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# Standing Committee on Procedure and House Affairs

EVIDENCE

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Tuesday, October 6, 2020

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Chair: Ms. Ruby Sahota





## Standing Committee on Procedure and House Affairs

Tuesday, October 6, 2020

• (1105)

[English]

**The Chair (Ms. Ruby Sahota (Brampton North, Lib.)):** I call this meeting to order.

Welcome to meeting number two of the House of Commons Standing Committee on Procedure and House Affairs.

Pursuant to Standing Order 106(4), this meeting was requested by four members of the committee to discuss their request to resume the committee's consideration of the motion moved by Ms. Vecchio on Monday, September 28, 2020, regarding a study pursuant to Standing Order 32(7).

I'd like to start the meeting by providing you with some information following the motion that was adopted in the House on Wednesday, September 23, 2020.

The committee is now sitting in a hybrid format, meaning that members can participate either in person or by video conference. Witnesses must appear by video conference only. All members, regardless of their method of participation, will be counted for the purposes of quorum. The committee's power to sit is, however, limited by the priority use of the House resources, which is determined by the whips. All questions must be decided by a recorded vote unless the committee disposes of them with unanimous consent or on division. Finally, the committee may deliberate in camera provided that it takes into account the potential risks to confidentiality inherent to such deliberations with remote participants.

Today's proceedings will be made available via the House of Commons website, with a reminder that the webcast will always show the person speaking rather than the entirety of the committee.

To ensure an orderly meeting, I would like to outline a few rules to follow.

For those participating virtually, members and witnesses may speak in the official language of their choice. Interpretation services are available for this meeting, and you have the choice, at the bottom of your screen, of either "floor" or "English" or "French". I do advise that you choose the language of choice below, because we have seen in the past that there are volume issues with interpretation when you are on the floor language.

Before speaking, click on the microphone icon to activate your own mike. When you are done speaking, please put your mike on "mute" to minimize any interference. I have a reminder that all comments by members and witnesses should be addressed through the chair. Should members need to request the floor outside of their

designated time for questions, they should activate their mike and state that they have a point of order.

If a member wishes to intervene on a point of order that has been raised by another member, they should use the "raise hand" function. This will signal to the chair your interest in speaking and create a speakers list. In order to do so, you should click on the "participants" bar at the bottom of the screen. When the list pops up, you will see next to your name that you can click the "raise hand" function. When speaking, please speak slowly and clearly. Unless there are exceptional circumstances, the use of headsets with a boom microphone is mandatory for everyone participating remotely. Should any technical challenges arise, please advise the chair.

Please note that we may need to suspend for a few moments, as we need to ensure that all members are able to participate fully. For those participating in person, proceed as you usually would when the whole committee is meeting in person in the committee room.

Should you wish to get my attention, signal me with a hand gesture or, at the appropriate time, call my name. Should you wish to raise a point of order, wait for an appropriate time to indicate to me clearly that you wish to raise a point of order. When you're waving your hand, I may not be able to see you on the screen. If you're there in person, you're sharing screen time with the clerk and the other members if they're in person, but Justin Vaive, our amazing clerk, will also do his best to keep a list going. We will confer with each other to try to keep the most appropriate order. With regard to a speaking list, the committee clerk and I will do our best to maintain that list.

As I mentioned at the start, we are meeting for consideration of the request by four members, pursuant to Standing Order 106(4), to resume consideration of Ms. Vecchio's motion. If any members wish to speak as to why we should resume the meeting, you can do so at this time by raising your hand in the "participants" section or by calling out, or by raising your hand physically if you are there in person.

Go ahead, Mr. Gerretsen.

• (1110)

**Mr. Mark Gerretsen (Kingston and the Islands, Lib.):** Thank you, Madam Chair.

I appreciate the opportunity to discuss the motion that's been brought forward, the motion of Ms. Vecchio, and to explain why I personally believe the motion she introduced last week is out of order. I want to begin with the preamble.

The preamble of that motion states:

That, in anticipation of the committee receiving an Order of reference, pursuant to Standing Order 32(7), no later than the 20th sitting day of the present Session, the committee shall consider the document outlining the government's reasons for the latest prorogation....

For starters, Madam Chair, the committee has not received an order of reference on this topic. As such, it cannot issue invitations to ministers to appear for something it has no mandate to study.

Furthermore, this committee cannot order documents related to a study for which there is no order of reference and which is beyond the scope of the committee at this time. Therefore, I would submit that when the government tables a report pursuant to Standing Order 32(7) and the report is referred to the procedure and House affairs committee, that would be the time for the committee to consider a motion respecting a study on the report.

It is worth noting, Madam Chair, that *House of Commons Procedure and Practice*, on page 1,000, states, "With a few exceptions, studies conducted by committees are based on an order of reference or instruction from the House of Commons". This includes studies undertaken pursuant to the Standing Orders.

The Standing Orders also discuss orders of reference. Standing Order 108(1)(a) states, "committees shall be severally empowered to examine and enquire into all such matters as may be referred to them by the House".

Committees must also operate within the scope of their mandate. *House of Commons Procedure and Practice*, on page 978, makes this crystal clear:

The House delegates certain powers to the committees it creates in order for them to carry out their duties and fulfill their mandates. Committees have no powers other than those delegated to them in this way, and cannot assume...powers [of] their own initiative.

Madam Chair, it goes without saying that committees can invoke these powers only within and for the purpose of the mandate that the House has entrusted to them.

**Mr. Todd Doherty (Cariboo—Prince George, CPC):** I have a point of order, Madam Chair.

**The Chair:** Go ahead, Mr. Doherty.

**Mr. Todd Doherty:** The committee is not being broadcast yet.

**The Chair:** Oh. Let's just pause for a moment.

Mr. Clerk, is there a problem with the broadcasting?

**The Clerk of the Committee (Mr. Justin Vaive):** Yes, Madam Chair. We're looking into it right now. It may just be a delay as the meeting gets going, but we're looking into it.

