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Chair

The Honourable Larry Bagnell

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• (1100)

[English]

The Chair (Hon. Larry Bagnell (Yukon, Lib.)): I call the meeting to order.

Good morning, and welcome to the 74th meeting of the Standing Committee on Procedure and House Affairs. This meeting is being held in public.

I'm going to give a bit longer preamble today because we're doing clause by clause.

Today we're proceeding with clause-by-clause consideration of Bill C-50, An Act to amend the Canada Elections Act in relation to political financing. We have officials from the Privy Council Office, who are here to provide any assistance we need. We have Riri Shen, director of operations, democratic institutions, and Madeleine Dupuis, policy adviser, democratic institutions.

Thank you both for being here if we have any questions.

Before we begin, I'd like to provide members who haven't done this before with some information about how committees generally proceed with clause-by-clause consideration of a bill.

The committee will consider each of the clauses in the order in which they appear in the bill. Once I have called a clause, it is subject to debate and vote. If there are amendments to the clause in question, I'll recognize the member proposing the amendment, who may explain it. The amendment will then be open for debate. When no further members wish to intervene, the amendment will be voted on. Amendments will be considered in the order in which they appear in the package each member receives from the clerk. If there are amendments that are consequential to each other, they will be voted on together.

In addition, to be properly drafted in a legal sense, amendments must also be procedurally admissible. The chair may be called upon to rule amendments inadmissible if they go against the principle of the bill or beyond the scope of the bill, both of which were adopted by the House when it agreed to the bill at second reading, or if they offend the financial prerogative of the crown.

If you wish to eliminate a clause in the bill altogether, the proper course of action is to vote against the clause when the time comes, not to propose an amendment to delete it.

During the process, if the committee decides not to vote on a clause, that clause can be put aside by the committee so that we can revisit it later in the process.

Amendments have been given a number in the top right-hand corner to indicate which party submitted them. There is no need for a seconder to move an amendment. Once an amendment is moved, unanimous consent is required to withdraw it.

Once every clause has been voted on, the committee will vote on the title of the bill itself, and an order to reprint the bill may be required if amendments are adopted so that the House has a proper copy for use at report stage.

Finally, the committee will have to order the chair to report the bill to the House. That report only contains the text of any adopted amendments, as well as indication of any deleted clauses.

I thank the members for their attention. We will now proceed with clause-by-clause consideration.

• (1105)

Mr. Scott Reid (Lanark—Frontenac—Kingston, CPC): Mr. Chair—

The Chair: I think I have Mr. Christopherson first.

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

Thanks for going through that. For some members, it's the first time they've done this. I've got to tell you that I sit on this and on the public accounts committee. Tyler and I were talking about how it's probably been about four or five years since I've done one too, so this is probably going to go a little bit less than smoothly as we work our way through it.

That's a nice cover or way for me to say, with very little elegance, I shall not be moving NDP-2, NDP-3, or NDP-4, Chair.

The Chair: Go ahead, Mr. Reid.

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

I have two questions with relation to the very helpful introduction you read to us. Thank you for that. I'll ask both questions and you can answer them.

Number one, I was going to ask if it is the case that any of the proposed amendments would, if adopted, have the effect of causing any of the other proposed amendments to be outside our consideration. If so, it would be helpful to know those in advance.

Number two, I'd like to know whether any of the amendments have, in your view, fallen outside of what is allowable, and if so I'd appreciate knowing that in advance as well, rather than waiting until we get to the individual items.

The Chair: I'll try to answer both of those questions, but we're delighted to have a legislative clerk here today. Should I give the wrong answer, I'm sure he will correct me.

The first question is, yes, I will let you know when one precludes another.

Second, they all appear admissible.

Mr. Scott Reid: Okay, thank you.

The Chair: Okay, are we ready to roll?

There are no amendments on clause 1, so shall clause 1 carry?

(Clause 1 agreed to on division)

(On clause 2)

The Chair: We have LIB-2. If it's adopted, amendment NDP-1 cannot be moved because of a line conflict.

Mr. Scott Reid: NDP-1 was not withdrawn, correct?

Mr. David Christopherson: Correct.

The Chair: We have amendment LIB-1. Maybe you could present it, David.

Mr. David de Burgh Graham (Laurentides—Labelle, Lib.): This is to address the loophole that I brought up during questioning with the minister and her staff. If a minister of one party or a leader of another party shows up at somebody else's event, as the law is worded right now, that would make their event illegal. This would get rid of that loophole very simply.

Mr. David Christopherson: Say that again, Dave.

Mr. David de Burgh Graham: Let's say the leader of the NDP shows up at my fundraiser—

Mr. David Christopherson: Which happens all the time....

Mr. David de Burgh Graham: Well, Tom grew up in my riding, so I know him. Let's say that happened. My event would then become illegal, because I had a regulated person show up my event, and making it somebody from the same party solves that problem.

Mr. David Christopherson: I was thinking about it, and I can think of a practical application that would cause me to want to support it. Notwithstanding our partisan differences, most of us get along quite well in Hamilton. In my view, Filomena is on the brink of having her shot at cabinet, so it could very well be that she could find herself being a cabinet minister and it wouldn't exactly be a headline for one of us to drop into another's event just on a collegial basis. It does happen. If I'm understanding what you're suggesting, because they're someone who shouldn't be there under the rules, the whole thing then is in some legal question and in trouble.

Mr. David de Burgh Graham: It's because she is there, correct?

Mr. David Christopherson: Right.

I guess what I would ask is whether there are any other unintended consequences. From that perspective, I think it makes sense, and I could see myself supporting it. Are there any unintended consequences to it, though?

Mr. David de Burgh Graham: Only if somebody crosses the floor at the event.

Mr. David Christopherson: That ain't going to happen, so there you go.

• (1110)

Mr. Scott Reid: In all fairness, it's highly unlikely the minister would cross the floor at the event. Remember, he can go to Filomena's event without it triggering any problems, unless he gets appointed to cabinet, in which case it's a different story.

Mr. David Christopherson: Then we'd get you to write a headline.

It ain't going to happen, so let's just shut that down.

My biggest problem is that adopting this would negate mine, I'm told. Can you help me understand exactly why that is, Mr. Legislative Clerk?

Mr. Olivier Champagne (Legislative Clerk, House of Commons): The rule is that the committee can only amend the same line once. Basically that's the very simple rule. The Liberal amendment touches lines 3 to 5 and NDP-1 replaces lines 4 and 5, so that's why. It's a technical reason.

Mr. David Christopherson: Okay, thanks.

Chair, perhaps I could, through you, ask Mr. Graham whether it's his intention to support my amendment. If it is, then maybe we could find a way to have one motion that gets us around this technicality. Otherwise, it looks as though we're going to have a bit of a clash.

Mr. Scott Reid: Could I ask a question, then? It's related to that. Certainly it's technically feasible, but the question is whether it's allowable to amend LIB-1 to include the language that is in amendment NDP-1.

Mr. David de Burgh Graham: I believe it's technically possible, but to answer David's question, it's not my intention to support his amendment. If he'd like me to explain why, I'm happy to, but at this point it's not my intention to support it.

Mr. Scott Reid: Why?

Mr. David de Burgh Graham: It expands this to every exempt staff in every office who attends any event, and I think that goes way beyond the intent and the scope of the bill.

Mr. David Christopherson: Chair, perhaps you would allow a little flexibility.

The Chair: Yes.

Mr. David Christopherson: I hear you, and I posed the same question to Tyler when we were going through it. The answer is that if we simply identify it by title, all you have to do is give somebody a title that's not listed and you've gotten around the law. By just saying everybody who's in the office may... There's the the fact that it might feel like a bit of an overreach, but if we do it the other way, it's an underreach, because, as I say, you just create a title that's not there, and hocus-pocus, someone who normally shouldn't be there or would be covered by the law now isn't.

