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—
Chair

Mr. Paul Szabo

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• (1535)

[English]

The Chair (Mr. Paul Szabo (Mississauga South, Lib.)): Order, colleagues.

This is meeting number 42. The order of the day is a continuation of the debate on the motion from Mr. Hubbard, the amendment of Mr. Van Kesteren, and the subamendment of Mr. Tilson.

We're resuming debate, and Mr. Van Kesteren has the floor.

Mr. Dave Van Kesteren (Chatham-Kent—Essex, CPC): I will pass to Mr. Hiebert temporarily, Mr. Chair.

The Chair: You want to give him your spot to speak?

Mr. Dave Van Kesteren: Temporarily.

An hon. member: Sure, he can get back on the list again.

Mr. Dave Van Kesteren: But I'll be right back when he's done.

The Chair: That's fine.

Mr. Hiebert, on debate.

Mr. Russ Hiebert (South Surrey—White Rock—Cloverdale, CPC): Thank you, Mr. Chair.

I'd like to move a superseding motion that we change the order of business for today. This is a motion that we change the order of business so we can deal with the Privacy Act witness list, the letter from Guy Pratte, and a notice of motion from Mr. Pat Martin before we commence our continued debate on the motion from Mr. Charles Hubbard.

I'm not talking about removing anything from the committee's business, simply reversing the order so we can deal with some of these more pressing matters before we resume our debate on Mr. Hubbard's motion. It's a superseding motion, so I don't believe there's any debate. It's just a vote.

The Chair: I hear you, and I can tell you, Mr. Hiebert, that when I issue the orders of the day some members can be prepared.... We do have to complete the business that we're involved in.

Mr. Russ Hiebert: The committee is the master of its own destiny, Mr. Chair.

The Chair: I certainly understand that. It is the committee's right.

Would you repeat your motion, please.

Mr. Russ Hiebert: I move that we reverse the order of today's agenda. That's the motion.

The consequence of that, if it were to pass, would be—

The Chair: It's to reverse the agenda. We understand that.

Okay. Mr. Hiebert moves to reverse the order on the agenda.

(Motion negatived)

The Chair: The motion is defeated, and we will move on with debate.

Mr. Wallace is on now.

Mr. Mike Wallace (Burlington, CPC): Could I have the motion read back to me, as well as the amendment and the subamendment?

The Chair: I'll tell you what—

Mr. Mike Wallace: Am I not allowed to hear it?

The Chair: I can do even better for you.

Mr. Clerk, could you please provide this to Mr. Wallace. That is everything. The motion, the amendment of Mr. Van Kesteren, and the subamendment are written so that you can see everything as it all fits together. It's what we've been debating for the last number of hours.

If you would like to spend some time studying the motion, I can move to Mr. Van Kesteren and then back to you.

Mr. Mike Wallace: Yes, that would be fine.

Mr. Dave Van Kesteren: Thank you, Mr. Chair.

For the benefit of those who do not have the amendment, the amendment reads:

and should the Committee find in their investigations similar ethical practices by other parties, the Committee will broaden their investigations to include the study of these ethical practices and make recommendations to Elections Canada as to whether these ethical practices ought to be continued.

Now, we've spoken and debated on this amendment for quite some time. Mr. Tilson, last week, added an amendment to the amendment, or a subamendment, such that after "by other parties", "or in past elections" be put into that amendment as well.

We've had some excellent dialogue and some excellent discussion as to why this amendment should be put in place. There's a pervasive problem in Parliament today, and it can be characterized, possibly, by what I would term as a Pharisaical attitude whereby we get up on our perches—and when I say "we", I say it seems to be pervasive—and we proclaim "I thank you, God, that I'm not like one of these." We have this attitude that this is something that is prevalent in this party. This is something that's prevalent in that party, but it's just not here.

I would argue, and continue to argue.... I'm actually quite glad that Mr. Hubbard brought this motion forward, because it gives us an opportunity to expose that. I humbly submit that no one is immune to this attitude. It seems, as I said, to be pervasive. The very fact that this motion by Mr. Hubbard should single out one particular party and should single out an attitude or an action by a particular party should make us very concerned. It should make us very concerned for a number of reasons.

I would suggest that it should make us very concerned, first of all, that if we as a party, and as the Conservative Party, claim that this action is something that is being used and utilized.... This is just a tactic that, as I think Mr. Poilievre pointed out very well in past weeks, was invented by the Bloc and something that enables parties

• (1540)

[Translation]

Mr. Réal Ménard (Hochelaga, BQ): No, no.

