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Chair

The Honourable Larry Bagnell

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• (1100)

[English]

The Chair (Hon. Larry Bagnell (Yukon, Lib.)): The meeting is called to order.

[Translation]

Good morning.

[English]

Welcome to the 133rd meeting of the Standing Committee on Procedure and House Affairs. This meeting is being televised.

We are pleased to be joined today by the Honourable Karina Gould, Minister of Democratic Institutions, who is here to provide a briefing on the creation of an independent debates commission.

You've been here many times, Minister, and we appreciate your time.

The minister is accompanied by Allen Sutherland, from the Privy Council Office. He is the assistant secretary to the cabinet, machinery of government.

Members will recall that the committee did an extensive study on the matter and that our 55th report was presented to the House on March 19, 2018.

I will now turn the floor over to you, Minister, for your opening statement.

Hon. Karina Gould (Minister of Democratic Institutions): Thank you very much, Mr. Chair, and to the committee, for inviting me here today. I am delighted to appear before you with Al Sutherland from PCO.

I appear before you today to discuss our government's commitment to establishing an independent debates commission. We all agree that leaders debates provide Canadians with the opportunity to compare and contrast party leaders' policies, positions and characters.

Canadians, whether they have limited accessibility, live in a rural or remote area or are part of an official language minority community, have the right to access vital information about their choice of leader, party or platform.

[Translation]

Since the 1980s, at least two debates in each official language have been held during the federal election campaigns. These debates

are normally broadcast by the mainstream traditional Canadian media. We all know that leaders' debates play an essential role in Canadian federal elections.

[English]

Unfortunately, in 2015, this tradition was abandoned, resulting in a debate about the debates. When one party could not agree with the consortium of broadcasters, a signature English-language debate was cancelled.

[Translation]

Unfortunately, in the last election, this process was held hostage by political parties and their partisan interests. Canadians paid the price. In camera discussions and back room deals created an environment that made it impossible to know whether there would actually be a debate, or who would participate in the debate.

An independent leaders' debates commission will ensure that the interests of Canadians are central to how leaders' debates are organized and broadcast.

[English]

In 2015, many Canadians were not provided with the opportunity to hear from those seeking to be the next Prime Minister, as the televised debates were not made accessible to all. With the creation of the leaders debates commission, we are ensuring that leaders debates remain a predictable, reliable and stable element of future election campaigns, produced in the interests of Canadians and not political parties.

We did not come to this decision lightly. It was informed by a thorough consultation process that included online consultations with Canadians; a series of round tables with over 60 specialists, broadcasters, academics and stakeholders from across the country; and a study by this committee.

• (1105)

[Translation]

During the consultation period, five roundtables were coordinated by our departments and the Institute for Research on Public Policy. These roundtables took place in Halifax, Toronto, Winnipeg, Vancouver and Montreal. Based on these discussions, recommendations were made, including the recommendation to create an independent body to oversee leaders' debates during federal election campaigns.

[English]

As previously mentioned, the creation of the debates commission was also informed by the report submitted by this committee. I want to thank each of you for your contribution to this study. I am reminded that many on this committee supported the idea of an independent body to oversee federal debates.

[Translation]

This report, together with our consultations and discussions, helped to provide a framework guided by the principles of independence, impartiality, credibility, democratic citizenship, civic education and inclusion. The message from Canadians was clear. Leaders' debates need to be accessible to as many Canadians as possible on a variety of platforms.

Moreover, they should be organized first and foremost with the interests of Canadians in mind, and not driven by partisan advantage.

[English]

With that, we announce the creation of an independent leaders debates commission, which will be lead by a commissioner and supported by a seven-member advisory board. The commissioner will be mandated to produce two signature debates, one in each official language. The production feed will be made available free of charge to those who wish to distribute it.

[Translation]

The stakeholders also told us that the decision shouldn't be rushed, and that it would be prudent to consider developing a process that could take into account lessons learned in order to avoid being boxed into an inflexible structure.

[English]

This is why the proposed commissioner has been mandated to provide a report to Parliament outlining findings, lessons learned and recommendations to inform the potential creation in statute of a built-to-last debates commission.

[Translation]

The Right Honourable David Johnston has been chosen as the government's nominee for Canada's first leaders' debates commissioner.

[English]

He has served as the Governor General of Canada from 2010 to 2017 and has had an illustrious career. Among his especially notable academic credentials he has served as principal of McGill University, dean of law at the University of Western Ontario and president of the University of Waterloo. He has chaired commissions at the federal and provincial levels on a wide range of public policy matters, including the environment, learning and broadband access.

[Translation]

He has also moderated several leaders' debates, including during the federal elections in 1979 and 1984 and the Ontario provincial election in 1987. He was also the host of public affairs programs on CBC News-World and PBS.

[English]

I have no doubt that as the commissioner he will execute his role in a manner that is neutral, fair, principled, and importantly, with the interests of Canadians at heart.

[Translation]

The commissioner will also be mandated to engage with political parties to negotiate the terms of the debates, with the media to ensure broad distribution, and most importantly, with Canadians to raise awareness about the debates.

• (1110)

[English]

His mandate will be to produce two debates that reflect the highest journalistic standards. By contracting out the role of content creation and format to a production entity, the themes, topics and questions will all be in the hands of the production experts, not the commissioner.

Regarding who can participate in national televised leaders debates we have established clear criteria that will need to be met by political party leaders. In 2019, debates would include leaders of political parties that meet two of the following three criteria: one, have a member of Parliament elected as a member of that party in the House of Commons at the time the election is called; two, intend to run candidates in at least 90% of electoral districts; and three, have either obtained 4% of the vote in a previous election or a legitimate chance to win seats in the upcoming election.

[Translation]

These participation criteria reflect the broad parameters already used by the broadcasting consortium for past elections. They take into account the feedback from the consultation process. The commissioner will be mandated to finalize and apply the use of these participation criteria for 2019, and will provide recommendations for participation criteria for future debates.

[English]

Leaders debates are a fundamental exercise in democracy and the independent commission will make debates a more predictable, reliable and stable element of federal election campaigns.

[Translation]

I firmly believe that the leaders debate commission will ensure that all Canadians will have access to televised debates during the 2019 election campaign.

Thank you again for having me here today and I look forward to your questions.

[English]

The Chair: Thank you, Minister.

Now we're going to set a mini-precedent in history. The Liberals have generously given up the first slot. For the first time in history, the leader of the Green Party will have the first slot, for seven minutes.

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

Thank you to all my colleagues.

I know how happy you are, David. It's really a good thing.

Mr. David Christopherson (Hamilton Centre, NDP): [*Inaudible—Editor*] and save us time.

Ms. Elizabeth May: I will ignore that as unworthy of you.

Hello, Madam Minister.

It is the case that, as you said, the 2015 election campaign fell apart in terms of the leaders debates when the leader of the Conservative Party and the leader of the New Democrats both refused to participate, which was sad for me. As you know, the consortium had said that under their rules the Green Party was now in the national leaders debates. It was at that moment, unexpected—and one would say, speaking of precedents, unprecedented—that a sitting Prime Minister and the leader of another opposition party would work together to deprive a space in a debate to a party that had won a seat in the House of Commons.

I'm glad to see this, as you know, I welcome the creation of a leaders debate commission.

Can you, for clarification purposes, outline what today you're presenting to us that is new information over the proposal last time? Is David Johnston now not a nominee but the official debates commissioner? The details around the content creation being done by a contracted-out entity, that strikes me as new. Could you just highlight what you're presenting today that is new information?

Hon. Karina Gould: There is actually no new information that I'm presenting today. The part around content creation was something that came up in the media afterwards, and we felt it was important to clarify this, that it is not in fact the debates commissioner who will be creating the debate. It is his mandate to ensure that the debates happen and to contract them out to a production entity.

Ms. Elizabeth May: If I can pursue what might be done that might have been new information, last time I asked you, you hadn't had any conversations with what's known as the consortium. I referred to it a moment ago. It was CBC, Global, CTV, TVA and Radio-Canada. Those five news organizations have organized the debates ever since the late 1960s. Has there been any consultation with them as to whether they are prepared to work with the debates commission, or whether they see this as a good thing?