You can suspend for a brief period of time until we figure out what's going on.

**The Chair:** Okay.

Thank you, Todd, for bringing that to my attention.

• (1110) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1120)

**The Chair:** Okay, I will give the floor back to Mr. Gerretsen.

**Mr. Mark Gerretsen:** Thank you, Madam Chair. Just for the record, I know we were having some technical difficulties, but it's important to me that the content of my speech be reflected in the blues. Did the clerk confirm to you that what I said to this point will be in the blues?

**The Chair:** That's correct. He said that everything had been recorded.

**Mr. Mark Gerretsen:** Thank you. I'll pick up where I left off.

I was saying that committees must also operate within the scope of their mandate. *House of Commons Procedure and Practice*, at page 978, makes this crystal clear when it says this:

The House delegates certain powers to the committees it creates in order that they can carry out their duties and fulfill their mandates. Committees have no powers other than those delegated to them in this way, and cannot assume other powers on their own initiative.

Madam Chair, it goes on to say that "committees can invoke these powers only within and for the purposes of the mandate that the House...has entrusted to them."

As Speaker Milliken stated on March 14, 2008, "...the House has taken great care to define and differentiate the responsibilities of its committees. ... Inherent in the power the House grants to its committees is the basic principle that each committee will respect its mandate."

If I turn to the mandate of PROC, Madam Chair, in light of this, I would like to examine that and the Standing Orders as they are outlined for PROC.

It starts with paragraph 108(3)(a), which says:

(a) Procedure and House Affairs shall include, in addition to the duties set out in Standing Order 104, and among other matters:

and then, in the subparagraphs following paragraph 108(3)(a):

(i) the review of and report on, to the Speaker as well as the Board of Internal Economy, the administration of the House and the provision of services and facilities to members provided that all matters related thereto shall be deemed to have been permanently referred to the committee upon its membership having been established;

(ii) the review of and report on the effectiveness, management and operation, together with the operational and expenditure plans of all operations which are under the joint administration and control of the two Houses except with regard to the Library of Parliament and other related matters as the committee deems fit;

(iii) the review of and report on the Standing Orders, procedure and practice in the House and its committees;

(iv) the consideration of business related to private bills;

(v) the review of and report on the broadcasting of the proceedings of the House and its committees;

(vi) the review of and report on all matters relating to the election of members to the House of Commons;

(vii) the review of and report on the annual report of the Conflict of Interest and Ethics Commissioner with respect to his or her responsibilities under the Parliament of Canada Act relating to members of Parliament, which shall be deemed permanently referred to the committee immediately after it is laid upon the table;

(viii) the review of and report on all matters relating to the Conflict of Interest Code for Members of the House of Commons; and

(ix) the review of and report on all matters relating to the Code of Conduct for Members of the House of Commons: Sexual Harassment Between Members.

Madam Chair, nowhere in this mandate does it talk about prorogation. The committee's mandate does include "the review of and report on the Standing Orders, procedure and practice in the House and its committees", so the committee could examine the reasons behind the creation of Standing Order 32(7), which states the following:

Not later than 20 sitting days after the beginning of the second or subsequent session of a Parliament, a minister of the Crown shall lay upon the table a document outlining the reasons for the latest prorogation. This document shall be deemed referred to the Standing Committee on Procedure and House Affairs immediately after it is presented in the House.

However, given that the committee has not received from the House the document referred to in the standing order and as such has not received an order of reference to study it, the committee is limited in its study to the purpose of this standing order and not its operation, as it has yet to be used.

The recent prorogation, Madam Chair, is the first one to have taken place after the adoption of this standing order, so the committee will not receive a mandate to study specifics of this particular prorogation until after the document is presented in the House and an order of reference is sent to the committee.

Madam Chair, the preamble to this motion is a clear acknowledgement that the committee does not have any order of reference or instruction from the House to conduct this study. For this reason alone, the motion is out of order and beyond the scope of the committee's mandate.

● (1125)

Turning to the committee prestudy, Madam Chair, I want to address the issue of committee prestudy and acknowledge that there are occasions when committees engage in pre-studies. The difference between that and this current motion before us is that a committee engages in pre-studies on issues that are within its mandate as a committee. Legislation is a key example of that.

On government legislation, at second reading, committee members have the opportunity to review the contents, attend technical briefings, and hear from stakeholders. They are able to put forward a list of witnesses for study because they are aware of the scope and details of the bill. While committees can engage in pre-study of bills introduced into the House, they cannot engage in a pre-study of a bill that has not yet been introduced and that does not exist. This same principle applies to this motion. The committee cannot do a pre-study of a document that has yet to be received.

As is the case for the legislation emanating from the government, it is up to the government to decide on the architecture and substantive provisions of a bill and then, once the bill is introduced, it is for the House and committees to consider and dispose of the bill based on its contents. In like manner, Standing Order 32(7) provides for the same. Once the government has informed the House of the reasons for which Parliament was prorogued and produces a report, and that report is tabled and an order of reference is provided to the

committee, then the committee will consider the contents of the report and initiate a study on it.

Standing Order 32(7) does not contemplate the opposition making decisions on behalf of the government in terms of the government's motives for proroguing Parliament. It follows an age-old principle, Madam Chair, that the government proposes and the House disposes.

Other parts of the motion that are outside of this scope, Madam Chair, notwithstanding what I have already argued, would include the following. Given that the committee has no mandate or order of reference to begin this study, the whole motion is out of order. That includes points (a), (b), (c) and (d).

Having said this, I would also like to point out, and it's worth noting, other parts of the motion that are outside of the scope of the committee's mandate or order of reference. Specifically, those sections from the motion are the request to have orders and documents related to the WE Charity and the Canada student service grant, which is outside of the scope of the committee's mandate. It orders the creation of documents related to WE Charity, which is outside the scope of the committee's mandate. Also, documents need to already exist, as the committee cannot order the creation of documents.

