how they will look until they are actually tabled before the House.

●(1225)

The Chair: Mr. Christopherson is next, and then Mr. Reid.

Mr. David Christopherson: Thanks, Chair.

I am just seeking a piece of information, if that's possible.

When I thought this thing through a couple of weeks ago, trying to get a sense of where the government was going to go, one of the options that existed was to bypass what's happening here and go straight to the House. That was before you withdrew some of the most controversial parts. There still may be the possibility that once that motion is in the House, you're likely going to use closure, because you can't use time allocation on a motion. We are getting close to the end of the session, or at least we'll be into June, probably. When I thought that through, the only thing that made any sense.... Given the nature of it and the closure, it seemed to me that the government would want to do this as close as possible to the rising of the House because of the chaos and the mood that could be created.

Had they done all of them originally, the place would have been unmanageable. I don't know if it will be that bad, but it could be. I am only raising this because if we know that it's likely to come later in the sitting rather than earlier, that gives us a lot more opportunity to incorporate the kind of flexibility that you were looking for, Arnold.

In terms of recognizing that the government has an agenda, Mr. Reid is suggesting that, notwithstanding the politics that would have the government eventually bring it to the House, it's still a good idea to get the benefit of committee. Mr. Reid, I don't know if people are picking up on that point, but if you've been around for any time at all, you begin to appreciate making these kinds of small changes, a little here and there, to try to do that. It's hard enough for us to do it. If you try to do that in the House, with 338 people and the rules that we have, it's very difficult. What you end up with is a government that finally just gets kind of bloody-minded and says, "We can't be dealing with all these little pieces", and they just ram it through.

Any time that can be spent here at committee, where we are actually talking about those issues, can only be helpful. It's easier for us to do that if we have a sense that this motion is coming later in the sitting rather than earlier.

Mr. Scott Reid: Mr. Christopherson's points are good and raise some thoughts that had not occurred to me.

But in response to Mr. Chan, first of all, I think the constraints you suggest, particularly with regard to the priority given to other items, are very sensible. I would prefer two hours to one hour, but I recognize that you guys have the majority. We can't push through a motion that you're not going to agree with.

I'll just make this observation with regard to a one-hour appearance. I really don't think it would be helpful to us, or to the minister for that matter, to discuss her discussion paper. Most of those items have been taken off the agenda. She has five items she wants to move forward on, and I would suggest we stick to those five. We should actually suggest another venue, one of going back to party caucuses, in relation to the issue of Friday sittings and other things, for example, the programming motion, that she said she doesn't want to move forward on. Why discuss that when we have only 60 minutes? With respect to the five items she has on her agenda now, that's enough meat. I guarantee that we'll be able to discuss those for an hour.

Of course, I'm always interested in asking questions, but to some degree I see this as a chance to put forward suggestions, which she doesn't have to take but I think they're generally helpful suggestions. I suppose others would have to editorialize after the fact and see whether I was mistaken on that. But it's a chance to put some ideas into her head prior to coming up with this. I would be very surprised if she has these things prewritten and worked out right now. I think they're in the process of designing them in her office, and I suspect input would be useful to her in delivering her job conscientiously.

That's all I wanted to say about that.

One further thought, though, is that when we move on to other items, it would also be helpful to get some idea of what process the government would like to use for moving forward with other non-platform standing order changes going into the remaining two years of this Parliament. That would be helpful. It doesn't have to come from her at that time, but she might want to add that to her remarks.

●(1230)

Mr. David Christopherson: Technically, we have a review under way, but that's all—"technically".

Mr. Scott Reid: That's fair.

Mr. David Christopherson: We in the opposition respect that the government ran on certain platforms. You get elected. You have the legitimacy, and the moral as well as the legal right to pursue that.

At no point yet has there been any opportunity for the opposition to have some changes that we would like considered to be part of all this, so somewhere in all of this, it's not just the government's total domain of the rules. We have some suggestions too, and there are some serious issues such as some of the ridiculousness of chairs making a really good ruling only to be overruled by the majority of the day, so that what is nonsensical and outside the rules is made legitimate. That should be appealable to the Speaker. You shouldn't be able to use a majority vote to dictate how the chair has to rule, especially when the chair has ruled consistently within the rules, but another rule allows the majority to overrule that. I'd like to talk about that.

Right now you can shorten a bell—and we got nailed on this in minority twice. Under the current rules, if you want to shorten a bell, let's say we have a 30-minute bell but it's one of those times when everybody is around, we're not far away in the House, and everybody is saying we don't need to waste all this time, the way we do that is to march in the two whips. They come in and do their little ceremony and that is the majority agreeing that we're going to shorten the bell.

Shortening the bell is a big deal. You schedule your time. As long as you're there for when you should be to legally vote, you shouldn't have to be fearful that somebody is going to take away the time they just told you you had to get to the House. The mechanism for that is the thing—but here's the thing, at Queen's Park where there are three parties, to shorten the bell, it takes, guess what, all three whips to say all three caucuses agree.