Over the years, they're certainly told me, individuals who are the heads of the news bureaus of those networks have said, being the consortium was rather a thankless task and something that they would love to have someone else run. On the other hand, they've been pretty clear that this is their turf and they know how to organize and produce good debates. I'm wondering if any of what we're presenting now is based on talking to individuals or the consortium as a group.

• (1115)

Hon. Karina Gould: I would say that all of the consortium members were part of our consultation process and participated in the round tables that my department along with IRPP organized and their information and their perspectives were certainly taken into consideration through the consultation process. What we did hear

was that there was absolutely interest in continuing to play an important role. However, the commissioner will decide based on proposals that are submitted through a call for proposals as to the organizing entity, but we fully expect that there will be interest on their behalf to participate.

Ms. Elizabeth May: Of course, Madam Minister, one of the key things, the fly in the ointment with this, would be if, having prepared and produced and provided a live feed, the large national networks didn't pick up on that opportunity to broadcast, and there's nothing here that compels them to broadcast. What's your level of confidence that they will broadcast what the debates commission produces?

Hon. Karina Gould: In our consultations, I would say that every participant reiterated the fact that if a feed were to be made available free of charge, it would be their public service to share that feed. There was absolutely a sense from everyone who participated, whether they were a broadcaster, a smaller organization, ethnic media, social media, really everyone we spoke to, that if there was a possibility to share the feed, they would look for ways to share it publicly, because they felt it was part of their public duty to share that with Canadians.

Ms. Elizabeth May: I'm quite relieved to hear that.

If I go back many years ago, there was a report on leaders debates produced by the Centre for the Study of Democracy at Queen's University under the leadership of Tom Axworthy, at the time. It pointed out that in Westminster parliamentary democracy, we don't elect a prime minister and we don't have a presidential system. The leaders debates in some way ape what happens in the U.S. and can lead to Canadians forgetting that they're actually choosing their own member of Parliament in a representative democracy in a constitutional monarchy, in the Westminster system, and not voting for a leader.

I'm wondering if there's any way that the mandate for the debates commission can be broadened to meet some of the recommendations that come from that study from the Centre for the Study of Democracy of having debates, say, between a minister of immigration and each party's immigration critic, a minister of finance and each party's finance critic. The advice from that committee was let's bring into sharper focus for Canadians that we are not a presidential system.

Is there any scope for more than the main two signature debates?

Hon. Karina Gould: We intentionally left it so that there was a minimum of two main leaders debates, enabling the commissioner to have flexibility for those kinds of creative ideas and to support organizations, if they are interested in hosting other debates throughout the country, either with leaders or others. That is a decision that would be left in the commission's hands, but that is why we said a minimum of two national debates, with one in English and one in French.

Throughout the consultations, we heard lots of new creative ideas on how to engage the Canadian public in debates in a broader way and all that information is available to the commissioner, but it's also available publicly in the IRPP's public report on the round tables.

Ms. Elizabeth May: Thank you.

I think that's my time, Mr. Chair. I really appreciate this opportunity.

The Chair: Thank you very much, Ms. May.

Now we'll go on setting precedents, so we'll have the next round begin with the NDP for seven minutes.

Mr. David Christopherson: What you didn't explain is that it would normally go to the Conservatives.

The Chair: Yes, the Conservatives—

Mr. David Christopherson: They handed off their lead to me. If anybody ever needed to know where the expression “politics makes for strange bedfellows” came from, this would be exactly that scenario. I thank my colleagues in the Conservative caucus for an opportunity to jump ahead in the order of precedence.

Let me begin, first of all, by expressing my personal respect for you, Minister. We're in neighbouring cities, and for a while you were our regional minister and you did an outstanding job in that capacity. I enjoy working with you, and everything I have to say is about your government in your capacity as the minister and not as a person or as an MP, because, on that front, you have an impeccable reputation with me.

Having said that, I have to tell you, if the Conservatives had attempted a move like this, the whole country would be enraged, but somehow, because they are the Liberals, it's not as horrible a thing. I have to tell you, this is a disgraceful expression of lack of democracy, again, on the democratic reform file. Let's remember, too, that there's a context to this. There's a history and a pattern.

This government said that the last election we had would be the last one we would have under first past the post. They broke that promise and set that aside. Then they brought in a whole series of draconian changes to our House Standing Orders, moves that Stephen Harper would never even dream of, and they had to retreat on that because of the backlash.

On Bill C-33, we were in the middle, this committee, of doing a major intensive review of the recommendations from the Chief Electoral Officer. That report was supposed to help advise the government, because they had promised that committees were going to matter from now on. We were going to go back to respecting the independence of committees and allowing committees to do their good parliamentary work. That was trounced on by virtue of Bill C-33, the Liberals' major reform bill to the election laws, which was dumped on the floor of Parliament while we were still in the midst of reviewing that report. That led to a filibuster by a certain somebody that tied us up for goodness knows how long until we managed to get that mess the government caused unravelled.

Now here we are again on a major issue, and I don't disagree with its importance as underscored by the minister and by my friend Madam May, but the process matters. This is a democracy. We spent a lot of time working hard on that report, and two of the key things, the biggest rubs that we had the greatest difficulty with, were how we decide who the commissioner will be and what the criteria would be for who's in debates.

None of us at the committee level—and I'll include my colleagues in the Liberal caucus for this part of it—felt adequate to make that

decision as a committee made up of members from all the parties. Now this government has come along and here's its rationale; here's the thing. I claim the reason they had to do this was that they've mismanaged this file so badly that they didn't leave enough time. In fact, we just barely got the last major bill through, again, because of the government's mismanagement. In their own backgrounder for justification for ignoring this committee and running roughshod over democracy, here was their rationale:

In the interest of time, and as a starting point for the upcoming 2019 debates...

It's as if nobody had talked about it yet, as if nobody was paying any attention, and the government went, “Oh, wait a minute. We should do something, and there's really not enough time to do it, so we'll just make that decision.”

This is so important, and I am so profoundly disappointed that the government has been so undemocratic in their approach here and so unilateral.

My only question, I guess, would be, at this point, where on earth do the Liberals—never mind government—get off believing that they have the almighty power and right to unilaterally appoint the commissioner and unilaterally decide who's in the debates and who isn't in the debates?

• (1120)

Where do the Liberals get off believing they have the right to make that decision when we, collectively, at the committee level, which the government was supposed to respect, have said that we need to put it into a process so that it's fair? How do the Liberals justify saying, no, they know better and they'll just set aside what the committee said?

• (1125)

The Chair: Minister.

Hon. Karina Gould: Thank you, David.

We did listen to the committee, and in fact 10 of the 12 recommendations are directly reflected in this proposal.

You and I both agree that leaders debates are crucial for Canadians to be a part of. We also listened to the committee and appreciated the fact that this is a challenging process, which is why we have put forward a two-step process, to have something in place for this election, to see how it goes and then to have the commissioner, who is independent of government, come back and report to this committee on how best to make this a permanent process.

I firmly and strongly believe that Mr. Johnston is absolutely the right person for the job. He is above partisanship. He has an incredible amount of personal integrity and he has consistently served this country and put public interest above everything else. Ultimately that's what this process is about. It's about ensuring that Canadians can see their main political leaders debate each other and that they can appreciate their policies and their characters, so that Canadians can make a decision and a choice for who they want to govern them in 2019.

Mr. David Christopherson: Minister, those are your talking points. You didn't answer my question.

How do the Liberals believe they have the right to unilaterally make decisions that we at this table, collectively, felt shouldn't be made unilaterally and ought to be put into a democratic process? That was my question. Where do the Liberals get off believing that you have the right to make those decisions when this committee...? You said that your government was going to respect committees. This committee said we don't feel right making that decision. You didn't answer my question.

The macro thing I'd like to know is how you are going to fix this state, because right now an important element of the next election is clouded in, at least, concern and debate? How are you going to legitimize this without first having it go through this committee? How are you going to do that?

Thanks, Chair.

The Chair: Minister, be very brief, because the time is up.

Hon. Karina Gould: We did listen to the committee because one of the recommendations from the committee was to ensure that criteria were established well in advance. That is precisely what we are doing.

Mr. David Christopherson: Not by the Liberals....

Hon. Karina Gould: We are doing that, and the commissioner will have the ultimate discretion.

I think that all those around the table would agree that Mr. Johnston has an absolute level of integrity. We strove to ensure that the person appointed initially, our nominee, would be above the fray and would always place the interests of Canadians at the heart of every decision that he is making in this context.

