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

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**Tuesday, June 20, 2017**

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**Chair**

**The Honourable Larry Bagnell**



## Standing Committee on Procedure and House Affairs

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• (1105)

[English]

**The Chair (Hon. Larry Bagnell (Yukon, Lib.)):** Good morning. Welcome to the 67th meeting of the Standing Committee on Procedure and House Affairs. Fortunately the meeting is in public.

In case this is our last meeting, I'd like to give a big shout-out to our clerk and our librarian. I think they've done excellent work for us.

In the other committees, they probably didn't have as many hours as you had, so we really appreciate it, and your sage advice has been great.

I had some preliminary discussions with people, so we might have a very short, efficient meeting, but we'll see how it goes. We will start with Mr. Reid's letter, and he wants 10 minutes or so. We'll see if we can get it on the record.

**Mr. Scott Reid (Lanark—Frontenac—Kingston, CPC):** I will just read some notes I made, Mr. Chair.

We're in public now?

**The Chair:** Yes.

**Mr. Scott Reid:** Okay, thank you.

First of all, Mr. Chair, thank you for agreeing to set aside some time today for me to lay out concerns regarding the conduct of the epic month-long meeting of this committee that began on March 21 of this year and concluded on May 2.

On May 4, I indicated in a letter to you that it was my intention to raise the matter at the earliest possible convenient moment. Verbal interaction with members from all parties caused us to agree to set aside that discussion until this moment.

I'm grateful to all members of recognized parties for having accommodated me in this matter, and I'm particularly grateful to you, Mr. Chair, for the degree to which you've accommodated me in providing a forum in which to raise these concerns.

The concerns revolved around three specifics. The first concern is the manner in which, at the time of normal adjournment on March 21, you did not adjourn, citing the need for a consent from a majority of committee members. My second concern is the manner in which, on several subsequent occasions, you suspended the meeting for periods of up to two weeks at a time. The third concern is the manner

in which you adjourned the final sitting of the meeting on May 2 without seeking the explicit consent of the committee.

In my own well-publicized remarks of May 2, I also raised another issue, which was whether or not you had adjourned the meeting after I had already sought to raise a point of order. With the permission of the committee, I will set that issue aside, as it is not strictly speaking closely linked to the narrower theme that unites the three points I raised a moment ago.

These three points are united by the fact that each of them involved an action or a series of actions that were not, in my view, prohibited by any standing order but contravened a norm or standard that has thus far been only articulated in the *House of Commons Procedure and Practice*, colloquially known as O'Brien and Bosc.

For me, the goal of today's intervention is to get on the record a further articulation of the problem that such actions could represent if they are repeated in the future here or elsewhere. My intention is, at a minimum, to ensure that the way in which adjournment and suspension were used during the meeting that started on March 21 is not seen as normalizing this way of doing things. In other words, I want to ensure that these actions are not seen as precedents that establish that any further meetings in the future conducted in this manner at this committee or at another committee are falling within the norms of generally accepted House of Commons behaviour.

At a maximum, I can imagine a situation in which the Standing Orders are amended in order to bring complete clarity to the manner in which committee adjournment and suspensions ought to take place. The remarks that follow lay out some guidelines that might prove useful to this committee, should it see fit to attempt to draft said amendments at a future time.

Let me now turn to the three specific matters I raised earlier. In so doing, I will merge the first and third items, both of which deal with the manner in which a committee meeting is appropriately adjourned. After dealing with this, I will turn to the issue of suspension.

At 1 p.m. on March 21, you declined to suspend the meeting at the appointed hour of adjournment. When I queried you as to your rationale, you stated that a chair may not suspend a meeting against the will of the majority of the members. A survey of the will of the committee, which was taken immediately thereafter, established that a majority did not wish to adjourn.

On May 2, the same meeting, which had at that point had been under way for over a month, was adjourned by you without attempting to determine whether or not members wanted to adjourn.

The Standing Orders do not explicitly rule out either of these two actions, but it is clear that they are incompatible with each other. In one case, adjournment was not acceptable, even after the scheduled hour of adjournment, without a careful canvass of the membership first being entertained. In the second instance, the exercise of establishing the will of the committee was deliberately avoided.

My view is that both of these actions were a violation of the spirit of our practices, although to be clear, neither instance was a violation of the Standing Orders nor of any clearly established and universally exercised practice of this House as codified in O'Brien and Bosc.