The motion also requests and orders the creation of documents related to WE Charity and the Canada student service grant, which is outside of the scope of the committee's mandate and, as I indicated, the documents need to exist.

It also orders documents related to the WE Charity and National Public Relations and the Canada student summer grant, which again is outside the scope of the committee's mandate. It orders documents related to contracts for speaking engagements, which is outside the scope of the committee's mandate. It orders documents related to the Canada emergency commercial rent assistance program, which again is outside the scope of the committee's mandate.

It orders the creation of documents and communications between private citizens, documents that have no link to anything within the scope of the committee's mandate, and documents that do not exist would need to be created, which again the committee cannot do.

With regard to the types of papers that the committee can request, *House of Commons Procedure and Practice*, on page 984, states the following:

There is no limit on the types of papers likely to be requested; the only prerequisite is that the papers exist in hard copy or electronic format, and that they are located in Canada.

● (1130)

For all of these reasons I have outlined, I believe that this motion should be ruled out of order, Madam Chair.

While I believe that I have laid out a clear case that the motion from Ms. Vecchio is out of order, I also want to talk briefly about what I can only perceive to be the motivation of the Conservatives, as well as the consequences of adopting such a motion.

I will start with the consequences. I would like to point out that there are three that I believe should concern everybody.

The first is health and safety. This motion will put the health and safety of hundreds of hard-working public servants and political staff at risk—if not thousands—as they have to return to their offices to go through all of their emails and documents, compile them and have them translated under arbitrary and punitive deadlines.

This would also, as my second concern, paralyze the government. The motion is designed to paralyze the operation of government as hundreds of staff, if not thousands, stop the important work they are doing to help Canadians and focus on responding to this wild goose chase of a motion.

The third concern is cost, Madam Chair. The cost to produce all of these documents and ensure their translation in the time frame outlined in the motion will be astronomical.

Madam Chair, Canadians across the country are facing a second wave of COVID-19, and this pandemic is the most serious public health crisis Canada has ever faced. The last six months have revealed fundamental gaps in our society and in societies around the world. For those who are already struggling, including parents, racialized Canadians, indigenous peoples, young Canadians and seniors, to name a few, the pandemic has made it more difficult, and they need our full support now.

The government and indeed most parliamentarians are focused on addressing these challenges of today and are prepared to face them in the future. We are taking bold actions on health, the economy, equality and the environment to build a more resilient Canada for everyone. We should all be focused on containing this global crisis. While the government may remain focused on ensuring Canadians receive the help and support they so desperately need and on protecting Canadians from the effects of COVID-19, it is extremely unfortunate that it appears as though the Conservatives have remained focused on these partisan games.

This motion is the king of all omnibus dumpster motions, Madam Chair. It includes every request that the Conservatives could think of, despite the fact that they are completely unrelated to the mandate of PROC and any order of reference that it has received. It is nothing more than a fishing expedition from a desperate group of people who cannot see past their own narrow partisan self-interest long enough to see that Canadians are suffering and need all of us focused on supporting them through this time.

Conservatives, Madam Chair, in my opinion, need to ask themselves some pretty basic questions. Do their actions pass the reasonableness test? Is what they are trying to do proportionate and responsible during a pandemic? Also, are they going to focus on Canadians or are they going to keep focusing on narrow partisan interests? I think they know the answers to these questions and I think Canadians will judge them on how they behaved at a time when what was needed was leadership and constructive co-operation between parties.

What we are seeing here is overtly divisive partisanship that simply looks to score political points. This approach undermines not only public trust in our institutions but also public trust in us as political representatives of the people we are elected to serve.

Thank you, Madam Chair.

• (1135)

**The Chair:** Thank you for that.

Next on the speakers list we have Ms. Vecchio and then Mr. Tochor.

**Mrs. Karen Vecchio (Elgin—Middlesex—London, CPC):** Thank you very much.

I really appreciate Mark's comments, but I think public trust is what was lost on August 18 in the first place. I think if we're going to use those lines, we should reflect on the government's actions prior to that. Let's not talk about public trust as though we've lost it fully, especially on the Conservative side.

I can tell you that back in the riding of Elgin—Middlesex—London, on this motion put forward, I had people calling me saying thank you, saying we need to hold this government to account. Perhaps they're not calling you in Kingston, but I can tell you that the constituents in Elgin—Middlesex—London are saying bravo and that we need to hold them to account.

There are a couple of things we're talking about. First of all, there is the mandate of this committee. We understand that under Standing Order 32(7), this issue will be coming to the procedure and House affairs committee. As indicated, in some committees people will do a little prestudy. Now, a lot of times that may be moot if this is voted on and doesn't come to the procedure and House affairs committee, but this will not be voted on. We know that this will be referred to our committee. It's not voted on in the House of Commons. It is automatically sent to us at procedure and House affairs. There's not a vote to say that our prestudy is going to be a waste of time.

Actually, when we're talking about documents, well, these are documents that were requested, as I recall, back in July. I wouldn't want to put anyone at risk, but let's not kid ourselves: They've been working on these documents since July 1, when they were requested, and we're now into October.

“Paralyzing of government” is a terrible choice of words. Perhaps it was the paralyzing of Parliament, because that is exactly what this government did with prorogation on August 18. It's fine to say that the government will not be able to do any work because we'll be paralyzing this committee, but I will remind the honourable member that 338 members of Parliament were paralyzed on August 18 due to the prorogation in the first place.

With all of these things, I understand that it took eight days. I understand that this motion was very complex, but we do know that it will be coming to this committee. We are expecting lots of documents, because that is what we've asked for. Prorogation in the middle of a pandemic was absolutely not in the best interests of Canadians. We saw that last week, as we voted at 2:30 in the morning. We needed to have Bill C-2 and Bill C-4 passed. We knew that all of the programs had stopped the weekend before. There is a gap in these programs, and people will only be able to apply on October 11 for these programs. I find it very rich of this member to think that we paralyzed it. The only one who paralyzed the government was the Prime Minister and his staff. I'm very concerned with this.