That was the only reason they used the language. I asked the same question: why would we say "such as"?

Mr. David de Burgh Graham: I get that, but it's not my intent to support in the bill to extend it to every exempt staff in every office, which is what this does, as I understand it.

You haven't introduced it yet, but—

The Chair: Go ahead, Mr. Reid.

Mr. Scott Reid: Because this is going to preclude debate on the NDP amendment, and that seems inherently unfair, the way to resolve this problem is to move a subamendment to LIB-1 that includes the content of NDP-1.

Mr. David Christopherson: We could do mine first. Just change the order.

Mr. Scott Reid: I don't think we can do yours first. We'd have to withdraw LIB-1 and then do yours first.

Mr. David de Burgh Graham: We can do it by unanimous consent.

Mr. Scott Reid: All right. Let's see if there's unanimous consent for it. If not, I'll—

Mr. David Christopherson: Can we move to NDP-1, Chair, by unanimous consent, and then return to LIB-1?

The Chair: There are two options for proceeding, or three. Just carry on is one. Two is to propose a subamendment to LIB-1. Three is to, by unanimous consent, reverse the order, and if NDP-1 passes, then LIB-1 couldn't go ahead. If NDP-1 doesn't pass, LIB-1 could still proceed to debate.

Mr. David Christopherson: Again, we get along fairly well here. Is it the intent of all the government members to vote against NDP-1?

Mr. Chris Bittle (St. Catharines, Lib.): Yes.

Mr. David Christopherson: The thing is, I have some sympathy for David's amendment, but I'm certainly sure as hell not going to vote for something that kills my motion before it even gets to the floor. It's just not going to happen.

If I can get a sense, though, that I'm spinning my wheels on mine, then that would give me a little bit of latitude to be supportive of David's.

Is that everybody saying you're not with me? Okay.

Mr. Randy Hoback (Prince Albert, CPC): Why don't we just let you guys vote down his amendment and then go to your amendment?

A voice: Well, if we proceed with his—

• (1115)

Mr. David Christopherson: Yes, but if they're not going to include mine, there's no sense doing that option. That would be nice and neat. Otherwise I'm in a leap of faith. I can do that, but the cleanest would be if we could do mine first, let me sort of have my day in court—it will take 30 seconds—and then we can move on to LIB-1 and give me the latitude to support it.

The Chair: Go ahead, Mr. Reid.

Mr. Scott Reid: Let's find out if we have unanimous consent to go to NDP-1 first.

Mr. Nicola Di Iorio (Saint-Léonard—Saint-Michel, Lib.): No.

Mr. Scott Reid: Okay. In that case, I move that LIB-1 be amended in the last line, by adding, after the word “subparagraph,”:

or any person appointed under subsection 128(1) of the *Public Service Employment Act*, and

My assistant has advised me that I'm doing this ineptly, so give me a moment. He wouldn't have reported it that way, but that is the intent of what he's about to tell me.

The Chair: While you're doing that, I want to ask a question for curiosity's sake. If David were having a fundraiser and it didn't have to be reported because no one important was there, such as your leader—

Mr. David Christopherson: You've been to my fundraisers.

Some hon. members: Oh, oh!

The Chair: —and we sent a minister, or if another party sent a minister, then you would have to report everyone, which would be a bit obnoxious.

Mr. David de Burgh Graham: Yes, and you'd have to advertise it five days in advance.

Mr. David Christopherson: Yes. Then I'd have to throw you out because you'd screw up my event.

A voice: That would be the headline: you throwing him out.

Mr. David de Burgh Graham: No, it would be worse than that, David. It would be worse than that because your event would become illegal if you hadn't announced five days in advance that they were going to crash your event, and that's why the loophole is there.

Mr. Scott Reid: I have been duly chastised.

Here is the amendment that I would have given you, had I been Dennis.

Voices Oh, oh!

Mr. Scott Reid: The amendment contains two inclusions. At line 5, after the word “state”, we would add:

, or a parliamentary secretary,

Mr. Clerk, I'll be giving this to you so you can see it afterwards.

Then in the last line, where the word “subparagraph” is followed by a comma, we would insert the words:

or any person appointed under subsection 128(1) of the *Public Service Employment Act*

I'll give this to the clerk so he can see it.

The Chair: Have people heard the terms of the amendment?

Is there any debate?

Mr. Scott Reid: It's hard to follow that way. I'll just explain what I've done.

Now that we're debating this, I'm hoping that will provide Mr. Christopherson with a point to explain the merits of NDP-1. The purpose of this amendment is to allow him to have his moment before the committee to explain what he's trying to accomplish.

However, my understanding is that the wording of the relevant clause does not include some people who are actually the kinds of people who are in a position to either make decisions on their own or to assist in the making of decisions that could result in benefits accruing to people making a donation to be at the event. Hence, those people should also be included for an event at which they are the headliner, or at any rate are present, headlined or not, because their presence can be conveyed by means other than widely broadcasting the fact that they'll be present.

This includes parliamentary secretaries who do, after all, meet regularly with ministers. In a sense, they serve a role within the parliamentary context similar to that which an NCO, a non-commissioned officer, serves within a military unit to the commissioned officer. Likewise, persons appointed under subsection 128(1) of the Public Service Employment Act would include individuals who are effectively political staff, if I'm not mistaken. Mr. Christopherson can correct me.

The Chair: Go ahead, Mr. Christopherson.

Mr. Scott Reid: I believe that's the goal of this amendment.

Mr. David Christopherson: You've done a better job than I was going to.

The Chair: Do you want to say something else about it?

Mr. David Christopherson: No, as a matter of fact, I thank you very much, Mr. Reid. I appreciate that very much.

I won't do a whole speech, but you'll recall that I've had experience in this area and I know the kind of impact that a chief of staff and senior policy adviser can have on a minister. To leave the influence line at just the elected person does not, in my view, capture all the influences on a minister when he or she is making decisions. In a nutshell, that is my rationale.

I'd go a little longer if I had a chance of converting anyone. My odds of that look slim to none. I try to live in the real world.

• (1120)

The Chair: Okay, can we go to the vote on the subamendment that we just heard? I think it's pretty clear.

All in favour?

Mr. Scott Reid: Can we get a recorded vote?

The Clerk of the Committee (Mr. Andrew Lauzon): The vote is on the subamendment.

(Subamendment negatived: nays 5; yeas 4)

The Chair: The subamendment is defeated.

Now we go to the amendment.

Mr. Scott Reid: I've just got one comment. The proposer has already spoken.

I just wanted to say that I'll be voting for this amendment. I am disappointed by what just happened. We are trying to deal with the merits of each clause on its own. I think that we have a somewhat rarified concern that Mr. Christopherson—sorry, Mr. Graham—expressed. Nonetheless, it's a nice housekeeping measure.

The Chair: Is there any other discussion?

(Amendment agreed to [See *Minutes of Proceedings*])

NDP-2, 3, and 4 are withdrawn.

We go to NDP-5.

David, would you like to present this amendment?

Mr. David Christopherson: Yes. The bill currently allows these thank-you events for maximum donors, and that type of event is excluded from this legislation. In my view, putting that exemption in place again still leaves lots of room for loopholes and getting around this. People know that they're going to get a double whack for their contributions. To me, it's the same game, but by a different name. This would prevent that exemption from happening.

The Chair: Is there discussion?

Go ahead, Mr. Bittle.

Mr. Chris Bittle: Thank you.

The purpose of the exemption acknowledges the logistical difficulties of enforcing this at a convention, with individuals moving around, and lining up who is in the room at the same time with certain individuals when there is coming and going.