The closest thing we have to a defined practice is the following, and I quote from page 1087 of O'Brien and Bosc, 2009 edition:

A committee meeting is normally adjourned by the adoption of a motion to that effect. However, most meetings are adjourned more informally, when the Chair receives the implied consent of members to adjourn. The committee Chair cannot adjourn the meeting without the consent of a majority of the members, unless the Chair decides that a case of disorder or misconduct is so serious as to prevent the committee from continuing its work.

This is the same passage, Mr. Chair, that you cited in part at 1:05 p.m. on March 21 in explaining that, as you put it then, "In response to your question, the clerk informs me that the committee adjourns with the consent of the committee and, unless that's available, the committee doesn't adjourn."

This is true, but I think it misses the point I stated then in words that I will use again today:

my interpretation of those words

these words from O'Brien and Bosc

unless I'm corrected, would be that the chair cannot in the midst of a meeting—say at 12:30 rather than at 1—say, "I'm adjourning the meeting". He has to get consent. This committee has ended its meetings early on numerous occasions under your chairmanship. You've always seen whether there was consent to end the meeting, and then we adjourned at that time.

My understanding is that the purpose [of this passage from O'Brien and Bosc] is to prevent you from adjourning early. It's not to say that a meeting scheduled from 11 to 1 is actually an indefinite meeting...

Today I stand by my interpretation of that passage, specifically the first sentence I quoted from O'Brien and Bosc. Actively seeking the consent of members to end a meeting early is a recommended practice even if it is not actually required by the Standing Orders. The mirror image of that rule, actively seeking the consent of the members to continue a meeting beyond its scheduled time of adjournment, ought as well to be seen as a recommended practice.

Now let me cite practices used by another chair that I think serve as a good example. I always admired the practice of Joe Preston, your predecessor as chair of this committee. In the 41st Parliament he was in the habit of saying, before adjourning meetings whether ahead of schedule or at the scheduled hour, loudly so that all could hear, "Is there anything else for the good of the committee?" This provided an opportunity for anyone who needed to do so to raise any matter of business. If this was 1 p.m. this item of business would be pursued only if the membership expressed its willingness to continue on past the normal hour of adjournment. We never had to resort to a vote, at least, in my recollection.

But there were occasions when an individual would raise objections to continuing onwards past 1 p.m. and by general consent it was now appropriate for the chair to gavel the meeting to a close. I

can remember, for example, on one occasion myself raising a verbal reminder to the committee that we could not in all propriety continue because the room was needed for the meeting of the subcommittee on international human rights of which I was the chair. I think Mr. Preston's practice was a good one and could profitably be followed explicitly. Doing so would not have prevented this committee from sitting beyond 1 p.m. on March 21, but the continued sitting would have been carried on following an explicit demonstration of that consent.

On May 2 the seeking of such consent would have made it clear that one member, myself, had an item of business that he wished to pursue. This item of business was a motion that could not have been approved by the committee without a majority vote anyway. So I'm at a loss to determine what good was achieved by peremptorily adjourning without first seeking consent on this motion.

Let me, therefore, recommend Mr. Preston's practice to yourself, Mr. Chair, as our minimalist response to the issue of adjournment. If at some future point the committee deems it appropriate to consider amending the Standing Orders to require that explicit majority consent be sought prior to adjournment as is required, for example, under *Robert's Rules of Order*, then I would be in favour of making that change to the Standing Orders. A change to the Standing Orders that requires explicit consent for any business other than the business of determining whether or not to delay the hour of adjournment would also find my favour.

● (1110)

Now let me turn to the question of the manner in which the March 21 meeting was repeatedly suspended. I have a list with me, Mr. Chair, of all of the suspensions that took place—it's three pages long—between March 21 and May 2. While I will not regale the committee with every suspension and its length, you can quickly see that they fall into two categories.

Starting on March 21 itself, we have a suspension at 4 p.m. for 50 minutes. Another one then takes place at 6:50 in the evening for three hours and 30 minutes. The meeting reconvenes and then is suspended again at 9:30 p.m. for one hour and 10 minutes. There is a further suspension for five minutes a bit later on.

Then at three in the morning on March 22, it's suspended for nine hours, the same calendar day but effectively a new day of sitting. People went home, went to bed, and came back. A suspension of four hours and 30 minutes occurred later on for votes and question period that day, and then a suspension of 12 hours and 15 minutes until the 23rd, an overnight suspension.

After this we see suspensions from the 23rd to the 24th, from the 24th to the 25th, from the 25th to April 3 to incorporate a break week, from April 3 to April 5, from April 5 to April 6, from April 6 to April 7, from April 7 to April 11, and then the big one—actually there are several in between, but I'll skip them—from April 13 to May 2. I think I am correct in saying that if there were a gold medal for long suspensions, this would have to win it. It was several weeks long and not what suspensions are intended for.

