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

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**Chair**

**The Honourable Larry Bagnell**



## Standing Committee on Procedure and House Affairs

Wednesday, October 17, 2018

• (1530)

[English]

**The Chair (Hon. Larry Bagnell (Yukon, Lib.)):** Good afternoon, everyone.

I'd like to welcome Mr. Alexandre Boulerice, Ms. Shanahan and Mr. Fragiskatos.

Welcome to the 126th meeting of the Standing Committee on Procedure and House Affairs. We're continuing with clause-by-clause consideration of C-76, an act to amend the Canada Elections Act and other Acts and to make certain consequential amendments.

Once again, we are pleased to be joined by Jean-François Morin and Manon Paquet from the Privy Council Office, and Trevor Knight and Robert Sampson—ah, he's new—from Elections Canada. Thank you all for being here.

I'll go to Mr. Nater in a minute, but I just want to do a couple of things first.

First of all, I hope people will be judicious in following the five-minute rule, roughly, so that we can make good progress today, so that we don't have to stay late today or on the weekend.

I also want to go back really quickly. I know it's hard to believe with 200 clauses, but we actually missed clause 71. There were no amendments, so I would just like to ask for unanimous approval of clause 71.

**Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP):** Oh, I see how it is.

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

**The Chair:** What?

**Mr. Nathan Cullen:** Is this how we're affecting our democracy? We're just going to make it up as we go along and go back in time?

Do you want to filibuster that, John?

**The Chair:** The five minutes is up.

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

(Clause 71 agreed to)

**The Chair:** Now we'll go to Mr. Nater.

**Mr. John Nater (Perth—Wellington, CPC):** Chair, based on the decisions we made yesterday on the clauses and amendment we approved, the Conservatives will be withdrawing some amendments.

The first one is 9964902 and that relates to clause 234.

**The Chair:** Can you say that number again?

**Mr. John Nater:** Yes. The first two are ones that were table dropped. The first number is 9964902 and that relates to clause 234.

The second one is 9965053 and that relates to clause 235.

We'll be withdrawing CPC-146, CPC-147, CPC-149, CPC-150, CPC-154, CPC-161 and CPC-169.

Also, Chair, I was wondering—

**The Chair:** Are there any more?

**Mr. John Nater:** Nope.

**The Chair:** Oh, I was hoping...

**Mr. John Nater:** Those are it for now, but we'll see after the next set of amendments.

On that subject, perhaps at one point, Chair, we could get an update on what's been adopted so far in terms of amendments from all parties. It doesn't have to be right now. Perhaps after the lunch break or something, the clerk or someone could provide us with an update for our records of what's been adopted and what hasn't.

**Mr. David de Burgh Graham (Laurentides—Labelle, Lib.):** Do you want the percentages?

**Mr. John Nater:** No, we don't need stats, just which ones were adopted and which ones weren't.

**The Chair:** He can give you a list. He has photocopies. We'll get it to you.

**Mr. John Nater:** That's fine.

**The Chair:** I also welcome Ms. May.

Just so you know, before we start, tentatively, tomorrow we'll meet from 9:00 until 1:00 and from 3:30 to 7:00. Do you remember that when we first discussed this we talked about the evening being a 7:00 to 9:00 type of framework? We're doing 7:00 right now. Just so you know when we get around to planning our committee, next Thursday is Wednesday hours. It goes into our time because of the visit of the Prime Minister of the Netherlands. If we adjust our schedule for next Thursday, you'll know why.

When we left off, we had just finished clause 223.

We'll go to clause 224.

(On clause 224)

**The Chair:** We have amendment CPC-98, and there are some ramifications. The vote on this amendment applies to CPC-101, which is on page 184, CPC-103, which is on page 189, CPC-105, which is on page 191, CPC-106, which is on page 192, and CPC-107, which is on page 200. They are linked by the concept of surveys conducted in preparation for an election.

Would the Conservatives introduce amendment CPC-98, please.

• (1535)

**Mr. John Nater:** Chair, we discussed something similar with a similar amendment yesterday. This one links directly to third parties and to the actual writ period, so the election period itself and not the pre-writ period in this case. It's including the cost of a survey that's done immediately prior to the writ period for the purposes of the activities during the writ period, as an expense within the writ period for third parties. We did have a discussion similar to this yesterday, and there was some good debate, but we're bringing forward this amendment.

**The Chair:** For anyone who's new here today, as a general philosophy, when there's a concept that's been studied and we had a long discussion on it before, we're trying not to have the same discussion every time it comes up. We can then go quickly on similar amendments.

Mr. Cullen.

**Mr. Nathan Cullen:** Just so I understand it clearly, is this about a poll that is conducted with the intention of dropping it in the election?

**Mr. John Nater:** Using it during the election.

**Mr. Nathan Cullen:** Of using it during the election period?

**Mr. John Nater:** In this case, it is a third party.

**Mr. Nathan Cullen:** No, I understand that. Yes.

The only tricky thing with that is sometimes polls that happen, especially on very specific issues, can happen a year or months before, and you're asking the third party to know.... I guess it's a decision they make then if they have any old survey that they bring out. How long back does it go?

**Mr. John Nater:** It doesn't say.

**Mr. Nathan Cullen:** You see, that's the worry.

If any third party publishes the survey during an election or a pre-writ period without a backstop, if it's a survey they published or conducted in 2016 and in 2019 they say Canadians like the flag, that's an election expense all of a sudden. Do you see what I mean?

I understand the intention of certainly someone trying to get out of the loophole and spend the polling money just before an election obviously it's going in. But without a time limitation on it, then for any third party who uses any poll ever, essentially it's going to have to be an election expense.

**The Chair:** I think we had a relatively lengthy discussion on this yesterday.

**Mr. Nathan Cullen:** But even going backwards?

Okay, excuse me then. Pardon me. I'm repeating a conversation I wasn't a part of.

**The Chair:** You had the same comment that he did. So it's okay.

**Mr. David de Burgh Graham:** You had the same point.

**Mr. Nathan Cullen:** Did we have the same point? Really? But I made it much better, right? Isn't that what you're thinking?

**The Chair:** We'll see in a minute. We'll have the vote.

**Mr. Nathan Cullen:** We'll see how it works out.

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

**The Chair:** Could the Conservatives introduce CPC-99, relating to clause 224.

**Mrs. Stephanie Kusie (Calgary Midnapore, CPC):** What we are proposing here is that we take the spending limits that are in place; however, should the campaign be extended for a longer period of time, the spending limits would be pro-rated to the amount of time for the longer campaign.

Essentially it is maintaining the same spending limits as they were for the existing campaign period, but for longer campaigns pro-rating these rates to the extended amount of time.

• (1540)

**The Chair:** Mr. Reid.

**Mr. Scott Reid (Lanark—Frontenac—Kingston, CPC):** This just reflects the way things were. In the last campaign, there was a pro-rating that went on, so we're just trying to make sure that—

**The Chair:** Mr. Graham.

**Mr. David de Burgh Graham:** This is a change included in the Fair Elections Act that we opposed fairly strenuously at the time and continue to oppose. It was intended to give the government of the day an advantage by controlling how much money everybody could spend by stretching the campaign. I think it's not a very good system. Spending should be predictable in advance.

I'll be opposing this amendment, absolutely.

**The Chair:** If there is no further discussion, we'll vote on the amendment.

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

**The Chair:** Shall clause 224 carry?

**Some hon. members:** On division.

(Clause 224 agreed to on division)

**The Chair:** Just for the record, and so people have all their records straight, I want to confirm that when we defeated amendment CPC-98, it also defeated amendments CPC-101, CPC-103, CPC-105, CPC-106, and CPC-107.

(On clause 225)

**The Chair:** On clause 225, there was amendment PV-9, but it was consequentially lost with PV-3.

We're now going to CPC-100. If we adopt this amendment, CPC-101 cannot be moved as they amend the same line.

Could the Conservatives introduce CPC-100, please.

**Mrs. Stephanie Kusie:** Go ahead.

**Mr. John Nater:** This has to do with collusion and it extends where collusion applies. As part of this extension, it also includes collusion between third parties as well, so it extends the definition and makes it tougher for third parties and for registered parties to collude on the basis of doing so to avoid spending limits.

**The Chair:** Mr. Cullen.

**Mr. Nathan Cullen:** I have a question for the officials.

Does Bill C-76 imagine this form of collusion right now between third parties and their efforts to coordinate?

**Mr. Jean-François Morin (Senior Policy Advisor, Privy Council Office):** I think we had a long discussion yesterday regarding a similar amendment during the pre-election period. This one would apply to the election period.

I don't think it would only apply to collusion between third parties. Wouldn't it also apply to collusion between a registered party and a third party, and the opposite as well?

**A voice:** Yes.

**Mr. Jean-François Morin:** Yesterday we mentioned that—

**Mr. Nathan Cullen:** This is making the one-way street a two-way street.

**Mr. Jean-François Morin:** Yes.

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

**Mrs. Stephanie Kusie:** Mr. Chair, did they indicate that it is covered elsewhere in the bill?

**Mr. Jean-François Morin:** We had a discussion yesterday on that and we mentioned that a third party that would be colluding with the registered party to the extent that it would be bringing services or products to the registered party would likely constitute a non-monetary contribution, so...

**Mrs. Stephanie Kusie:** Okay, but in this case, it's not specifically in regard to a non-monetary contribution. It's in regard to influence through advertising or surveys. That wouldn't be included, then, in terms of.... Those are specific types of influence. That's not in regard to monetary contribution. Would you say this is different from that?

**Mr. Jean-François Morin:** Of course it is a bit different. What we were saying basically yesterday was that third parties can of course bring information to the knowledge of parties in order to try to influence the registered party in its policies, and that is fine. That is part of the goal of political parties, to regroup a large segment of the Canadian population in order to represent it.

We were saying that when that collaboration or collusion gets to a point where the third party provides goods or services to the registered party, then it becomes a non-monetary contribution that is prohibited, under some circumstances, under part 18 of the Canada Elections Act.

•(1545)

**Mrs. Stephanie Kusie:** Okay, that's goods or services, but that doesn't necessarily cover information.

**Mr. Jean-François Morin:** No.

**Mrs. Stephanie Kusie:** I wonder then what the government's hesitation would be in providing a more stringent application of an

amendment that would also cover information in addition to resources.

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

**Ms. Ruby Sahota (Brampton North, Lib.):** What was the question?

**The Chair:** This amendment adds information to the things that can't be colluded and they want to know what the government's thoughts are.

**Mr. David de Burgh Graham:** Don't you want information to pass between third parties?

**Mrs. Stephanie Kusie:** Well, not if it's a form of collusion, not if it is information that helps them to influence the election undemocratically.

It's in proposed subsection 351.01(4) in the amendment. It specifically speaks of “information—in order to influence either third party in its partisan activities that it carries out during an election period, its election advertising”, which would be more in terms of resources, or “election surveys that it conducts or causes to be conducted during an election period.”

**Mr. David de Burgh Graham:** Monsieur Morin, just quickly, there are already rules in place within the act to prohibit the circumvention of the spending limits by splitting an organization in two, for example. Is that correct?

**Mr. Jean-François Morin:** Yes, exactly. There is already a prohibition in place to prohibit third parties from colluding to exceed their spending limits, basically.

**Mr. David de Burgh Graham:** If two organizations are colluding to share information—colluding might be an awfully strong word in that situation there—we risk criminalizing, for lack of a better word, civil society communications.

**Mr. Jean-François Morin:** Well, as we know, third parties are everybody but candidates and political parties, so....

**Mr. David de Burgh Graham:** I understand what you want to do, but I think this is a very highly risky thing to do, and I cannot support that.

**Ms. Ruby Sahota:** I think there could be a lot of unforeseen harm. I think we discussed this last time, too. Again, it goes down the path of those who are potential candidates or candidates discussing.... You're not even talking about the election period. You're talking about way beyond that, right? Are you talking pre- and prior to that as well?

**Mrs. Stephanie Kusie:** I believe, as we have seen in previous discussions as it exists here, presently, yes, that's correct, but....

**Ms. Ruby Sahota:** I think that would be going way too far, because communications are often so necessary and third parties provide us such vital important information. We may be getting carried away along the lines of sometimes.... Before becoming a parliamentarian I even thought that lobbying.... It gets such a bad rap. Just the word, “lobbying”, makes it seem like it's some kind of evil way of convincing MPs, but when you become an MP, you realize that there are all sorts of lobbying. There's the Heart and Stroke Foundation trying to inform you of healthy eating habits and information on how to make Canadians healthier and safer.

As Mr. Morin has pointed out, when you're talking about third parties, it means basically everybody. I think this would be really hard to prove, first of all, and then, also, it would really be interfering with people being able to conduct...and learn from organizations that do a whole bunch of research for us.

**The Chair:** Mr. Boulerice.

[*Translation*]

**Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP):** I would like to ask Mr. Morin a question.

Based on your understanding of this proposal by the Conservative Party, what would happen if organizations with a common objective, such as protecting green spaces or endangered species, wanted to establish a pre-election or election coalition to bring pressure to bear or to conduct public information and awareness activities in order to promote their issue during an election campaign?

Would that constitute collusion? I call it a coalition, and that's part of everyday life.

• (1550)

**Mr. Jean-François Morin:** Thank you very much for your question, Mr. Boulerice.

For the purposes of this debate, I would note that the aim of Conservative amendment CPC-100 is limited to the election period. The proposed changes concern part 17 of the Canada Elections Act, which addresses the activities of third parties during the election period.

Amendment CPC-100 concerns two separate subjects. Paragraphs (a) and (b) of the amendment address situations in which a third party and a registered party, or a third party and a candidate act in collusion with each other.

The only place where the bill refers to third parties that act in coordination with each other is paragraph (c) of the amendment, which provides for the new subsection (4), which reads as follows:

(4) No third party shall act in collusion with any other third party - including by sharing information - in order to influence either third party in its partisan activities that it carries out..., its election advertising or its election surveys...

The particular feature of a third party as set forth in the Canada Elections Act is that a third party can really be anyone except a candidate or a political party. The Canada Elections Act already provides that third parties may associate with each other. A third party may be a person, a business or a corporation, but it is also possible for a number of persons, corporations or associations to combine to form a third party.

Where the term "third party" is used in the Canada Elections Act, it refers to all third parties.

**Mr. Alexandre Boulerice:** In other words, a coalition can be a third party.

**Mr. Jean-François Morin:** Yes, absolutely.

Where we want to single out certain third parties more specifically, we will refer to registered third parties, for example, which must file certain expense reports.

I don't mean to suggest what action the committee should take, but the prohibition is so broad that it would be difficult to enforce, given the very definition of "third party", which is equally broad.

**Mr. Alexandre Boulerice:** Thank you.

[*English*]

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

**Mr. David de Burgh Graham:** I think I've already made our position fairly clear on this. I don't think we need to beat this to death.

Just to be clear, as this amendment, especially proposed subclause (4) suggests, for the sake of argument, if the director of the Sierra Club sends a message on Facebook to the director of Greenpeace that influences the message they post on the next Facebook post, that would count as collusion of information for purposes of influencing the election. I think that's a very dangerous precedent to be setting. I think on that basis this cannot be supported in any way. Thank you for that.

**The Chair:** Mr. Nater, and then we'll go to a vote.

**Mr. John Nater:** If a third party is effectively campaigning on issue x, which directly benefits a registered political party determining the fair market value of that campaigning services, would that be considered non-monetary contribution to a political party?

**Mr. Jean-François Morin:** During the pre-election period, which we discussed yesterday, only partisan advertising, partisan activities and election surveys are covered. During the election period we are including everything, including issue advertising. To the extent that a third party supports a registered party and does so in a manner that does not bring the third party to exceed its spending limit, that's fine. That is already within the scope of part 17 of the act.

No, it does not constitute a non-monetary contribution.

**The Chair:** Mrs. Kusie, just before we vote.

**Mrs. Stephanie Kusie:** In closing, in many of these amendments we are putting forward, I foresee infinite hypothetical situations, which we couldn't possibly anticipate here in this committee at this moment. Yet I feel they will come to pass in 2019 and we will look back and say that CPC-99 would have addressed something like this.