Bill C-50 still ensures that if there is a ticketed event during a convention.... For example, at ours, there is always a Judy LaMarsh fundraiser to raise money for women candidates who are running. It's a separate ticketed event, and if a minister were to attend, that would be covered by this legislation.

The Chair: We have Mr. Christopherson and then Mr. Reid.

Mr. David Christopherson: I would say to my honourable friend that there is merit in that argument. I don't see why we aren't constructing legislation that carves that out but still ensures that these other thank-you events aren't happening.

I don't think it's the conventions that are the bigger problem; it's the opportunity for a second gathering with the high-priced, influential government decision-makers still in attendance. That is being exempted from the transparency that Bill C-50 is providing elsewhere. That's my problem.

The Chair: Go ahead, Mr. Reid.

Mr. Scott Reid: I'm sorry; it sounded as though Ruby was going to respond to Mr. Christopherson. I don't want to get in the way of that.

Ms. Ruby Sahota (Brampton North, Lib.): The purpose of that section isn't for appreciation events anywhere else, but only within a convention. Therefore, I think what you've just—

• (1125)

Mr. David Christopherson: Can you show me that? If I have that wrong and if the language is that clear...

Mr. Andy Fillmore (Halifax, Lib.): Mr. Chair, I wonder if we could ask the officials to give us some guidance on this point.

The Chair: Officials, go ahead.

Ms. Madeleine Dupuis (Policy Advisor, Democratic Institutions, Privy Council Office): Yes, the exception is only for an appreciation event that is part of a convention. All other appreciation events are covered by the bill.

It's at line 4, on page 3.

The Chair: Do you mean line 4 on page 3 of the bill?

Ms. Madeleine Dupuis: Yes.

Ms. Ruby Sahota: If I may, it's exclusion of contributor appreciation events. It doesn't say that in the title, but it says:

(4) Despite subsection (3), a regulated fundraising event does not include any event that is a part of a convention referred to in subsection (2) and that is organized to express appreciation for persons who have made a contribution to the registered party or any of its registered associations, nomination contestants, candidates or leadership contestants.

The only exclusion is for those occurring at a convention, not outside of a convention.

Mr. David Christopherson: That still leaves us with the same problem. Again, you're saying that it was too hard to keep track of it.

You're pulling together an event within the convention. I was thinking that if you're talking about a fundraising event during a convention, that may be one thing, but this is talking about pulling together those same people who are benefiting from having paid the maximum—I think in this case the Liberals have their Laurier Club—so these folks are going to be invited at a convention, but only they are going to be invited.

How would you have so much trouble keeping track of it when you'd have to invite them in the first place because they are maximum donors? They have to belong to your Laurier Club, and if that's the list you're drawing from to say that they're entitled to come, how is it so difficult to track? Why is that the issue?

Mr. Chris Bittle: The issue isn't that it's difficult to track, because those individuals are already recorded in Elections Canada. It's who is there at what time with what individual, and there are comings and goings throughout the entire weekend.

When I speak about logistical difficulties, these individuals are already.... You can go to Elections Canada and find out who the maximum donors are, and that's not an issue. As we've all been to conventions, we understand who is moving around and the difficulties of pinning down the time frame. Just because individual X was in a lounge and a minister was in the lounge, it doesn't mean that they were even there at the same time or on the same day, which is what this bill is trying to get at.

Mr. David Christopherson: That's fair enough.

You could set it up so that nobody was really planning to do a whole lot of talking at the initial fundraiser, because the real deal was going to happen at the more exclusive one at the Laurier Club, where only those who paid the maximum were getting invited, and you'd be doing it under the guise of the convention. What would not be allowed anywhere else would be allowed because it's a convention.

When I was making reference to the convention, I was talking about fundraising events at the convention. There's all kinds of stuff going on. People are selling stuff. I have some sympathy for that. Still, at the convention you're going to pull together people who, by virtue of being Laurier Club members, are going to have a chance to go to an event and rub elbows with who knows whom, with no transparency whatsoever, all predicated on the fact that they are the top donors at another event or events.

To me, it's still providing access for cash. It's just that you paid the cash ahead of time.

Ms. Ruby Sahota: Mr. Christopherson, at the beginning you said that it was okay at a convention and that your problem lay more with these events occurring outside of the conventions. Are you now rethinking the whole thing?

Mr. David Christopherson: Well, that's because you said that this only applies to conventions. Why would I be arguing about something that's not included in the clause? You're the lawyer, not me. I'm just taking my lead from you.

Some hon. members: Oh, oh!

• (1130)

Ms. Ruby Sahota: You're changing your issue, I think.

Mr. David Christopherson: Well, no. If you want to give me a chance to make a macro-case about it, I will, but the clause in front of us is talking about the conventions. I'm just saying that you're still allowing what you say Bill C-50 provides transparency for, and when it's at a convention, it's opaque. That's all I'm saying.

The Chair: Go ahead, Mr. Reid.

Mr. Scott Reid: Thank you. I must say that after listening to the back-and-forth, I feel a bit like a contestant at the side of a Jell-O wrestling match who inexplicably decides to do a swan dive into the middle of it.

Some hon. members: Oh, oh!

Ms. Ruby Sahota: Thank you for allowing us to have that back-and-forth.

Mr. Randy Hoback: That's the best you've got?

Mr. Scott Reid: That's better than what you would have had, Hoback.

Some hon. members: Oh, oh!

Mr. Scott Reid: I wanted to make some observations. I think this amendment by Mr. Christopherson was very well intended and I want to explain why I don't support it.

I should mention, by the way, that some of the comments I'm going to make are related to a situation that exists when you're in government but doesn't exist for us as an opposition party right now. In opposition, we only have to worry about the leader. He's the only person whose presence is guaranteed at the Leader's Circle event, which is our equivalent of the Laurier Club. Obviously, he'll be there, so we'd record that. However, if you're in government, you have ministers who will potentially be available depending upon the other things going on at the convention. Everybody knows that conventions are very chaotic events. You're dealing with all kinds of things. You have people doing interviews, which are hard to plan, with various media outlets. It's hard to plan which events will be top of mind at the time of a convention. For disclosure purposes, you could list every minister without actually promising the people who are being invited that they'll be there. That seems problematic, and it's one concern.

My more significant reason for not supporting this amendment is that at a convention you already have, by the nature of the event, media present, so it's easy to keep track of who's coming in and out. I think it was Chris Bittle who said that they are somewhat chaotic events in that people are wandering in and out, getting canapés. You may have more than one such event at a convention in order to accommodate people who are arriving at different times and so on, but the key thing is that reporters are there anyway. You have media accreditation. There's no danger of any sort of secret meeting.

Also, you have the largest number of donors who are donating for the traditional reasons. They already believe in the Liberal Party or the Conservative Party. They're willing to give the maximum. They're now a delegate at their convention. You have so many of those people that it would be a very odd time to try to have a quiet meeting with a Chinese billionaire, say. It doesn't seem like the sort of thing that's going to happen. Therefore, I think this is an area that was never a problem to start with.

The Chair: We're voting on amendment NDP-5.

(Amendment negated [See *Minutes of Proceedings*])

The Chair: We're now on NDP-6, and this vote will apply to NDP-8 as well, which is the consequential amendment.

We'll get David to present NDP-6, but first, go ahead, Mr. Reid,

• (1135)

Mr. Scott Reid: Under the formal rules, because clause 2 is being amended by NDP-6 in line 15, and LIB-2 is amending it differently, are these not the same thing nonetheless, or am I misunderstanding? In practice, if this were done, it wouldn't make sense to do LIB-2, or would it still make sense? I'm asking whether it's sensible, as opposed to what the formal rules are.