Mr. David Christopherson: Maybe you hoped it would cover up your anti-democratic process.

The Chair: Thank you.

We'll now go on to Ms. Kusie.

Mrs. Stephanie Kusie (Calgary Midnapore, CPC): Thank you, Mr. Chair.

Minister, it's always lovely to see you.

My first question goes back to Mr. Christopherson's. In what way do you feel that the appointment of Mr. Johnston is democratic? I received a phone call from you the morning of the announcement, saying that this is who the candidate is. There was no consultation with me or the other parties, as we are hearing now. In fact we didn't even receive a short list.

Again, I think we're all in agreement here that it's not the quality or the integrity of the candidate, but the process. We don't know the process. For us, there was no process.

Perhaps you could expand on how you feel that was a democratic process when none of us were consulted in regard to not only a short list or discussion of candidates beyond that but the selection of the candidate himself. How is that democratic?

Hon. Karina Gould: All of us agree on the integrity of the nominee we have put forward, and in fact each member of this committee had the chance to question Mr. Johnston, I believe it was two weeks ago, on his plans and his intentions.

I strongly believe and stand by the fact that he is absolutely the right person for this job and that he will ensure a fair process when it comes to ensuring that those two debates happen, so that as many Canadians are included in the process as possible.

I take issue with the fact that we did not consult because, absolutely, this committee played an essential role in coming up with the proposal that we have here before you today with regard to leaders debates. Canadians across the country—more than 14,000 Canadians—submitted during our online consultation, as well as at the round tables we held with experts, academics and stakeholders.

● (1130)

Mrs. Stephanie Kusie: Thank you, Minister. I'm very happy to hear you're comforted that we weren't provided the opportunity to consult.

Do you have similar feelings with regard to the fact that the appointment was not brought through the House of Commons, which would have allowed for adequate debate, as well as a vote with regard to the candidates? Do you have some regrets or remorse over that, and were you to be involved in a future process, would you hope that a selection would involve a more democratic process through the House whereby there would be debate and the opportunity for consensus within the House?

Hon. Karina Gould: I won't prejudge a future process, but what I do think is important to note, as I have reiterated several times, is the fact that we have put forward a two-step process. This is an interim measure to test it out to see how it goes in 2019. We have mandated the commissioner to come back to this committee and to the House with a proposal for how to move forward. That is something I think will be quite important in terms of how we create a stable process moving forward. I'm sure that this experience will inform the commissioner's suggestion and recommendation, following the 2019 election, on how leaders debates should be conducted.

Mrs. Stephanie Kusie: We are calling this an independent commission, yet it's funded by the Liberal government, it was created by the Liberal government and it's the Liberal government that decides the criteria for political party leaders to participate within the debate. Given all of that, how can we possibly say that this is an independent commission?

Hon. Karina Gould: If you take that line of reasoning, Ms. Kusie, then you would question the independence of any entity that has public funding, which I think is not the direction that you would like to go. However, the funding is provided to the commissioner, and he will determine how that money is used. We want to ensure he had sufficient resources available to produce two high-quality debates, one in each official language, and to ensure that those would be diffused as widely as possible.

[Translation]

Mrs. Stephanie Kusie: Marie Vastel, of *Le Devoir*,

[English]

Andrew Coyne of the National Post—one of my favourites—Chris Selley of the National Post, Chantal Hébert of the Toronto Star, and Colby Cosh of the National Post have all written articles indicating that this is a bad idea. How can your government possibly think that you have the support of the journalistic community and sector when so many leading journalists have come out in opposition to this idea?

Hon. Karina Gould: Ms. Kusie, the key audience for this is Canadians. Ultimately we want Canadians to be able to see their leaders debate. The whole guiding principle—

Mrs. Stephanie Kusie: And you don't think these top professionals know how to do that, given their experience?

Hon. Karina Gould: —of this proposal and the reason for creating a commission is to have Canadians' interests at the heart of it. That is specifically what we are doing. We are ensuring that the commissioner will have sufficient resources to ensure that a broadcasting entity will be able to produce quality debates for Canadians that will meet high journalistic standards, and also ensuring that the questions and the format are determined by those who are best able to do that.

Mrs. Stephanie Kusie: Is it true that one of the seven positions is held for a PCO member?

Hon. Karina Gould: There are seven advisory positions that the commissioner will choose. This is based on the consultations that we have conducted across the country that wanted to ensure that there was broad representation of diverse groups, of women, of official language minority communities, of the accessibility community—

Mrs. Stephanie Kusie: Is that a yes or a no, please?

Hon. Karina Gould: —so it is up to the commissioner to determine who will fulfill those seven advisory positions.

Mrs. Stephanie Kusie: Finally, do you think \$595 million, as outlined in the federal fall economic update yesterday, contributes to a democratic media?

Hon. Karina Gould: We have fundamentally different views about the news and journalism. On our side of the House, we believe that a strong, free, independent press is an absolute must and pillar in a democracy—

Mrs. Stephanie Kusie: It's funded by the government.

Hon. Karina Gould: —and if we do not have that robust media landscape in Canada, our democracy will be at peril.

• (1135)

Mrs. Stephanie Kusie: Thank you, Minister.

The Chair: Thank you, Ms. Kusie.

[Translation]

We'll now give the floor to Ms. Lapointe.

Ms. Linda Lapointe (Rivière-des-Mille-Îles, Lib.): Thank you, Mr. Chair.

I want to welcome Minister Gould and Mr. Sutherland.

I'll start by quoting our colleague, David Christopherson.

[English]

At our last meeting, on November 6, we had Mr. Johnston and this is the beginning of Mr. Christopherson's quote:

You are the gold standard of public service and I can't imagine any position for which you wouldn't be eminently qualified to represent Canadians and bring that fairness and values, and your integrity and your intelligence, your experience, to bear. I can't emphasize enough, sir, that any of my comments that are negative are addressed to the process, to the government, to everything except you.

I have the highest regard for you, as does my caucus, and if at the end of the day, you end up being the debates commissioner, we as a country would be well served.

That's the end of the quote and after that, I have my question.

[Translation]

Minister Gould, I'll continue in French.

You said earlier that the televised debates would be available across the country. Canada is a large country, and sometimes access can be difficult.

Will the leaders' debates commission ensure that all Canadian living in rural and remote areas have access to the various debates? How will it do so?

Hon. Karina Gould: That's an excellent question.

We heard about this issue during the consultations on the debates.

I would like to point out that, when we were in Halifax, for example, people from the French-speaking minority community told us that, during the last election, they didn't have access to the leaders' debates in French in Nova Scotia.

These types of comments helped us confirm the importance of ensuring that everyone, no matter their location in the country or official language, has access to the debates. This includes people who live in rural and remote areas.

We've asked the commissioner to ensure that the debates are available to everyone. The commissioner will decide how this mandate will be implemented. However, we've given the commissioner a tool by ensuring that the debates can be broadcast for free by any broadcaster, including traditional broadcasters and new media. The broadcasters will be able to access and broadcast the debates for free over the radio, on television, through the Internet or in newspapers. We must ensure that everyone has free access to the debates.

Ms. Linda Lapointe: Thank you.

My second question is as follows. When preparing its report, the committee spoke at length about the importance of education. I think education is important because young people must quickly embrace the process as soon as they need to vote for the first time, in order to fully participate in democracy.

How can Canadians be encouraged to participate more actively in the democratic process? How do you think the commission will implement this mandate?

Hon. Karina Gould: Again, the commissioner will need to decide how this will be done.

We've heard, not only from committee members, but also from people across Canada, that we must ensure that Canadians know the process and how the debates work, the reason that some leaders participate in the debates and others don't participate, and the criteria for determining this decision. The important thing is to ensure a transparent process for creating the debates.

As a result, one of the commissioner's mandates is to ensure that the debates proceed in a transparent manner. The commissioner will also have the mandate to inform Canadians about the debates so that they know when the debates will take place and how they can access or participate in them.

• (1140)

Ms. Linda Lapointe: Thank you.

Earlier, you mentioned the participation criteria for the parties.

The criteria are to have a member of Parliament, elected as a member of that party, in the House of Commons at the time the election is called; to intend to run candidates in over 90% of electoral districts; and to have obtained 4% of the vote in a previous election.

In the current political context and given the composition of the House, which parties would be allowed to participate in the leaders' debates in 2019, based on these criteria?