I feel very strongly about that. It's for those reasons I think we continue to push for stronger, clearer definitions of these things such as collusion.

Thank you.

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

• (1555)

**The Chair:** Amendment CPC-101 was a victim of CPC-98. We'll go to CPC-101.1.

Could the Conservatives present that, please.

**Mr. John Nater:** I have a good feeling about this amendment.

This makes a relatively minor change on page 127 of the bill at line 20. It replaces the words “only activity carried on in Canada during an election period” with “primary purpose in Canada during an election period is to influence”, and then there's the remainder of the clause.

I think this is eminently supportable. I have a sense that it might be supported.

**Mr. David de Burgh Graham:** There's still opportunity.

**Mr. John Nater:** It's not quite as strong as I would like to see it, but I think it's....

**The Chair:** Perhaps I could test if there's support.

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

**The Chair:** There's great co-operation in this committee. It's the presentation that did it, I think.

We'll now go to one of the new amendments that were tabled later, reference 10008289.

Could the Conservatives present this amendment, please.

**Mrs. Stephanie Kusie:** I'm not confident it will be met with support, considering it returns to treating as foreign third parties those entities incorporated in Canada but with foreign directing minds whose primary purpose is political activity. I believe my colleagues and I have tried to emphasize what we believe is the necessity of this clause relative to things such as the primary purpose of political activity, further clarifying, as we see, foreign directing minds. I am slightly comforted in that I feel CPC-101.1, this higher threshold, provides some coverage for that but not nearly what we believe is necessary. Unless my colleague Mr. Nater has anything to add, I will leave it at that and save us some time as well this evening.

**The Chair:** Mr. Graham, you'll talk fast to save us some time, will you?

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

**Mr. David de Burgh Graham:** I was just going to say that I think we dealt with this topic yesterday.

**Mrs. Stephanie Kusie:** I said that.

**The Chair:** Okay, we'll vote on the new CPC amendment, reference number 10008289.

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

**The Chair:** We're now going to amendment CPC-102. If it is adopted, amendment LIB-31 cannot be moved, as both amend the same line.

Would the Conservatives introduce amendment CPC-102.

**Mrs. Stephanie Kusie:** I believe, relevant to yesterday, that this is something that was recommended by the commissioner of Canada elections.

I feel there is some consensus in regard to this from the government. I will leave it at that, Mr. Chair.

**The Chair:** Mr. Graham.

**Mr. David de Burgh Graham:** You would be correct about that. There have been discussions—

**Mrs. Stephanie Kusie:** —every now and then.

**Mr. David de Burgh Graham:** Oh, no, for accuracy, you did quite well, I think, in the last one too.

There have been some discussions among the three parties, and there is a subamendment I'd like to propose to this amendment, if I may read it into the record.

It is that amendment CPC-102, proposing to amend clause 223 of Bill C-76 by replacing lines 24 and 25 on page 115—

**The Chair:** I think it's clause 225 that you mean.

• (1600)

**Mr. David de Burgh Graham:** Oh, there's a typo. Thank you for catching my mistake.

It is that the amendment be amended by substituting the following for the substituted text appearing after the word “following”: “352 A third party shall include in a manner that is clearly visible or otherwise accessible in any election advertising message placed by it its name, its telephone number, either its civic or Internet address and an indication in or on”.

**The Chair:** Seeing that we've had discussions and co-operation, we may be ready for the vote.

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

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

**The Chair:** Amendment CPC-102 as amended has passed; therefore, amendment LIB-31 cannot be moved. Amendment NDP-20 is defeated, because it was consequential to NDP-17.

I'm sorry, Mr. Boulerice. I feel for you.

(Clause 225 as amended agreed to)

(On clause 226)

**The Chair:** There was amendment CPC-103, but that was defeated because of amendment CPC-98.

**Mr. David de Burgh Graham:** Is amendment CPC-103 dead?

**The Chair:** Yes, it is dead, in those terms.

Now we have amendment CPC-104.

Would the Conservatives present this amendment.

**Mrs. Stephanie Kusie:** This is in a similar vein to an amendment that we presented yesterday. Basically, if these third parties will be required to register, then with this amendment we are just allowing them early registration for the election period.

**The Chair:** If there is no further discussion, we will vote on the amendment.

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

(Clause 226 agreed to on division)

(Clause 227 agreed to)

**The Chair:** Regarding clause 228, there was amendment CPC-105, but it is lost because it was consequential to amendment CPC-98.

(Clause 228 agreed to on division)

(Clause 229 agreed to on division)

**The Chair:** Clause 230 had amendment CPC-106, but that was consequential to CPC-98 as well. That amendment is therefore defeated. There are no amendments to clause 230 now.

(Clause 230 agreed to on division)

(On clause 231)

**The Chair:** On clause 231, there is LIB-32. This has some ramifications. The vote on LIB-32 applies to LIB-35 on page 215, LIB-48 on page 281, LIB-51 on page 287, as they are linked by reference.

Would a Liberal member present LIB-32, please.

**Mr. David de Burgh Graham:** The proposed amendment would create an obligation to submit additional interim reports during the election period. This is for the third party's report on the seventh day and 21st day prior to polling day, if they incur expenses over, I believe, \$500.

We've discussed some of it before.

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

• (1605)

**The Chair:** It's unanimous. For the record, that also means that LIB-35, LIB-48 and LIB-51 are all passed, linked by reference.

There was amendment CPC-107 on this clause, but it was defeated because it was consequential to CPC-98.

(Clause 231 as amended agreed to on division)

(On clause 232)

**The Chair:** On clause 232, LIB-33 is consequential to LIB-26. Did LIB-26 pass?

**Ms. Ruby Sahota:** I would think so.

**Mrs. Stephanie Kusie:** It probably did.

**A voice:** Yes.

**The Chair:** I got lost here.

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

**The Chair:** Another amendment on clause 232 is CPC-108.

Would someone from the Conservatives introduce this amendment.

**Mrs. Stephanie Kusie:** Again, I believe it is precluded because LIB-33 was adopted, so CPC-108 and CPC-109 are....

**Mr. Scott Reid:** It's CPC-110 we go to next.

**Mrs. Stephanie Kusie:** I'd love to present them again, if I could.

**The Chair:** Sorry, I made a mistake there.

There's a line conflict with LIB-33, so CPC-108 and CPC-109 cannot be moved. Sorry.

**Mrs. Stephanie Kusie:** That's okay.

(Clause 232 as amended agreed to on division)

(On clause 233)

**The Chair:** We have amendment CPC-110. Before the Conservatives present it, there are some ramifications you should be aware of. If it doesn't pass, CPC-151 cannot be moved as they are linked by reference. One relates to a penalty, I think, that wouldn't exist if CPC-110 is defeated.

Would you present CPC-110, please.

**Mrs. Stephanie Kusie:** This again is in regard to third parties and the Chief Electoral Officer's recommendation for anti-circumvention provisions regarding foreign contributions.

As historically has been the case, we are trying to further, I genuinely believe, protect Canadians and democracy by making the clauses as watertight as possible. Certainly, as has been indicated by our witnesses several times, the legislation largely points to, "You can't do this. If you do this, that's illegal."

We believe that CPC-110 takes this further by, for example, in proposed paragraph 358.02(1)(a) making it also legal, "No person or entity shall"... "conceal, or attempt to conceal, the identity of the source of a contribution".

Again, we are just trying to further close these loopholes relative to the bill that was put forward.

**The Chair:** Is there discussion?

**Mr. David de Burgh Graham:** Largely, it was hashed out before, and I think it will be covered in new division 0.1 brought in by amendments, so I don't see a need to support it.

**The Chair:** Ruby, do you have something to say?

**Ms. Ruby Sahota:** As David said, it's already covered. Partisan advertising is already prohibited and it's already a crime. Sorry, I meant foreign funding and partisan advertising—not just partisan advertising, which is what I think I just said, and my mind is all over the place today—so it just seems to be redundant. It doesn't really seem to be closing anything.

• (1610)

**The Chair:** Monsieur Boulerice.

[*Translation*]

**Mr. Alexandre Boulerice:** I like the spirit of the Conservatives' amendment.

Mr. Morin, I would like to ask a question to help me understand this.

Let's say an organization has an annual operating budget of \$2 million and that it receives a \$2 million contribution from a foreign corporation. That money received from a foreign corporation or foreign donor won't be used to conduct political or pre-election activities but rather to pay the organization's ordinary operating expenses.

How can we determine whether this foreign donation was used for pre-election or election activities or whether it's just a substitution? The claim can be made that this cash donation wasn't used for pre-election activities but rather to pay rent, a secretary, researchers and so on. The fact remains that this money didn't previously exist.

**Mr. Jean-François Morin:** Thank you for your question, Mr. Boulerice.

I'm just going to make a technical comment on amendment CPC-110. I would note that the new section 358.01 here proposed refers to section 358, which has been deleted by the adoption of amendment LIB-33.

To answer your question, Mr. Boulerice, I should note that the new division 0.1 was created under another Liberal amendment that was adopted yesterday. Broadly speaking, that new division prohibits the use of foreign funds at any time for partisan advertising, election advertising, partisan activities and election surveys. More specifically, it provides as follows:

349.02 No third party shall use funds for a partisan activity, for advertising or for an election survey if the source of the funds is a foreign entity.

349.03 No third party shall

- (a) circumvent, or attempt to circumvent, the prohibition under section 349.02; or
- (b) act in collusion with another person or entity for that purpose.

I know that doesn't exactly answer your question, and I won't answer it either, because every case is unique.

As we said earlier, however, third parties may include anyone except a candidate or party.

Canadian businesses probably receive foreign funds every day, from dividends or other sources. If it were perfectly clear that an organization with a very limited budget was suddenly able to incur extraordinary expenses that it would normally be unable to incur, the situation could be investigated by the Chief Electoral Office because it might involve one of the prohibitions I just cited. It all depends on the amounts and circumstances involved.

**Mr. Alexandre Boulerice:** I see. Thank you.  
[English]

**The Chair:** I get a sense that people know how they're going to vote, but I'll close off with Mrs. Kusie.

**Mrs. Stephanie Kusie:** I have a quick question for the officials. Would the bill as it stands apply only to foreign funding, or would it also apply to collusion domestically?

**The Chair:** Do you mean the amendment or the bill?

**Mrs. Stephanie Kusie:** I mean the bill.

**Mr. Jean-François Morin:** What do you mean by that?

**Mrs. Stephanie Kusie:** Pardon me, I mean the amendment, not the bill.

**The Chair:** Does the amendment as written apply to both collusion and foreign funding? Is that what you're asking, Stephanie?

**Mrs. Stephanie Kusie:** That's correct.

**The Chair:** Is that your question?

**Mrs. Stephanie Kusie:** Yes, would the amendment apply only to foreign funding or also to domestic collusion?

**Mr. Jean-François Morin:** Well, it's an interesting question.

In the amendment, the new section 358.01 that was proposed referred to section 358 for which the topic was foreign funding, but that section has been repealed. So of course that provision specifically referred to foreign funding, but in the new section

358.02, for example, paragraph (a) has no specific reference to foreign funding. It just says that it is prohibited to "conceal, or attempt to conceal, the identity of the source of a contribution", so that would apply domestically as well.

•(1615)

**Mrs. Stephanie Kusie:** Okay, thank you, Mr. Morin.

**The Chair:** Can we vote on this, please?

**Mr. John Nater:** We would like a recorded vote, please, Chair.

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

**The Chair:** We have LIB-34 as the next amendment to clause 233, but it was consequential and passed.

You withdrew LIB-34? Can we withdraw it after it was passed? Was it passed consequentially?

While you're looking that up, we'll go to CPC-111. There are some ramifications to this amendment, before we introduce it.

**Mrs. Stephanie Kusie:** Chair, why was LIB-34 withdrawn?

**Mr. David de Burgh Graham:** It was a backup amendment to clause 227.

**Mrs. Stephanie Kusie:** All right, thank you.

**The Chair:** LIB-34 is withdrawn.

We're going to CPC-111. The vote on this amendment also applies to CPC-115.

Also, if CPC-111 is negatived, then CPC-153 on page 288 cannot be moved, as they are linked by reference.

Again, it's probably an infraction and the next one is the penalty for the infraction. If there's no infraction, you can't have a penalty.

Would the Conservatives present CPC-111.

**Mrs. Stephanie Kusie:** Again, this is in regard to Professor Turnbull's recommendation. I feel as though we've touched on this in several other areas, but again, as the official opposition, we are trying to provide watertight mechanisms to prevent improper funding of Canadian elections.

This is the implementation of the ongoing segregated bank account and fundraising operations for third parties. I can't see why the government would be opposed to putting in mechanisms to ensure that improper funding of elections will not occur.

**The Chair:** Mr. Nater.

**Mr. John Nater:** Chair, I have a question for our officials. This is a recommendation that Professor Turnbull made fairly strongly when she appeared before the committee. At that time, she was an analyst with the Privy Council Office. I'm curious as to whether you ever had a conversation with Dr. Turnbull about the segregated bank account, and why PCO didn't recommend this when the bill was being drafted.

**Mr. Jean-François Morin:** I have not, personally. I occupied my position at PCO from January 2011 to August 2012, and then more recently from April of this year to now. Sorry, I was not at PCO at the same time as Ms. Turnbull.

**Mr. John Nater:** It's unfortunate. Professor Turnbull is an exceptionally smart political scientist who has won awards for a number of books she wrote. She's eminently qualified to make this recommendation, and it's disappointing that it hasn't been adopted, because she made it before this committee.

**The Chair:** She's also eminently non-partisan.

**Mr. John Nater:** Absolutely.

**The Chair:** David, do you have comments on this?

**Mr. David de Burgh Graham:** I saw in the blues that we should actually call you Lieutenant-Commander Morin. Is that correct?

**Mr. Jean-François Morin:** Yes. I served as a legal officer in the Canadian Armed Forces from August 2012 to April of this year.

• (1620)

**Mr. David de Burgh Graham:** That takes care of the intervening time, so thank you for that.

Mechanically, how would this amendment work? As I understand it, it would force third parties to keep their accounts open between elections, which would be vastly different from how anybody else is handled in a campaign. It's a pretty big burden to ask somebody to spend \$500 in bank fees to keep that \$500 account open.

Is that a correct assessment of what this would do?

**Mr. Jean-François Morin:** I will not comment on the burden but, of course, the necessity to keep a bank account open would come with fees, yes.

**The Chair:** Do you have any response to that, Mr. Nater?

**Mr. John Nater:** I think the big thing is that we want to see every dime that goes into segregated bank accounts accounted for to ensure it comes from domestic Canadian sources, is traceable, audited and so on. This is recommended by senior experienced people in the field. I think that's an appropriate way to go.

Bank fees are bank fees for constituting business. We all pay bank fees on our riding association accounts.

**Mrs. Stephanie Kusie:** Community associations.

**Mr. John Nater:** I think it makes sense, and I know the way the vote is going to go, but I think that's some protection of our—

**The Chair:** Have you prejudged the vote?

**Mr. John Nater:** I'm thinking it may go a certain way.

**The Chair:** Ms. Sahota.

**Ms. Ruby Sahota:** Why are candidates' bank accounts closed after the election, and then it's not necessary to open them back up

until the writ period? Is it because they have that fallback of the riding associations to handle the money?

**Mr. Jean-François Morin:** Do you mean for candidates?

**Ms. Ruby Sahota:** Yes, for candidates, or say a new candidate all of a sudden emerged a year before the election. They're not required to open a bank account at all until the writ time.

**Mr. Jean-François Morin:** I will ask my dear colleague Trevor Knight who is an expert in political financing at Elections Canada to complement my answer. I would only add that the definition of candidate at the beginning of the Canada Elections Act says that a candidate is a candidate until all the financial obligations that are required under the act have been complied with.

My understanding is that at the end of this process when all financial returns have been provided and all debts have been reimbursed, the bank account should be closed and when a new campaign opens, then the new candidate should open a new bank account.