When we're looking at this, all we're asking is to be able to pre-study the information that will be coming to our committee anyway. I'll also remind you that the only way we're not going to be debating this is if the government decides to prorogue before October 28. Really, at the end of the day, it's either coming to us or it's not. It seems like you're just trying to say no to the inevitable. It's going to happen.

The fact is that if on August 17 and 18 you had asked Canadians why they thought the government prorogued.... I will tell you that in my riding, I had maybe one person who did not think that it was over some of these issues that we have brought up and to do with the WE scandal. We know through finance and ethics and languages that there were lots of issues coming up because of WE. At that time, with the pressure and the heat that was happening in the PMO, that is why government was shut down.

I shouldn't say that is why; maybe prove me otherwise. I shouldn't say that, because obviously some members of the government believe that was not the case and that the prorogation happened because they were resetting.

I'm laughing because we're coming back to Bill C-6, to Bill C-4. We're coming back to a bunch of bills that were actually on the table and were going to start to be debated. There's nothing new from this reset. We are coming back to medical assistance in dying. We are coming back to conversion therapy. We are coming back to things that the government had already pre-tabled in the first session of the 43rd Parliament. We are rehashing what happened in the first session of this Parliament. There is nothing new. Perhaps the member can share with me that we actually had a reset, that we actually did a 180.

That's not what happened. We are starting with the same old, same old. By closing the door on August 18 for the parliamentary committees to ask these tough questions, the government was able to have a break and hope that Canadians had a break and would move forward.

I recognize that none of us wants to put staff members at risk. That is not the plan. We also know that they've been working on these for three months, so let's not use that.

• (1140)

On the cost to produce these things, it's the first time I've ever heard the government say "the cost to produce". We're asking it to produce documents on a billion-dollar program that was announced—a billion dollars—so don't talk as if this is nickels and

dimes here. We're talking here about big dollars that this government was wasting. Being held accountable is exactly what should happen.

I appreciate that the member thinks this is out of order, but at the same time, according to Standing Order 32(7), it is the mandate of this committee to study the prorogation when it comes to procedure and House affairs.

Thank you.

**The Chair:** Mr. Tochor is next.

**Mr. Corey Tochor (Saskatoon—University, CPC):** Thank you very much, Madam Chair.

I have some deep concerns, and I think the people of Saskatoon have deep concerns, over the costs associated with this pandemic and some of the ethical lapses that this government has had. That is what the essence of this motion is. It is to study the procedural move of proroguing Parliament.

This is our committee. We're a procedural committee. We should be studying the reasons for it, and that's why Standing Order 32(7) directs us to do that study. We're asking for a pre-study, and I think Canadians would understand that.

I take offence when the Liberals now say that the cost is a consideration. We're over a trillion dollars in debt. What we are asking to study is a half-billion-dollar program that was also tied to why we prorogued. Everyone in Canada understands that we prorogued so the Liberals could hide from their scandals and waste.

Right now, we're going to get the answers. We're going to get the answers either in the coming days in this pre-study or when the actual study takes place. I would encourage the Liberals to stop stalling. In the PROC committee, which studies procedure, the sooner we get on with understanding why we were prorogued and the factors around that procedure, the better off I believe Parliament will be.

We can look at the arguments put forward by the PMO, Madam Chair, and you're going to have to make a decision on whether you're going to stand with Canadians who are wanting to know why we were prorogued in the middle of a pandemic. We didn't do this in two World Wars or in past pandemics. We have never spent as much money as we have in the last six months, and we need to get to the answers on the ethical lapses of this government.

I would hope, Madam Chair, that you would find this prestudy in order for the reasons put forward by my colleague, and for the decency of finding out why the procedure was implemented, what the benefit was and what the cost was of Parliament not meeting. We've seen in the past how we opposition parties have worked with government to improve some of the programs they were offering. Without Parliament sitting, we are seeing more and more government programs that don't actually meet the needs of Canadians. This is a shame, Madam Chair, and I would hope that you would view this as a motion that is in order.

**The Chair:** Thank you, Mr. Tochor.

We have Mr. Gerretsen and then Mr. Lukiwski.

**Mr. Mark Gerretsen:** Just to reply to the two comments I've heard so far from the Conservatives, Madam Chair, I've laid out the reasons that I think this motion is out of order. I would just say that nothing Ms. Vecchio or Mr. Tochor offered spoke to the procedural part of this issue. The vast majority of my speech was on why this motion is procedurally out of order. Neither of them addressed any of the procedural elements that I have submitted to you.

The only non-partisan argument that either of them made was that we're going to get the documents anyway, so we may as well get them. Well, of course you're going to get the documents. That's the whole point, but you're going to get them where you're supposed to be getting them: in the committees that are tasked with the responsibility of reviewing them. That's why I am arguing that it's out of order for this committee to have a massive document dumped on it. It should be done in the respective committees where these issues should be studied.

Thank you.

• (1145)

**The Chair:** Go ahead, Mr. Lukiwski.

**Mr. Tom Lukiwski (Moose Jaw—Lake Centre—Lanigan, CPC):** Thank you very much.

I'll be very brief, but I want to make a couple of points, particularly in relation to Mark's opening comments. Number one, I want to underscore what Mrs. Vecchio has said: that it is inevitable that we will be receiving the order of reference.

Mark, it is not the same analogy. It is not like the analogy that you used that committees shouldn't be allowed, or that it's outside of their scope, to study legislation that has not yet been introduced. This is not legislation. This is an order of reference that's going to be laid upon the table within 20 days. In other words, it has to be done before the 28th, and it will come automatically to the procedure and house affairs committee. It is perfectly reasonable for this committee to enter into a prestudy of a document that it knows it will receive. That's far different from what you had used as an example, which was that we would be guessing whether a piece of legislation was going to be introduced in the House. This is not legislation; it's an order of reference that will be coming to PROC once the document is laid upon the table, which will occur before October 28.