[English]

Mr. Dave Van Kesteren: You'll have your chance to speak, Mr. Ménard.

If this is true, then we ought to be very concerned because, first of all, Elections Canada is prejudicing the Conservative Party. I say that as a warning that all parties enter at risk. If this happens to this party, then it can very likely happen to the Liberal Party or the Bloc or the absent NDP.

[Translation]

Mr. Réal Ménard: Point of order, Mr. Chairman.

[English]

The Chair: Take your time, Mr. Ménard. Take your time.

[Translation]

Mr. Ménard, do you have a point of order?

Mr. Réal Ménard: I'm sorry, but I can't accept that. Let's set the record straight. The Bloc Québécois is a fabulous national liberation political team, which has never indulged in the practices that are being ascribed to it. I would ask that you be extremely vigilant, Mr. Chairman, in order to avoid lies.

[English]

The Chair: Order.

Je suis désolé. This is debate, Mr. Ménard.

Mr. Van Kesteren, I'm going to give you back the floor, but I want to point out to you that this point about one party being centred out and Elections Canada...that was all brought fully forward at our meeting of Thursday, June 12, by Mr. Del Mastro. This is repetition, and I believe—

An hon. member: I wasn't here.

The Chair: I want to address that.

So I want to encourage you to move to a new point.

I heard someone say he wasn't here for that meeting. I want to just remind all honourable members that repetition is repetition of

something that a member himself for herself has said, or repetition of points that another member has made.

Mr. Russ Hiebert: You said that before, Mr. Chair.

The Chair: Just a minute. Mr. Epp asked a legitimate question, and I want to be sure, because if we don't get this straight early on....

It's important, Mr. Hiebert.

For members who are visiting our committee, there is going to be a responsibility for them to do a little bit of review to ensure that we are not going over old ground. I do keep a very comprehensive list, and will continue to do so, to ensure that we keep the debate relevant and that we limit repetition. We have actually taken the floor away from members who continue to be repetitive, but I don't want to do that. I want to hear what members have to say.

I'm going to give the floor back to Mr. Van Kesteren.

[Translation]

Mr. Réal Ménard: Does he have to apologize?

[English]

The Chair: No.

Mr. Van Kesteren.

Mr. Dave Van Kesteren: Thank you, Mr. Chair.

You know what, Mr. Ménard? You're right. I grant you that: "alleged". I apologize for saying that you were the—

The Chair: Order.

Again, we should start off on the correct foot here. Members should only speak when they are recognized by the chair or on a legitimate point of order. This blurting out and having debates or conversations really isn't helpful to the committee, and certainly the translators cannot possibly do their job if more than one person is speaking at a time. So I'm asking all honourable members to hold their comments until they have the floor.

Mr. Van Kesteren, you have the floor.

Mr. Dave Van Kesteren: Okay, then let me continue.

To Mr. Ménard, through you, Mr. Chair, he is correct in saying that this is alleged. We have alleged, and there seems to be evidence, that the Bloc is the mastermind behind this. But again, it's the same problem that I began my discussion with. When we, without solid proof, make accusations or confront.... I said right off the bat that there is a pervasive problem. We all seem to point fingers. That's why this particular amendment gives us an opportunity to investigate, to really look at what has happened and then come to a conclusion.

We might come to a conclusion that it's absolutely correct, that the Bloc is the mastermind behind this whole scheme; we might not. We might come to a conclusion that—

Mr. Réal Ménard: Is that an admission of corruption?

• (1545)

The Chair: Mr. Ménard—

Mr. Dave Van Kesteren: I'm not done.

We might come to a conclusion that it is just the Conservative Party that is responsible; we might not. We as a party, and I as an individual, am not afraid and I'm not in any way concerned that should we endeavour on this exercise, we—as I stated right in the very beginning when the amendment was accepted—can do good work as a party. We can present to the people of Canada, the people who elected us and put us in this position, good recommendations so that in the future we can avoid this type of allegation, this type of strife within our circles.