**Mr. Trevor Knight (Senior Counsel, Legal Services, Elections Canada):** Yes, and the only thing I would add would be that as a candidate, once you start accepting contributions or incurring expenses for your election, even if it's before the writ period, the bank account has to be opened because all those contributions and expenses have to go through that bank account. Also, in closing, once all the transactions of the campaign are done and the surplus is disbursed, that's when the campaign bank account is closed.

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

Do any of the witnesses have any comments on this amendment?

**Mrs. Stephanie Kusie:** May we have a recorded vote?

**The Chair:** We will have a recorded vote on CPC-111.

(Amendment negated: nays 6; yeas 3 [*See Minutes of Proceedings*])

**The Chair:** As the amendment is defeated, it also defeats CPC-115. Amendment CPC-153 cannot be moved now because it was dependent on amendment CPC-111.

(Clause 233 agreed to on division)

(On clause 234)

**The Chair:** There are a few amendments to clause 234.

We will first go to CPC-112.

**Mrs. Stephanie Kusie:** This one doesn't strike me as familiar, in our having discussed it previously here, but it requires third parties to do pre-election reporting when there is a pre-election period, but the election is not on a fixed date

•(1625)

**Mr. David de Burgh Graham:** It was. We discussed it on CPC-94. It's a similar basis for the discussion.

**Mrs. Stephanie Kusie:** Can you recall what the general conclusion was, David, in regard to the necessity or lack thereof for this? I'm sorry to put that burden on you.

**Mr. David de Burgh Graham:** No, but I can tell you that we voted it down.

**Mrs. Stephanie Kusie:** I'm sure that happened, but I'm trying to remember why.

**Mr. David de Burgh Graham:** I don't remember exactly, but I remember that it created weird circumstances that we weren't comfortable with.

That's the short version.

**Mrs. Stephanie Kusie:** All right.

**Mr. Scott Reid:** This one is clearly better.

This doesn't create weird circumstances. This resolves weird circumstances.

**The Chair:** If there is no further debate, we'll vote on CPC-112.

Did you want it on division?

**Mr. Scott Reid:** We don't say on division if it's defeated, right?

**A voice:** Two voted against it.

**Mr. David de Burgh Graham:** It was defeated on division.

**Mr. Scott Reid:** Yes.

**Mr. David de Burgh Graham:** That's the wrong side of the dividing line.

**The Chair:** Right.

(Amendment negated [See Minutes of Proceedings])

**The Chair:** We'll move to CPC-113.

**Mrs. Stephanie Kusie:** As best I know, we did discuss this in detail yesterday, adding the geographical catchment area to opinion poll disclosures.

The government was not in favour of it, so I'm not sure what I could say today to persuade them otherwise. I feel as though we've had this conversation. Although *Dancing with the Stars* is not on tonight, I don't want to be here for an extended period of time as a result of discussing the—

**Mr. Scott Reid:** I'm so out of touch with *Dancing with the Stars*. Is it getting close to the end of it, or is it just the beginning?

**Mrs. Stephanie Kusie:** They're about a third to half way through.

**Mr. Scott Reid:** I actually prefer that part. It's funnier.

**The Chair:** Now we have a substantial reason for going to the vote quickly.

(Amendment negated [See Minutes of Proceedings])

**The Chair:** Now we have one of the new amendments which were recently handed out. It's supplementary amendment 9961280.

Would the Conservatives present that.

**Mrs. Stephanie Kusie:** It is, again, our attempt to make disclosures of foreign sources of funding watertight, legislating that third parties are required to disclose foreign sources of funding received for any purpose by third parties.

The amendment would add the following:

(v) a list of all contributions received since the preceding general election by the third party from foreign individuals or entities and the date and purpose of the contribution; and

Again, it is an attempt to tighten up the language to avoid any possibility of foreign funding.

**The Chair:** Is there comment by the witnesses?

**Mr. Jean-François Morin:** I would like to make a comment on that.

**The Chair:** Monsieur Morin.

**Mr. Jean-François Morin:** The Canada Elections Act defines a contribution as any monetary or non-monetary contribution. A monetary contribution is defined as an amount of money provided that is not repayable.

The approach we've taken with regard to the regulation of foreign funding for third parties is on the use of foreign funds rather than on the receipt of contributions. The reason for that is that since third parties are everybody who went in to making election advertising, partisan advertising, et cetera, I'm afraid that this motion would add a very broad disclosure requirement to the act.

If I were to receive a gift of \$500 from my grandmother who lived in the United States, it would need to be disclosed. I would also be afraid that many not-for-profit organizations that receive donations from abroad would have to disclose all of these contributions.

•(1630)

**Ms. Ruby Sahota:** This is regardless of whether it's used for partisan advertising, because they're not allowed to use any foreign funds. It's just anything that is not being actually used in an election.

**The Chair:** Mr. Reid.

**Mr. Scott Reid:** This only applies to your grandmother if she is a third party who is required to provide an expense disclosure, which, I think by definition, would not actually fit your grandmother. I think you're mistaken, Mr. Morin, in giving that example.

**The Chair:** Would anyone else at the witness table say that Mr. Morin made a mistake?

**Mr. Trevor Knight:** I think I would read it similarly to Mr. Morin, or at least it raises that question in the sense that where, elsewhere in the third party regime, we've said a registered third party has to report contributions, they are contributions made for certain purposes—for election advertising or partisan activities. In contrast, this provision just says “a list of all contributions”.

A possibility, using a slightly different example of a non-profit group that sought to conduct third party advertising would be if it did register and it had some donors who were foreign donors. It would have to report all of those foreign donors regardless of whether it used those foreign contributions for partisan activities, etc., or for their other regular purposes.

In terms of the size of the burden, I'm not sure, but it would obviously be more reporting than is elsewhere in the contributions regime for third parties.

**The Chair:** Stephanie.

**Mrs. Stephanie Kusie:** Well, I appreciate that, and I think that example almost specifically outlines the necessity of this amendment. When you were a kid, how many times did your parents give you money for pizza, and you went to the mall and bought jeans? I see this as—

**Mr. David de Burgh Graham:** I can't say that ever happened to me.

**Voices:** Oh, oh!

**Mrs. Stephanie Kusie:** Video games, then, David, or comic books....

**Mr. David de Burgh Graham:** If I wanted an allowance, I had to sell eggs.

**Mrs. Stephanie Kusie:** Okay, Mr. Chair, thank you.

**The Chair:** I think we've had enough levity on this amendment.

We will go to the vote on CPC amendment 9961280. That is the reference number.

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

**The Chair:** Just to be the devil's advocate here, Mr. Morin, really quickly, you said that if something had to be repaid, then it's not a contribution. If someone gave an interest-free loan or something to a Canadian for 10 years and that has to be repaid, it wouldn't be caught.

**Mr. Jean-François Morin:** I don't want to get into that without looking at specific provisions of the act, but there are specific provisions about loans. This is a case that is being dealt with by the act already.

**The Chair:** Okay. Now we go to CPC-114.

Stephanie, would you introduce that amendment.

**Mrs. Stephanie Kusie:** This again is in regard to third parties. It would make it a requirement to do the disclosure of political expenditures incurred between elections as well. As outlined, clause 234 would be amended by adding after line 20 on page 134:

(v) a list of all expenses—other than those referred to in subparagraphs (i) to (iv)—incurred during the period beginning the day after polling day at the general election previous to the polling day referred to in subsection (1) and ending on the polling day referred to in that subsection

The amendment continues and ends with:

the date and place of the partisan activities to which the expenses relate; and

It would make the reportable period the entirety of the election period in terms of the political expenditures.

•(1635)

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

**Mrs. Stephanie Kusie:** Actually, I have a question. According to the amendment, would they be applicable...? No, they would be outside of the writ and pre-writ period caps for third parties.

**Mr. Jean-François Morin:** I'm not sure I understand your question.

**Mrs. Stephanie Kusie:** Let's say that under Bill C-76 there will now be caps for all entities, including third parties. Third parties have a cap during the election period, during the pre-election period. I was asking—

**Mr. Jean-François Morin:** This amendment is about reporting, so it does not impose a new cap. The cap that is being enacted for the pre-election period and the election period remain in other provisions, but this amendment would make it mandatory for third parties who are required to provide a financial return after the election to disclose all their expenses of a partisan nature that have happened since the last general election. All partisan advertisements, all election surveys, all partisan activities would be captured by this reporting requirement.

**Mrs. Stephanie Kusie:** Thank you.

I think this is the direction in which things are going. If you look historically at, I think, the good planning of some political parties, they thought, "Oh, there are election limits during the election period, so we will move to the pre-writ"—to what was not defined as the pre-writ before. Then they started spending like crazy. Now we'll just see this pushed even further than before.

This amendment attempts to address that.

**Mr. Jean-François Morin:** Well, yes and no. The way we define the various types of expenses.... For example, we do not define election advertising expenses as expenses incurred during the election period. We define them as expenses incurred, I think, "in relation to" the election period. That wording was carefully crafted to make sure that expenses that would be incurred immediately before the period, but for goods and services that would be used during the election period, would also be captured.

**Mrs. Stephanie Kusie:** Yes, of course. It's like accrual.

**Mr. Jean-François Morin:** But this goes much further.

**Mrs. Stephanie Kusie:** Okay.

**Mr. Jean-François Morin:** This would require third parties to disclose every single partisan expense they've made since the last general election.

**Mrs. Stephanie Kusie:** Well, we'll get there.

**The Chair:** Mr. Graham.

**Mr. David de Burgh Graham:** Would this require all third parties to report all partisan activity on an ongoing, permanent basis? That seems fairly draconian.

**Mr. Jean-François Morin:** It would require all third parties who have an obligation to report after a general election to report on all of their partisan activities since the last general election. A third party who did not incur expenses during a pre-writ and a writ period would not have to report anything on what happened between the two elections, but those who are required to report would, yes, be required to report on that as well.

**Mr. David de Burgh Graham:** Well, I think I have the impression. Thank you.

**The Chair:** I think we've heard enough to go to a vote.

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

•(1640)

**The Chair:** The CPC amendment with reference number 9964902 has been withdrawn, and amendment CPC-115 was consequential to CPC-111, so no amendments pass related to clause 234.

(Clause 234 agreed to on division)

**The Chair:** There was one CPC amendment for clause 235, with reference number 9965053, but it was withdrawn, so there are no amendments.

(Clauses 235 to 237 inclusive agreed to)

**The Chair:** Regarding clause 238, there was amendment CPC-116, but it was withdrawn by the Conservatives. Amendment LIB-35 passed because it was consequential to amendment LIB-32.

(Clause 238 as amended agreed to on division)

(On clause 239)

**The Chair:** First of all, we have an amendment, LIB-36. The vote on this amendment will apply to amendment LIB-52, which is on page 294, as they are linked together by reference.

Ruby, present amendment LIB-36, please.

**Ms. Ruby Sahota:** During testimony before PROC, the CEO criticized aspects of Bill C-76. He indicated that allowing a party to deduct the cost described above from the amount of the contribution for a convention would permit a party to raise funds for a core party activity, for example, a leadership convention or whatever, with other funds counting against an individual's contribution limit. He further indicated that this problem would be compounded by the fact that a wealthy individual could pay for multiple attendees and buy several tickets and could end up paying for most or all of the convention.

The proposed amendment would delete two contentious proposed subsections, subsections 364(8) and 364(9), from Bill C-76. This deletion would uphold the status quo with regard to the treatment of party convention fees under the Canada Elections Act while retaining a new prohibition on persons other than eligible contributors paying for convention fees.

**The Chair:** If there is no debate, we will vote on amendment LIB-36.

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

**The Chair:** We just passed amendment LIB-36 unanimously. The vote applies also to amendment LIB-52. Those two amendments are linked by reference.

(Clause 239 as amended agreed to)

**The Chair:** There are no amendments on clauses 240 to 249.

Shall clauses 240 to 249 carry?

**Mrs. Stephanie Kusie:** Clause 246 can carry on division. The rest can carry.

**The Chair:** Okay.

(Clauses 240 to 245 inclusive agreed to)

(Clause 246 agreed to on division)

(Clauses 247 to 249 inclusive agreed to)

(On clause 250)

**The Chair:** We have two CPC amendments on clause 250. The first one is CPC-117.

Would the Conservatives present that, please.

**Mrs. Stephanie Kusie:** This requires advance notice of reporting requirements on the Chief Electoral Officer's limits on categories of candidates' personal expenses, and would amend the text to read:

(2) No categories or amounts established under subsection (1) take effect until six months after the day on which they are established. If that day is within an election period, the categories or amounts do not apply in respect of that election.

(3) The Chief Electoral Officer shall make a report to the Speaker of the House of Commons in respect of any categories and amounts established under subsection (1).

(4) The Speaker shall submit to the House of Commons, without delay, any report received by him or her under this section.

Obviously, candidates need to have knowledge of not only the requirements but the limits on expenses.

I would say that this is something of interest to all candidates. As well, I believe the minister herself is interested very much in personal expenses for things such as child care, a concern I share as well. The opportunity to have advance notice of these reporting requirements and the limits on the categories would prove useful.

**The Chair:** Mr. Graham.

•(1645)

**Mr. David de Burgh Graham:** I was going to ask Mr. Morin and Mr. Knight whether they have any comments on this, to start with.

**Mr. Jean-François Morin:** From PCO's perspective, I don't have any technical comment. This would create a new requirement for the Chief Electoral Officer to inform the Speaker of the House of Commons of these new categories. It would create a new delay in their implementation, but it's a policy decision.

**The Chair:** Mr. Knight.

**Mr. Trevor Knight:** I don't know the specifics in terms of how we would inform people. I think it's fair to say that in terms of the entire implementation, we'll obviously have to be clear and inform people. I don't think we would object to a process for informing people of these things.

If I can take a step back, right now in the act there is a category of personal expenses, which includes child care, travel and living expenses. It also includes other personal expenses that people may seek a reimbursement for. Those could include a wide variety of things that people seek reimbursement for. Under the current act, that has an overall limit of \$200. The limitation functions as a way of achieving a balance in what you can seek a reimbursement for, not what you can spend on these things.

Bill C-76 would expand that to travel and living expenses, so there will now be other categories, potentially, where the CEO may wish to place limits.

I don't know that I can comment. The only comment I would make is, given the timing of everything, if there is a situation where these things cannot be implemented before the next election because of the time delays in here, there is the possibility that the categories of travel, living expenses, and personal expenses would be open and not subject to limit.

The consequence of that isn't on the overall election expense limit. The consequence of that would be on the reimbursements candidates could seek for those expenses. There may be higher reimbursements than perhaps would be thought appropriate in terms of achieving that balance, but that's the only consequence of this amendment that I would see that would raise a concern for Elections Canada at this time.

**The Chair:** To Trevor and Stephanie, would you not just put the information on your website, in the same way you inform everyone of everything else?

**Mr. Trevor Knight:** I don't know exactly how. As various changes are rolled out, we'll certainly issue the candidate handbooks. I assume we'll have some other ways, on our website and through other means, to contact candidates and potential candidates, and obviously, electoral district associations and parties. We also have the advisory committee on political parties, which I assume will be used as a way to inform them of C-76 and likely coming changes.

•(1650)

**The Chair:** Mr. Graham.

**Mr. David de Burgh Graham:** It seems like a peculiar thing to require the Speaker to care about rather than the general public disclosures that we usually have. I see a lot of extra work and no advantage to this amendment, so I'm not going to support it.

**The Chair:** Mr. Nater.

**Mr. John Nater:** Perhaps our witnesses could inform us if there are other things in the act that are required to be reported to Parliament through the Speaker.

**Mr. Trevor Knight:** It will probably not be a comprehensive list, but there is certainly a report after every general election and a report on by-elections. There is a recommendations report that is made after each election on suggestions that the Chief Electoral Officer has to change the act.

There's a provision in the act that allows the Chief Electoral Officer to replace signatures with another method that they believe will be satisfactory for the purposes. There is a report to the Speaker on any such change. There's also a report to the Speaker on the process used for appointing and removing returning officers under the act.

**Mr. Jean-François Morin:** To this, I may add that Trevor was very thorough in his lists, so all these reports are provided at sections 533 to 537 of the Canada Elections Act.