Mr. Olivier Champagne: I'm sorry; could you repeat?

Mr. Scott Reid: I'm wondering whether they duplicate the same thing in different sections, and therefore whether the de facto result would be that one makes the other unnecessary.

Mr. Olivier Champagne: I would turn to the officials, because you're really asking what the results are in terms of legal effect.

Ms. Madeleine Dupuis: Yes, Mr. Reid, both amendments would add a notice to Elections Canada, so they have the same goal. They're identical in terms of practical effect.

Mr. Scott Reid: Okay.

I'll just ask the obvious question, then. To the Liberals here, given that fact, would you guys be comfortable in just withdrawing LIB-2 if NDP-6 passes?

Mr. Andy Fillmore: Mr. Chair, could I ask the officials to clarify, through an implementation lens, which of the two options is favourable?

Ms. Madeleine Dupuis: The motion in LIB-2 sets out the obligation to provide a notice separate from the obligation to advertise instead of putting them together, so it'll be easier from an enforcement perspective that the two obligations are separate, because then the offences are separate as well.

Mr. Andy Fillmore: Then LIB-2 is preferable in that context.

Mr. Scott Reid: In that case, Mr. Chair, would it be the case that Mr. Christopherson would be willing to withdraw his motion in order to allow the Liberal one to go ahead?

Mr. David Christopherson: Yes.

The Chair: Okay. NDP-6 is withdrawn. Can we have a vote on LIB-2? Everyone seems to be on side.

It applies to LIB-6. I guess it would be similar to the NDP amendment consequential to NDP-8. If we vote on this, it also applies to LIB-6.

Mr. Scott Reid: Does LIB-6 automatically apply as a result of this? Is that how it works?

Mr. Olivier Champagne: It's because LIB-2 would add a new subsection, proposed subsection 384.2(4.1), and there's a reference to that new subsection of the bill, so it's really a technical reference.

Mr. Scott Reid: I'm just going to find LIB-6, if you don't mind.

The Chair: I will call the vote.

(Amendment agreed to [See *Minutes of Proceedings*])

The Chair: We'll go on to NDP-7. If this passes, or whatever happens with the vote, it'll apply to NDP-9 as well, which is another consequential amendment.

David, do you want to introduce this amendment?

Mr. David Christopherson: Thank you.

Again, it was Mr. Kingsley and I think Mr. Nater, to give credit for the thought, who suggested that without some kind of backup insurance policy, you could end up with senior people just showing up at the last minute; some might know they were coming—wink, wink, nudge, nudge—and some might not.

There was also this idea that if one minister can't make it, it's reasonable that, gee, if they are sick, a couple of days later it would be somebody else who would attend. I'm sorry: if it's the minister of tourism who is scheduled, but—wink, wink, nudge, nudge—everybody knows that they're going to have parliamentary flu and it's going to be the minister of finance, so you'd be wise to get your tail down there, that's doable. That is entirely possible.

When I raised that possibility with Mr. Kingsley when he was here, he said to just put it in the law that if you're not on the list five days beforehand, you can't go. I like that. That's what this amendment is about.

• (1140)

The Chair: Go ahead, Mr. Bittle.

Mr. Chris Bittle: Mr. Christopherson must be much better at selling tickets than I am. Wink, wink, nudge, nudge, and tickets get sold.

In terms of the reality of the situation, if a particular individual is coming, you advertise that particular individual as long as you can and as hard as you can to sell the greatest number of tickets you can, and the “wink, wink, nudge, nudge” behind the scene is contrary to the spirit of the legislation. Even if we don't think we're all better than that, at the end of the day we want to sell the most tickets possible. I think this measure provides for that. Regardless of who attends, they'll still be covered within the final report, and there will be transparency. It's not that—wink, wink, nudge, nudge—the finance minister shows up, and the act doesn't apply.

I think I'm going to oppose this amendment because I think it's reasonable to allow that if someone got parliamentary flu or actual flu, another individual can be swapped in.

Mr. David Christopherson: Well, if I can, Chair, my response is that it's nice the government says that would never happen, but if we were dealing with things that never happened, we'd never need this legislation, would we?

I don't buy that argument. It seems to me that if you mean what you say and there are no games being played—and I take you at your word—why not put it in the legislation? Why do I have to take your word? Why not put it in the legislation? Then we know for sure that nothing like that's going to happen.

The Chair: Filomena is next.

Ms. Filomena Tassi (Hamilton West—Ancaster—Dundas, Lib.): David, with respect to your point, the first thing I would say is, wouldn't you be best off advertising the heaviest hitter coming? Right? Would you agree? Aren't you better off if you're advertising you've got—

Mr. David Christopherson: Let's say you're not sure.... Anyway, go ahead.

Ms. Filomena Tassi: In terms of that concern, I think that if you're having an event, you're going to advertise the person who's coming and you're not going to have someone else behind the scene who may be more influential—I shouldn't say that—or a more senior cabinet person. You'd put that in the advertisement. That just makes sense, and I think you'll agree with that.

The other thing is that in the event that you have a number of people coming and you've advertised that a cabinet minister is coming, and that person does get sick, with this amendment, you'd have a problem. You couldn't sub someone in.

For those two reasons, I think I won't be able to support the amendment.

The Chair: Go ahead, Ruby.

Ms. Ruby Sahota: I'd just like a clarification from the departmental officials.

Even if a minister was swapped out, the way I'm reading this is that it allows for flexibility. It does happen. It happened to me when I really wanted a certain minister and I was planning and hoping for months beforehand, and it didn't end up working out. Then with weeks until the event, it ended up being somebody else. That person who does end up coming in the end has to be in the five-day notice, right?

Ms. Madeleine Dupuis: Yes. Every regulated fundraising event needs to be advertised five days in advance with the name of the minister or party leader who is coming. If there's a change to the information in the notice, there is an obligation to update. If there's a change in ministers three days in advance, then there's the obligation to update the notice.

Ms. Ruby Sahota: Would that minister still be allowed to attend if the notice was updated with the change of name three days before?

Ms. Madeleine Dupuis: The notice needs to be updated as soon as feasible once there's a change, and if the change happens after the event started—that is, once the notice is no longer valid—they need to be in the report.

Ms. Ruby Sahota: Okay.

The Chair: Is there any further discussion?

Can we vote on this amendment then, please?

(Amendment negated [See *Minutes of Proceedings*])

The Chair: We'll go on to LIB-3. If this amendment is adopted, Elizabeth May's motion, PV-2, cannot be moved, because there's a line conflict.

Mr. Scott Reid: PV-2 is not the one right after it, however.

The Chair: Also, the vote on LIB-3 would apply to a consequential amendment, LIB-7.

There would be two effects of voting for this: PV-2 could not be moved, and LIB-7 would apply to whatever the result of the vote is.

Could whoever is presenting this present the motion?

• (1145)

Mr. David de Burgh Graham: This is simply an Elections Canada request. It splits filing obligations and deadlines into separate requirements. It's a very simple change.

Mr. Scott Reid: Could we hear from Ms. May about the logic behind her proposed amendment and its purpose?

The Chair: Elizabeth, could you present PV-2?

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Thank you, Mr. Chair.

Before I present, I apologize to the committee members, but I need to put it on the record that every time I am forced to be before a parliamentary committee, I am here under duress. This committee passed a motion that requires me to be here if I want to put forward amendments at this stage. Otherwise, but for the motion of this committee, I would have had rights to put forward these amendments at report stage.

Since report stage happens only once in the chamber, you don't have the conflict that I had just the week before Thanksgiving, when both Bill C-45 and Bill C-49 went to clause-by-clause consideration at the same time, and because of the motions passed in those committees, I had to present amendments at the same time.