Twice since I've been here in minority Parliaments, a couple back, the Conservatives and Liberals joined together. They were satisfied to shorten the bell. We had no consideration. In one case it was done deliberately because we were seen as the problem child in that case, and the vote was taken before everybody was even in the House because two of the parties had the power to end the bell by doing the little ceremony, but the third, fourth, and if there's a fifth party, just get left out of the loop.

There are very legitimate things that would help improve this place in fairness, which we'd like an opportunity to put forward, but nowhere are we given that chance except on that technical review, which is what the government House leader used as a hook to hang her discussion paper on. The reality is that we did what was minimally necessary to meet the requirements of the law and when that was done we moved on to other issues, and we may or may not get back to those rules.

I want to take a moment to say somewhere in this whole process the elements of fairness suggest that the opposition should at least be given their day in court and have an opportunity to put forward their suggestions to make the House more responsive to the needs of its members.

Thank you, sir.

•(1235)

The Chair: Mr. Chan.

Mr. Arnold Chan: I don't want to deal with what Mr. Christopherson raised.

Again, I simply want to urge committee members. I think we're going to have a sense of this fairly quickly in terms of the availability of the various witnesses once we put things out, and it is in our collective interest to try to move things along fairly quickly.

I just want us to think about how this would get sequenced. We're looking most likely at two days to deal with privilege. We're probably looking at least at some period of time at a minimum that we need to instruct the analyst in terms of a report back to the House. We might decide we need more time for privilege, but that is my sense of where things are leading right now, unless the facts change. We have set aside three possible dates: May 16, 18, and 30 to deal with the estimates, and hopefully we can dispense with that within two of our meetings.

Once we have a sense of how this thing is going to sequence, might I suggest that we call a subcommittee meeting to figure out the rest of how we move things forward for at least the balance of the session? That is the practical thing to do.

At that point too the minister wants some certainty as to when she might appear because she has some dates when she is available and some dates she is travelling. That's the issue. I'm happy to have her come as expeditiously as possible so that you can ask your questions, and I'm fine with that.

From that, where do we want to carry on? I'd like to get back to the Chief Electoral Officer's report at least for the balance of the session and get as much of that done as possible.

My cards are on the table, so rather than our getting into the substantive debate of the issues you're raising.... You're raising issues that I think we can come back to in the fall, as a committee, if we can get through the Chief Electoral Officer's report and any legislation that might happen to appear before us, and then go back to other standing order changes if we think we want to get back to that particular issue. That should be—

Mr. David Christopherson: I shan't hold my breath.

Mr. Arnold Chan: We shall not hold our breath. Let's leave that as a conversation we will have in the future. I think the logical way to approach this is to get a sense fairly quickly of where things are going to go in terms of dealing with privilege, with estimates. Let's then, at that point, maybe communicate through our offices to call a subcommittee meeting to fill everything else in. At that point at least we have something to the end of the session. I don't think we need to waste any more time on this at this point.

Mr. Scott Reid: I concur with everything Mr. Chan just said. He's trying to lay all his cards on the table. He actually doesn't know, to some degree, which cards he's going to be dealt, with regard to the issues like the minister's availability, so it's unreasonable to try to pursue this further until he is able to find out what some of those cards are—to keep the metaphor going. I think that all makes sense.

I also agree with everything Mr. Christopherson said. I have a few suggestions as well for changes to the Standing Orders. Actually, I don't agree with quite everything, David. I think we may find more goodwill than we anticipate on the part of the government. I don't want to sound like I'm Elizabeth May, and always giving the Liberals the benefit of the doubt, but on this occasion I think there's goodwill from everybody at the table. Certainly I know there are other people in the Liberal Party who have tons of goodwill on this kind of thing.

I want to add one last thing, if I could. This is actually a request to our analyst.

Mr. Christopherson raised an interesting point. Although these events happened when I was there, I did not absorb them. I was probably sitting at my desk in the House Commons and reading a book instead of paying attention. But we are all members of parties that have been the third party in this place. I remember being the senior researcher for the Reform Party caucus when it was the third party, and the Bloc Québécois was the second party. The NDP has had its experience being in third place, so have the Liberals fairly recently. The point he's raising is a valid one. I just wondered if on that particular matter we could ask the analyst. Presumably, the way things go, you have all summer to look at what the practices are in the various legislatures with regard to the particular matter he raised of speeding up votes.

I don't know if that's a matter of a different practice that has become a convention, as opposed to being a matter of a standing order. There's nothing that prevents you from taking a practice and making it into a standing order, but it would be good to know what the details are of the model, particularly the Ontario model, but possibly others that are out there, to allow us, if we choose, to move forward productively on that particular point.

• (1240)

The Chair: That's good. We'll ask the analyst to do that. That's a good idea.

The meeting is adjourned.

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