I suppose the only point, as Karen already mentioned, that could curtail that is if the Prime Minister decided to prorogue Parliament

once again to prevent PROC from entering into an examination that it is fully within its right to enter into.

Remember, Mark, that one of the fundamental tenets of Parliament is that committees are the masters of their own agenda, and if this committee determines that it wishes to enter into a prestudy of a document that will inevitably come to its attention, it has the perfect right to do so. No wordsmithing on your part can change that fundamental tenet.

Finally, I would also underscore what I said the last time we spoke together, Mark, which is that you continue to make the argument that Canadians are concerned about COVID-19 and their health and safety and their economic well-being, and I agree with all of that. I totally agree, but that does not prevent a parallel stream of a study within committee from going forward. This committee will not be preventing the government from entering into any pieces of legislation that it wants to bring forward. This committee's study of prorogation will not curtail or hinder the government from bringing forward legislation to enhance the financial well-being of Canadians. It has nothing to do with what is happening in the House and the legislation the government may wish to proceed with. This is a separate committee study, and it is within the mandate of this committee to enter into that study should it so desire.

Now, ultimately it will be up to this committee to make a determination as to whether or not the motion brought forward by Mrs. Vecchio will proceed. I will wait until we hear the results of that, perhaps in just a few moments.

Mark, it is within the purview of this committee to entertain the motion and support the motion if it wishes, and to further our examination of the reasons behind the government's desire to prorogue Parliament. It is not out of order. It is completely within the scope of this committee's mandate and it is in order.

Thank you, Chair.

**The Chair:** Thank you, Mr. Lukiwski.

Go ahead, Mr. Gerretsen.

**Mr. Mark Gerretsen:** Thank you, Madam Chair. I originally put up my hand to thank Mr. Lukiwski. I want to thank him because he was actually advancing procedural matters about why he believes this to be in order. I respect the deep amount of knowledge that he has with respect to PROC, Madam Chair, quite frankly, but what he's saying—and I just want to counter this point—is that it's inevitable that we're going to receive this order of reference, so therefore a prestudy is warranted. However, what we're supposed to be studying is why the Prime Minister, or the government, chose to prorogue. We won't know that unless we presuppose the reason, and unfortunately that's what this motion is doing. It's presupposing the reason. That's why we have to wait for that order of reference: It's so that we can then examine why they chose to prorogue. That's also why I would respectfully disagree with your assertion that we have the mandate to do this, because we need that order of reference so that we can study it in the context in which it was delivered to us.



Thank you.

• (1150)

**The Chair:** Mr. Tochor is next, please.

Did you take your hand down, Mr. Tochor? Would you still like to speak? No? Okay.

**The Clerk:** Sorry, Madam Chair. It's Justin, the clerk, again. Unless Mr. Doherty put his hand down, I think Mr. Doherty was asking to speak, not Mr. Tochor.

**The Chair:** Okay. Go ahead, Mr. Doherty.

**Mr. Todd Doherty:** Thank you, Madam Chair.

I have to hand it to Mr. Gerretsen. I think he read the PMO's statement or justification very well.

Madam Chair, the premise—

**Mr. Mark Gerretsen:** I have a point of order, Madam Chair.

**Mr. Todd Doherty:** —of Mr. Gerretsen's argument is that—

**Mr. Mark Gerretsen:** Point of order, Madam Chair.

**The Chair:** Yes, is there something wrong with the sound?

**Mr. Mark Gerretsen:** No. With all due respect, Madam Chair, the member is attributing motive to me and that I am reading somebody else's statement. I want it known for the record that the words I read today were my own words. I don't read messages on behalf of anybody else, Madam Chair.

**The Chair:** Okay.

Go ahead, Mr. Doherty.

**Mr. Todd Doherty:** Madam Chair and colleagues, the premise of Mr. Gerretsen's statement—whether written by him or someone else, but read by him—is that we and all Canadians should just accept what the PMO says was the reason for the prorogation.

Furthermore, it has been stated that through Standing Order 32(7), we will be getting the request to study why prorogation took place. Once the document is tabled, the motion would allow us to question the ministers efficiently and with advance preparation. We'll be able, as a committee, to be masters of our own destiny, as a committee should be. We should be able to prepare for this document and this information coming towards us.

I will go back and challenge my colleagues on this. It was brought up by my Conservative colleagues here—and at times we seem to forget this in the House—that 338 members of Parliament were elected to be the voices of Canadians, to challenge where necessary and to support when necessary as well. Parliament was silenced for six weeks. It was supposed to be a reset. What we saw when we came back was that it wasn't a reset; it was stalling. I will challenge my other colleagues here to remember that in 2015 the member for Papineau and the Liberal Party said, in their platform, that they would not resort to parliamentary tricks such as prorogation or omnibus bills. Now we're seeing prorogation take place, at the height of a pandemic. For what reason?

My colleague Mr. Gerretsen talks about the safety and health of Canadians and the workers he's concerned about. What about the members of my riding of Cariboo—Prince George and the electors who, to this day, are still not eligible for any emergency funding?

What about those whose benefits were running out within a week? What about those who are still waiting to receive any emergency funding? What about the businesses?

Madam Chair, this motion is in order, despite what our colleague says. I hope you will see.... Yes, it is large, but so is the responsibility of this committee. I think it was you, Madam Chair, who mentioned that we really are the committee of all parliamentary committees. What we do sets a precedent for other committees. It is important for all of us to set that example for other committees. We've seen Liberal-run committees shut down this study in the past.

Madam Chair, I challenge you. If this is a reset, let's reset. Let's be better. Let's move forward for Canadians. Canadians honestly want to know what this prorogation was about. The motion that we put forth is in-depth, yes, 100%, but Canadians deserve to know the full truth as we move forward. It's not a witch hunt. It could very well end up being that everything the government is telling us is true. Madam Chair, if we don't do the investigative work ourselves and truly be masters of our own destiny, at arm's length from the government, then everything this committee does moving forward will be tainted.