I would particularly urge this committee, as the committee on procedure and House affairs, that this is the committee that should have determined whether my rights as an MP needed to be curtailed at report stage. Under the former prime minister, the PMO basically did an end run around PROC to change the way legislation is treated in the House, by passing identical motions committee to committee requiring members of Parliament in parties with fewer than 12 MPs, or independents, to bring their motions to committee with 48 hours' notice. This is to create a fake "opportunity" that denies me my rights at report stage.

That's the context in which I tell you that I am here under duress. I know a lot of you are unfamiliar with this situation, even though the committee passed this motion. You probably thought it was a friendly thing, a nice thing, but it has probably taken years off my life to try to get to every committee at clause-by-clause consideration, instead of having the rights I would otherwise have at report stage. It's particularly offensive to PROC. If you were, for instance, to repeal your own committee motion, I'd find that extremely helpful.

I'll be very brief. I understand that the conflict occurs with the Liberal amendment, which deals with lines 34 to 36 on page 6. So does mine.

PV-2 stands for *Parti vert-2*, because the clerks of the committees decided not to call my motions "Green Party" because then they would look like government motions, with a "G". That's why it's *Parti vert-2*.

Parti vert-2 is in conflict with paragraph (b) of David's amendment. What I am trying to do with my amendment is ensure that it's not precluded that the reporting take place during an election. If you go to the bill, you see that I basically change the language. Where it says, "Subsections (1) to (6) do not apply in respect of a regulated fundraising event", my amendment, *Parti vert-2*, would change the words "do not apply" to "continue to apply", so that the fundraising rules within this legislation would apply during the writ period.

Thank you, Mr. Chair.

The Chair: Thank you.

Is there any further discussion on LIB-3?

Mr. Reid, go ahead.

Mr. Scott Reid: I want to ask whether the Liberals find what Ms. May is proposing to be reasonable, since there is no inherent conflict between what they are proposing and what she is proposing.

The Chair: Mr. Bittle, go ahead.

Mr. Chris Bittle: I guess there is.... I'm sorry. I'm not sure what—

Mr. Scott Reid: This is a bit like what happened earlier.

Mr. Chris Bittle: Yes.

Mr. Scott Reid: I don't think there is an inherent conflict between

Mr. Chris Bittle: There is a conflict in purpose.

Mr. Scott Reid: Am I wrong? Is it the case that there is actually a conflicting purpose?

Mr. Andy Fillmore: Mr. Chair, I could perhaps shed some light on that, if invited to do so.

The Chair: Sure, go ahead.

Mr. Andy Fillmore: Thank you.

I think Ms. May's amendment is trying to impose the reporting requirements required at any time outside of a writ within the writ period. That would be the five-day advance notice and prompt reporting and all.

What the Liberal amendment is saying is that during the chaos of a writ—all the moving parts moving very quickly and stressed-out volunteers and everything—we would have a different regime, wherein all that reporting would happen after the fact, at the end of the writ period.

There is a difference in purpose here. We are very specifically trying to relieve the intense pressure on volunteers to do reporting when there is so much else going on in their and everyone else's lives during the writ period.

• (1150)

Mr. Scott Reid: That's certainly the case; there are pressures.

Let me deal with it this way. Mr. Chair, I'm going to propose an amendment to LIB-3. If you go down to paragraph (b) in proposed subsection 384.3(7), you see that it says:

Subsections (1) to (6.1) do not apply in respect of a reg-

Do you see that? We'd just delete the words "do not" and add in "continue to", and that would accomplish exactly what Ms. May is trying to accomplish, while not eliminating or altering any other text in the Liberal amendment.

I think that would work. I don't think there's any technical problem with that. I'll just pass that to the clerk.

The Chair: Do people understand what Mr. Reid's proposing? Is there any discussion?

Mr. David Christopherson: Can I hear it again?

Mr. Scott Reid: Why don't I just bring it down to show Mr. Christopherson?

The Chair: Yes.

Is there any discussion on Mr. Reid's subamendment?

Ms. Ruby Sahota: I'm not sure I understand it still. I know that you had the benefit of seeing the visual, but....

Mr. Scott Reid: Maybe the chair can either show it or read it.

The Chair: The effect of what you're doing is it would apply during elections.

Mr. Scott Reid: Yes, that's right.

The Chair: You can take it over to show Ruby.

Go ahead, Mr. Bittle.

Mr. Chris Bittle: Just very quickly, and to echo Mr. Fillmore's comments, we've all been through the election, and decisions happen in—I don't want to say moments, but you can find out the next day if a particular individual is coming to your riding, be it the Prime Minister or be it a party leader, so for logistic reasons I don't think I can support this subamendment.

Mr. Scott Reid: Mr. Chair, I wonder if we could just inquire for certainty—I did just do this on the fly—from the officials whether what I am proposing would have the effect of causing both the 30-day and the five-day requirements to apply or not. Could we ask them?

The Chair: Do you mean during the election period?

Mr. Scott Reid: Yes, during the writ period. That's correct.

The Chair: That's what you're trying to do.

Mr. Scott Reid: It was what I was trying to do on the fly, but I'm actually not sure it accomplishes that. I just have to make sure that we all understand what's just happened, including me.

Voices: Oh, oh!

The Chair: Mr. Reid wants to know if the amendment he just proposed will cause the reporting to be the same during an election period as outside an election period.

Ms. Madeleine Dupuis: Could we see what Mr. Reid has proposed?

Voices: Oh, oh!

The Chair: It's not an unreasonable request.

Mr. Scott Reid: While we're bringing this up, Mr. Chair, I should raise something.

I'm in the process, as a side project in my role as an MP, of trying to collect and put online all the documentation relating to the original design of the various parts of our Constitution, and the same problem we're encountering here occurred when the Constitution was being designed. It wasn't always clear that everybody who was involved knew what the implications were of various words that were being put in. Based on that lesson, it's always good to take our time and make sure we understand what we're doing.

• (1155)

The Chair: That's interesting.

Mr. David Christopherson: Did they do something wrong in the construction, given that?

Mr. Scott Reid: You're not asking that in the sense of whether they did things that could have been done better; you're asking whether they made mistakes. I think some people misunderstood, or understood incorrectly what was being done. That's always a danger.

The Chair: Maybe if we get into another filibuster, you could elaborate on that.

Voices: Oh, oh!

Mr. Scott Reid: You have to wait till then, Mr. Christopherson.

The Chair: The officials are ready.

Ms. Madeleine Dupuis: The suggested amendment would not add any advertising requirement, because that's a separate provision. What it would do is make the 30-day reporting requirement apply

during an election, and at the same time the requirement to file a report after an election within 60 days would also still be valid. You would have the double reporting requirement with that amendment.

Mr. Scott Reid: Forgive me; you would effectively have to report twice. Is that right?

Ms. Madeleine Dupuis: Yes.

Mr. Scott Reid: On the same thing.

Ms. Madeleine Dupuis: Yes.

Mr. Scott Reid: Is there a way, Ms. Dupuis, that we could simply have the 30-day requirement apply?

Ms. Madeleine Dupuis: The proposed subsections afterward in the bill—384.3(8), 384.3(9), 384.3(10), 384.3(11), 384.3(12)—all deal with reporting after an election, so those subsections would have to be removed.

Ms. Ruby Sahota: I am so confused. Wasn't the original requirement of 30 days in the amendment that the Liberal amendment...? No, the original was a 30-day requirement, so what more do you want, Mr. Reid?

Mr. Scott Reid: I'm trying to incorporate Ms. May's. I'm doing it on the fly and I'm not sure that I'm accomplishing it, which is why I'm asking these questions.