Hon. Karina Gould: Based on these criteria, that would be all the parties currently represented in the House of Commons, namely, the Liberal Party, Conservative Party, NDP, Green Party and Bloc Québécois.

Of course, the third criterion is a little open-ended. If there's a political change and there's a new party or new party leader, they can ask to be included in the debates. The decision would again be left to the commissioner's discretion.

Ms. Linda Lapointe: Okay.

I gather that, when it comes to a new party or new parties, the commissioner must decide whether the third criterion—to have obtained 4% of the vote—applies?

Hon. Karina Gould: Yes. The commissioner could refer, for example, to opinion polls or other information that shows a real possibility that the new party will win seats in the House of Commons.

Ms. Linda Lapointe: Okay.

It will be left to the commissioner's discretion. The commissioner, together with the commission, will need to implement these criteria. Is that correct?

Hon. Karina Gould: Yes.

Ms. Linda Lapointe: Thank you.

The Chair: Thank you, Ms. Lapointe.

[*English*]

Next is Mr. Reid, please.

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

Thank you, Minister, for being here. It's always a pleasure to have you here. I always enjoy your testimony and your insight.

I wanted to say, however, that I am disappointed by the way in which the proposal is being structured. I'm particularly disappointed by the way in which the three criteria have been set up. Under the rules, parties must meet two of the three criteria listed by the government in order to participate in the leaders debate. In setting up these criteria, the government has abandoned the proposals made by the majority in this committee, and has also ignored the advice of Stéphane Perrault, our Chief Electoral Officer.

Let me start with Mr. Perrault's comments, which are paraphrased on page 28 of our report. It says:

Mr. Perrault told the Committee that it was, in his view, preferable for Parliament to decide the criteria [for participation in the leaders debates] and have the independent debates organizing entity apply those criteria in a mechanical fashion, with no room for discretion. The reason for this was that should a debates organizing entity be created as a federal body, it would be subject to the Canadian Charter of Rights and Freedoms. Mr. Perrault noted that past legal challenges to decisions surrounding leaders' debates under Charter failed on the basis that the debates were essentially private events, and not subject to Charter scrutiny.

It's hard to escape the belief that the purpose of setting up this quasi-private entity to oversee the debates is to create a situation in which the debates commission and its decisions will be exempt from charter scrutiny, meaning it may well be the case that the debates will be organized in such a way as to violate the charter and no one will have recourse. Is that not, in fact, why it was set up this way?

Hon. Karina Gould: It was set up this way because this committee recommended that we should ensure that criteria were established well in advance. We wanted to ensure that the commissioner, as Mr. Perrault stated in your quote that you stated right now, was able to implement them in a mechanical way that would take that individual out of the political decision-making process—

Mr. Scott Reid: If I may interrupt, there's nothing mechanical about the fact that when Mr. Johnston was here, I asked him a question about what criteria he would use to establish whether a party leader would qualify or not—would they have a realistic chance of winning seats—and he said he'd look into it. I believe he'll be thoughtful, but the fact is that the criteria will be set up too late for any action to be taken to protect charter rights. Moreover, they are absolutely not transparent. It is the opposite of mechanical. There is one hundred per cent absolute discretion on his part.

• (1145)

Hon. Karina Gould: We had to allow for some discretion because, as political contexts can change rapidly, we need to ensure that if there is a surge in support for a candidate or an individual across the country, they are not excluded from leaders debates. That is where it is important to ensure they would still need to—

Mr. Scott Reid: Right. If you'll excuse me again, I apologize. In the committee's report, it stated that we should “meet a threshold of aggregated public opinion support six months (or at another time) prior to a scheduled general election”. You could have said six months, three months or picked a number so that it would be applied mechanically. You did not do so.

The next question I wanted to ask is this. With regard to the criteria that are being used, I note the criteria state that a party leader will be permitted to be in the debate if that party won 4% of the vote in a previous election, not “the” previous election but any previous election.

This is designed perfectly to ensure that the Green Party, which won 3.7% of the vote in 2015 and only 3.9% in 2011, gets to be grandfathered in forever because they won 6.7% of the vote in 2008. The Bloc Québécois will be grandfathered in forever because it won 4.6% of the vote in 2015, even if it's down to one MP. We're going to have a separatist party coming to every debate, including the English ones, forever, because of the fact that they historically won that percentage of the vote.

Why on earth did you pick that criteria, other than to win Ms. May's support so that you could pretend you had multi-partisan consent to this approach?

Hon. Karina Gould: Mr. Reid, as you will note, actually, in number three it says, “the party's candidates for the most recent general election received at that election at least 4%” of the vote, so I have to just correct the record there. It's two out of three criteria, so it could be 4% at the last general election, or have a member who was elected to the House at the time of election under that party and/or run candidates in 90% of election—

Mr. Scott Reid: Look at your website. That is not what it says. Your website says, item three, “Have either obtained four percent of the vote in a previous election”—this is your website—“or a legitimate chance to win seats in the upcoming election”. Criteria number one is the one that refers to having “a Member of Parliament elected...in the House of Commons at the time the election is called”. This is your website, so what you just quoted to us is not what your website says.

Hon. Karina Gould: This is the mandate that was given to the debates commissioner, and we will share that—

Mr. Scott Reid: Why does your website say something different from what you just quoted? I'm reading it right now. I'm online at your website for the leaders debates commission, Government of Canada. Right this minute it says something different from what you are saying. Why is that?

Hon. Karina Gould: I will share the actual OIC with you, and if that's the case, we will correct it.

Mr. Scott Reid: Maybe you could correct your website, too. If what Canadians have been reading up until now is not what your position is—

Hon. Karina Gould: Yes, we will correct it.

Mr. Scott Reid: —then maybe you want to get that straightened out.

Hon. Karina Gould: We will absolutely correct it, but this is the OIC that I have here in front of me. That is the correct language.

The Chair: Thank you.

Now we'll go to Ms. Sahota.

Ms. Ruby Sahota (Brampton North, Lib.): Thank you, Mr. Chair.

That was an interesting exchange. It's not like Mr. Reid to not want the participation of more parties, more thought and more opinions. That's what we've mostly heard on this committee in the past, and I've always respected that opinion before. I can understand the perspectives coming from the other side, but I don't want us to lose sight of the forest for the trees.

What I do want to find out from the minister right now is if you could just remind us—I know you've touched upon it a little bit before—how the commission you've announced has aligned with a lot of the recommendations the committee has put forward, what kind of consultations you engaged in and what kind of consultations the government engaged in to ensure that stakeholders were heard before you made this commission.

Hon. Karina Gould: Absolutely. Thank you very much, Ruby, for those questions.

As I stated earlier, we engaged quite widely in the consultation process. We had an online consultation process. Over 14,000 Canadians submitted to that. We organized round tables with my department and also with the Institute for Research on Public Policy. We had over 60 different stakeholders from traditional media, new media, academics, indigenous representation, disability groups, minority language groups and women's groups. Really, we tried to reach out as broadly as we possibly could.

What we heard from them was the importance that Canadians place on leaders debates, that leaders debates for Canadians are key decision-making moments in terms of who they want to be governed by, the policies they hold dear, and understanding how they are going to react and interact with each other in tough decision-making moments.

One of the things we heard time and time again was that it was one of the few opportunities during an election campaign to spontaneously engage with a political party leader. It demonstrated character, and it demonstrated how that leader was going to act as a potential prime minister. It was so important for Canadians across the country that in 2015, although there were more debates, fewer Canadians across the country were able to access them. That was something they felt needed to be rectified.

• (1150)

Ms. Ruby Sahota: From the criteria that have been talked about here today, it seems to me that they have been formulated in such a way that we would be able to provide more of an opportunity to more parties to be able to participate in this process. Is that correct?

Hon. Karina Gould: The idea with these participation criteria is to ensure that those who have a legitimate chance of entering into the House of Commons and forming government will be able to engage with other political leaders, and Canadians will be able to interact with them.

Ms. Ruby Sahota: You spoke a bit earlier, Minister, about Mr. Johnston's qualifications. I've looked at a lot of the work that he has done, and also there have been a lot of statements made by prominent people about the work he has done and how well he served, even as Governor General. I'd like to point to a quote by the RIM founder, who said Mr. Johnston:

...has led the University of Waterloo during the most prolific growth period in its history. He has worked tirelessly to position the University of Waterloo as a world-class institution of math, science, engineering, health and the arts.