I challenge my colleagues who are on this committee to see it that way.

Madam Chair, you have a weight on your shoulders that you have to rule in favour. Canadians and the media are watching this committee to see how you move forward. I challenge all of us to be better on this.

With that, I'll cede the floor.

• (1155)

**The Chair:** Okay.

Am I correct, Justin, that there are no more speakers on the list?

**The Clerk:** That's right. I don't have anybody on the list.

**The Chair:** Okay.

I guess we can ask the question, unless we have consensus to move to consideration of Ms. Vecchio's motion. Do we have consensus, or would you like a recorded vote?

**Mrs. Karen Vecchio:** I'd like a recorded vote, please.

**The Chair:** Okay.

**Mr. Mark Gerretsen:** Could the clerk be clear on what we're voting on, Madam Chair?

**Mr. Tom Lukiwski:** I have a point of order, if I may, Madam Chair.

**The Chair:** Yes, Mr. Lukiwski.

**Mr. Tom Lukiwski:** Thank you, Madam Chair.

On a point of order, I want complete clarification on this, although I think I know the answer to my own question. You are, then, ruling this motion to be in order, and we will be voting on the contents of the motion. Is that correct?

**The Chair:** No, that is not correct, and neither is it completely incorrect. What's happening now is that this committee was brought back pursuant to Standing Order 106(4) for consideration of whether we should move into the meeting in which we would consider Ms. Vecchio's motion. This vote is just to continue the meeting and begin consideration of Ms. Vecchio's motion.

My plan is that if we do move to that phase of the meeting, I would then make my ruling, which I know everyone has been waiting for since last we last met. I appreciate the time everyone has given me to do this.

We would move into the next phase of the meeting.

**Mr. Tom Lukiwski:** Thanks very much.

On another point of order, if I may, Madam Chair, thank you for that explanation, but again, just so I am completely clear, let me take it one step further. If a consequence, then, of this vote is a vote against, would it be fair to assume that you would then adjourn the meeting? Standing Order 106(4) was the only point of business brought forward in the request for this meeting. If that request is denied, then I would assume that your only other alternative would be to adjourn.

Should you wish to go forward, I would have no problems with that. I am just trying to be clear in my own mind on how you wish to proceed.

**The Chair:** Yes, procedurally that would be how we would be moving. If this were to come to a “no” vote, then we wouldn't be proceeding with this meeting. However, if it's a “yes” vote to proceed on to a consideration of Ms. Vecchio's motion, then I would make my ruling on that motion and we could then, depending on that ruling, move forward in a different direction.

**Mr. Tom Lukiwski:** Thank you for the clarification.

**The Chair:** Justin, do you want to verify what I just said?

• (1200)

**The Clerk:** No. There's nothing that I need to add. Thanks.

**Ms. Rachel Blaney (North Island—Powell River, NDP):** I am on the speakers list now.

**The Chair:** All right, Ms. Blaney.

**Ms. Rachel Blaney:** I am confused by this.

I think this is an important conversation. First of all, I think the majority of Canadians feel very strongly that prorogation is completely and directly linked to the WE scandal. I want to be really clear about that. You know, I do have some concerns about the Conservative motion. I would actually like to get to a place, at some point, where we can still call in some of that accountability that needs to happen, but I was under the understanding that you as the chair would be making a ruling today. It feels a bit backwards to vote on something that you are going to make a ruling on afterwards.

I am very confused by this process. I would like clarity.

**The Chair:** Yes. We would just be voting to move forward with the meeting. At that point, I would make my ruling. I am prepared to make a ruling—

**Ms. Rachel Blaney:** The recorded vote that we're about to do is on the continuation of the meeting?

**The Chair:** It is to actually have a meeting today on Ms. Vecchio's motion.

**Mr. Mark Gerretsen:** That's—

**The Chair:** We've been called here on another motion. That has brought us here. We're disposing of that motion, the Standing Order 106(4) motion. Once that is disposed of, then we will move into consideration of Ms. Vecchio's motion.

I am prepared to bring my ruling, and then we can proceed.

**Ms. Rachel Blaney:** Thank you.

**Mr. Todd Doherty:** I have a point of order.

**The Chair:** Yes, Mr. Doherty.

**Mr. Todd Doherty:** Who put forth the motion to discuss whether we resume or not?

**Mr. Mark Gerretsen:** You guys did.

**Mr. Todd Doherty:** My understanding was that was not a motion that was put forward. It was that we were resuming the discussion on whether we were voting on this.

**The Chair:** This meeting has been scheduled and called under the Standing Order 106(4) motion in a letter signed by four members of the Conservative Party. I believe they are the regular standing members of this committee. I think it's best that we move to a vote to resume this meeting at this time. If most members are in favour of resuming this meeting, there should be no problem, and we'll get to the ruling.

**Mr. Mark Gerretsen:** Todd, you have to know your vote before you're signing.

**Mr. Ryan Turnbull (Whitby, Lib.):** Madam Chair, my understanding is that a Standing Order 106(4) motion is debatable. Is that right?

**The Chair:** It is debatable, and that's why I allowed debate on that motion. Perhaps I should have made that clear. This 106(4) motion is maybe the first time many of us have entertained such a motion. Therefore, I have gone over it with procedural advice from the clerk as to how this process would unfold.

The appropriate steps to take would first be to bring the motion forward and allow debate on it if members choose to debate it, and then at that point there would be consideration of that request made by the four members who have signed the letter to hold this meeting today. Then if that passes, we would resume consideration of Mrs. Vecchio's motion.

**Mr. Todd Doherty:** In that case, you would start it off with your ruling.

**The Chair:** Yes, in that case I would start off with my ruling. I'm prepared to do that.

**Mr. Todd Doherty:** Madam Chair, on a point of order, there was no motion in the letter. The purpose was to resume the debate on the motion that was put forward. Isn't that correct?