**The Chair:** Mr. de Burgh Graham, are you ready to vote?

**Mr. David de Burgh Graham:** I am ready to vote.

**The Chair:** Is there anything further?

**Mr. John Nater:** Mr. Sampson has something.

**Mr. Robert Sampson (Legal Counsel, Legal Services, Elections Canada):** Thank you.

I just want to note that there are, of course, other publication requirements and other means, for example, in the Canada Gazette, or under the guidelines and opinions provisions that are published on their website. The publication requirements are often commensurate with the type of information that is being made public.

**The Chair:** We are ready to vote on CPC-117.

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

**The Chair:** We'll now go to CPC-117.1.

Would the Conservatives introduce that amendment.

**Mrs. Stephanie Kusie:** This continues, in effect, the Chief Electoral Officer's current limits on categories of candidates' personal expenses until he determines otherwise.

**The Chair:** Mr. de Burgh Graham.

**Mr. David de Burgh Graham:** Monsieur Morin, is this not already the case?

**Mr. Jean-François Morin:** Yes, paragraph 44(g) of the Interpretation Act provides that when an action is replaced by another and the substance of the amendment is the same, then the previous regulations or the previous determinations made under the previous text are deemed to have continued under the new text.

**Mr. David de Burgh Graham:** So it's redundant. Thank you.

**The Chair:** If we are ready, we will vote on CPC-117.1.

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

(Clause 250 agreed to on division)

**The Chair:** Now, proposed by the Conservatives is a new clause, 252.1, and there's a new CPC amendment.

**Mrs. Stephanie Kusie:** Did we do clause 251?

I think we did clause 250 but not clause 251.

**Mr. David de Burgh Graham:** We haven't passed clause 251.

**The Chair:** Okay.

(Clauses 251 and 252 agreed to)

**Mrs. Stephanie Kusie:** We have two amendments.

**The Chair:** We're going to new clause 252.1 now.

**Mr. Scott Reid:** This is not actually a new amendment. It's a new clause after clause 252.

**Mrs. Stephanie Kusie:** Oh, pardon me. Okay.

**The Chair:** We have two Conservative proposals that add a clause after clause 252, which we just approved.

The first one is reference number 10009236.

Would the Conservatives present that amendment, please.

•(1655)

**Mrs. Stephanie Kusie:** Sure. This ensures that the solicitor-client privilege is not waived on litigation expense disclosures. I think that we are seeing in society at all levels of government, more and more litigation with elections and with outcomes of elections. I am hoping we're going the way of the United States—that's a joke.

We believe ensuring that the solicitor-client privilege is not waived on litigation expense disclosures provides for more transparency in the disclosure process.

**The Chair:** Mr. de Burgh Graham.

**Mr. David de Burgh Graham:** Monsieur Morin, do you have any comments on this?

**Mr. Jean-François Morin:** No.

**The Chair:** Or on the United States?

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

**Mr. Jean-François Morin:** No.

Seriously, Mr. Graham, I don't have any specific comments. I'll only say that in recent years—and I don't have specific cases to note—the Supreme Court of Canada has repeatedly reinforced the importance of solicitor-client privilege in Canada, and I don't think that anyone would require the disclosure of such documents.

**Mr. David de Burgh Graham:** Okay. Thank you.

**The Chair:** Yes, Mrs. Kusie.

**Mrs. Stephanie Kusie:** I'm sorry. To clarify, Monsieur Morin, the solicitor-client privilege is something that.... The privilege of clients to not identify their solicitor, is that something that is in law at present? Is it a privilege that you do not have to disclose who your solicitor is?

**Mr. Jean-François Morin:** No—

**Mrs. Stephanie Kusie:** I'm asking that.

**Mr. Jean-François Morin:** Yes, I'm sorry. The solicitor-client privilege is about protecting the communications between the client and the solicitor.

**Mrs. Stephanie Kusie:** I see. Pardon me. My apologies. I misunderstood that.

Okay, I will leave it at that, then.

**The Chair:** Mr. Graham, are we ready to vote?

**Mr. David de Burgh Graham:** I am.

**The Chair:** All in favour of the CPC amendment with reference number 10009236 please signify.

**Mrs. Stephanie Kusie:** That was 10009234, I believe.

**The Chair:** Was it 10009234 that you introduced?

**Mrs. Stephanie Kusie:** That's correct.

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

**The Chair:** Now you can introduce the amendment with the reference number 10009236.

**Mrs. Stephanie Kusie:** I believe this is within the same—

**The Chair:** —spirit?

**Mrs. Stephanie Kusie:** —spirit, exactly. Thank you.

I don't think there is a need to discuss it further.

**The Chair:** Okay, we will vote on the Conservative amendment with the reference number 10009236 that would create new clause 252.1.

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

**The Chair:** There is no new clause 252.1 because the two amendments proposing to add it were defeated.

(On clause 253)

**The Chair:** There is an amendment, CPC-118.

Would the Conservatives present that amendment, please.

**Mrs. Stephanie Kusie:** This is maintaining the public disclosure of candidates' expense returns, but through online publication instead of by visiting the returning officer. The text is amended exactly as that:

The Chief Electoral Officer shall, as soon as feasible after receiving the documents referred to in subsection 477.59(1) for an electoral district, publish them on his or her Internet site.

It seems modern and expedient.

**The Chair:** Mr. Graham.

**Mr. David de Burgh Graham:** As subsection 382(1) requires that these things be disclosed in a manner considered appropriate by the CEO as it is, I don't see the advantage of adding this thing. The CEO can already mandate it.

**The Chair:** Well, you just said it was up to his discretion.

**Mr. David de Burgh Graham:** That's right. It's up to the CEO.

**The Chair:** So he doesn't have to do it electronically.

**Mr. David de Burgh Graham:** It's what he considers appropriate.

**The Chair:** Mr. Cullen.

**Mr. Nathan Cullen:** That's right, because Elections Canada....

I rather assumed that posting candidates' expenses was done electronically. Is it done already, or not so much?

**Mr. Trevor Knight:** Yes, it is. The obligation in the act, and I don't have the section right with me, is to publish the returns in the manner and form which the Chief Electoral Officer feels is appropriate. On the Internet, then—

•(1700)

**Mr. Nathan Cullen:** What is currently done? What is the current practice?

**Mr. Trevor Knight:** They are published on the website, although not exactly as they come in, but in a more searchable form. They're translated into a form that allows them to be searched.

**Mr. Nathan Cullen:** Right. What this would insist on, then, is the practice that you currently have. I'm wondering whether this would alter anything that Elections Canada currently does.

**Mr. Trevor Knight:** It is essentially what we do. One thing that we do on the website is publish the name and postal code of contributors rather than the name, address and postal code, to balance between privacy and disclosure. This would have us publish, presumably, the whole document.

**Mr. Nathan Cullen:** I'm sorry, but can you help me to understand why that enhanced amount of disclosure would be mandated by this change? You're suggesting that what is published right now is a bit more limited information, in terms of postal code and name.

**Mr. Trevor Knight:** The street address is not published, so—

**Mr. Nathan Cullen:** Does this require the street address?

**Mr. Trevor Knight:** Well, because it is in the document that we receive.... The return is available at Elections Canada in an unredacted form, but it's not published at Elections Canada. It's available to anyone who wishes to inspect it.

On the website, the contents of the document are reported, but they're in a more readable form. They're taken from the paper document and put into a system, but there's a difference, which is that the street address is not published, because that reflects a long-time practice that was developed a long time ago with the Privacy Commissioner. This, by requiring the publication, would slightly alter that practice.

**Mr. Nathan Cullen:** This is my last question, Chair.

Just to be clear, you're suggesting that discretion would no longer be available if we passed this amendment; that if you have to pass it in this form, Elections Canada would be prevented from redacting things such as street address.

I'm not reading it that way, but I know this has a couple of references in it to other sections of the act.

**Mr. Trevor Knight:** I would just read it as.... I mean, there are other references to the return. Section 477.59 is the candidate's return, so it would be published on the website. This is a quick read at this time, but it looks to me like it suggests that it would then be posted on the website, presumably in a PDF format—

**Mr. Nathan Cullen:** With the address.

**Mr. Trevor Knight:** —with all the information.

**Mr. Nathan Cullen:** Is that your reading as well, Mr. Sampson?

**Mr. Robert Sampson:** Yes, and my only comment is that it requires the documents themselves to be published. This is the point. We would be required to publish—

**Mr. Nathan Cullen:** You wouldn't be able to redact an address, for example.

**Mr. Robert Sampson:** —and we would also lose the ability.... Well, we would publish the documents, and then we would also translate them, I guess, into a form that is more accessible.

**Mr. Nathan Cullen:** A searchable form.

I know we're getting some comment from Mr. Morin, but that would be.... I broadly support the initiative of more transparency and searchability. If there's an unintended consequence of then also producing street address information—

**The Chair:** I read it the way they did too.

Mr. Nater, you had a question.

**Mr. John Nater:** Yes. Thank you, Chair.

It's just a clarification. As is the case now, receipts, vouchers, invoices, none of that is published online. Is that correct?

**Mr. Trevor Knight:** That's correct.

**Mr. John Nater:** Would it be in a case such as this?

**Mr. Trevor Knight:** Well, not the way this is written because the reference of subsection 477.59(1) is to the declarations of the official agent and the candidate, the return itself, and the auditor's report. Those documents, I guess, would be published, but the vouchers, which are the documents you're talking about, the supporting documents are in subsection (2), so they wouldn't be published online under this.

**The Chair:** Stephanie.

**Mrs. Stephanie Kusie:** The law at present is under public availability. A returning officer who receives documents under subsection (1) shall, on request, make them available for six months for public inspection at any reasonable time. Copies may be obtained for a fee of up to 25¢ per page.

**Mr. Jean-François Morin:** I would like to make a few comments on that. The first comment is the current obligation for the Chief Electoral Officer to publish the information that is found at paragraph 382(1)(a) of the act. That is, as Trevor was referring to, the publication in the manner that the Chief Electoral Officer considers appropriate.

With regard to the specific provision that is being modified here by the motion, Bill C-76 was recommending the repeal of section 383. This was a recommendation of the Chief Electoral Officer in his latest recommendations report because, as we read section 383 right now, it contains a mistake. It was amended by mistake in 2015, whereby subsection 383(2) is kind of out of place and doesn't make sense in the context. Also, generally section 383 was about the consultation of these candidates' returns at the returning officer's office, and the Chief Electoral Officer has indicated in his latest recommendations report that nowadays, as these returns are available online, this consultation in person at the returning officer's office seems pretty unnecessary.

Finally, on the motion itself, my colleague Robert alluded to that, but all government institutions that have a website, including Elections Canada, are required to make all documents readable in accessible formats for persons with disabilities. The PDF documents represent a very specific problem because often, as in the case of financial returns, those would be scanned copies, so the document would not be readable in a machine-readable format. This would require Elections Canada to create a translation, word for word, of what appears in the entire document for each and every election return. That would represent a very heavy burden for the organization.

● (1705)

**The Chair:** Thank you.

Mr. Nater.

**Mr. John Nater:** Chair, I'm going to propose a subamendment that I hope will help with some of the concerns, that amendment CPC-118 be amended by replacing the words "subsection 477.59(1)" with the words "subsections 477.59(3) and (4)".

That would give us the information we're looking for but would still maintain that first part, which had the street addresses.

**The Chair:** Mr. Graham.

**Mr. David de Burgh Graham:** Could our witnesses give their interpretation of the effect of this, before we go further?

**Mr. Nathan Cullen:** Does getting rid of subsection (1) and adding (3) and (4) address the issue?

**Mr. David de Burgh Graham:** [*Inaudible—Editor*] and it's not searchable and is adding an extra burden, but it might address the issue.

**Mr. Nathan Cullen:** It's not available. I think the level of detail they're looking at is not available right now—the voucher report, which is the receipt level. That is my understanding.

**Mr. David de Burgh Graham:** Let's see what they have to say.

**Mr. Nathan Cullen:** They're not talking to us, so I figured we should just talk about it and figure it out.

**The Chair:** While the officials are figuring that out, I have a question for Ms. May.

Do you want us to finish your amendment before we break for food so that you can go, or are you planning on staying?

**Ms. Elizabeth May (Saanich—Gulf Islands, GP):** That's really something I hate to ask you guys to do. You're probably desperate for a break and would probably like to have your food.

**The Chair:** We can do it.

**Ms. Elizabeth May:** If the committee is willing.... I imagine it will be a long debate, because it will lead us to saying yes to my amendment, but if you think it's relatively quickly that you're going to come to yes, I'm prepared to do it now.

**Mr. Nathan Cullen:** You're holding our dinners hostage. Is that what you're saying?

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

**Ms. Elizabeth May:** I'm saying that the depths of the venality of the Green Party have yet to be tested.

I'm in your hands, Mr. Chair. I won't stay after this amendment. Honestly, I think this is the amendment I care the most about, and for the rest of the evening I can bugger off.

**Mr. Nathan Cullen:** You can just listen to us on CPAC.

I mean ParlVu—excuse me—not CPAC.

**Ms. Elizabeth May:** Sorry.

**The Chair:** I'll go for a few minutes here, and if it drags on, we'll break.

**Mr. Scott Reid:** Is it exceptionally rude if we eat while we're listening to her?

**The Chair:** Yes, we may get to that.

**Mr. David de Burgh Graham:** It depends upon what you're eating.

**The Chair:** Do the officials have any comments on the subamendment? Does it solve the problem of having to put out the address and everything?

**Mr. Jean-François Morin:** Am I right that the amendment would replace subsection 477.59(1) by subsections 477.59(3) and (4)?

**Mr. John Nater:** That's correct.

**Mr. Jean-François Morin:** Okay.

Well, this is a policy decision, but from an operational perspective, 338 electoral districts times six, seven, or eight candidates represents thousands of candidates, and these represent thousands of documents.

I must remind the committee that these documents are already public documents pursuant to section 541 of the Canada Elections Act and can be consulted upon request at Elections Canada.

• (1710)

**The Chair:** —where they can see the addresses?

**Mr. Jean-François Morin:** No, this is about supporting documents. This is about receipts from bank accounts—

**The Chair:** Okay.

**Mr. Jean-François Morin:** From an operational perspective, all of these documents would need to be translated and would need to be made available in an available format for persons with disabilities.

I'm not saying that making something available in an accessible format is a burden; I'm just saying that in this case, these are invoices and bank accounts, and....

**The Chair:** I can sense where we're going to go here, but Mr. Cullen and Mr. Nater may speak briefly.

Mr. Nater.

**Mr. John Nater:** I just have a brief question.

If the documents are already public documents, how would someone from, say, Dawson City get access to these documents?

**The Chair:** That's a good choice of reference. It's in the most beautiful riding in the country.

**Mr. Robert Sampson:** Under section 541 you can request.... The provision is actually drafted such that you need to come to the Chief Electoral Officer's office. In practice, that is available, but we also make documents available for people who cannot come to the office.

**Mr. Nathan Cullen:** Do they physically have to come?

**Mr. Robert Sampson:** That is what the act requires, but we do have this facility. If someone wishes to come to our office, we will provide the documents that way, but in instances in which people cannot come, we have provided them by a new electronic format.

**Mr. John Nater:** Is that a policy of Elections Canada? Has there been a directive to that effect, or is it just common practice?

**Mr. Robert Sampson:** I'd have to check as to whether there's a policy or whether it is common practice, but I know it has been done on occasion.

**The Chair:** Okay.

(Subamendment negated)

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

(Clause 253 agreed to on division)

(On clause 254)

**The Chair:** We have amendment PV-10.

**Ms. Elizabeth May:** Thank you, Chair, and thanks to committee members.

This amendment will be something with which you're all familiar. We've had a lot of focus in the national media, in this committee, and in the evidence. Particularly, I remind you of the evidence of our former chief electoral officer, Marc Mayrand. An approach that he favoured in his testimony was to adhere to the Personal Information Protection and Electronic Documents Act. This is what my amendment will do.

There was discussion before the committee about that suggestion. It was also supported by Professor Michael Pal from the University of Ottawa, and tellingly, in the media, Teresa Scassa, the Canada research chair in information law and policy at the University of Ottawa described Bill C-76 as it is now, as "an almost contemptuous and entirely cosmetic quick fix designed to deflect attention from the very serious privacy issues raised by the use of personal information by political parties."