David's strong understanding of law and the Canadian Constitution, combined with his great communication skills, charm and real ability to achieve consensus amongst stakeholders, will serve him well in the role of Governor General.

Now I would think that those qualities, those skills that were listed in that quote, would be essential to a commissioner in this position. Can you elaborate about how being able to achieve consensus and being somebody who can bring people to the table may avoid the situation we had in 2015?

The Chair: Please answer in 20 seconds.

Hon. Karina Gould: I think that being a consensus builder, someone who is above partisanship, someone who places the interests of Canadians at the heart of every decision he has taken, will absolutely serve him well in what is a very challenging position but one that is vital to the health of our democracy and to Canadians in the upcoming election.

The Chair: Thank you, Minister.

Now we'll go to Mr. Nater.

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

Thank you, Minister, for joining us today.

I would just note my concern that what's being told to Canadians on your website differs from what is included in the order in council. I think it's a significant concern and an affront to Parliament, but also to Canadians, that different information is being provided to different people.

Hon. Karina Gould: We will rectify that, so thank you for bringing that to our attention.

Mr. John Nater: I appreciate that.

I'm not an expert on the operations of government, so I do look to you and your departmental staff for guidance, but I'm curious. When the debates commissioner was appointed by the tabling in the House of Commons pursuant to Standing Order 110(2), it was considered the debates commissioner. I'm just curious. Where in enabling legislation does the concept of debates commissioner exist? By what legislative authority does that come to be?

Hon. Karina Gould: This is an order in council position, so it does not require legislation.

Mr. John Nater: The order in council takes note of the establishment of the leaders debates commission and the secretariat. Is there no process by which Parliament granted approval for that?

Hon. Karina Gould: Legislation is not required to make an order in council position. That's the prerogative of the government.

However, we did encourage this committee to engage with the commissioner, and as I have mentioned before, we see this as a two-step process. We're keenly looking forward to seeing how this process rolls out over the coming year and, of course, receiving the recommendations from the commissioner following the 2019 election, at which point there is a possibility that it could be recommended to be in statute.

● (1155)

Mr. John Nater: Again, I'm no parliamentary historian, but I do remember something from a few hundred years of history, going back to the power of the purse, about the supremacy of Parliament where government cannot do that which Parliament has not authorized. I do find it curious that in this sense it is the government, without parliamentary approval, going ahead and establishing this entity.

I want to follow up on something that is in your order in council. It states very clearly:

5(1) The Leaders' Debates Commission is an agent of Her Majesty and, in that capacity, may enter into contracts or agreements with third parties in fulfilling its mandate.

When we think of an agent of Her Majesty, we may think of the former governor general serving in that capacity, but in this sense, would you not agree that an agent of Her Majesty actually refers to being an agent of Her Majesty's government? Is that not correct?

Hon. Karina Gould: We needed to establish an entity by which the commissioner would be able to enter into contracts. That will be something that is entirely up to the debates commission, how it does that. He will operate independently.

As has been said, he will be choosing the seven-member advisory panel and deciding how his office will be staffed. We are simply ensuring that he will have the resources and tools at his disposal to be able to conduct his work.

Mr. John Nater: As an agent of the government, is that correct?

Hon. Karina Gould: As an independent actor who will have the tools and resources at his disposal. However, beyond providing those resources, all decisions will be his own and he will be acting independently.

Mr. John Nater: It doesn't mention that in section 5(1) but we'll carry on.

You mentioned that the feed would be taken and provided to all broadcasters free of charge. In the last election, I noted that all five debates were carried by CPAC, our public broadcaster, which did an exceptional job. I would note that other broadcasters did not do so, despite the feed being provided for them. We saw reruns of *Coronation Street*, so I would comment that I think you're being overly optimistic to think that the major broadcasters will automatically jump on board when they did not do so in the last election.

I want to end there. I will give my last minute to Mr. Christopherson.

Mr. David Christopherson: Thank you, Mr. Nater.

Chair, I move:

That the Committee immediately begin reviewing the government's announced leaders debate commission and make any necessary recommendations in a timely report to Parliament.

The Chair: Okay.

That motion is open for debate.

Mr. Nater.

Mr. John Nater: I agree with Mr. Christopherson's motion. It makes perfect sense. This type of entity ought to have been established by legislation. That would have been the appropriate thing to have done. It would have gone through the legislative process, through Parliament. It would have given us the opportunity to have a meaningful debate on how this entity ought to function. As a committee, we did an extensive report. We didn't agree on all the points. We provided a supplementary opinion from the Conservative opposition but our biggest concern from the start was very much what's happened here, that the government would act unilaterally. That was the concern of the Conservative Party, and that's exactly what came to fruition.

Barring the fact that I don't see the government being eager to table legislation to implement this program, I think Mr. Christopherson makes a good point. Let's work as a committee and review what's been proposed, review the order in council and the appointments, and bring in the proposed appointee to discuss. We had an opportunity to discuss his qualifications with him but his qualifications did not allow us to talk about his proposals for the entity.

Rightfully you, Mr. Chair, kept us from going in that direction as is the right of this committee and outside the scope of that presentation, but we have not had the opportunity to discuss with the appointee what his proposals are, what the options are, and who might and ought to be on the seven-person advisory panel, who ought to be the appropriate people there, what mechanisms may be in place to ensure a wide broadcast and wide beyond simply broadcasters. I've mentioned this before in this committee, that individuals in my generation, and your generation as well, Minister—our collective generation—do not turn to the major broadcasters for their news. I saw a poll recently that it's fewer than 50%.

I'm not going to speak any longer, Chair, I just wanted to put it on the record that I think this is an important, worthwhile discussion to have. I think Mr. Christopherson made a perfectly reasonable explanation. If we're not going to have legislation, let's look at this.

• (1200)

The Chair: Carry on the debate on the motion, Mr. Christopherson, keeping in mind the minister will be here for two more minutes.

Mr. David Christopherson: Yes, and I don't want to filibuster my own motion.

The Chair: Okay.

Mr. David Christopherson: In doing this it would help provide at least some modicum of legitimacy to the creation of this commission as opposed to where we are right now.

The Chair: Mr. Reid, you have about a minute on this section before the minister—

Mr. Scott Reid: Yes, unfortunately I don't know how to speak to this and ask the minister a question unless you want to adopt the Simms rule codicil for witnesses on the fly.

The Chair: If it's okay with the minister, go ahead.

You have less than a minute now. Ask her a question.

Mr. Scott Reid: All right.

It's simply this. How did you get this incredible mess-up where one thing is being told to the public on your website and one thing in your order in council? Are we to assume—it certainly seems plausible—that there was a draft version on the website, and you adjusted it? What's the basis for that? Will you report back to us on how this mess occurred?

Hon. Karina Gould: We will certainly look into it.

Mr. Scott Reid: Will you report back to us?

Hon. Karina Gould: We'll report back.

Mr. Scott Reid: You'll send a written report?

Hon. Karina Gould: Sure.

Mr. Scott Reid: Fantastic.

Thank you very much.

Hon. Karina Gould: It's human error, probably.

Mr. Scott Reid: Can I go on to the rest of the question?

Do you want to let her go?

Hon. Karina Gould: I don't think it's—

The Chair: Basically, our time for the minister is up.

Maybe we'll suspend and then come back.

Mr. Scott Reid: All right.

The Chair: We'll suspend for a minute or so here.

Thank you, Minister.

• (1200)

(Pause)

• (1210)

The Chair: Mr. Reid has the floor on the motion.

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

The motion moved by Mr. Christopherson was “That the Committee immediately begin reviewing the government's announced leaders debate commission and make any necessary recommendations in a timely report to Parliament”.

Mr. Chair, this is a motion that I support. I support it because now we have a chance to do one of the fundamental things that parliamentary committees ought to do, and this committee in particular, which is to review the proposals from government and to suggest any necessary changes.

In the case of this debate commission, it seems to me entirely appropriate simply because the commission, while structurally it does bear some resemblance to that which was proposed by the committee in a majority report—in which my party did not concur, but nonetheless a majority of the committee—had put forward, a closer examination reveals that it is in fact not the same thing as was proposed. For example, it is not a fully independent commission. The commissioner is almost certainly not a fully independent individual, by any stretch of the imagination, once one examines the nature of the appointment. My colleague, Mr. Nater, will be speaking to that point, when the floor goes to him.