Turning back now to O'Brien and Bosc, they make it clear that suspensions are intended for brief, temporary interruptions. On page 1086 of *House of Commons Procedure and Practice*, they write the following: Meetings are suspended, for example, to change from public to *in camera* mode, or the reverse, to enable witnesses to be seated or to hear witnesses by video conference, to put an end to disorder, to resolve a problem with the simultaneous interpretation system, or to move from one item on the agenda to the next.

This is not an exhaustive list, but it's obvious that, in each case enumerated above, the intention is to keep matters that are of a purely administrative and non-parliamentary nature from becoming part of the formal record, remembering of course that parliamentary speech is different from normal speech. It is protected in a certain manner and needs to be treated respectfully.

O'Brien and Bosc concede—and again, I'm quoting—that “Suspensions may last a few seconds, or several hours, depending on the circumstances, and a meeting may be suspended more than once.” So there's nothing irregular in the fact that there are multiple suspensions here, but rather in their length.

The key point that O'Brien and Bosc are drawing to our attention is that “The committee Chair must clearly announce the suspension, so that transcription ceases until the meeting resumes.” The cessation of transcription, the ending of parliamentary speech is the whole point of suspensions.

The serial suspensions of the March 21 meeting do not fit this pattern. They were de facto adjournments that served an entirely different purpose. Without exploring that purpose, I will simply observe that O'Brien and Bosc cite an interesting example, which may serve as a bit of a guideline for us.

On May 28, 2003, the Standing Committee on Transport met late in the evening and then suspended, resuming its meeting the next day. The practice was protested, and on June 3, 2003, Speaker Milliken addressed the matter. He indicated that no Standing Order had been violated and therefore the entire proceedings of the committee were part of the parliamentary record, but that the practice of suspending from one day to the next was, quite literally, unprecedented; that is, there was no precedent for it.

He was anxious not to allow this meeting to set a precedent. He said, “Your Speaker is...somewhat troubled by the notion of an overnight suspension of proceedings.... I would not consider the unorthodox actions of the transport committee in this particular instance to be a precedent in committee practice.” This means that, as of the date of our epic meeting, this was an unprecedented action.

I agree with Speaker Milliken's ruling, and it's my view that the serial suspensions of our committee between March 21 and May 2 ought similarly to be regarded as having no weight as precedents.

•(1115)

Therefore, as a minimal response, I would be grateful to you if you would consider not using overnight suspensions in the future, and if the committee is willing, at some point in the future, I might suggest adding a change to the Standing Orders to eliminate the possibility of overnight suspensions.

That concludes my prepared remarks, Mr. Chair. I just want to say again that, in drawing these to the attention of the committee, I am

not suggesting that I regard your overall chairmanship of this committee.... It was very flexible and open, in ways that are not really possible to raise in a proceeding of this sort because they are not breaches of our practices; they are actually creative additions to it. Those are admirable, and I want to indicate my respect for them. I similarly respect and admire the way members of all parties conducted themselves during that period. I know I'm not alone in feeling this way, because other members of this committee have suggested that the House leader, for example, might profit from reading some of the proceedings that took place during those long meetings and some of the thoughts that were captured there.

I'll stop at this point. Thank you very much.

•(1120)

**The Chair:** Thank you. I congratulate you on a very well-researched and well-analyzed talk. I learned some things about suspensions that I hadn't heard before, so that was very helpful.

We certainly have a lot of outstanding things related to the Standing Orders where some of this would be very valuable to discuss. When we get to that, I think it would be a great discussion.

Mr. Christopherson, go ahead.

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

I want to thank Mr. Reid for his ever-thoughtful comments.

In my opinion, it would be in our best interest to take up the suggestion that we pursue some of this. The issue of not adjourning and forcing...the government of the day, whoever controls the majority, having the ability to unilaterally declare a 24-7 filibuster, when it's....

There are two different kinds of filibusters. There is the filibuster where you have the floor at a meeting and you talk until the end of the meeting. Then the meeting adjourns, and you go off and do your business. When we come back again as a committee, the first order of business is to pick up where we left off. The other kind of filibuster is the one the government forced this time by refusing to adjourn, effectively setting in motion a 24-7 filibuster that the opposition wasn't calling for.

I would just point out that this has happened before. I experienced it at the hands of his government, which did exactly the same thing to me, on Bill C-23, as this government did to him. It created as much confusion then as it did this time.