Ms. Ruby Sahota: Yes, okay.

The Chair: Go ahead, Mr. Christopherson.

Mr. David Christopherson: Chair, does all of this not turn on the issue of whether there should be a priority in getting this information out during an election so that the public has the benefit of knowing it, rather than after? Isn't that the issue in front of us? We've already captured the accountability part, so that's there. The question is whether or not fundraising during a campaign would be subject to some of these accountabilities during the course of the campaign. Is that not the difference?

Ms. Ruby Sahota: The average writ period is how long?

Mr. David Christopherson: Well, the average just went up. If you mean the median—

Ms. Ruby Sahota: It's 35 days.

The Chair: We had a limit of 45.

Ms. Ruby Sahota: It's 35 days, so I worry. What if the reporting requirement falls on E-day or...? Running a campaign is the craziest thing I've ever done, and I wonder at people who've done it more than once. They must be insane and out of their mind. Why would they repeat doing this over and over again? As I say this two years later, I'm probably going to do it again, but you're out of your head. It's complete insanity, and volunteers don't know what's happening.

The fast pace of that 30- or 35-day period on average is intense, so I worry if you have a fundraiser that falls right on E-day or the day before. I see a lot of people making errors in their reporting because they don't have the capability.

The Chair: Go ahead, Ms. May.

Ms. Elizabeth May: Thank you, Mr. Chair. I'm grateful for the chance to take the microphone again.

If there's anyone who understands Canadian election cycles and rules around Canadian elections, I think it's Jean-Pierre Kingsley, given his history as the person to hold the role longest. I'm just going to quote again what he said before the committee.

If there is a time when people really need to know who is contributing, it is during the election period. We don't have [it] now. This bill would prevent that from happening at this critical moment in the existence of a democracy.

I hear what you're saying, Ruby, but I think my amendment wouldn't have created the doubling. The doubling of the reporting occurs when you combine my amendment with David's amendment. If there were some elegant way to ensure.... I mean, the big policy question before this committee is this: do you want to amend the act to deal with the concern raised by Jean-Pierre Kingsley that it's during an election when Canadians particularly want to know who's donating to different parties and candidates?

• (1200)

The Chair: Go ahead, Mr. Bittle.

Mr. Chris Bittle: I appreciate those comments, but I think Mr. Kingsley was talking about something different in terms of overall donations. That is a completely different conversation from this very specific and narrowly focused piece of legislation, and engaging in this amendment doesn't achieve what Mr. Kingsley was seeking in his own testimony. How the event gets reported instantaneously is logistically difficult as individuals are handing you cheques on the day before the election. Perhaps 10 or 20 years down the road, if everything is online, it will become a lot easier to report it instantaneously, but I don't think Mr. Kingsley's recommendation is in line with the reality of how campaigns continue to work when your 75-year-old supporter comes in with a cheque. It goes to a volunteer and goes through a series of processes that may not be able to be reported in time for the election.

I think what Mr. Kingsley was talking about and what we're dealing with here are two different issues.

The Chair: Go ahead, Mr. Christopherson.

Mr. David Christopherson: I have one comment. I'm having some trouble accepting "logistically difficult" as the reason not to do something. If that were the reason not to do something, half of the regulations around elections wouldn't exist because you can apply that "logistically difficult" test to it.

We do an awful lot of things in the campaign, as Ruby has said, that make campaign managers nuts because of all the things that they have to do that seem logistically difficult but that we have deemed are necessary to ensure that we have free and fair elections. I just make the comment that "logistically difficult" doesn't carry an awful lot of weight with me.

Mr. Chris Bittle: If I can clarify, as a lawyer, I hate to use the word "impossible", but when we're talking about this and when I'm using the words "logistically difficult", we are getting to the point where it's unreasonable to put that upon volunteers in a particular situation. I understand what you are saying and I'll adjust my comments accordingly.

Mr. David Christopherson: I hear what you are saying and I'm not adjusting mine.

Voices: Oh, oh!

Mr. Chris Bittle: Fair enough.

The Chair: Can we vote on the subamendment?

Mr. Reid, on the subamendment...?

Mr. Scott Reid: I have no further comment on it.

The Chair: I will call the vote.

(Subamendment negated [See *Minutes of Proceedings*])

The Chair: We now go on to the amendment itself, LIB-3. Is there further discussion?

All in favour?

Mr. David Christopherson: On division.

The Chair: It carries on division.

(Amendment agreed to on division [See *Minutes of Proceedings*])

The Chair: The vote applies consequentially to LIB-7, as well, which is also passed.

Who is presenting on LIB-4?

Mr. David de Burgh Graham: I will speak in the name of whomever. Thank you.

This is another one from the CEO. It simply adds exemptions for people who are in support of a disabled person at an event. It would remove them from the reportable list. Did you catch it, David?

Mr. David Christopherson: No. I had already looked at it earlier, so I think I'm okay.

Mr. David de Burgh Graham: I wasn't very articulate, so perhaps I need some assistance. Is it understood?

The Chair: If a person is a professional helping a disabled person, they don't have to go on the list.

Mr. David de Burgh Graham: That's right.

The Chair: Is there any discussion?

Mr. Randy Hoback: I have a question from my ignorance here. How do you take a member or a cabinet minister who is in a wheelchair and who has a professional member who is also a staffer who is politically active?

Mr. David de Burgh Graham: If they have another role, I don't think they'd be covered. If their role there is purely to support—

Mr. Randy Hoback: Is that defined well enough in this amendment?

Mr. David de Burgh Graham: Yes. We can ask the officials if they find it defined well enough, but I believe it is. It states, "any person who attended the event solely to assist a person with a disability". That's their only reason to be there, so they should not be on the list. They are solely there for that reason.

• (1205)

The Chair: All in favour? Opposed?

(Amendment agreed to [See *Minutes of Proceedings*])

The Chair: Let's go on to PV-1, which is *Parti vert*.

Ms. Elizabeth May: What did you say, Mr. Chair?

The Chair: Do you want to present?

Ms. Elizabeth May: Yes.

I think, by the way, if I can make a parenthetical comment about this legislation and the conversation we are having around the table, that it really makes the case that we need to look at more public financing of campaigning—

An hon. member: Hear, hear!

Ms. Elizabeth May:—and reduce the stress around fundraising. I do hope that the minister will look at what Jean Chrétien had done with the initial campaign reform and look at per-vote subsidy again, because it's not like the Government of Canada doesn't subsidize political parties. It does it through rebates for donors. It does it through the rebate at the end of an election campaign. The more we publicly finance election campaigns, the less we have this problem of which donors are in the room when the minister is there, and cash for access.

I will go quickly, because I can't be two places at once. Mr. Chair, I am going to come back for my next amendment and I'm going to let you know that now. I hope I get back in time, but the Board of Internal Economy is open today for the first time to members who aren't part of the star chamber, so I really want to have a peek. I'm going to scoot out and come back.

That said, this is an amendment based again on the testimony of Jean-Pierre Kingsley. My amendment would have the effect of deleting proposed paragraphs 384.3(3)(b) and 384.3(3)(c), which say that people are not going to be reported if they are there solely in the course of their employment. Just to quote again from the points that Jean-Pierre Kingsley made, "There are staff members in the Canadian political system who are exceedingly important"—and I hate to say it, but I'm adding my own little subtext here—and who are sometimes considered more important to donors than elected MPs. He said:

There are staff members in the Canadian political system who are exceedingly important, and their attendance at an event [is something that] carries weight unto itself. So the automatic exclusion of those persons from being named, I think, turns us away from the purpose of the statute.

This is why my amendment would delete the exclusion of staffers from reporting requirements.