I think it is of fundamental importance to point out that this body and its decision-making power is structured in such a way that it has a great deal of discretionary authority. This was something that was specifically spoken against by the Chief Electoral Officer of Canada, who said it is vital that this body, both the commissioner and the commission, be set up in such a way that they are subject to charter challenge, which is something that has been denied by setting it up through an order in council. This means that the commission could make decisions that have the effect of trampling on one or more of the rights protected in the charter.

From my perspective, the most obvious one would be section three, the right of citizens to vote, which if interpreted broadly and purposively, which is the way in which the Supreme Court normally recommends we treat charter provisions—giving it what was known in the old days as a large and liberal interpretation, with “large and liberal” being a synonym for purpose of interpretation—includes the right to do so in an environment in which the party in power is not setting the rules, not privileging itself and not stripping away the powers of others.

I note that, under the criteria laid out here, the party that I joined in 1990, the Reform Party, would not have been eligible to have a participant in the leaders debates, since it didn't meet all the criteria.

•(1215)

The Chair: It would not have met two of the three.

Mr. Scott Reid: I understand that. We would not have met two of the three criteria.

At the time, it was considering whether it would run candidates across the country. In 1993, it did make that decision. It had one member of Parliament elected in a by-election under its banner, but had Deborah Grey not successfully contested that by-election four years in advance of the general election in which I ran, the party would have had a problem.

This is something that appears to follow a pattern I have seen here since I was a staffer in the 1990s, and in those days, as Reformers, we used to say, “Liberal, Tory, same old story”. It is the efforts of the incumbent parties to try to freeze out their competitors, new parties that were competing against them.

We've all faced challenges from new parties. The NDP came out of the CCF, but the CCF was an insurgent party that came in. For the Reform Party, subsequently the Canadian Alliance under whose banner I was elected, it is a similar story, and for the Bloc Québécois, a similar story.

I note that under the criteria laid out here, although the Bloc Québécois can participate in leaders debates forever and ever as long as they elect one member of Parliament, they could not have contested and had a candidate in the 1993 leaders debates—where they became the official opposition—because of the fact that they had nobody elected under the party banner in the previous election.

There was a by-election. One member, Gilles Duceppe, had been elected as an independent and, therefore, not under the party's banner, so even though they had someone who had successfully run for them, they still wouldn't have qualified because they didn't meet the criterion of the number of seats and they did not have somebody who had been elected in the previous election. They would not have

had two of the three criteria, yet they became the official opposition, and in that election, they got 13.5% of the vote. Now they're down to 4.6% of the vote, while Ms. May is down to 3.7% of the vote, but they're in for eternity in leaders debates.

This is clearly very problematic indeed and deserves the review of the committee whose recommendations were not taken, although there was a pro forma effort at making it look as though they had been taken by the government. The government's actions in this regard are disappointing, and quite frankly, self-serving. It's perhaps not unexpected.

Anyway, on that basis, there is a strong argument to do so. I note that Mr. Christopherson, in his motion, says we would report back in a timely report to Parliament. I heartily agree with that. In my view, our report to the House of Commons should happen before Christmas. That's a reasonable thing. The evidence is now in front of us and we can move quickly. That allows us to do so in a manner that does not in any way prevent a commission that meets more accurately with the recommendations made by this committee. Of course, my party didn't concur, but Mr. Christopherson did concur in those recommendations, and his party did. That just seems at least more consensual than what was done with this particular order in council.

I'll stop there and thank you for your generosity in accommodating this debate when we had scheduled something else.

Thank you.

The Chair: Thank you, Mr. Reid.

We'll go on to Ms. Kusie.

Mrs. Stephanie Kusie: Thank you very much, Mr. Chair.

I, too, am in support of this motion. I think there are just too many unanswered questions in terms of how this commission and the position of the debates commissioner came to be, which I believe we outlined to some extent this morning when the minister was here. I certainly brought some of those to light, and they included the lack of transparency regarding the process to determine the appointment of the commissioner.

I think we all felt very strongly that Mr. Johnston is indeed a very strong candidate, certainly not only given his professional background and his background as an official of the state. I think we'd be hard pressed as Conservatives to find any fault with his experience and his background, as well as the fact that he was appointed by our previous leader and Prime Minister.

It was more in regard to how we feel as though we were...and you know, we're not alone in this feeling. It's also been indicated by our colleagues from other parties that we were not provided the opportunity to submit names. I did not submit a name. In fact, I didn't even get any consideration because I wasn't asked to give it consideration. In addition to that, we did not receive a short list to do a comparative analysis and decide if one candidate might have qualities over another that might serve the Canadian public well in the role of debates commissioner.

This role does require a special individual with special talents. It's very important that we take the time to evaluate those, in this case even in a comparative analysis, as I said, but we weren't provided with that opportunity to do such an analysis—not at all. In fact, it was a morning, not a cold morning like this morning, but a morning, where I received a phone call from the minister. I was looking out over Ottawa and thinking, “What a great day.” She had news that Mr. Johnston had been chosen as the candidate.

Again, I was pleasantly surprised to hear that it was Mr. Johnston. As I indicated, we have no qualms, to use a popular phrase, in regard to Mr. Johnston. It is, again, the way it was determined that is a concern. In fact, we don't even know how it was determined. We will never know the other candidates the government considered. We'll probably never know the other names that ended up deleted, refused or sent back. Those will always be a mystery to us most probably, having been left with this one single candidate.

Moving on, I was very relieved to see the minister express regret that there was no further exploration of other people in other capacities in an attempt to do this.

The second point I brought up to the minister was that this appointment was not brought through the House of Commons, which would have allowed adequate debate and a vote. We here in the opposition are no strangers to having debate shut down, I'll tell you that. Many of my days, many of my mornings, to talk about mornings again, have been absolutely ruined by time allocations. The list of things I had planned and the things I was going to accomplish just all never came to pass because of time-allocation votes.

Here's yet another situation where a fulsome debate in the House has not been allowed. Never mind a vote, even debate, but a vote as well, because isn't that really why we are all here, to vote and to express the will of our constituents, and of Canadians?

• (1220)

That is certainly something the minister talked a lot about this morning, doing this for Canadians. Are we really expressing the will of Canadians if we, as their representatives, did not have the opportunity to vote on their behalf, not even on a list of candidates but a candidate? This did not happen.

On debate, my goodness, there was just so much to debate here in regard to the process: the composition of the commission, the number of debates, the language format of the debates, and the information regarding the broadcasting. I think we could have spent literally hundreds of hours on debate, or certainly dozens of hours on debate. This is something that truly affects Canadians so directly and so consequentially.

As I have stated from the beginning, the debate format is how Canadians get to know the individual who will be the leader of their nation. This is a very integral part of that. Certainly they'll read articles online, they may catch clips on TV, and all leaders during the election will be out and about, pressing their platforms in all parts of the nation, attempting to meet people and to sell their ideas. But this debate format is integral to allowing Canadians to make decisions. What could be more important than that?

The fact that we were not able to debate that within the House and bring it to a vote is just incredibly unfortunate, and really, in my humble opinion, can't be called democratic.

We talked about this term “independent commission”. Now, independent commission itself is not a paradox, but if I were to say, “government” independent commission, that is a paradox right there. They're two words that just don't belong beside each other. “Independent government” commission, I guess I should invert those two words so it's actually probably more appropriate in terms of how we might express it.

As I indicated this morning, how can this possibly be independent when, in fact, it is funded by the Liberal government?

The minister did make me think a bit when she said we could say that about all entities. Yes, I guess we could, but yesterday, for example, when we had the fall economic statement, it's clearly defined as the government's fall economic statement. It wasn't the independent fall economic statement. It was the federal government's fall economic statement, yet this is claiming to be independent. The two are actually very different.

As I said, it was created by the Liberal government. Those are my favourite games where I get to make up the rules. I really like those games a lot. It was created by the Liberal government, and the criteria, which we've seen, which my colleague Mr. Reid has shown, is in fact conflictual. It's conflictual within its own context and within its presentation, as we are finding out in the differences between the order in council and what is on the website. We can't even determine with certainty what they intend the criteria to be, much less what the interpretation of the criteria is. We're at a loss in both those senses, which really begs the necessity for this further review, without question.