I think it may be in our best interest to take up Mr. Reid's suggestion that we pursue that a bit, because we know it's going to come up again and we are going to have the same turmoil and the same question of its legitimacy. We could get ahead of it by removing the passion of the moment and looking at it dispassionately.

There is an argument—and I'll just leave it there, not that I'm supporting it per se—that, given the fact that the opposition does have the ability to seize control of a committee through a filibuster, maybe a countervailing measure that the government can call its bluff by virtue of being able to trigger that is not such a bad thing. I think what's in question is whether it is done unilaterally through a declaration of the chair or, as Mr. Reid has outlined, whether it requires a vote. Should we eliminate it entirely? Do we deem it to be not cricket and say, “You know what? From now on, that's not the way we're going to let things go”?

Anyway, I just wanted to thank him for his remarks. We all learn. I suspect he is the dean of the committee, by a long shot, and I learn so much from him as a political historian.

I would end by echoing his comments about the chair. There were a few times when I was ready to come flying out of my chair, too, but for the most part, Chair, it's obvious you bent over backwards as much as possible in our situation, where you're both partisan and non-partisan at the same time. You're our Schrödinger's cat: you both are and aren't at the same time. I just want to echo how much your personal character helped us get through a very difficult time.

I would just end by, again, urging that, even though we have a massive amount of work, at some point we find the time to unpackage some of the issues Mr. Reid has raised, because it's in our best interest to do so.

Thank you, Chair.

**The Chair:** Point taken. Good point. We'll try to keep that high on the list when we get to the Standing Orders discussion.

Now, related to the rest of the meeting, we had tentatively set aside a discussion of section C, but I know committee members want to express where the results of that would be in relation to the minister's letter. I know David wanted the floor, and so we'll determine now what we're going to do for the rest of the meeting, because there are some opinions. I had informal discussions with people, and as I said, this may be quite a short meeting.

David.

**Mr. David de Burgh Graham (Laurentides—Labelle, Lib.):** Chair, I was going to ask if the analyst could prepare a briefing note, as he's very good at doing, on everything remaining in the electoral officer's report that we had not yet dealt with, as well as all the items that had come up. In discussion, we often had items that were outside of that report that we wanted to discuss at the end. Perhaps he could include that as sensibly as he can. Any additional feedback from Trevor, if they have it, for that brief would be very appreciated, as well as how to reach them so we can start looking at the stuff on our own over the next few weeks. I think it's important that we have this opportunity per the minister's letter. I think this is the most efficient way forward at this time. That would be my one request, that the analyst do that as soon as practicable.

• (1125)

**The Chair:** Is anyone opposed to the analyst providing that information to us?

**Mr. David Christopherson:** Well, no. That's fine.

**Some hon. members:** Agreed.

**Mr. David de Burgh Graham:** Briefly, I wanted to thank our intrepid Elections Canada people for having put up with us so much. I would almost want to move that they become honorary members of the committee.

**Mr. David Christopherson:** Don't do that. I like them too much.

**Mr. David de Burgh Graham:** I really do want to express my sincere gratitude for all you've put up with and all you've done over the last several months. Thank you for that.

**The Chair:** I'm sure you speak on behalf of all the committee.

Thank you very much.

Mr. Christopherson.

**Mr. David Christopherson:** Thanks, Chair.

We all received a copy of the minister's letter, and I think that's where you've got us right now, focusing on this letter. The problems arise, not so much from what it says, but from what it doesn't say. Again, here we are, running out of time to do our work effectively and the reason we don't have enough time is the government. I can make the case chronologically how this opposition has bent over backwards to try to be accommodating, on my part mostly because I want to see a lot of changes in the election laws, especially fixing some of the serious damage that was done by Bill C-23.

This government does not make it easy to continue to have that kind of approach because I feel a bit like we've been had. The government got what it wanted, for the most part, not the opposition, and the reason? We're out of time. Why are we out of time? Because we spent six weeks doing the filibuster we just referenced. I want to remind everybody that filibuster was caused by a letter from the House leader indicating draconian changes to the Standing Orders, followed by a motion from a member of this committee that then put a timeline on it and gave a 100% clear indication that it was the government's desire to let as much debate happen as is necessary, but only to allow them to get to the point where they could vote and ram it through. If the proof is in the pudding, what happened at the end of six weeks? The government withdrew the letter, and they withdrew the motion, and we were exactly where we were six weeks before, except we lost six weeks. That's the government's fault.