The Chair: Go ahead, Mr. Bittle.

Mr. Chris Bittle: I understand what Ms. May is saying, but in my understanding, and perhaps we can talk to the analyst, this amendment would then include everyone who is there, so if there was an employee, a waiter, or a support staff person who was solely there for their employment purposes, their name would end up on the list.

I don't think that's what we want to accomplish here. Individuals who in the course of their employment are pouring wine or serving food would end up on a list to suggest they support a particular political party, which they may or may not in the course of their employment.

The Chair: Can we ask the analyst if that is the result of this amendment?

Ms. Madeleine Dupuis: Yes, that's the result. Persons employed in organizing the event, including waiters and media as well, would now be published.

The Chair: Go ahead, Mr. Reid.

Mr. Scott Reid: That was my observation too. If the Prime Minister attends an event, are his RCMP guards going to be included as well?

The Chair: With this amendment they would.

Mr. Scott Reid: That's obviously problematic.

The Chair: Are we ready to vote?

(Amendment negated [See *Minutes of Proceedings*])

The Chair: We'll go on to LIB-5. This will apply to a consequential amendment of LIB-8, whatever way the vote goes.

Go ahead, Mr. de Burgh Graham.

Mr. David de Burgh Graham: The amendment clarifies the event organizer's obligation to provide up-to-date information to parties, and applies both with respect to the event report and the initial event notice. In all cases, the organizing entity shall not include information on minors, volunteers, and persons who attended because they are employed at the event.

The Chair: What's the intent of this amendment?

Mr. David de Burgh Graham: It clarifies the organizer's obligations. It's a clarification amendment.

The Chair: Could you explain that in clear English? What does this amendment do?

Mr. David de Burgh Graham: I have said nothing as clear as this today.

The Chair: What does this amendment do?

Mr. David de Burgh Graham: It clarifies the event organizer's obligation to provide up-to-date information to parties, and applies both with respect to the event report and the initial event notice.

The information has to be correct before and after. It's a fix.

● (1210)

Mr. Andy Fillmore: Mr. Chair, it makes sure there's close coordination between the event organizers and the respective political parties, so the reporting, both ahead of the event and afterward, is consistent and accurate. If there are last-minute changes, for example, of venue or time, that those are reported properly.

The Chair: Go ahead, Mr. Christopherson.

Mr. David Christopherson: The consequences of not adopting this amendment would be what?

Mr. Andy Fillmore: I'll defer to the officials on that.

Ms. Madeleine Dupuis: Right now, organizers have the obligation to tell political parties the information they need to file their reports, but if the organizers become aware of a change in that information, they're not obligated to tell the party, and the party, not knowing, can't update the report. This would put the obligation on the organizers to update any reporting information if they're aware of it.

The Chair: Is there any further debate?

(Amendment agreed to [See *Minutes of Proceedings*])

The Chair: LIB-5 and LIB-8 are carried.

PV-2 cannot be moved because LIB-3 was adopted. Those are all the amendments on clause 2. Can we vote on clause 2, as amended?

Mr. David Christopherson: On division.

The Chair: On division.

(Clause 2 as amended agreed to on division)

The Chair: I notice there are no amendments on clauses 3 to 8. I'm going to ask the legislative assistant if I can do one motion to deal with all of them.

(Clauses 3 to 8 inclusive agreed to on division)

(On clause 9)

The Chair: All the amendments for clause 9 were all consequential, so we don't have to deal with NDP-8, LIB-6, NDP-9, LIB-7, and LIB-8.

Shall clause 9, as amended, carry?

(Clause 9 agreed to as amended on division)

(Clause 10 agreed to on division)

(On clause 11)

The Chair: We're on PV-3. PV is not here, but it's deemed moved.

If anyone understands this amendment, do they want to present it?

Go ahead, David.

Mr. David Christopherson: It ties to NDP-10, and it deals with the fine. I had gone notionally with a fine from \$1,000 to \$5,000. I was under the impression—

The Chair: I forgot to say that if this passes, David, NDP-10 cannot be moved because of a line conflict.

Mr. David Christopherson: Yes, it's an either-or situation.

The Chair: Elizabeth, we're on PV-3.

Ms. Elizabeth May: I know. I heard that. I didn't think you'd get to clause 11 so quickly.

Thank you for giving me a chance to speak to it. It's very straightforward. Again, and particularly I suppose, I looked to the testimony of Jean-Pierre Kingsley, who thought that a \$1,000 penalty was not going to have much of an impact. With the help of drafters, I put before you his suggestion that the penalty be related to the offence and be basically a doubling of whatever money was received that violated the scheme of this particular fundraising code.

It's a very straightforward amendment. Anybody who holds a fundraiser and collects funds that are in excess will find themselves paying basically double what they received.

The Chair: I have Mr. Christopherson and then Mr. Reid.

Mr. David Christopherson: Thanks, Chair.

As you can see in NDP-10, which follows PV-3, I'm not married to an exact number or formula of penalty, but I am in agreement. A number of witnesses said that the \$1,000 fine is really a bit low. In some cases, that really could just become the cost of doing business, and then people could just ignore the rules all they want.

I'm open to either. I just hope that we agree collectively that \$1,000 is not enough. Then the question is, where is the comfort level for a majority of us?

• (1215)

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

Mr. Scott Reid: Are we once again in a situation where the passage of one amendment would preclude the other from being debated?

The Chair: Yes, NDP-10 could not be debated.

Mr. Scott Reid: NDP-10 could not be debated.

The Chair: Do you know what it is?

Mr. Scott Reid: I'd like to hear Mr. Christopherson explain what it is.

Mr. David Christopherson: It raises the penalty from \$1,000 to \$5,000. Elizabeth's amendment would use the Kingsley formula of double the amount that was raised. Those are the two.

Mr. Scott Reid: Thank you.

May I ask the witnesses whether using the term "double the amount" means—

The Chair: That was raised.

Mr. Scott Reid: The question is, is that a reference to the amount that was raised if a person's name was left off the list? Does it mean the entire amount raised at the event, or is it going to vary from one situation to another?

You see what I'm getting at. There are two different ways. I just want to find out what your understanding is.

Ms. Madeleine Dupuis: Could I ask you to repeat that, please?

Mr. Scott Reid: Let's say you have an event at which the leader of the party is the headliner. That's done correctly. They leave off the name of attendee John Smith. Is the basis of the penalty John Smith's contribution of \$400 so that now \$800 is the penalty due, or is it that everything that was raised at the event is forfeit? That's one kind of infraction you could have.

Another kind of infraction you could have is that you intended to have headliner A, but headliner B shows up instead, or some other macro-level thing happens. Perhaps they forgot to register the event, and now they have \$10,000 raised. Do you see what I'm getting at? There are two different ways in which this.... That's what I'm asking about.

Ms. Madeleine Dupuis: It's a very good question. Unfortunately, it's unclear to me which of those would apply as it's currently drafted, because it says "obtained by committing the offence". It's a little unclear. It would depend how Elections Canada interprets the provision.

The Chair: Could we jump ahead to Ms. May and ask if she wants to clarify that?

Ms. Elizabeth May: Thank you.

With all due respect to the analyst, I don't think that's unclear. That would be, as Jean-Pierre Kingsley's testimony suggested, specific to how much was achieved, how much was raised by committing the offence. It's not the entire event.

The Chair: How do you quantify how much is raised if a different person comes?

Ms. Elizabeth May: Scott asked about someone's name being left off the list. If the entire event is suspect because that's the offence, then it would be double the amount raised at the event. If it's a specific infraction that relates to a specific individual, it would be the amount related to that one individual.

An hon. member: How would you calculate that?

Ms. Elizabeth May: It would be based on what their donation was.