Especially this third one to determine success in the next election. My goodness, what do we use? A magic eight ball, a crystal ball, who knows? What data predicts the...? I guess we can look to past data in an effort to predict the future, but it's never really perfect, is it? I think in fact we've seen that with polls more and more in recent history, as we have seen some surprising outcomes from elections. As I was indicating, the criteria are not clear.

• (1225)

I was very disturbed to hear that one of the advisory positions, as I understand it, goes to a PCO member. If that doesn't scream “not independent”, I really don't know what does. Maybe if the Prime Minister were to sit, is that independent? Probably not. It's sort of getting there, though, if someone from the PCO is a member of this advisory commission without question.

I indicated to the minister that many of the leading industry participants, top journalists... I mentioned Chantal Hébert, Marie Vastel and Andrew Coyne. I really like Andrew Coyne. He's always right on the money. There is Chris Selley and Colby Cosh. I feel like I grew up with that guy. When I read his column, it seems we've always been in the same place at the same time.

My point is that all of these top journalists are coming out against this idea of this debate commission, and that is an indicator of the necessity for this study. Really, yes, this is supposed to be for Canadians, as the minister indicated. However, who better to guide us in terms of the information Canadians want to have and need to know—a term we hear a lot in our society—in an effort to make their decision, possibly one of the most important decisions they can make?

All of these top journalists and all of these top people in their field have, in fact, come out against this idea. It really warrants review when those who have historically played this role are saying this is a bad idea. That should be like a flashing red light, and certainly an amber light—if nothing else—to be like, “Whoa, slow down. Let’s re-evaluate this. Let’s see what we’re doing here, really.” Those things are all very important to consider.

Unfortunately, this debate commissioner comes at a time when we are questioning democracy in terms of some of the actions we have seen within this government. Many of the ideas in Bill C-76 have been discussed at length and ad nauseam, including our perspective on spending limits, something very concerning. There is also the fact that five third parties could outspend a registered party. That’s very concerning.

We’ve seen a lot of concern in regard to the voter cards, and making sure there is legitimacy of the electorate. That’s very important. The non-residential requirements are very concerning.

With regard to foreign interference, we were told in this bill that this is bad or don’t do that. However, were the mechanisms legislated to specifically prohibit this from ever happening? No, they were not. Therefore, they are still in play. Then, of course, there is the aspect of foreign influence, which the bill did not touch at all. As time goes on, I am seeing this more and more also as a defence issue, and not just as a democratic institutions issue. It certainly has an effect on our democratic institutions when this type of activity occurs, so we need to be ready for it.

● (1230)

I was just in Silicon Valley over the weekend. I had the incredible opportunity to watch a panel with the vice-president of communications at Facebook, Mr. Elliot Schrage. He, in fact, was dealing with a serious external breach the day before. It just takes an example like that to show you how effectual this type of activity can be. It’s one of those things you think is never going to happen, and then, lo and behold, it happens. We can’t just hide our heads in the sand and pretend this isn’t going to occur. We have to take real measures to absolutely make sure this doesn’t come to pass.

I was really lucky. I had a real education in Silicon Valley in regard to these types of security breaches, which could be part of our review as we go on to evaluate the possibility of a review. I’m going to go over just a few of them, which I thought were so fascinating: Saudi Aramco, the product of the Iranian government; DarkSeoul, out of North Korea; Sands Casino, again out of Iran. This one was really interesting: Sony Pictures, again by North Korea, on November 24, 2014. My goodness, the possibility for evil-doing is just infinite. They gave us the example—although certainly it’s not an election example—that any foreign actor could hack into, say, a military database and change all the blood types. That would really

throw our defence forces for a loop, heaven forbid, if something should happen.

My point, again, is that these are things that were perhaps not evaluated effectively within Bill C-76, despite all of our amendments and our forced-into amendments. It really is incredible how quickly something like that could happen.

We had that there. When we evaluate Bill C-76, in addition to this debates commission, it unfortunately makes us really start to question the objectives of this government and these actions. “We the people”—we’ve heard that throughout time. “For the people”—that’s something we’ve heard a lot more lately. What do people really think when they hear “we the people” or “for the people”? Even “for the people”—how did people think about that phrase a year ago compared to now? I argue that it has a really different context now from a year ago.

My point is that a government can say it’s really doing this for Canadians, but the only way to truly know that is to evaluate the action and then make the determination whether that is truly what is happening. If we evaluate policies and proposals and actions, and we see that they’re not actually serving the people but are serving the entity—in this case the government itself—then, unfortunately, it’s hard for us to have confidence. That’s all the more reason for having this review.

● (1235)

I’m sure the government would welcome the opportunity to have these tests of democracy checked and challenged because, if they truly felt confident in their capacity as democratic instruments, then they would not hesitate at all in an effort to have them put to each of their own individual tests.

I dare say, some of the stuff you read in the media in terms of the accusations that fly around in regard to third parties is very rich. In fact, we, the Conservatives, put forward amendments that would have eliminated the possibility of many of these problems. They were rejected time after time after time. In fact, it was 194 times, to be precise. One hundred and ninety-four—that’s a pretty big number, I have to say.

We have Bill C-76, and then we have this debate commission, with the uncertain processes for candidates, not having gone through the House—again—trying hard to prove its independence, and questioning the journalists who have come forth opposing it. Then yesterday, lo and behold, what do we see again in the fall economic statement but this announcement of \$595 million for the media.

This is really crazy stuff, seeing this type of money put towards what is supposed to be an independent media. Actually, now that I evaluate that, I really don’t know what \$595 million gets you in terms of production value. With Facebook, you could—

•(1240)

The Chair: Ms. Kusie, could you try to stay more on the motion?

Mrs. Stephanie Kusie: Thank you, Mr. Chair. I guess I'm just talking out the reasons for the necessity for the review, which are many, as I'm determining more and more.

This \$595 million is very concerning in terms of the independent media. I struggle to think, and I don't understand yet.... Maybe it wasn't clear in the fall economic statement and I'll have to follow up further in terms of the actual distribution and the funding tied to that. Certainly this must relate back to the debates commissioner in some way or in some capacity. I would imagine that some of the \$595 million goes to members of the advisory commission who would be on this debates commission, and thus, would they be compromised? That's a really fair question as we consider this \$595 million that was announced yesterday for media.

It's the same: independent commission, independent media. You know what? I don't know what they're saying, but I'd be curious to hear the comments of the journalists in response to this. Actually, they must be quite torn in terms of having a sense of capital, but then also with the strings that are attached. There are always strings attached, it would seem.

I would look to these individuals who commented on the debates commission—Marie Vastel, Chantal Hébert, Andrew Coyne, Chris Selley and Colby Cosh—to see if they will have articles on this media funding as well. Then again, they might stay silent. This is a conflict that occurs when you are given money. It's hard to speak poorly of someone who is giving you something. They must, in fact, feel very conflicted. As I said, it does affect the debates commission, because potentially they could serve as members of this advisory group.

Again, could they be compromised? If we knew, for example, if one of their members' salary was directly paid by this \$595 million from the federal government, could we say that they are truly independent in terms of advising on the rules? Probably not.

I guess it also brings a question in regard to the debates commission. We talk about how they will be free. We might argue we just paid \$595 million for these debates, so maybe they aren't free. I've been pretty good at math, historically. That's close to \$300 million a debate. That's not a cheap debate. That's definitely a lot of money for a debate, if we're to think of it in those terms. Certainly there are reasons that we need to review this announcement—for all of these reasons that I have indicated.

I was thinking earlier about the mandate of the people. The minister did speak quite extensively in regard to the research that was done. She talked about online and she talked about cross-country consultations. I guess that is comforting.

I've never actually read the summary of the consultations. I'm wondering if it was as well received and integrated as was our—

•(1245)

Mr. John Nater: I have a point of order, Mr. Chair.

I don't want to interrupt my colleague for too long. I'm just wondering if it's....

You know what? I'm good. I was just clearing my throat. Thanks, Chair.

The Chair: You're good to go on like this until one o'clock.

Mr. John Nater: Carry on.

Mrs. Stephanie Kusie: What was I talking about? It was the math of the two. That's right, I was talking about the will of Canadians. It sounds like they did their due diligence in terms of consultation, at least from what we heard this morning. I just hope that the Canadian public was paid more respect than we were in regard to being completely left out of the nomination process.