At the very least, when it looked as if we weren't going to get a chance to finish the Chief Electoral Officer's report in time to give it to the minister prior to the legislation she's developing now, what we asked for was an indication that the government was committing to at least an intention of a second round, a second bill, that would then give us a chance to do the follow-up work. If you'll recall, Chair, we have spent almost all our time in the last few weeks since we got out of the filibuster talking about only the issues the minister asked us to talk about, which we accommodated.

At the last meeting we asked for some indication to let us know that we should continue our work, and that the unfinished items could.... We haven't even gotten to the items that this committee thought were some good ideas; we put those over in another work pile as we put together our work plan. All we wanted was some commitment that this work was going to lead somewhere and do something progressive and positive. Instead, we get a letter that basically, if it says anything, says that—my words—if you don't get your work done in the report, you can send me a personal letter, so I can consider the things you want.

I don't need this letter to do that and I don't need PROC to do that. I could have done that a long time ago. What does that give me? Nothing. I spoke to you last night. I asked if there was any chance of getting hold of the minister because I didn't want to give this damn speech again. I'm getting as tired giving it as you folks are of hearing it, but damn it, it's still where we are.

Apparently I asked you last night, can you get to her to get us a different message, something that would prevent us from being exactly where we are right now? Crickets. Nothing. All we get is this.

I have to tell you, Chair, I am getting very frustrated and—this is public—I was the one who threw my lot in and trusted the government, even when my good friend Mr. Richards was warning me to be careful. He was concerned that we were going to get sandbagged here. I took the government at their word, and I thought they were serious about wanting to hear what this committee had to say, and that it would help advise and inform the minister as she developed legislation to introduce. I'm beginning to think more and more, worst-case scenario, that Mr. Richards was right, that we've been sandbagged here.

You can take your modest little victory in what you think this got you, but you're going to pay for it going forward, because we still have two and a half years to go.

•(1130)

Like Mr. Reid, I've been on this committee a very long time. Not as long as he, but a very long time, and I can tell you when this committee is working well we get some really good stuff done, and when we go in the ditch it is serious. The problem is that the House can't afford to have this committee tied up because basically we're the steering committee of the House. So it's not too long before the House is asking us to consider something that they've either given us directly or has come from a referral out of the Speaker's chair.

I don't have an action at the end, or a motion, Mr. Chair. I'm speaking much more in sorrow than in anger, but I do not like where we are. I do not think the government has been respectful of the opposition. I think they've been respectful enough to get what they want, and when it was time for the opposition to maybe get their day it was "too bad, so sad". You can get away with that and you can get yourself out of this, fair enough, but be on notice. If this is the way you're going to treat us, you're going to have a very different opposition and you're going to have a very different autumn experience here than you have had to date.

Thank you.

**The Chair:** Thank you for your honest, passionate presentation, as always.

Just as we discuss what to do with the rest of this meeting, one of the things I forgot to mention, which Blake and I have discussed briefly, is that the committee has been referred Bill C-50. Somehow, we need to put that into our work plan.

What do members want in light of what Mr. Christopherson has just discussed and the letter we received? What do you want to do with the rest of today's meeting? We were scheduled to do table C with the election officers who are here. Of course, Anne Lawson, general counsel and senior director, and Trevor Knight, senior counsel, are here.

Blake.

**Mr. Blake Richards (Banff—Airdrie, CPC):** I guess nobody else is stepping forward.

Frankly, I'm not going to repeat it because I think what Mr. Christopherson just had to say is all incredibly valid, and I would certainly concur with him. Obviously, for the minister to set this deadline of July 15, which she's chosen, or someone has chosen for her, arbitrarily as far as I can see.... This very question about a timeline was already pointed out when I asked this question of the Elections Canada officials. They indicated that as long as they had something by, say, next spring...that would certainly leave us some time in the fall to conclude our work. Clearly, the government has decided it doesn't want to give us that opportunity, for whatever reason. I would say that's obviously highly disrespectful of this committee and of the work that it should be doing, given the fact that we know the timeline is not in reality what the minister is telling us it is. But she's chosen that, or someone has chosen that for her nevertheless, and that's the situation we face. I assume this will likely be our last meeting before the summer recess, so unless she is going to change her mind, or the person who's given her those directions is going to change his or her mind, and that deadline is going to be changed, as it should be, it seems to me that for us to look at something today that we cannot report on prior to this deadline that's been imposed on us now, will serve no purpose, unfortunately. Frankly, it's a make-work project. That's troubling.

While I have the floor, I do want to comment on Bill C-50 as well because again it seems as though there's something in it. I'm not sure what's behind it, or what the reasons are for it. We received a letter, I don't know what you want to call it, some communication from our clerk on this, asking us for our amendments, which I thought was a bit unusual. I'm not sure why that occurred because I would assume that as we usually do....