It's very timely. It's the right thing to do. There's no reason political parties can't adhere to the same laws that the private sector adheres to.

I would really hope that you'll give serious consideration to actually voting for this amendment to enshrine privacy protection for Canadians and not exempt political parties any longer.

Thanks.

**The Chair:** Mr. Cullen.

**Mr. Nathan Cullen:** This is meant to be based on evidence that we heard, and I'm trying to reflect on a single witness who spoke against this idea of the parties moving into the modern era and falling under some sort of privacy rules.

As we heard, Chair, from the current Chief Electoral Officer, there are none that parties are subjected to—zero. It should be of concern not just from the Canadian voter's point of view that we collect a lot of information about Canadians—not just voting intentions but all sorts of information—from the electoral lists. Parties are in the business of accumulating and cross-tabulating data on citizens to understand their voting motivations and their intentions. That's the primary objective of most political parties in their very existence right now, along with raising money and all sorts of other things.

The current examples in front of us from the U.S. and the U.K. should be important. We don't want to fall into a similar scenario in which an important election or referendum is affected because one or all of the parties' data systems were hacked. We also heard from security experts that our parties' data systems are not secure.

This is a clear and present concern. In the most recent Quebec referendum, for example, which was a very close vote, if after the fact—or during, but certainly if after the fact—it was learned that the Parti Québécois or the Liberals had serious breaches of their databases and that those voters were targeted by outside influences to vote one way or another on the question, you can imagine the fallout from that on whoever won or whoever lost. For a country like ours, which, as Mr. Dion used to say, works better in practice than it does in theory, we shouldn't have anything built into our political or democratic infrastructure that threatens our ability to conduct ourselves and to have the will of the voters expressed as cleanly as possible into the parliament they elect.

Marc Mayrand was joined by, of course, our Privacy Commissioner, who said, and I quote, "Nothing of substance in regard to privacy", and a requirement to have publicly available data policy is a 'hollow' requirement.

The Chief Electoral Officer, whom members on the government side have referred to continuously in support of amendments you have made, said:

If there is one area where this bill failed, it is privacy. The parties are not subjected to any kind of privacy regime.

In answer to a question he said, "I think the time has come for that, and privacy commissioners around the country are of the same view."

David Moscrop joined that conversation in support of bringing this in.

Victoria Henry from Open Media said that the "omission of political parties from privacy legislation is a concerning gap".

I'm quoting there, as I will Dr. Dubois, when she said:

This proposed legislation does not include any form of audit or verification that the policy is adequate, ethical, or being followed. There are no penalties for non-compliance. There are no provisions that permit Canadians to request their data be corrected or deleted....

All that's in this bill right now, as committee members know, is the requirement that parties simply publish a privacy policy somewhere on their website. It doesn't say whether that privacy policy should do anything, and it doesn't say that if the party breaks that privacy policy as stated, there is any consequence.

That is meaningless. It really is, folks. If a Canadian challenges a party and says, "I think you've lost my data. I'm getting all sorts of calls from certain groups or certain people trying to sell me things, and I told you on my doorstep that I'm concerned about the environment", or "I'm concerned about taxes", there are exactly zero consequences contemplated under Bill C-76 for a data breach from any of the parties. This has to be concerning. This is way beyond right-left partisan politics.

This is simply about trying to address a gap in our legislative ability to run free and fair elections in this country. I've talked with the minister from day one about this. From having talked to some congressional colleagues in the U.S., who said, "If you do anything, fix this gap. You guys are naive; you're boy scouts; you think you're not going to be got after because you're nice people"....

That's not the way it works. Outside influences, inside influences, just looking to disrupt—again, imagine the experience we had in Quebec—a fundamental question going on within one of our provinces, not even to push voters, but to cast doubt....

● (1715)

As we've seen, Chair, when we're talking about election laws, one of the things we're always safeguarding is that on election night, when the results are released in each of our ridings and then the grand result is released for Canadians, win or lose, Canadians accept the results as being good, whether they like them or not—but they weren't tampered with and they weren't affected.

This is one of the things that maintains that assurance for Canadians. Without this, we're in a whole different world, because we collect an enormous amount of information about Canadians. I seem to be the only one around this table admitting that, but we all know it for fact to be true, and we don't have the proper protections, because data is so powerful these days. We watch it all the time. It's only going to increase.

This problem is not going to get better on its own, right? It's not as if parties are going to give up collecting data and are not going to get increasingly sophisticated, yet our security systems are not in place to protect what is so valuable to the functioning of our democracy.

● (1720)

**The Chair:** Thank you.

Mr. Graham.

**Mr. David de Burgh Graham:** I worked in the technology industry for most of my career before getting into politics. I'm aware of the issues and I don't disagree with what you're saying. I don't think the appropriate way of doing this is by a single amendment putting this under PIPEDA. I think it requires a much fuller study, and I am totally in favour of doing a fuller study here at PROC as soon as this bill is done.

I know what you're going to say, but it's a much bigger issue than one amendment to one bill for one effect, because if you were to put the entire political system under PIPEDA in one amendment with no study, with no research on what the effects are on the political process versus other things...

So yes, I would like to get to where you want to go—to privacy protections for political parties—but I think you have to do a study on how to do it properly.

**Mr. Nathan Cullen:** We know that another committee of Parliament, the privacy and ethics committee, has studied this and they've recommended this.

To your point about more study, and I am not accusing you of this, David, it is one reason that I have heard from government too often when they simply don't want to do something—"let's study it". We're a year away from the election and we are ill prepared for this threat. Parliament has studied this. Parliament made the decision at another committee to do it, and we're going to reject that, which is what we're actually saying...

**The Chair:** Ms. May.

**Ms. Elizabeth May:** Thank you, Chair, because I know that your committee motion didn't require you to give me a second crack at this.

I just want to mention that I tried to amend this when it was Bill C-23, the Fair Elections Act. I brought forward an amendment to have the Privacy Act apply. This time, I modified it to having the Personal Information Protection and Electronic Documents Act, PIPEDA, apply.

Based on the advice we're hearing from our Chief Electoral Officer and from experts in privacy, if we wait, David, with all due respect, we'll be having the 2019 election with inadequate protection of Canadians' privacy data, and we know what can happen. As Nathan was talking, I remembered that when Irwin Cotler was in Parliament with us—it was a huge honour to serve at the same time as Irwin—he was so upset because he told his campaign staff to make no phone calls on High Holy Days, no phone calls, and somehow somebody had the database of the Jewish families in his riding and they all got calls on Seder. They were interrupted if they were at the Seder feast by calls from the Irwin Cotler office.

Now, we don't know who made those calls, but it's a misuse of privacy data to be able to know who is Jewish, who is likely to be home, and who could be offended by the misuse of data. Our privacy data is private, and Canadians should have a right to be able to say to any political party, "Show me what you've got on me—I want to know." That's a right Canadians should have. There's no reason, ethically, practically.... There is no justification for political parties to be the only exempt operators who collect data, and boy, do they collect data.

We collect as much as we can. We don't have as much as you guys. I will never forget talking to Garth Turner. He put this in his book. It was about the FRANK system, which stands for friends, relatives, and neighbours' kids, in terms of what his former party was collecting.

We've got to fix this. We've got one shot and it's in the next half hour.

**The Chair:** Are we ready to vote on PV-10?

**Mr. Nathan Cullen:** I would like a recorded vote, Chair.

(Amendment negated: nays 8; yeas 1 [*See Minutes of Proceedings*])

(Clause 254 agreed to on division)

**The Chair:** We'll take a break.

Witnesses, please eat so that you're strong for the next part of our session.

**Voices:** Oh, oh!

**The Chair:** We won't be very long. Bring your food back to the table, please, and we'll carry on.

Thank you.

● (1720)

(Pause)

● (1740)

**The Chair:** Welcome back.

Thank you again to all the committee members for very positive decorum and for positively disagreeing.

**Voices:** Oh, oh!

(On clause 255)

**The Chair:** There's one proposed amendment and that's NDP-21.

Mr. Cullen, you could introduce that.

**Mr. Nathan Cullen:** Very good.

This is for colleagues who were feeling that PV-10 was too much, too fast and too quick; who are interested in privacy; and who understand the concerns of the experts we heard from, the Privacy Commissioner and the Chief Electoral Officer. Everybody hears those concerns and wants to do something about it, because how could you not? That would be my argument. In that case, NDP-21 is for you.

Here's what it does. It works with the Chief Electoral Officer to develop directives in consultation with the Privacy Commissioner and to work with the parties to establish guidelines. Those guidelines are then given into directives, and the Chief Electoral Officer can use those directives. It doesn't invoke PIPEDA. This was one of the concerns I heard, particularly from Liberal members, that PIPEDA was too much; it was too much on parties. This does not insist upon that.

This is exactly our job—to independently, as MPs, get elected to a committee, listen to the witnesses, glean the best information we can from them, and do right by Canadians. I suspect, or I presume, I suppose, there's a certain amount of pressure on colleagues to not vote for things that folks back in the party offices don't want to do.

This has two effects, one in practice and one in support of good behaviour. In practice, I think having real privacy policies that are in force, that work with our Chief Electoral Officer...which, again, this entire committee has referenced dozens of times and holds up in high esteem. It also has a secondary effect, where if anybody within the party structure is tempted to do something—such as, I don't know, a robocall into ridings illegally—these types of policies prevent that behaviour, which is what the law is supposed to do. It's not just to catch people when they do wrong. It's also to give enough warning so that when people are tempted, they're not really tempted to enact it.

I really believe we heard everything we need to hear from every witness. If a colleague can recall the testimony of a single witness who said something like this was a bad idea, from all the witnesses we heard, or if colleagues want to look through the ethics and privacy committee, which studied this as well, to find a single witness of any political persuasion who came forward and said Parliament shouldn't do something like this, I would love to hear that testimony. I feel pretty confident that we didn't receive that testimony, and neither did our corresponding committee at privacy and ethics receive that testimony.

A number of us on that committee visited Washington last year. Facebook and Congress and Twitter and a whole bunch of groups that are involved with this issue all gave us the same warning: Your laws are insufficient. We thought we had enough protections. We did

not. When a hack happens, it's too late. When the illegal robocalls go out, it's too late.

I just implore colleagues that this is as soft a move as we can make while still ensuring that we get the job done. Like, really; the pleas to study more will be pretty weak when something bad happens. When we're asked what we did about it and we say “Well, we promised to study it more”, we'll hear, “Well, thanks”. We don't do this for any other section of law.

I'll end with this, Chair. This puts some of us in what I almost want to say is a direct conflict between our responsibilities as members of Parliament and members of political parties. The political parties generally don't want this. I know: I've talked to your parties about this. They don't want it. And I know why. They'd rather have it as it is, because status quo means nobody has any idea what the political parties are gathering and what we do with that information.

We don't work for political parties. We may represent them, and fly under various banners, but we work for the people who sent us here. I believe if you sat down with the average Canadian and told them what happens when they click on a survey or when they press “Like” on Facebook; what the parties do with the data; that the parties have very little to no protection to keep that secure; and the potential consequences if that data is breached, then the average Canadian of whatever political persuasion, from the right to the left, would say, “That's crazy. Can you do anything about it?”

Here's something we can do about it. I'll read from the amendment:

385.2 (1) The Chief Electoral Officer may develop directives, in consultation with the Privacy Commissioner, in respect of the protection of personal information by registered parties.

• (1745)

In proposed subsection 385.2(2), the subsections that are named turn guidelines into directives. Proposed subsection 385.2(3) would read:

The Chief Electoral Officer may deregister a registered party if that party's policy for the protection of personal information does not comply with a directive made under this section.

There is a consequence. Posting your policy on your website with no consequence—come on—is totally meaningless. It's checking a box. You don't even have to do it, and if you put up some policy and you don't do it, there's no consequence to you breaking whatever it is you wrote down.

That's not taking this issue seriously. This is an attempt to take the issue seriously.

Elizabeth's motion did more, and we supported it. This motion takes us down the path of us getting serious about privacy. It's 2018, and we're going to the polls in 2019. If anyone believes that this problem isn't only going to get worse for 2023, you're dreaming, and that's what the experts told us.

Don't listen to your parties on this.

We did not support Elizabeth's initial initiatives on this two or three years ago. It took a long conversation with some of the people running my party, saying to suck it up, that they're going to have to develop some privacy policy and we're going to have to be accountable if we break it—real ones—and so they did.

I'm here and able to say it, and not with everybody in my party who works on the data side thrilled about it, but I don't care; I don't work for them.

I ask members to support this amendment. We should do this. The evidence told us we should do this.

**The Chair:** I have a couple of questions for clarification.

One is, can you tell me really briefly what the ethics committee study was? What was its mandate?

**Mr. Nathan Cullen:** They actually recommended that PIPEDA apply to the parties.

**The Chair:** But what was the topic?

**Mr. Nathan Cullen:** This was about data and data breaches.

You have to remember—

**The Chair:** By parties, specifically?

**Mr. Nathan Cullen:** Yes. Because out of Cambridge Analytica, that was—

**The Chair:** Right.

**Mr. Nathan Cullen:** The U.K. is at our privacy committee right now. They are sending representatives there. We're able, there, to be asking Cambridge Analytica and some of the Canadian affiliates how it was that Brexit went the way it went. How did \$1 million dumped into a students' association get access to a bunch of data and then micro-target a bunch of Britons the week prior to their vote on Brexit, which, of course, passed, and the leave campaign won?

Ask England, if they could go back and strengthen their privacy laws, do they think they would. Was that referendum done fairly, openly? Absolutely not.

**The Chair:** My second question is whether in your preamble you said "in consultation with the parties".

**Mr. Nathan Cullen:** Yes, of course, because we've talked to the Privacy Commissioner and the Chief Electoral Officer about this. We asked how they would come up with these initiatives and whether they would do it in isolation. They said, no, they would consult with the parties, because, as of right now, the Privacy Commissioner and the Chief Electoral Officer have no idea of how our systems work.

They wouldn't develop these in isolation, because they couldn't. They would have to work together, and they do.

Correct me if I'm wrong, Elections Canada, but what's the committee called that is established for the party consultation?

**Mr. Trevor Knight:** It's the advisory committee of political parties.

**Mr. Nathan Cullen:** Thank you. It's the advisory committee of political parties.

Elections Canada is in conversation with our political parties all the time: new rules, old rules, enforcement and what to expect in 2019. This is where this would go.

● (1750)

**The Chair:** But it's not referenced in your motion at all.

**Mr. Nathan Cullen:** It's not. However, in testimony and in individual conversations that I've had with them, this is absolutely where they go, especially on something that affects parties.

My experience with them, and the party's experience, is that they don't come out of the blue with a new policy that affects the way we operate, especially on privacy. As I said, they're starting from zero; they have no idea how we manage data, what our security systems are.

The Chief Electoral Officer sat right there and I asked him whether he had any idea of how parties operate when it comes to data. He said, no, he had no idea.

**The Chair:** Ms. May.

**Ms. Elizabeth May:** I would just add that in the example from Cambridge Analytica and the other one, IQ—those are the initials—as you probably remember, it was a Victoria, B.C., company implicated in illegally interfering in the Brexit vote. This is horrific stuff, because this is another risk for political parties. You can contract a company and think they're there to help you with your data, but they're stealing your data for some other use and you won't know.

We have to get a handle on this. It's very dangerous. The thing about it is that while political parties are getting more sophisticated at collecting data and wanting to hang on to it, for people who want to hack our systems we give them a key to our data when we hire a company like that. You think they're working for you. That's what happened on Brexit.

I'm going to say that the Green Party of B.C. hired those people to do some work for us—not us, it's a separate party—in organizing a website. When we and the Green Party of B.C. found out that this company was implicated, this IQ company, they started trying to figure out if our data was stolen, if our data was breached. They had to go public and say, "We really don't know—we've done our best to track it down, but we don't know."

We have to have controls over what happens to our data so that the public knows, the Privacy Commissioner knows, and so we have control and we know that the public has the right to privacy. It's not as if political parties are the only ones who might misuse the data. The companies we hire in good faith might be the ones who are collecting our data. If people knew that you could click a "like" on a Facebook post and a political party could have a contractor who collects that data....