You know what, Chair? I might be wrapping up here. I had a lot to express today.

It is the Grey Cup this weekend. I'm pretty excited, with the Calgary Stampeders in it.

The Chair: It would be nice if it were here.

Mrs. Stephanie Kusie: I'm just saying I want to be part of the solution.

Thank you, Mr. Chair.

The Chair: Thank you, Ms. Kusie.

Now we'll go on to Mr. Nater. I just want to let you know that we have three people on the list.

Mr. John Nater: Thank you.

The Chair: If you want to complete this process, we will.

Mr. John Nater: I have three points, Mr. Chair.

The Chair: Sure.

Mr. John Nater: First of all, one government never stays in power forever. I think that's a given. We've enjoyed the wins and we've enjoyed the defeats of forming government and losing government, as all parties do.

Mr. David Christopherson: Well....

Voices: Oh, oh!

Mr. John Nater: Mr. Christopherson has experience provincially on that end.

It always begs the question, "What about the next appointment?" I don't think anyone has any qualms about David Johnston—he's an exceptional human being and an exceptional Canadian—but what about next time? Will the Liberals appoint Madeleine Meilleur next time, as they tried to do with the official languages commissioner? That's a legitimate question. If the Conservatives were in office, would the opposition have a concern with us appointing someone to fill that position unilaterally? I think that's the concern. Were we to appoint Stockwell Day as the debates commissioner, there might be some concerns around the table outside of our party. That's a challenge and a concern that we have when one party appoints a person to a position, regardless of how exceptional that person is. That's why this isn't about the person. It's about the process, which is why I think this motion is worthwhile.

The second point I want to make is about the order in council appointment. It's a concerning concept from the independent side of things. I want to read very briefly from an order in council appointment on a different subject. It says that pursuant to paragraph 127.1(1)(c) of the Public Service Employment Act, the government appoints someone by the name of "J. Allan Shaw of Bloomfield, Prince Edward Island, to be a special adviser to the Prime Minister, to serve as an ad hoc provincial member of the Independent Advisory Board for Senate Appointments".

I have not yet seen the order in council appointing Mr. Johnston as the debates commissioner, but under all enabling legislation, the only way this can be done is through an order in council making him a "special adviser to the Prime Minister". That's concerning. I do not want to see this tarnished in such a way when it ought to be—and must be—based on this process, yet is done as a special adviser to the Prime Minister. Despite the words of protestation to the contrary, that's effectively what will happen.

The third point is—

● (1250)

The Chair: Did you discuss that with the minister?

Mr. John Nater: I raised the point with her but I didn't get a clear answer on that. Based on the Public Service Employment Act, that would be the only logical way that one could be appointed to a position that doesn't exist by legislative means.

The third and final point—and it's based on the motion itself—is the timing of this report. It says "in a timely fashion". We have six meetings remaining before Christmas. I think all of us would like to see this report done in a timely fashion, and to put words to "timely fashion", let's get this done before Christmas. I have no reason to expect that we can't do that.

If we wanted to gum up this committee, we could gum up this committee. We're not doing that. We want to have a short, timely report on this matter. It can be tabled before Christmas. Mr. Christopherson has joked before that it takes him four hours to clear his throat. We're not doing that. We want to have this report done quickly, analyzed and have the opportunity for meaningful input and meaningful review of this process. That hasn't happened.

I'll leave it there, Chair. Thank you for your indulgence.

The Chair: I have two people on the list, Ruby and Mr. Christopherson.

Do you want to go first, or do you want Mr. Christopherson to go first?

Ms. Ruby Sahota: Mr. Christopherson can go first.

Mr. David Christopherson: Thank you, Ruby.

Thank you, Chair.

I'll be very brief because this is not a filibuster. There was no intent to try to do that. I hope colleagues will appreciate that my remarks are made far more in sorrow than in anger. I'm just so heartbroken that something so important has, as Mr. Nater just described, been tarnished. That's a shame, and it needn't be.

Again, the democratic reform ministry has become the file from hell. This was one of the signature pieces for this government, and

this is the file—one of them—where they have failed the most spectacularly and, unfortunately, in ways that are important. That's where the sorrow comes from. This didn't need to be.

I've indicated to the government, to the minister—I've made no bones about it—my willingness, the willingness of my caucus, to do major reform, especially to undo the damage that the previous government did with Bill C-23. We gave them every political opportunity. Most governments would be drooling at what they were offered in terms of the political coverage of having two of the three parties on democratic reform.

It used to be it had to be unanimous. We seem to have lost that. The best we can get right now is at least a majority of recognized parties in the House, and I know Ms. May doesn't like that, but that's how we work things—at least a majority, two out of three of the parties. I've consistently offered that to the government to let them know that if they do the right thing, they're going to have the political support of the NDP to give them the legitimacy to make the changes, expecting that the authors of the changes in Bill C-23 might be defending them going forward, which they have done.

Parenthetically, and we're starting to get close to going, I just want to thank the previous government members on this file. They could have easily made every single change a hill to die on politically, and justified it to their base. I just want to say that they didn't do that. Where some of us were taking shots at them, deserved in my opinion, obviously, for the most part, they just absorbed the hit, because there was a decision made by the Canadian people in the last election that there were some things they didn't like. I like to think that some of those anti-democratic moves were part of it. I just want to say that I've been impressed with the grown-up approach of the Conservative members, with the way they've conducted themselves when we're dealing with some of their legacy pieces. It has been very classy and very helpful, and Canadians need to know that.

I'll just end by saying my motion is not a "gotcha" by any stretch, and that's why I worded it the way I did. You can see there are no traps in there. Very sincerely, Chair, I think certainly my motivation, and I'm hearing from the Conservatives that it's their approach too.... Again I'll give them their due. They didn't vote for the package, yet when we were working on it they still participated in a lot of areas to help us make that report as strong as we could. Again, the Conservative colleagues on this file, given the history, have been very productive, and it's worth noting. I want to thank them for that.

The purpose of the motion is to try to add some legitimacy, because I don't know where this is going to end up. I don't know if there's going to be a party that balks on participating and claiming lack of legitimacy as their reason, in which case, thank you, Liberals, you completely screwed up on an important file, and it didn't need to be. That's what really gets me. It's the mismanagement of this file, of this ministry. I don't believe it's the fault of the two ministers who have been in those positions. Those decisions were made from on high, that's pretty clear, and it's also clear how bad those decisions were and how bad those directions were.

In an attempt, sincerely, Chair, to give some legitimacy, to make it more difficult for anybody to wiggle out of participating, let's at least try to add some legitimacy from this committee onto this process, because the government has no legitimacy. Therefore, by extension, the commission at least, and again to use Mr. Nater's word, is tarnished. That's not a good way to start your election, and it didn't need to be.

• (1255)

Let us, since we didn't make these decisions, and we know this issue and we've already worked through it, take ownership again and do the best we can to give some legitimacy to this important component of our precious election system.

Thank you, Chair.

The Chair: Thank you, Mr. Christopherson. You were very eloquent as always.

The last speaker on this motion is Ms. Ruby Sahota.

Ms. Ruby Sahota: I'll just take a quick minute to say that hopefully we can move forward and vote on this motion that we've

been debating. I had something that I was really wanting to say earlier, but now I am rethinking a bit of it. We do just need to move forward. We all do recognize that the person who is potentially going to be the commissioner is highly qualified. For the sake of consensus, sometimes there are a lot of games played as well, and we never get somebody in place.

All other commissioners and people appointed by government are highly scrutinized by Parliament, and we've seen that in the past. When bad decisions have been made, they have been brought forward in Parliament and the government of the time has been shamed for making a bad decision for an appointment, one that would be seen as inappropriate or biased or whatnot. I think that will continue to happen going forward. The criteria that have been set in place have been set in place in such a way that the broadest and the greatest number of parties would be able to participate, those that would have some shot at forming government or electing a lot of members.

I think it's in the best interests of our democracy to make sure that we have steady debates going forward. Therefore, I think we should vote on this motion and move forward.

The Chair: Are we ready for the vote?

Mr. John Nater: Could we have a recorded vote?

(Motion negated: nays 5; yeas 4)

The Chair: The motion is defeated. On Tuesday we'll go back to where we were, giving directions on the motion of privilege.

Thank you all.

The meeting is adjourned.

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