I'll let you finish your discussion.

•(1135)

**The Chair:** I just thought you'd respond because I didn't know about it either.

**Mr. Blake Richards:** My understanding of the usual practice is that when a bill is referred to our committee.... In all the time that I've been on a number of committees in this place, I don't recall.... Usually we have a discussion as a committee about how we want to attack—not attack, but tackle—the work plan for the bill. In some cases, it is attack, I guess, from some members. In most cases, or probably every case I can recall, it involves witnesses and a study of the bill prior to clause-by-clause, which would be the time when amendments would be brought. It just seemed a bit out of place for that to be happening. I don't know if there was some reason for that, because it seems to me that we should probably look at, for the fall, what we need for meetings and how many witnesses. That would seem to me to be the first step, but there may be reasons I'm not aware of.

**The Clerk of the Committee (Mr. Andrew Lauzon):** The memo that was distributed to all members is a standard memo that all committees distribute as soon as a bill is referred in order to give members as much time as possible to prepare any amendments they may want to propose. It doesn't have any bearing on how the committee wishes to study the bill. The committee is free to decide when it wants to hear witnesses, how many, and for how long.

**Mr. Blake Richards:** To be fair, I do think it said “as soon as possible”, which I think obviously can be taken a couple of ways. “As soon as possible” can mean that it's urgent, which sounds as though it was not the context you meant it in. You meant it more as a typical “as soon as it makes sense”.

**The Clerk:** I think there have been occasions when committees have decided to move quite quickly when it comes to bills, and there have been times when, on a Tuesday, a committee decides to do clause-by-clause on a Thursday. In order to give members as much warning as possible, we send the memo out immediately. It doesn't require members to submit any amendments. There is no deadline that is set by the committee at that point in time for the amendments to be submitted. That usually comes at a later time when the committee decides how it wants to study the bill.

**Mr. Blake Richards:** Okay, thanks for that clarification.

In the absence of the government members indicating somehow that this is some major priority that needs to be passed before the summer recess, which I can't imagine, that would mean that we'd be setting a work plan for the fall, and then there would be lots of time for the amendments. That would be my assumption.

I don't know what anyone's thoughts are on what we need. I really haven't had much chance at this point to even give it any thought as to the witnesses who would be required. We could indicate that, at the first meeting when we come back in the fall, all parties would come prepared with an idea of what should occur and if there are any witnesses. That would be my suggestion on that one.

Back to the other one, I find it really difficult to understand why there is this need for the July 15 deadline. If that is going to be imposed, and we have not had any direction that it is changing at this point, then to proceed with the supplementary estimates (C) when we can't report prior to that deadline seems like a make-work project, which is unfortunate because it doesn't have to be that way.

**The Chair:** Could I suggest that we express the committee's concern to the minister about that, and hope there would be a

change? If not, our first meeting would be, as you just described, for members to bring back ideas of witnesses, etc., on Bill C-50.

David Graham.

● (1140)

**Mr. David de Burgh Graham:** I would suggest that our first meeting back in the fall be a steering committee meeting to plan the fall, and technically that would be a witness meeting, but yes, the principle is fine.

**The Chair:** David Christopherson.

**Mr. David Christopherson:** I want to reference the minister's letter. She says in the second paragraph, second sentence, that her work will continue over the summer. Then she adds, “This is because many of the decisions on our response to the CEO's recommendations will have to be made before the House returns in the fall.”

Mr. Richards asked a question of the Elections Canada folks about what the deadline would be for changes in the next election, and the answer was...? I'm looking at Blake and asking.

**The Chair:** This discussion was in camera. Do you want to go in camera, David?

**Mr. David Christopherson:** Why was it in camera?

**Mr. Scott Reid:** The answer was not in camera. The answer was a letter, was it not?

**Mr. David Christopherson:** Yes, I'm referring to the letter that's already in front of us, I assume in public.

**The Chair:** Oh, I thought you were referring to what Blake had said.

**Mr. David Christopherson:** Well, if you want to jump in, I'm in your hands, Chair. I could ask them here in public and maybe avoid that. Thanks, that's the way to go.

What was the absolute deadline, given that, if we're not going for PR—which we should be—you don't need the time for the redesign? What was the deadline you gave us to have the changes that the government would like to see in your hands? When do you need that by, through you, Chair?