**The Chair:** Mr. Doherty, through that letter you invoked Standing Order 106(4). That is why we're having to go through this procedural step, but Mr. Vaive can definitely explain it to you if you think that might clarify it.

**The Clerk:** Madam Chair and members of the committee, essentially the way that Standing Order 106(4) works is that upon receipt of a request from four members, a meeting is scheduled. Today's meeting is the meeting that was scheduled. The first order of business is to discuss whether or not the committee wants, in this case, to resume consideration of Mrs. Vecchio's motion. That essentially is the first phase or step in the process. That's something the committee has been doing for the past several minutes now, and with nobody else wanting to talk, one of the options open to the committee is to now move to a decision whether or not in fact the members want to resume consideration of that motion. That's the stage we are at right now.

• (1205)

**Mr. Todd Doherty:** Thank you for the clarification.

**The Chair:** Since a recorded vote was requested, we can move to that recorded vote now.

**Mrs. Karen Vecchio:** Can you read out the entire motion on what exactly we are voting on specifically, just so that we have it on the record, please?

**The Clerk:** Madam Chair, the question would be, "Shall the committee resume the consideration of Mrs. Vecchio's motion?"

I will proceed now to the roll call of the members.

(Motion agreed to: yeas 11; nays 0)

**The Chair:** Thank you, Mr. Clerk.

I know that was procedurally very formal, but now we are on to consideration of Mrs. Vecchio's motion. As I stated in the House as well, I needed some time to review the motion, because I did find it to be a lengthy and complex one.

I'd like to begin by ruling on the motion moved by Mrs. Vecchio at the meeting on September 28, 2020. The motion is quite long and detailed, and I appreciate, once again, having the time to review it over the course of the past week.

In assessing the motion's admissibility, my primary concern was to determine whether the motion falls within the mandate of this committee. Standing Order 108(1)(a) states:

Standing committees shall be severally empowered to examine and enquire into all such matters as may be referred to them by the House, to report from time to time, and except when the House otherwise orders, to send for persons, papers and records....

Beyond this, the specific mandate attributed to this committee can be found in Standing Orders 104 and 108(3)(a). Among these responsibilities, section 108(3)(a)(iii) includes "the review of and report on the Standing Orders, procedure and practice in the House and its committees".

More relevant to this case, however, is Standing Order 32(7), which provides that the government documents explaining reasons for prorogation be referred to this committee. The section reads:

Not later than 20 sitting days after the beginning of the second or subsequent session of a Parliament, a minister of the Crown shall lay upon the table a docu-

ment outlining the reasons for the latest prorogation. This document shall be deemed referred to the Standing Committee on Procedure and House Affairs immediately after it is presented in the House.

This is a new standing order, adopted in 2017, and this is the first time it has been invoked. My assessment in this ruling is based on the application, the timeliness and the relevance of these authorities to the motion of Mrs. Vecchio.

As I read it, the motion contains two distinct separate parts. The first clearly relates to the prorogation, while the second is more focused on the inquiry of the WE Charity and all its entities with relation to the Canada student grant.

Also to be noted is paragraph (o), which requires that all documents obtained through this motion be published on the committee's website. The supposed purpose of the motion is to prepare the committee for the review of the government's explanation for the prorogation of parliamentary session 43-1.

Herein lies the first flaw of the motion. At first glance, one may be quick to draw parallels to the committee undertaking a pre-study on the matter. However, in this instance, even undertaking a pre-study at this time would be seen as being premature. When a pre-study of a bill is commenced in a House committee, or in a Senate committee for that matter, it is done once the bill has been given first reading in the House of Commons but has not yet reached the committee stage. This procedure allows the subject matter of the bill to be studied or referred to the House or Senate committee for general review, as opposed to a clause-by-clause study.

In this instance, because the government has not yet tabled in the House a report outlining the reasons for prorogation, the committee is not in a position to have a base of reference from which to begin the study, nor would it be appropriate to presuppose the outcome of the report. Therefore, conducting a study on the matter through this motion is not timely.

Furthermore, even if it could be argued that through the creation of Standing Order 32(7) this committee now has within its mandate the issue of prorogation and a subject matter study could be initiated before a response by the government is tabled in the House or prior to receiving an actual order of reference from the House, then the first part of the motion appears to be in line with this objective.

• (1210)

It states that several ministers, including the Prime Minister, will be called to appear. It orders that various government background documents relating to the prorogation decision be turned over to the committee, and that additional documents between the government and identified WE Charity entities and officers and MCAP in respect to the prorogation also be turned over to the committee. These documents are expected to be available to the committee by the time the government is required to table its justification for the prorogation towards the end of this month.

Although I still find this motion to be premature at this time, I can agree with the basic proposition, as articulated by several committee members, that the automatic referral to the Standing Committee on Procedure and House Affairs, referenced in Standing Order 32(7), places the government's stated reasons for prorogation within the mandate of the committee, and that the committee is empowered to look into the government's reasons for prorogation.

Paragraphs (a) through (d) make a direct connection to the issue. Insofar as that link is made, the centrality of the prorogation reasons is respected. The witnesses and documents sought in these paragraphs are consistent with the effort to study the reasons for prorogation.

I have more difficulty in understanding the procedural connection of paragraphs (e) through (n) to possible reasons for the prorogation. Each paragraph orders, among other things, the production of papers, documents and records from the government, including several ministers and the WE Charity, its affiliated entities and identified individuals. While the request for this material is an exercise of a committee's power under Standing Order 108(1)(a), it is not clear to me that it is being applied in the pursuit of a procedurally acceptable mandate. This is an overreach. There is also the prospect of normally confidential unredacted cabinet documents obtained through this motion, including in paragraph (e), that would be published on the committee's website.