In other words, it's a two-way street. You're not just saying, "Yes, I like that, thumbs up." You're not just hiring a company to make the Facebook ad look good. You're actually giving another company.... It's quite Orwellian, I have to admit, but we have to control it. If I were a voting member of this committee, you know I'd be voting to support NDP amendment 21, because at least it's a good start and it gives discretion to the Chief Electoral Officer. Also, I'm sure, as Nathan said, that it would be in consultation with the parties.

It gives us some chance to develop some regulations around what's now.... Because we're not insisting that political parties be under our privacy laws, we're creating a Wild West situation where the political parties are vulnerable, members' data is vulnerable and the average person whose door we knock on is vulnerable, and we have got to get a handle on it.

**The Chair:** Mr. Morin, did I see that you wanted to speak?

**Mr. Jean-François Morin:** Yes. I will just mention to the committee that from a technical standpoint, NDP-21 does refer to consultations with political parties through its proposed subsection 385.2(2), which makes reference to subsections 16.1(2) to (7) of the Canada Elections Act. Subsection 16.1(3) provides for consultation with the commissioner of Canada elections and members of the advisory committee of political parties.

**The Chair:** Thank you.

**Mr. Nathan Cullen:** It's a better amendment than I thought, Chair.

I don't know if this happened for you or other MPs who were in the last Parliament, but Cambridge Analytica approached a number of our offices in the last election with the offer of harvesting our Facebook likes. They asked if we would like to find out the emails of the people who have liked us and if we would like to find out who likes them. They were quite bold and open about it and approached MPs from all parties.

You can see why MPs would be tempted, because, as you know, you get a Facebook like and you know what you know from that, if you just use it like a normal person would. These folks weren't normal people. They asked if we would like to know more about the people and if we would like to be able to email them directly, not just through Facebook, but independently. Would we like to know where they live? Would we like to know what they like? Would we like to know all of their friends and their emails? That was the offer.

• (1755)

**The Chair:** Thank you.

Mr. Bittle.

**Mr. Nathan Cullen:** I just heard somebody say "who cares". That's a fascinating response to—

**Ms. Elizabeth May:** I don't think so [*Inaudible—Editor*]

**Mr. Nathan Cullen:** Okay. I misheard it.

**The Chair:** Mr. Bittle.

**Mr. Chris Bittle (St. Catharines, Lib.):** Just to clarify that, there is a concern with privacy. That being said, my concern in hearing from the Privacy Commissioner was with respect to PIPEDA. My concern is that he doesn't understand political parties. It's great for the head offices and those involved there to be governed by a set of principles, but going down the line, the people at the door with the

call sheet or with the door sheet at their home looking to call, they are governed by the same legislation, the same concerns. If the Privacy Commissioner's belief is that PIPEDA should apply, I don't see where this consultation goes. If the volunteers with the list of names go home after the end of their shift, there's been a data breach.

How do we apply this policy well beyond, to our volunteers and beyond this? We haven't studied it nearly enough to come up with a reasonable solution, creating a broad hope that something will come of it. I don't believe having consultations is something I can support, even though it is desirable to have stronger statements on privacy.

**The Chair:** Mr. Cullen.

**Mr. Nathan Cullen:** When we're drawing up legislation, we're always measuring risk. This is a case where we're trying to prevent bad things from happening. On the other side, there is the consequence we couldn't have understood before it happens. Every piece of legislation tries to anticipate this and tries to think about it.

To Chris's point, the idea that a volunteer going home with a poll sheet being the type of breach that the Chief Electoral Officer is concerned about versus the things that we know are present dangers.... There's no conspiracy or mythological thinking about this. The concerns have been demonstrated to us in functioning old democracies that we rely on for all sorts of lessons. We built our parliamentary system off of one of them. In the measurement of the risks, if we see this being conducted right now and we know it's getting worse and, instead, we talk about it more and not change anything until maybe some time later because we're concerned that a volunteer going home with a poll sheet is somehow going to be subjected to some arbitrary penalty, that is of course not the breach that the Privacy Commissioner and the Chief Electoral Officer are concerned about. They're really not.

For a government that loves consultation—sometimes you don't listen, but whatever; you hit the consultation button a lot—to say you're not into consultation now with people who we trust, Elections Canada, the Chief Electoral Officer, the Privacy Commissioner, on millions of decisions that affect the way that our democracy.... We trust these guys.

In that weighing of risks, I can't see how the perversion of an election from inside or outside forces, which is everything, versus a volunteer getting caught out with a poll sheet, imagining the day that the Privacy Commissioner is going to hammer that volunteer—they are incomparable to me.

You can tell I'm pleading with my colleagues to say this is a prudent step forward. We have 10 or 11 months until the writ drops. What are we able to put in place before 2019? We have somewhat limited scope in these consultations because they have to go to this committee, as is referenced in the amendment.

Let me anticipate. The parties will not be jumping over themselves to slam down and agree to PIPEDA for 2019. Let me guess at that right now. They've been so reluctant every step of the way. We have to weigh the partisan interest versus public interest. This is one of those times.

**The Chair:** Do any of the other members who haven't spoken want to speak?

If there are no other comments, we will have a recorded vote.

(Amendment negatived: nays 8; yeas 1 [*See Minutes of Proceedings*])

(Clause 255 agreed to on division)

•(1800)

**The Chair:** Mr. Nater.

**Mr. John Nater:** Before we go to the next clause, I just have some quick withdrawals, if that's okay.

Based on the decisions we made before our supper break, the Conservatives will be withdrawing the following amendments: CPC-124, CPC-151, CPC-152, CPC-153 and CPC-162.

**The Chair:** Excellent.

(On clause 256)

**The Chair:** We have CPC-119.

Mr. Nater.

**Mr. John Nater:** Chair, this amendment removes the pre-election spending caps on political parties, but maintains the rest of the pre-writ regime.

**The Chair:** Mr. Graham.

**Mr. David de Burgh Graham:** Monsieur Morin, if I understand this correctly, the effect of this amendment, as well as the next one, I think, would be to remove the pre-writ spending limits for political parties.

Is that correct?

**Mr. Jean-François Morin:** That is correct.

**The Chair:** I can imagine how people are going to vote on this, so we'll go to a vote.

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

(Clause 256 agreed to on division)

(Clauses 257 to 261 inclusive agreed to on division)

(On clause 262)

**The Chair:** Amendments CPC-120, PV-11 and CPC-121 cannot be moved because they amend the same line that was amended by the adoption of the motion at the PROC meeting.

Amendment PV-12 was defeated because it was consequential to PV-3. That leaves amendment CPC-122 to discuss.

Would the Conservatives propose CPC-122.

**Mr. John Nater:** Absolutely, Mr. Chair.

CPC-122 clarifies the rules of collusion between parties and riding associations as it relates to the pre-writ spending limit.

**The Chair:** Mr. Bittle.

**Mr. Chris Bittle:** This one just seems to create a loophole that would allow for the circumvention of the national spending limit. We're opposed.

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

**The Chair:** Amendment LIB-37 is passed consequentially to LIB-26.

(Clause 262 as amended agreed to on division)

(On clause 263)

•(1805)

**The Chair:** There is one proposed amendment by the Conservatives.

Mr. Nater.

**Mr. John Nater:** This amendment has to do with the pro-rated spending limit for a longer campaign in the event it's postponed for a given reason.

I suspect I know where things are going, so I don't think we need too much debate, Chair.

**Mr. David de Burgh Graham:** We could have done this an hour ago.

**The Chair:** We'll find out if your suspicion is correct.

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

(Clause 263 agreed to on division)

**The Chair:** On clause 264, there was amendment PV-13, but that is defeated consequentially to PV-3.

(Clause 264 agreed to)

**The Chair:** On clause 265, there was, before tonight, one amendment, CPC-124, but it was withdrawn a few minutes ago.

(Clause 265 agreed to)

(On clause 266)

**The Chair:** We have amendment CPC-125.

Mr. Nater.

**Mr. John Nater:** Chair, this is a fairly minor amendment, but it clarifies the quarterly financial obligations by adding the words "polling day". Currently it reads:

that follows that general election, beginning with the quarter that immediately follows that general election and ending with the quarter in which the next general election is held.

We're amending it to say:

with the quarter in which polling day at the next general election is

It clarifies that.

**The Chair:** Mr. Bittle.

**Mr. Chris Bittle:** It's a good amendment.

**The Chair:** It's a good amendment?

**Mr. Chris Bittle:** Yes.

**The Chair:** Could you repeat that?

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

**Mr. David de Burgh Graham:** Do we vote, Larry?

**The Chair:** Yes. I'm just getting back to my notes.

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

(Clause 266 as amended agreed to)

(Clause 267 agreed to)

(On clause 268)

**The Chair:** We have two amendments. No, we have more than two amendments, but we'll start with CPC-126.

**Mr. John Nater:** Effectively what CPC-126 does is delay the implementation of the pre-election spending limits until after the 2019 election, so it would be for the 2023 election if there's a majority government when prime minister Scheer... I had to add that.

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

**Mr. John Nater:** It delays it until the next election. The effect would be to give more time to implement it and to give knowability, so we propose that it be delayed until the election following the 2019 election.

**The Chair:** Is there discussion?

**Mr. David de Burgh Graham:** I don't think we have to say that we're going to oppose that.

**Mr. John Nater:** But you might as well put it on the record.

**Mr. David de Burgh Graham:** We oppose that.

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

**The Chair:** On CPC-127, Mr. Nater.

**Mr. John Nater:** It removes pre-election spending limits on parties.

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

• (1810)

**Mr. Garnett Genuis (Sherwood Park—Fort Saskatchewan, CPC):** I think Mr. Graham voted twice. It sets a bad example—

**An hon. member:** That's exactly what we're trying to avoid with proper ID requirements.

**The Chair:** Garnett, you can't speak. You don't have your 10 binders here tonight.

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

**Mr. Garnett Genuis:** I have to say, was it really Mr. Graham who voted the second time or was it somebody else?

**The Chair:** Okay. Let's go to LIB-38.

Now, this has some ramifications. If you vote for LIB-38, it applies to LIB-53 on page 299, LIB-55 on page 305, LIB-57 on page 309, and LIB-60 on page 328. Also, if LIB-38 is adopted, CPC-163 on page 310 cannot be moved, as it amends the same line as LIB-57, which is consequential to LIB-38.

Do you want me to read this again?

**Mr. Nathan Cullen:** No.

**The Chair:** Mr. Nater, you have a point of order.

**Mr. John Nater:** On a point of order, Chair, I ask that you rule amendment LIB-55 out of order for offending the so-called "parent act rule". Page 771 of *House of Commons Procedure and Practice*, third edition, Bosc and Gagnon, states:

In the case of a bill referred to a committee after second reading, an amendment is inadmissible if it proposes to amend a statute that is not before the committee or a section of the parent Act, unless the latter is specifically amended by a clause of the bill.

The latter point traces back to citation 698(8)(b) of *Beauchesne's Parliamentary Rules and Forms*, sixth edition, the editor of which, Mr. John Holtby, is perhaps well known to many of us around this place.

Bosc and Gagnon offer, among several precedents, the November 20, 2007, meeting of the legislative committee on Bill C-2, a meeting at which I understand you, Mr. Chair, were in attendance, where the committee chair ruled several amendments out of order for offending this very rule.

In the present case, amendment LIB-55 proposes to add a new clause 344.1 for the purpose of making an amendment to section 498 of the Canada Elections Act.

Bill C-76 as introduced would amend both sections 497.5 and 499 of the Canada Elections Act, the two sections that bookend 498, but not section 498 itself. Therefore, Chair, I think the government's amendment is quite clearly out of order.

**The Chair:** Would it work if we discussed everything except LIB-55?

Okay, so what we'll do is we'll go on with LIB-38. It will have the ramifications to all those other amendments except LIB-55. We'll come back to LIB-55.

We need someone from the Liberals to move and describe LIB-38.

Mr. Bittle.

**Mr. Chris Bittle:** The proposed amendment will give the commissioner of Canada elections the authority to request from political parties documents to evidence expenses reported in their financial return. Political parties are already required to provide the CEO with audited financial reports. The blanket authority currently found in Bill C-76 could create an unnecessary heavy burden on political parties. Giving a similar authority to the commissioner in the context of investigation provides for a balanced approach and facilitates obtaining these documents, but delineates the circumstances in which it can be used.

**The Chair:** Do the officials have comments?

Mr. Cullen, do you want to comment?

**Mr. Nathan Cullen:** I read this differently, and I'm curious. Because it deletes the passage from line 39 on page 156 to line 5 on page 157, we read it differently, that it's removing that power of the CEO to request documents. Can you clarify?

**Mr. Jean-François Morin:** Yes. Motion LIB-38 would be removing the lines 1 to 5 in the English version at page 157 and the equivalent in French, so that would remove the power of the Chief Electoral Officer to require the chief agent of a party to provide specified documents in support of the party's—

**Mr. Nathan Cullen:** It would remove that requirement.

**Mr. Jean-François Morin:** It would remove that requirement, but a following motion, which is associated as per the chair's ruling, LIB-60, would empower the commissioner of Canada elections, in the course of an investigation conducted in response to a complaint, to request documents from registered parties in support of their election expense returns.

• (1815)

**Mr. Nathan Cullen:** Through you, Chair, this removes it here and adds it through LIB-60, you said?

**Mr. Jean-François Morin:** Yes.

**Mr. Nathan Cullen:** Is it enhanced? Does it enhance the ability of...?

**Mr. Jean-François Morin:** It's just different.

**Mr. Nathan Cullen:** How is it different?

**Mr. Jean-François Morin:** The Chief Electoral Officer of Canada does not conduct investigations. The Chief Electoral Officer conducts audits of the various financial returns that are provided to him. On the other hand, the commissioner of Canada elections conducts investigations on the enforcement of the act.

**Mr. Nathan Cullen:** I don't want to get into a policy debate, but why not both? Why take the power away from the commissioner, even if it's being found over with the investigative body, because I don't see anyone opposed to the audit by the commissioner of how a party conducts itself and how it spends money.

I'd be curious. Maybe Mr. Bittle has a reason.

**Mr. Jean-François Morin:** At this point, it's a policy decision.

**Mr. Nathan Cullen:** That's a policy decision.

Through you, Chair, to Mr. Bittle, why remove that power from the commissioner, because they do audits and that seems appropriate to me?

**Mr. Chris Bittle:** They do audits. Before political parties submit their election returns anyway, they are audited in advance, but if we're dealing with millions of dollars in receipts, finding the receipt from the Tim Hortons perhaps provides too much of a burden. However, giving that over if there is an investigation, allowing the commissioner to require the production of that material is still within the bill and provides a more balanced approach.

**Mr. Nathan Cullen:** Okay, that was a bunch of words. I'm trying to find out what—

**Mr. Chris Bittle:** *[Inaudible—Editor]*

**Mr. Nathan Cullen:** No, but the commissioner doesn't ask for every Tim Hortons receipt in this case, right? This is where the commissioner has the power to request specific receipts. They're not going to ask for every cup of coffee that was bought during the campaign, and they don't. Why remove the power? If, worst case, it's redundant, and you have two offices with that power....

I don't know if Elections Canada has a comment that could help guide me through the fog.

**Mr. Trevor Knight:** We should distinguish between Elections Canada, which performs—

**Mr. Nathan Cullen:** Yes, sorry; excuse me.

**Mr. Trevor Knight:** —the Chief Electoral Officer, which performs the audit power. Currently, as was recommended by the Chief Electoral Officer, there's the power in the bill for Elections Canada to request supporting documents in the course of the audit to find out what lies behind the expenses that are reported. This—

**Mr. Nathan Cullen:** —takes that power away.

**Mr. Trevor Knight:** —would remove that power. It gives the commissioner power to more easily obtain documents that they could obtain during an investigation.