**Ms. Anne Lawson (General Counsel and Senior Director, Elections Canada):** I believe the acting Chief Electoral Officer has said that we would need to look at any legislation that is introduced, but my understanding is that legislation that's fully enacted by the spring of 2018 would be something we would certainly hope that we can implement for the next election. Now, legislation being enacted in the spring obviously requires its introduction before that, and requires the various committee processes, and the legislative process needs to unfold.

**Mr. David Christopherson:** Fair enough.

Could you help me understand what parts of your recommendations require a response from the government by the fall or over the summer? Are there any exceptions to the deadline you've given us?

**Ms. Anne Lawson:** I'm not aware of the content of the minister's letter. I'm not really in a position to speak to that.



**Mr. David Christopherson:** I'm not trying to drag you into that, but the minister has just stated that some of these responses to you require her, as the minister, on behalf of the government, to respond over the summer. I don't know what those are. I'm asking if you might know.

**Ms. Anne Lawson:** No, I'm not in as position to comment on that.

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

I'm listening even more closely to my good friend Mr. Richards, since he was proven to be right in the past. He's now focusing and asking, "Where did this mid-July date come from?" In light of the answer from Elections Canada, I would ask that, too.

I would like somebody, on behalf of the minister, to tell me what responses have to be made before the House returns in the fall, which is the reason the minister is giving for our report not to be timely if it isn't received by her on a unilateral date of some time in mid-July. What are they?

**The Chair:** Can we include that in our message to the minister?

**Mr. David Christopherson:** I was thinking of something a little closer to now, not months from now when the whole thing is moot.

This is what I mean, Chair. Where's the goodwill? We've offered all kinds of it. All we asked for was an indication that the government would recognize...if we once again met their imposed deadline, which we don't have to do as a standing committee, as masters of our destiny. Now they want us to unilaterally accept something. I would say that at this stage the minister's point may even be suspect in terms of whether or not it's true.

We're in a bit of a crisis here, because this stuff matters. At least the government keeps saying it does, but when it comes time to deliver, we get this kind of nonsense. I am not satisfied, Chair. I have to tell you that this letter means, "Okay, well, folks, see you in September."

That clock is going to keep ticking, and there is a point at which it will be too late to introduce legislation that could get all the way through the House. We're quite a ways from that now, but the more time is wasted, the more it suits the government agenda of shutting things off by saying, "Oh, we ran out of time." I remind you that this is the government that was the author of the six-week "lost in space" period that we had.

The more that you look at this, think it through, and try to figure out what's fair and reasonable, the more you realize that the senior partners in this, the government, don't seem to have any interest other than their own agenda. I had taken them at their word that they were willing to consider beyond that, that they were going to be a different kind of government. Remember the election way back when, and all the promises about how things were going to be different. I have to tell you, right now it doesn't feel so different.

Chair, I am not satisfied that this is anywhere it needs to be. At some point, this thing has to get straightened out, or I don't know what.

What's not going to happen is that we just let it whimper away and die quietly because we've crossed deadlines that then make it impossible for us to do our work. I am so frustrated right now, and I question whether we're going to get a resolution. We're going to get

out of here, we're going to be back in September, and we're going to be further behind because we've lost all that time. I'm getting close to the end of my rope with this government on this file.

Thanks.

• (1145)

**The Chair:** Mr. Richards.

**Mr. Blake Richards:** To add to what Mr. Christopherson just said, the deadline in this letter is not a truthful deadline. It's inaccurate; it's not grounded in the truth.

Elections Canada officials have clearly indicated to us on two occasions now that legislation would be enacted by the spring of 2018. A deadline of July 15 is not required for that to happen. This is, potentially, at least, dishonest on the minister's part. At the very minimum, it is an insult. It's what referred to by people as a "PFO letter". That's what it is.

It's telling this committee, "Ha, I fooled you." We were told, "If you guys deal with these things that I think are the priorities, we promise that we'll be able to deal with the other issues that the committee sees as important. We'll take those into consideration too." Now she's saying, "You just finished what I promised from your part of the bargain, but oh well, fooled you. Tough luck. Not happening now."

That's what happened. I think the suggestion you made that we communicate.... But it needs to be communicated that we absolutely condemn what has happened. This committee is extremely disappointed in this situation. There needs to be a more appropriate deadline created that would allow this committee to finish its work and would allow that work to be considered. Now, I understand that can't be an indefinite timeline, because there is some point at which Elections Canada can't put these things in place, but it is not July 15. That is not the truth.

We therefore need a date. We need to demand a date be given that gives this committee the opportunity to have its input. What is being told to us is an insult and is not accurate.

That's what a motion from this committee needs to say.

**The Chair:** It's fair to transmit that, for sure.

Mr. Graham.