In a political context, arguments and inferences can be made that a connection exists between the government's decision to prorogue and the WE Charity issue. However, as chair, I must examine the matter strictly in a procedural context. In this case, the proposed course of study must be centrally linked to the committee's mandate, to the reasons why this session was prorogued. Paragraphs (e) through (n) do not establish that essential link. Unlike the first part of the motion, there is no direct association in these paragraphs to prorogation. Instead, they are focused on WE Charity and the Canada student service grant. Consequently, I view these paragraphs as outside the committee's mandate and more in keeping with the mandate of the Standing Committee on Finance, which was seized with these issues prior to prorogation.

As such, I cannot find that this motion at this time and in its current form is in order, nor can I allow debate to continue on the motion.

I would like to thank all honourable members for their attention to this matter.

• (1215)

**Mrs. Karen Vecchio:** Madam Chair, with all due respect, I would like to appeal the decision and take it to the committee for a vote, please.

**The Chair:** That is within your rights to do.

Mr. Clerk, could you help us with the process?

**The Clerk:** Yes, Madam Chair.

**Mr. Mark Gerretsen:** I know the clerk always does this, but if he could very clearly let us know what we are voting yes and no on, that would be appreciated.

**The Clerk:** Yes, I will.

The question before the committee now is, "Shall the chair's ruling be sustained?"

**Mr. Corey Tochor:** Point of order.

Mr. Clerk, for clarification, for us to continue this cover-up, would we vote yes, then?

**Mr. Mark Gerretsen:** Point of order.

**The Chair:** That would be difficult for the clerk to answer in the way that question was framed.

You would vote yes in order to sustain the ruling I have just given, and in order to overturn that ruling, you would vote no.

**The Clerk:** Is the committee ready for the question?

Shall the chair's ruling be sustained?

(Ruling of the chair sustained: yeas 6; nays 5)

**The Chair:** Thank you for that.

What can happen at this point is that, upon consensus of the committee, we can move into committee business if you wish, or we could adjourn for the day. In order to adjourn at this time, I would need a consensus. Since we do have time within our regularly scheduled time until one o'clock, we could continue with committee business.

Mr. Doherty.

**Mr. Todd Doherty:** Madam Chair, I move to adjourn.

**The Chair:** Okay. Would you like a recorded vote on that?

**Mr. Todd Doherty:** Sure.

**Mrs. Karen Vecchio:** Point of order. May I just ask for clarification from the clerk? Specifically, when there is no business on the agenda, what is the normal protocol, just so we know?

Thank you.

**The Clerk:** Madam Chair, to respond to Mrs. Vecchio, there is no protocol per se. It really is up to the will of the committee to determine what they would like to do: in this case, whether to adjourn or to move on to some other item of business, such as committee business.

• (1220)

**Mr. Tom Lukiwski:** Point of order.

**The Chair:** Yes, Mr. Lukiwski.

**Mr. Tom Lukiwski:** Madam Chair, my apologies, it's once again a point of clarification.

One thing we haven't discussed.... I would not oppose Mr. Doherty's motion to adjourn, but before we adjourn, Madam Chair, I would like to know if you have plans for the timing of our next meeting. If we could finalize the timing and location of the next meeting, I think that would certainly be in the benefit of all committee members.

**The Chair:** I don't have a scheduled meeting at this time. I think it may be up to the whips to help us secure a next time. I do know that our regular slotted time for Thursday.... There are many committees that will be up and running on Thursday, so I would not want to misspeak and say something that cannot be accommodated by the House staff and administration, so at this time I wouldn't be able to answer that clearly.

As soon as we have our time slot, our next meeting will be scheduled and everyone will be notified.

**Mr. Tom Lukiwski:** Just so I'm clear, Madam Chair, are you suggesting that the whips will be informing committee members as to the timing of the next meeting?

**The Chair:** I think there will be some discussion as to the timing of the next meeting. As I stated in my opening remarks, these hybrid committees require a House administration team, and we need to know whether we have the resources and ability to host a meeting at a particular time and day, which I have not been informed of yet, but I can discuss that with the clerk and then I think all the party whips can try to accommodate us.

**Mr. Tom Lukiwski:** Thank you, Madam Chair.

The reason I ask—

**Mr. Mark Gerretsen:** Point of order, Madam Chair.

**The Chair:** You are next on the list, Mr. Gerretsen.

**Mr. Mark Gerretsen:** There is a motion to adjourn on the table right now, Madam Chair, which is not debatable. We need to vote on that. It was moved by a Conservative member. You have given some latitude to answering some of Mr. Lukiwski's questions, but we do need to vote on this now.

**The Chair:** I would say that I don't feel that Mr. Lukiwski is debating adjournment at this time, but just asking some questions for clarification thus far.

Perhaps I'll just—

**Mr. Tom Lukiwski:** Thank you, Madam Chair. If I could possibly ask one more question for clarification....

Mark, you are right that we will be voting on the adjournment motion, but my clarification is simply in response to the chair's statement that she has to consult with the House administration to make sure there are adequate resources for our next meeting. My understanding is that PROC is the only committee that consistently meets at a regularly scheduled time, on Tuesdays and Thursdays at 11 a.m. The timing and location of all other committee meetings are adjusted. PROC is the only one, to my understanding, whose meetings remain constant. That's why I wondered whether or not we would be having another meeting on Thursday at 11 a.m.

Whether it is a hybrid or in-person meeting doesn't really matter. Since PROC's meetings are a constant, I was just trying to get clarification on whether or not we would meet on Thursday.

**The Chair:** Unfortunately, my response to the question is going to be the same as the one I gave before. I am just not aware at this time. I have to confer with the clerk and the team to see if we can get back that time slot on this coming Thursday. You will be informed as soon as possible about that.

We will resume the recorded vote on adjournment.

**The Clerk:** The question is, shall the committee adjourn?

(Motion agreed to: yeas 6; nays 5)

**The Clerk:** The motion to adjourn is carried.

● (1225)

**The Chair:** Okay, it looks like notice will go out for the next meeting and we should be back meeting on committee business the next time we meet.

I call today's meeting adjourned.





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