This does not meet the suggestion of Elections Canada, in our recommendation—

**Mr. Nathan Cullen:** This does not meet the suggestion of Elections Canada.

**Mr. Trevor Knight:** No, it does not.

**Mr. Nathan Cullen:** Elections Canada never came to the committee and said, "Please take this power away from us."

**Mr. Trevor Knight:** It was our recommendation that we should have a power much as is in the bill right now, yes.

**Mr. Nathan Cullen:** So in fact the opposite is true. Elections Canada came before this committee and said they must maintain this power. In your testimony, you had a concern about removing this section.

**Mr. Trevor Knight:** Well, this is a new section.

**Mr. Nathan Cullen:** Right. This is an amendment.

**Mr. Trevor Knight:** It is a section that is based on our recommendation, because we believe that to properly perform our audit function, we need to be able to—

**Mr. Nathan Cullen:** Request receipts.

**Mr. Trevor Knight:** —obtain those supporting documents.

**Mr. Nathan Cullen:** Agreeing to this would be going against the recommendation of the Chief Electoral Officer.

**Mr. Trevor Knight:** Yes.

**Mr. Nathan Cullen:** Okay.

**The Chair:** Monsieur Morin, do you have any comments on the effect of this, or the technical effect of this?

**Mr. Jean-François Morin:** The technical effect of this is that the Chief Electoral Officer will not be granted the power to request documents.

**The Chair:** Right.

Is there any further debate?

**Mr. Nathan Cullen:** It sounds pretty clear to me.

**The Chair:** If there is no further debated, I'll go to the vote on all this except for the ramifications to LIB-55. I'll come back to LIB-55, because I have an answer.

**Mr. Nathan Cullen:** I'd like a recorded vote.

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

**The Chair:** So LIB-38 is carried. LIB-53 is carried. LIB-57 is carried. LIB-60 is carried.

LIB-38 is carried—

• (1820)

**Mr. Garnett Genuis:** Do they have a majority or something?

**Voices:** Oh, oh!

**The Chair:** —and CPC-163 cannot be moved because it amends the same line.

On to LIB-55.

**Mr. Garnett Genuis:** They'll love this act in 2019, I can tell you that.

**The Chair:** I'll give my interpretation, and then you'll get the real one.

My understanding is that your principle is right. You can't amend the clause of a bill that's not proposed in the parent bill. However, if a consequential amendment is needed to create something into the bill, then it is actually legal to do that.

I'll let the legislative clerk give the real definition.

**Mr. Philippe Méla (Legislative Clerk):** I agree with your assessment, Mr. Nater, that you can't amend a section of the act that's not opened by the bill. There's an exception to that, and this is the exception. We just voted on LIB-60, which creates new proposed subsection 510.001, and there's a reference to it in LIB-55 that's necessary for the whole thing to work.

As a consequential, it's allowed. If it were a strict amendment to the act that wasn't opened, you couldn't do it. Here, because it's a consequential amendment to something that was adopted already, you can.

**The Chair:** So if you don't believe me...

**Voices:** Oh, oh!

**The Chair:** Okay.

All in favour that CPC-38 includes LIB-55?

**Mr. John Nater:** On division.

**The Chair:** That amendment and its ramifications are approved on division.

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

**Mr. David de Burgh Graham:** We've just voted on LIB-38.

(Clause 268 as amended agreed to on division)

(Clause 269 agreed to)

(On clause 270)

**The Chair:** There is NDP-23, but my reading is that it's inadmissible because it's beyond the scope of the bill.

**Mr. Nathan Cullen:** Could you explain, Chair?

**The Chair:** Yes, I could explain.

Bill C-76 amends the Canada Elections Act. This amendment seeks to introduce the concept of gender parity among the candidates of a registered party at a general election in relation to the reimbursement of election expenses, which is not envisioned by the bill.

As *House of Commons Procedure and Practice*, third edition, states on page 770:

An amendment to a bill that was referred to a committee after second reading is out of order if it is beyond the scope and principle of the bill.

In the opinion of the chair, the amendment brings in a new concept that is beyond the scope of the bill, and therefore, I rule the amendment inadmissible.

**Mr. Nathan Cullen:** Thank you.

In terms of the scope of the bill, C-76, unlike C-33, is much broader in its approach. There are all sorts of things we're trying to deal with in the way that our elections are conducted.

NDP-23 talks about how it is that candidates are preferred and the reimbursement system, which is also part of our elections act, as well as the way this is managed. How does that fall outside its scope? Our surface reading of this was that C-76 was an overhaul of the Elections Act. How Elections Canada interacts with the parties, reimbursements, going after receipts—all that stuff is within this bill.

This is simply a policy amendment to encourage a policy outcome. In this case, it seeks to have the Prime Minister's self-defined feminism actually happen by having more women present themselves as candidates and hopefully get elected.

I'm trying to figure where you're interpreting that this falls outside of that scope.

• (1825)

**The Chair:** There's nothing related to gender parity in the bill, so this is a new area.

**Mr. Nathan Cullen:** I listened to your reference to scope, but concepts? Concepts get introduced all the time. For example, we just went through a concept on privacy and data. The concept that we brought in was totally novel to where C-76 stopped, which is a policy reference on their website.

We had concepts that were new and brought in. The concept of how candidates get nominated exists within the Elections Act. That's fair. The concept of reimbursements also exist within the Elections Act. That's fair. The concept of how those reimbursements are then distributed based on policy, in this policy seeking gender equity....

I don't want to get into a philosophical debate. It's much more a technical debate. How does that concept not already exist within C-76? We're just saying we want the concept interpreted this way to have more women in Parliament.

**The Chair:** The privacy...there's a better relation there. There was a privacy section of the bill.

**Mr. Nathan Cullen:** Right, but C-76 affects the Elections Act as it is. In this Elections Act there are all sorts of sections on how we deal with nominations and the proper reimbursements of parties. We're just saying to do it better, if you believe in more women in Parliament. But that depends on your point of view, I guess.

How wedded are you to your ruling on this? It feels like this is open to...honestly, this is not seeking to challenge. Well, I guess it is, but in the nicest way. It feels like this limits the scope of something that is dealt with within this bill and is dealt with within the elections act itself. If we can't affect that, then I would humbly suggest there might be a great number of amendments in here dealing with issues that were not originally intended and are therefore out of scope.

I'm surprised, I guess. I'm surprised by the ruling. We didn't anticipate this one. We know that parties introduce amendments all the time that they know are going to be ruled out of scope. This one didn't feel like that.

**The Chair:** Well, you can appeal the ruling.

If this were to go through, what would happen is, in the House, the Speaker would ask about this if it was brought up, and the Speaker would make the same ruling, and there's no appeal to that.

**Mr. Nathan Cullen:** He may or may not make the same ruling as precedent. I understand there's no appeal.

Let me refer this to colleagues this way. This question, which this bill, I would argue, doesn't deal with at all, gender parity within the House, is worthy of the conversation.

Support the appeal to the Chair simply because we can therefore have the conversation. No offence intended, Chair, to you and your clerks in terms of the interpretation. I think we have grounds for this. More importantly, this is a good conversation to have because we're sitting at 26% with no real prospect of getting a whole lot better in our Parliament.

That is my appeal. I don't believe it's necessarily debatable.

**The Chair:** It's not really debatable.

**Mr. Nathan Cullen:** No, it's not. It's not strictly on the ruling, but let's have a conversation about this topic.

**The Chair:** It's not really debatable, so the clerk will call the vote.

(Ruling of the chair sustained: yeas, 5; nays, 4)

(Clause 270 agreed to on division)

**The Chair:** There's a new clause.

Nathan, would you like to introduce NDP-22?

• (1830)

**Mr. Nathan Cullen:** Yes, so you can then strike it out of order.

**The Chair:** Yes.

**Mr. Nathan Cullen:** Okay.

I think the only reason the government doesn't reintroduce the per vote subsidy, which a previous Liberal government introduced in the first round, and all the evidence.... There is no evidence supporting the opposite, that the per vote subsidy helps. It was certainly brought in—as you'll remember Chair, because we were both here for it—when big money, corporate and union money, was taken out of

politics, the per vote subsidy was brought in as a way to level the playing field and also allow Canadians to express, not just a vote, but in that case, financial support for their choice.

All of the evidence around the world supports this being a good policy. The politics, I suspect, is what's stopping the government from doing it because these guys—I'm going to take shots at you—do from time to time....

Jean-Pierre Kingsley and other former chief electoral officers on policy have supported this. It seems Melanee Thomas, who appeared in front of the ERRE committee, said it's a democratic way of doing party financing. It also struck me as a way of being able to tell people, who thought their votes were wasted because they weren't necessarily voting for the winner, that their votes were contributing to something.

In effect, this would go a small measure towards helping keep the Prime Minister's promise that every vote was going to count in 2019, which he broke. This would maybe make up for it a little bit.

I wait with bated breath for your ruling, Chair, and then we can move on with the evening.

**The Chair:** Okay.

I think you'll be excited that I have a different reason this time.

**Mr. Nathan Cullen:** Do you?

**The Chair:** Bill C-76 mainly seeks to amend the Canada Elections Act. The amendment attempts to increase the quarterly amount a registered political party receives based on the result of a general election preceding that quarter.

As *House of Commons Procedure and Practice*, third edition, states on page 772:

Since an amendment may not infringe upon the financial initiative of the Crown, it is inadmissible if it imposes a charge on the public treasury, or if it extends the objects or purposes or relaxes the conditions and qualifications specified in the royal recommendation.

In the opinion of the chair, the amendment proposes a new scheme that imposes a charge on the public treasury. Therefore, I rule the amendment inadmissible.

NDP-22 is inadmissible, so new clause 270.1 does not occur.

**Mr. Nathan Cullen:** It was a great idea.

**The Chair:** Sorry?

**Mr. Nathan Cullen:** It was inadmissible but a great idea. That's what I think you meant to say.

**The Chair:** Yes, that's what I meant to say.

(On clause 271)

**The Chair:** Amendment CPC-128 has ramifications because it also applies to CPC-131, which is on page 242.

Mr. Nater.

**Mr. John Nater:** Chair, this would defer the pre-election spending limits on political parties until after the 2019 election.

**The Chair:** Oh, I see that this will be popular.

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

**The Chair:** Since CPC-128 is defeated, CPC-131 is defeated as a consequence.

Now we're going to CPC-129.

There are consequences to this one too. It applies to CPC-159, on page 301, as they both deal with partisan advertising expenses.

Mr. Nater, would you introduce CPC-129, please.

**Mr. John Nater:** I would love to, Chair.

This would revert us to the status quo for spending limits in the pre-election period.

**Mr. David de Burgh Graham:** In other words, now.

**The Chair:** I can imagine that this will be popular.

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

**The Chair:** One person in favour, and four opposed.

**Mr. Nathan Cullen:** You know you're going to lose, but he makes it worse on them.

**The Chair:** It's defeated.

**Mr. Nathan Cullen:** It's a trick, a Yukon ploy. I've seen it before.

**The Chair:** Amendment CPC-129 was just defeated, so CPC-159 is also defeated.

Amendment CPC-130 was withdrawn by the Conservatives.

CPC-131, I think was—

**Mr. David de Burgh Graham:** It was already effectively dealt with.

**The Chair:** It was consequential, yes.

I think CPC-132 is still in play.

•(1835)

**Mr. John Nater:** Yes, it is.

**The Chair:** Mr. Nater.

**Mr. John Nater:** This deals with the riding associations and their ability to run pre-election advertisements. It allows them to do so during the pre-writ period.

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

**Mr. David de Burgh Graham:** No.

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

**The Chair:** We're on LIB-39.

This has a ramification. Whatever the result of this vote is, it applies to LIB-54, as they are linked by reference.

Could a Liberal propose this amendment, please.

**Mr. David de Burgh Graham:** Sure.

This one would allow electoral district associations, EDAs, to “incur partisan advertising expenses” when such expenses are incurred for messages intended “to be transmitted solely, or substantially solely, within the association's electoral district”.

They'd also be allowed to “transmit or cause to be transmitted partisan advertising messages”...“solely, or substantially solely, within the association's electoral district” in the pre-writ period.

**The Chair:** Are there any comments from the witnesses on that?

**Mr. Jean-François Morin:** Do you have a specific question?

**The Chair:** Mr. Cullen, go ahead, and then Mr. Nater.

**Mr. Nathan Cullen:** This brings it down to the EDA level in terms of being able to do political advertising.

**Mr. David de Burgh Graham:** Within the EDA.

**Mr. Nathan Cullen:** Within the district, yes. But if the intention is to clamp down on pre-election spending overall, if you have 338 ridings, especially if there were a coordinated effort, does that not get around the thing that the bill is trying to—?

**Mr. Jean-François Morin:** Actually, no, not in my personal opinion, which is very valuable, of course.

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

**Mr. Nathan Cullen:** It is.

**Mr. Jean-François Morin:** Let me have a quick look at the bill.

When we look at the definition of “partisan advertising expenses”, it relates to the idea of promoting or opposing a party, and also a candidate. When we look at the prohibition here, at page 157 of the bill, lines 25 and following, in English, it says:

449.1 (1) No electoral district association of a registered party shall

(a) incur partisan advertising expenses in relation to partisan advertising messages that promote or oppose a registered party or an eligible party and that are transmitted during a pre-election period;

With the words used here, I think it is clear that the prohibition was meant to be on the type of partisan advertising message that would have more of a national impact and would be talking about the party's campaign. What's left out of the prohibition is any mention of local issues or a local candidate, so the prohibition was not meant to be a blanket prohibition on EDAs from incurring—

**Mr. Nathan Cullen:** I understand that. That doesn't exist there. If this is accepted, what would the stop circumvention of the limits in 338 EDAs that this bill is trying to put on...? Unless I'm reading it wrong, it doesn't say that those EDA campaigns can only talk about local issues. Each EDA could run the same ad on a national level, on a national issue and promoting a national leader, could it not?

**Mr. Jean-François Morin:** It says that each EDA can incur partisan advertising expenses for partisan advertising messages that are basically aimed at the distribution in the electoral district.

**Mr. Nathan Cullen:** You heard my question, right? If we had a universal limit as to what parties can spend on partisan advertising, does this not represent an increase in that expenditure at a riding level?

**Mr. Jean-François Morin:** The party is also prohibited from trying to circumvent its own limit.

**Mr. Nathan Cullen:** If every EDA runs an ad that says “vote Liberal”, and underneath that it has “candidate for riding” 338 times....

**Mr. David de Burgh Graham:** Can they do that?

**Mr. Nathan Cullen:** They're thinking about it. It just expands the amount of money being spent with a partisan message. You're saying you'd have to prove coordination.

**Mr. Jean-François Morin:** Exactly. The party cannot try to circumvent its own limit. It would be very suspicious if the same advertisement was published by each and every EDA. Again, the goal of this amendment is to ensure that EDAs will be able to, for example, print a pamphlet and put the party logo or the party's name on it.

• (1840)

**Mr. Nathan Cullen:** That would not count towards the limit.

**Mr. Jean-François Morin:** Yes.

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

**Mr. John Nater:** Chair, I have a question of clarification, too. Would this catch something or not? I'm thinking of a Facebook ad promoting, for example, an EDA summer BBQ. Would something like that be caught under this, especially when it comes to being solely or substantially within an electoral district? When you're looking at something in a Facebook ad, targeting that specifically within an electoral district becomes a little more challenging. Would something like that be covered?

**Mr. Jean-François Morin:** The publication of information on the Internet has a much broader distribution than a mail-out, for example. It all depends on the circumstances. It's very difficult to answer your question because I don't have the ad in front of me. If the invitation is for a specific event on a specific date in the electoral district it would seem to be restricted enough to the electoral district that it would pass the—

**Mr. John Nater:** There could be a degree of interpretation at the time, depending on specific situations. It could be advertise at your own peril, in the sense that you may or may not get caught.

**Mr. Jean-François Morin:** The intent needs to be to distribute it within the electoral district. If it can be shown that the intent was to give it a much broader distribution, then it wouldn't be caught by the exception and it would likely count towards the party limit.

**The Chair:** Mr. Graham, and then we'll go back to Mr. Nater because I think he has more to say.

**Mr. David de Burgh Graham:** Mr. Morin, if we don't pass this amendment, could, for example, Nathan Cullen put out a flyer in his riding in the pre-writ period with his name and the leader's name and party address on it, or is there a drafting error, because I understand that would prevent that from happening?