**Mr. David de Burgh Graham:** I just want to work backwards a little bit.

When we had Minister Gould here a few months ago, we asked her for her priority items. She didn't give them to us; we asked her for them. I don't think there's a lack of willingness to do another bill in the future; I just don't think it's realistic to have it implemented on time for the spring deadline—given the cabinet, Commons, and Senate process to get there.

If we want our input in, the best thing is to do our best to get our input on this. If we choose to come back and study it in the future, I'd be happy to do that. I just don't think realistically it can be in place by the spring of 2018, given everything else on our plates.

It's a purely pragmatic point of view.

**Mr. David Christopherson:** Tell us what it is that has to be decided over the summer. We have the minister in writing...and I have Elections Canada saying they can't identify it.

What are these things that have to be decided over the summer that deny us the chance to have input? Elections Canada doesn't know what they are. I don't know what they are. I have a suspicion my esteemed colleagues in the Conservative benches don't know what they are. Please, government, enlighten us. What are the issues that have to be decided over the summer because there are deadlines that deny us the opportunity to put a full report?

**Mr. David de Burgh Graham:** The government has to go through each one of the recommendations from the CEO's report and each recommendation from us, as well as every comment we have and every comment from everywhere else.

**Mr. David Christopherson:** The minister said this is because... and I'm going to read this:

You will recall my letter of May 17th, in which I stated to Committee members that my work will continue over the summer. This is because many of the decisions on our response to the CEO's recommendations will have to be made before the House returns in the fall.

What are they?

• (1150)

**Mr. David de Burgh Graham:** I don't know. I'm not in the cabinet process. But they have to make the decisions to write the bill.

**Mr. David Christopherson:** I'm calling BS.

**Mr. David de Burgh Graham:** They can't do it after the fact.

**Mr. David Christopherson:** I'm calling BS. I don't think that's true. I think this is just a game. Drop the sword. End the debate. And if there's anything that we want to add afterwards, well that's nice, but it won't find its way into this legislation.

The minister is using that line as the excuse to impose the mid-July deadline. I for one am exactly where Mr. Richards is. That's a unilateral date that has no reflection other than to deny this committee the opportunity to finish our work in totality and forward it to the minister.

**Mr. David de Burgh Graham:** Do you expect the minister to write a bill in one night, not having made any decisions? It doesn't make much sense. You have to take the time to take all the input together and write the bill.

**Mr. David Christopherson:** So far you've been more than an apologist for the government. Is that going to be your new role, David? You're just going to be an apologist. If that's the case, then I'll just stop talking.

**Mr. David de Burgh Graham:** I'm a pragmatist. I'm just looking at how this works.

**The Chair:** Do you have a good feel for the way Mr. Richards, the strength...that you could draft a letter for me? We'll pass on that strong sentiment to the minister. We'll see what the response is. Our first meeting back would be subcommittee on agenda, so we can see if we have a response and what we would do. Does that make sense?

**Mr. Blake Richards:** Yes, I don't know. Just as long as the letter is strong enough.

**Mr. David Christopherson:** If we're winding up, then I want to reiterate that I meant what I said. Most of this has been done in public, and there's a track record of our trying to be accommodating with the government as much as possible. We just have the dirty end of the stick in this whole process, and it doesn't look to me as if this is going to get resolved at all satisfactorily.

There may be a strongly worded letter. Whoa, boy, that's going to change the world. Also, I won't hold my breath for a response that has any serious relevance to what we're concerned about.

However, do understand that where we leave now is not a good place, and that will be reflected in the tone and the approach to our work in the fall. The government cannot have it both ways. You can't ask for our co-operation, receive it, give us the dirty end of the stick, and then expect you're still going to get co-operation. Understand that when we come back in September, we will not be in a very good place.

**The Chair:** The point is well taken.

Is there anything else for the good of the committee?

**Mr. David de Burgh Graham:** I think debate has collapsed.

**The Chair:** Leaving this point aside, which we will follow up on, I think the committee has done some very good work in total.

Thank you to the Elections people. I think with an experienced Chief Electoral Officer some very positive changes will come out of this. Also, as Mr. Christopherson and Mr. Reid said on a number of occasions, we have worked well together and have been very productive, and we'll see what happens with this next hurdle.

**Mr. Scott Reid:** For the good of the committee, is there anything else?

**The Chair:** I just said that, but I'll say it again. For the good of the committee, is there anything else?

**Mr. David de Burgh Graham:** Is it the will of the committee to adjourn?

**The Chair:** The meeting is adjourned.







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