The Chair: Go ahead, Mr. Graham.

Mr. David de Burgh Graham: I understand what she is trying to do. I don't agree, but the larger point here is in a situation where you have a conviction under this act, you now have an Elections Act conviction for that person involved with that, which is a much bigger penalty than any monetary amount, because now your headline is "MP"—Minister, whatever—"convicted of Elections Act violation". That's a much bigger punishment in any case. It's a political punishment, not a monetary punishment.

Ms. Elizabeth May: That applies now regardless of the—

Mr. David de Burgh Graham: It would apply to this act as well. If you violate this act and you are convicted, you now have this additional penalty of being at the top of the national news.

The Chair: We'll go to Mr. Hoback.

Mr. Randy Hoback: With regard to the Green Party amendment, I have problems with not having a firm number there, because how you calculate that number becomes very confusing. That \$1,000 might be too much, but twice the amount, if you're looking at that amount.... If a volunteer who puts together a fundraiser for me makes a mistake and raises \$10,000 and all of a sudden my EDA, my electoral district association, has to cut a cheque for \$20,000—

Mr. David de Burgh Graham: —and hold a fundraiser to pay for it—

Mr. Randy Hoback: Yes, exactly. To me that seems to be a little extreme and not really practical, but if it is a relevant amount, then it makes sense and then a penalty is paid.

I also think our colleague David made a point. There is the public perception and stigma that comes with that too.

• (1220)

The Chair: Ms. Sahota is next, and then Ms. Tassi.

Ms. Ruby Sahota: I again wanted some clarification from the officials that the act originally would require the person who committed the offence to forfeit all the money raised at the fundraiser and then pay a \$1,000 fine in addition. Is that correct?

Ms. Madeleine Dupuis: That is if they are convicted. Then they pay the fine. The return of contributions occurs once they become aware that the fundraiser didn't meet the rules.

Ms. Ruby Sahota: If the fundraiser breaks the rules, then they forfeit all money they raised—

Ms. Madeleine Dupuis: Then they have to return the contributions.

Ms. Ruby Sahota: —and it's not just from the one person who was left off the list. It's not just that portion.

Ms. Madeleine Dupuis: It's all money fundraised.

Ms. Ruby Sahota: This added on top would mean that if, say, my EDA had a fundraiser at \$30,000 or so, missed somebody or a couple of people or whatever, and the end result was it was considered an offence, then I would forfeit that \$30,000, and then on top of that the EDA would have to pay \$60,000. Is that what would happen with this amendment?

Ms. Madeleine Dupuis: Yes.

The Chair: Go ahead, Ms. Tassi.

Ms. Filomena Tassi: That was my question.

The Chair: Go ahead, Mr. Christopherson.

Mr. David Christopherson: These were some of my concerns when I first started to think about it, but as I said earlier, I'm not necessarily wedded to \$5,000. I would hope a majority of us would agree that \$1,000 is a little low. Can we come to an agreement on a higher number?

The Chair: Is there any further debate on amendment PV-3?

(Amendment negated [See *Minutes of Proceedings*])

David, do you want to—

Mr. David Christopherson: I don't need to give a speech. I've heard everything. If you can't support the \$5,000, I hope we get a subamendment we can rally around. I'll leave it at that, Chair.

The Chair: Is there any discussion on changing the penalty from \$1,000 to \$5,000?

Mr. Scott Reid: Yes, I'll speak in favour of it. There's an obvious problem with a \$1,000 penalty for an event at which the price of admission is more than \$1000.

Ms. Ruby Sahota: You have to return all of it.

Mr. Scott Reid: I still think that \$5,000 is a more reasonable number. If I'm not mistaken, it's up to \$5,000. Is that right?

That seems reasonable. You get some discretion there.

The Chair: Sorry; is it "up to"?

Ms. Ruby Sahota: [*Inaudible—Editor*]

Oh, no. You're changing it to \$5,000. Sorry.

Mr. David de Burgh Graham: It says “not more than \$5,000”, so it's “up to”.

The Chair: Maybe we should ask the officials.

When it is “not more than \$5,000”, who decides how much the fine is?

Ms. Madeleine Dupuis: It would be the judge.

The Chair: A judge?

Ms. Ruby Sahota: So it could drop to \$10? Do we have that risk?

Mr. David Christopherson: It's up to the judge.

Mr. Scott Reid: That's not unreasonable. If it's a purely technical oversight, you're still going to be nailed, actually, but you're not getting nailed with an additional fine.

Mr. David Christopherson: You're going to get the headline, though.

Ms. Ruby Sahota: And forfeit all your funding.

Mr. Chris Bittle: I'd like to echo what Mr. Graham was talking about. We have to look at the entirety of what happens if there is a contravention of the act.

If you have your \$10,000 fundraiser, you are giving that back, plus you're now facing a charge under the Elections Act, plus a conviction that carries a significant political penalty. I believe that a \$1,000 fine on its own, with no additional punishment in terms of having to forfeit what you've raised, absolutely isn't enough, because you could raise \$30,000 with a \$1,000 cost of doing business, but if you're giving back \$30,000 or \$10,000 per riding association, plus being convicted under the Elections Act, politically I think the penalty is sufficient and encourages a significant level of deterrence overall.

•(1225)

The Chair: Is there any further discussion?

Mr. David Christopherson: Do I gather, then, that the government's not interested in a number anywhere between \$1,000 and \$5,000? They're just going to leave it at \$1,000?

Mr. Chris Bittle: I'll speak for myself. I will vote in favour of leaving it at \$1,000.

Mr. David Christopherson: Given that you're a high-powered parliamentary secretary, I expect all your little followers will do exactly the same thing.

The Chair: Ms. May, are you on the list to speak?

Ms. Elizabeth May: I just wanted the conversation passed. I wanted to make sure it was up to \$5,000.

Mr. David de Burgh Graham: It's currently “up to \$1,000”, so it's still the same idea, just with a higher threshold.

The Chair: Is there any further discussion?

Mr. David Christopherson: Can we have a recorded vote?

The Chair: We will have a recorded vote on NDP-10.

(Amendment negated: nays 5; yeas 4)

The Chair: Shall clause 11 carry?

Mr. David Christopherson: On division.

(Clause 11 agreed to on division)

The Chair: There are no proposed amendments in clauses 12 to 15. Do those all carry?

Mr. David Christopherson: On division.

(Clauses 12 to 15 inclusive agreed to on division)

The Chair: Shall the title carry?

Some hon. members: Agreed.

The Chair: Shall the bill carry?

Mr. David de Burgh Graham: I would like a recorded vote.

The Chair: We will have a recorded vote on the bill.

The Clerk: We will have a recorded vote.

Shall the bill, as amended, carry?

The Chair: Thank you.

(Motion agreed to: yeas 5; nays 4)

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

Some hon. members: Agreed.

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

Mr. Scott Reid: No.

Some hon. members: Oh, oh!

The Chair: All in favour?

Some hon. members: Agreed.

The Chair: Okay. We're going to have a reprint.

Thank you. That was very thoughtful.

David, don't leave yet.

For the next meeting, we have two possibilities of things that we had agreed we would do next.

One is talking about specific standing rules or other changes to accommodate MPs with babies or very young children at that age.

The other is—

•(1230)

Mr. David de Burgh Graham: I have a point of order. Can we let the officials go? Thanks.

The Chair: Yes. Thank you very much.

The other thing was to approve the report on the sexual code of conduct. As you know, we had some amendments from...since that was in camera, maybe we should go in camera to do this for a couple of minutes.

Is it okay if people stay for a couple of minutes to define the next meeting?

For anyone who shouldn't be here, we're going to go in camera.

[Proceedings continue in camera]

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