**Mr. Jean-François Morin:** If it is paid out of the EDA funds, the answer is no. Given the definitions that have been given by the act, to "promote or oppose a registered party or eligible party", just naming the party or showing its logo would be sufficient to—

**Mr. David de Burgh Graham:** It would be sufficient to make it banned.

**Mr. Jean-François Morin:** Not to make it banned, but to make it count towards the national limit.

**Mr. David de Burgh Graham:** There's the issue. Doing this allows you to have a local flyer about yourself that mentions the party you're supporting in that pre-writ period, which we could not otherwise do without affecting the party's spending amount.

**Mr. Jean-François Morin:** Correct.

**Mr. David de Burgh Graham:** That seems rather important.

Thank you.

**The Chair:** You're exempting that local stuff from the party limit.

**Mr. David de Burgh Graham:** You can put out your flyer with your own face and the party's face on it, but without this amendment, you wouldn't be able to do that without affecting the party itself.

**The Chair:** We'll go back to Mr. Nater.

**Mr. John Nater:** Mr. Chair, I'm thinking of another example of how this might be caught. I have a large rural riding, not nearly as large as some, and not nearly as large as our chair's, for example, but I'm thinking more of radio stations in an urban setting. If you had a Montreal riding, let's say a small riding, Papineau, for example, which is one of the smallest ridings in Canada, and if you were to run a pre-election ad on the radio, a Montreal radio station that is going to hit many Montreal ridings, even though it's paid for by the small riding of Papineau, is that something that would be caught under this amendment? You could say it was meant for just that tiny riding, but it's hitting the entire city.

**Mr. Jean-François Morin:** Really, at this point it would be a question of interpretation in the context of a specific case. If multiple electoral district associations covering the area where the radio station is located were all to participate in this advertising campaign, then it would probably be fine.

**Mr. John Nater:** If they weren't, though, if it were just the one riding association, would it probably not be fine?

**Mr. Jean-François Morin:** I can give you the example of The Globe and Mail. If an EDA is trying to publish an ad in The Globe and Mail in the electoral district where The Globe and Mail is printed, clearly it goes way beyond the scope of this exception.

We need to draw a line somewhere. The intent is really to allow EDAs to communicate with the local population in the riding.

• (1845)

**Mr. John Nater:** So running an ad that says, "Vote for Justin Trudeau, your Papineau candidate" could potentially be caught in that.

**Mr. Jean-François Morin:** In a national distribution newspaper? No.

**Mr. John Nater:** In a city-wide, Montreal—

**Mr. Jean-François Morin:** No, it needs to be within the electoral district.

**Mr. John Nater:** In that case, a radio ad that's going across the city would be caught. That is your interpretation.

**Mr. Jean-François Morin:** Yes.

**The Chair:** We're ready for the vote on LIB-39, which also applies to LIB-54. They are linked by reference.

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

(Clause 271 as amended agreed to)

**The Chair:** There are no amendments for clauses 272 to 277.

**Mr. John Nater:** Mr. Chair, could we do clause 272 on division?

**The Chair:** Okay.

(Clause 272 agreed to on division)

(Clauses 273 to 277 inclusive agreed to)

**The Chair:** New clause 277.1 is being proposed.

Nathan, could you introduce this so that I could make a ruling?

**Mr. Nathan Cullen:** There's a certain ominous tone in your voice, Mr. Chair.

It seems to be a common sense kind of thing. We're asking for equity statistics to be released on nominations, and collected.

Political parties self-publish some of these some of the time, but not consistently and not in a consistent manner. They're reporting it to Elections Canada, the Chief Electoral Officer, I believe. Oh, excuse me, this would seek to extend it to the Chief Electoral Officer. This is about gender and sexual orientation. It would not identify each nominee, but it would give the universal totals—how many women the Liberals nominated, how many Conservatives, LGBTQ. It's just a way to statistically understand how the nomination part of this democracy is working out. Are we getting more representation or less? Who's doing more and who's doing less?

Also, I think this could be helpful to some Canadians, particularly those interested in getting involved in politics. It would also require parties to describe the nomination voting process—is it a preferential ballot, is it a straight round voting, how did each party nominate their...? There's no requirement to do that right now. I think it is interesting.

I don't see this as even being controversial, but perhaps it is. Again, most parties self-describe, but it's not done consistently. Any Canadian interested in knowing how many women are being nominated, or LGBTQ candidates, can't compare apples to apples. Just to underline, it wouldn't reveal candidate X and riding Y. It's a universal approach.

**The Chair:** This amendment intends to add information to the nomination contest report that is to be filed with the Chief Electoral Officer under section 476.1 of the act. This goes beyond the scope of the bill and aims to amend a section of the act that's not open to amendments by the bill.

**Mr. Nathan Cullen:** May I ask a question? When dealing with the act itself and dealing with Bill C-76, which affects many parts of the act and creates new sections of the act.... Is that fair to say?

Maybe “sections” might be the wrong term. Bill C-76 introduces new concepts into the act itself. Is that fair to say?

•(1850)

**Mr. Philippe Méla:** Within the bill, do you mean?

**Mr. Nathan Cullen:** Yes.

**Mr. Philippe Méla:** Yes.

**Mr. Nathan Cullen:** Okay, so how do we prescribe scope limits on saying that this concept under this amendment...? Can amendments just not do it, but the bill itself can? Is that essentially it?

**Mr. Philippe Méla:** The bill is adopted at second reading by the House based on the number of concepts they want to add to the act, so those are the parameters that you have to stand by basically, the frame, if you will.

In this case, there are two problems, if you want to put it that way. There's the concept in itself that you are adding some criteria to something that's not envisioned within the frame, and the other problem is you're amending a section of the act that's not amended by the bill. That is the problem that Mr. Nater has been raising all day.

**Mr. Nathan Cullen:** Thank you for the explanation.

**The Chair:** Because of Mr. Nater, Mr. Cullen is ruled out, is inadmissible.

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

**The Chair:** Clause 277.1 is inadmissible, so it's not added to the act.

There are no amendments on clauses 278 and 279.

(Clauses 278 and 279 inclusive agreed to)

(On clause 280)

**The Chair:** There's CPC-133.

Mr. Nater, could you introduce CPC-133, please.

**Mr. John Nater:** Chair, this would require the Chief Electoral Officer to publish the nomination expense limits both in the Canada Gazette and on the website of Elections Canada.

**The Chair:** Mr. Bittle.

**Mr. Chris Bittle:** The CEO already publishes the nomination campaign expense limits. I don't feel there's a need to legislate this.

**The Chair:** You're saying they're already doing it, so you don't have to legislate it.

Do the witnesses have any comments?

**Mr. Trevor Knight:** We do publish them, yes.

**The Chair:** You already publish them. Okay.

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

(Clause 280 agreed to)

(Clauses 281 to 291 inclusive agreed to)

**The Chair:** There was a big high-five by Mr. Reid. We'll note that.

**Mr. Scott Reid:** I like those kinds of clauses.

(On clause 292)

**The Chair:** There's amendment CPC-134.

Mr. Nater, would you present that amendment, please.

**Mr. John Nater:** Chair, earlier we discussed the pro-rated spending limits for longer campaigns. This deals with a similar concept. This specifically applies to longer campaigns where the election day has been postponed for whatever reason, a natural disaster or the death of a candidate, for example. I think this one is important and eminently supportable, and I can't imagine anyone voting against this one.

**The Chair:** We'll find out if that's true.

**Mr. John Nater:** I'll wait and see the results.

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

(Clause 292 agreed to on division)

(Clauses 293 to 296 inclusive agreed to)

(On clause 297)

**The Chair:** I think there's an outstanding amendment, CPC-135.

Mr. Nater talked about this.

**Mr. John Nater:** You said outstanding. That's a great amendment, right?

**The Chair:** There are several meanings of that word.

**Mr. John Nater:** Yes.

This refers to members who have not filed their expense reports stemming from the election, of which the Speaker is informed. We are making an amendment that the Speaker would also inform the House very quickly, before adjournment of the next sitting. When a member isn't entitled to sit because of a failure to file, the House should be informed, not just the Speaker.

**The Chair:** Is there any debate on CPC-135?

Mr. Longfield.

• (1855)

**Mr. Lloyd Longfield (Guelph, Lib.):** We're telling the Speaker how to do his job. He already does his job well, so it shouldn't be in the act. It's up to the Speaker to call out members who need to be called out.

**The Chair:** I have a premonition that Mr. Nater may want to speak again.

**Mr. John Nater:** Actually, believe it or not—

**Mr. Nathan Cullen:** I don't believe it.

**Mr. John Nater:** —there was an issue in the previous Parliament in which a Liberal raised a question of privilege on this very issue.

**Mr. Nathan Cullen:** When was that?

**Mr. John Nater:** What happened is that particular member did not in fact know that he or she was in the position that happened here because the Speaker was not in a position to inform the House. This actually helpfully addresses the concern the Liberals raised in the last Parliament.

We're really looking forward to helping out our friends across the way.

**Mr. Lloyd Longfield:** Who was the Speaker then? Oh yes, that's right.

**Mr. John Nater:** Exactly, and if Speaker Scheer had had this authority granted unto him with this amendment—

**Mr. Scott Reid:** Unto him?

**Mr. John Nater:** Yes, unto him.

**Mr. Scott Reid:** Even unto him, verily.

**Mr. John Nater:** This would have fixed that.

**Mrs. Sherry Romanado (Longueuil—Charles-LeMoine, Lib.):** I've missed you guys.

**The Chair:** You mean the Mr. Scheer who was hung today in the

**Mr. John Nater:** He was hung today. I was just informed that the Speaker at the time asked PROC to deal with this very issue. Here we are—

**The Chair:** —dealing with it.

**Mr. John Nater:** —dealing with it at the request of our former Speaker.

**Mr. Scott Reid:** That's right.

**A voice:** I understand he will be the first person ever to have his portrait hung twice.

**Mr. Lloyd Longfield:** We dealt with it. We got a new Speaker.

**The Chair:** Is there any further debate on CPC-135, as raucous as it's been?

Do you have any other points, Mr. Nater?

**Mr. John Nater:** Perhaps you'd like to know which MP it was who raised the point.

**Mr. Nathan Cullen:** Yes, I'm curious.

**Mr. John Nater:** It was Scott Simms, a member of this committee.

**Mr. Nathan Cullen:** He said we needed to fix this problem.

**Mr. John Nater:** He was the one who raised it.

**Mrs. Sherry Romanado:** He's not here.

**Mr. John Nater:** Where is he?

**Mr. Garnett Genuis:** Is he allowed to speak again?

**The Chair:** We'll vote on the amendment.

**Mr. John Nater:** I'd like a recorded vote.

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

(Clause 297 agreed to on division)

(Clauses 298 and 299 agreed to)

(On clause 300)

**The Chair:** Clause 300 has a residual amendment, which is CPC-136.

Mr. Nater would like to present this.

**Mr. John Nater:** Chair, this would offset the clawback. If there's overspending, obviously there's a clawback, so it would offset that rebate.

**The Chair:** Mr. Bittle.

**Mr. Chris Bittle:** I'll just ask the officials this. From our viewpoint it seems to be redundant.

**Mr. Jean-François Morin:** Subsection 477.74(3) already affects the amount calculated at subsection (2), and currently paragraph 477.75(1)(d) does not refer to subsection (3), so it would appear unnecessary, unless I'm not seeing something.

**The Chair:** Are you saying this wouldn't make any difference?

**Mr. Jean-François Morin:** No.

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

**The Chair:** We now have CPC-137.

I'll ask Mr. Reid to present this.

**Mr. Scott Reid:** As tempted as I am by that generous offer I'm going to defer to my colleague Mr. Nater.

● (1900)

**Mr. John Nater:** Just to go back and clarify this, typically expenses are rebated now at 60%. Changes in this act have some expenses being rebated at different amounts. In some cases it's 90%.

**The Chair:** Like day care?

**Mr. John Nater:** Exactly. This would clarify the overall cap in terms of the amount that would be rebated at 75%, all things included.

**The Chair:** Mr. Cullen.

**Mr. Nathan Cullen:** Why do you want to do that?

**Mr. John Nater:** Mr. Richards had the foresight to table this motion.

**Mr. Nathan Cullen:** Where is he? I've been wondering who this Mr. Richards is.

**Mrs. Sherry Romanado:** He's with Scott.

**The Chair:** He tabled all these amendments.

**Mr. Nathan Cullen:** He's very interested in this committee and he doesn't show up.

**The Chair:** Mr. Bittle.

**Mr. Chris Bittle:** Our concern is that the amendment would in effect reduce the important allowance that C-76 creates for reimbursing costs that help candidates connect with voters who have disabilities, in my own words.

**The Chair:** Do you have a response to that, Mr. Nater?

**Mr. John Nater:** It's just that we always want to be aware that we're dealing with taxpayer dollars, that we always have an eye to the money we spend.

**The Chair:** Mr. Bittle, you said this reduces ones for people with disabilities?

**Mr. Chris Bittle:** Yes.

**The Chair:** If we're ready, we'll vote on CPC-137.

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

(Clause 300 agreed to)

**Mr. John Nater:** On a point of order, Mr. Chair, I need to correct the record. I misspoke earlier when I made a comment that it was

Scott Simms who made the point of order. It wasn't. It was a different Liberal Scott. It was Scott Andrews who was a Liberal at the time.

**Mr. Nathan Cullen:** That changes my vote.

**Mr. John Nater:** I would like the record to reflect that. I would not want to leave this committee with incorrect information.

**Mr. Nathan Cullen:** That's an important distinction.

**Mr. Garnett Genuis:** You said Scott Andrews was a Liberal at the time. Can you refresh our memory as to what happened?

**Mr. John Nater:** No, I will not be going down that path.

**Mr. Garnett Genuis:** I was just trying to remember. I wasn't here at the time.

**The Chair:** I'm sure Mr. Simms will appreciate this because his staff is here, and we'll pass that on to him.

There are no amendments from clauses 301 to 307.

(Clauses 301 to 307 inclusive agreed to)

(On clause 308)

**The Chair:** It looks as though there's one amendment, CPC-138.

Mr. Nater.

**Mr. John Nater:** This would reduce the disclosure threshold from \$500 to \$200 and would align it with what we have in our own conflict of interest code as parliamentarians, which is at \$200. It aligns the two, and I think it makes sense. I don't think anyone should be accepting gifts of significant value anyway during an election period, so I think putting it at \$200 would be a reasonable amount.

**The Chair:** I think PROC had some debate about that related to the conflict of interest—not that this is relevant—whether the \$200 was enough or not. I can't remember the details so I'll leave that out.

**Mr. Nathan Cullen:** I think some start at \$800.

**The Chair:** Is there debate on CPC-138 on changing the limit from \$500 down to \$200?

**Mr. John Nater:** I would like to provide a little more clarity on that.

Apparently at the beginning of this Parliament that was reduced to \$200 for the Conflict of Interest Code for Members of the House of Commons and PROC had made that recommendation.

It would be consistent with the decision that was taken at that time.

**The Chair:** We'll vote on CPC-138.

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

(Clause 308 agreed to on division)

(Clauses 309 to 319 inclusive agreed to)

● (1905)

**The Chair:** We're going into clause 320. There are four CPC amendments.

**Mr. Chris Bittle:** Before we get into a series of clauses, maybe now is a good time to break.

You can stick around. Ruby, you'll be more than happy to speak.

**Ms. Ruby Sahota:** I thought we were going until nine o'clock.

**The Chair:** Do you not want to stay?

**Mrs. Bernadette Jordan (South Shore—St. Margarets, Lib.):** I believe the Conservative Party.... We're unable to stay past seven o'clock tonight.

**The Chair:** Is that true?

**Mr. Scott Reid:** Why don't we have a motion to adjourn, suspend or something like that, and see how people vote?

**Mrs. Bernadette Jordan:** We're finished.

**The Chair:** We don't have consent to continue past the time we had scheduled.

**Mr. Scott Reid:** No, we're finished.

**The Chair:** We're in this room at nine o'clock tomorrow morning.

The meeting is adjourned.

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