As a final note, I don't want to belabour this point, but I think it's safe to say that all of us have experienced good friendships amongst parties. It's always a treat for me to go on trips and to really get to know people, because I find out—and I think members opposite would say the same thing too—that when we come to know each another, we're not that different. We're all trying to do the same thing. We all have a goal in mind. We all have aspirations and hopes. We may lean in a different direction. We may think maybe a bit to the left, a bit to the right—

The Chair: You're projecting a little bit, Mr. Van Kesteren. And please, we should really get to the motion.

Mr. Dave Van Kesteren: I apologize, Mr. Chair. I just thought that would be an important point to make.

The Chair: Point made.

Mr. Dave Van Kesteren: It's like the song says: people are the same wherever you go.

I said that if there is a problem, I want to know—and I believe that too. I say that with all sincerity.

We are completely sure that our actions and the actions of the parties are legal and will be proven so in a court of law. You all recognize that there is an action in front of the courts now, but we are not afraid to find the truth. If the parties opposite were really concerned about justice, and I believe they are, they would demand to know—listen carefully—why the Conservative Party has been singled out and refused a reimbursement of its funds, or at least they would have a modest sense of curiosity.

Again, going back to what I said first, if the allegations we make are true, then it's guarding of each other's rights, it's guarding of each other's dignity, it's guarding of each other's good name that is beneficial to each and every one of us. Why? Because in so doing, we guard our own. In so doing, we guard our neighbours. And in so doing, we make our country stronger.

There were a number of points made last time. Mr. Nadeau is not with us today. It's very unfortunate. He's an excellent member of Parliament. I want to address some of those points.

He said it was only Conservatives who had this problem. That's not true. We have repeatedly said, yes, Elections Canada has made a charge that it's the Conservative Party, but as my colleague here has pointed out many times—and he has a whole book full of example after example—this in-and-out strategy is used by all parties and by lots of members. That is the first point I wanted to talk about.

I think it bears repeating that it may be degrees. That's very possible. It may be that one party uses it more extensively than another, or that one party uses higher funds than another. But we've

nothing to fear by investigating this, because we'll just get to the bottom of it; and again, we can make some recommendations as to what should be allowed and what shouldn't be allowed.

On that same point, Mr. Nadeau said we are being charged. That is not true. We're being investigated. There's a big difference. One is charged when there is criminal intent, when laws are being broken. This is not the case. The Conservative Party is being investigated. Every time we make reference to this particular case, and more specifically when we speak about the Conservative Party, we need to be reminded that when the word “charged” is used.... We haven't been charged, we're being investigated.

It was stated by Mr. Nadeau too that there was a search by the RCMP. Again, that is not true. Let us be factual. Let us be correct. Elections Canada seized documents; that is true. The RCMP was there to assist Elections Canada, not to seize the documents but just to be there.

• (1550)

[Translation]

Mr. Réal Ménard: Point of order, Mr. Chairman.

My colleague is already a bit confused, and for the sake of the record, I wouldn't want him to lose his train of thought.

Could you indicate to committee members how many parties represented in the House of Commons were searched by the RCMP, apart from the Conservatives?

[English]

The Chair: Mr. Ménard, as you know, that is not a point of order. If you would like to get your name on the list and make those points, you have that right, sir.

Mr. Van Kesteren—

Mr. Ken Epp (Edmonton—Sherwood Park, CPC): Mr. Chair, I apologize for the fact that I haven't read all of the blues from the committee meeting going on, so you'll correct me if I am in fact repeating something that has already gone on here. I am really confused, as a person just substituting for someone else, as to why you ever ruled this motion out of order—

The Chair: Okay, order.

Mr. Ken Epp: —because Elections Canada is under the—

The Chair: Mr. Epp, order.

An hon. member: We have to go to the blues.

The Chair: Order.

The committee passed a resolution and sustained it, okay. There's no more debating what we're debating. We are debating the motion that you have received a copy of, that I sent down to you so you could read it carefully, and that is the motion, with the amendment and the subamendment added to it, that is before the committee now for debate. That's what's in order, and we're not going to discuss whether it's in order, okay. It is in order, and that has been decided.

I want to give the floor back to Mr.—

An hon. member: I have a point of order.

An hon. member: Yes, I have a point of order.

The Chair: Okay, we haven't had a valid point of order yet, so I would ask all the honourable members to be very careful.

Mr. Poilievre, on a point of order.

Mr. Pierre Poilievre (Nepean—Carleton, CPC): Chair, I notice that the Standing Orders indicate that duplication is not permitted between the work of two committees. Now you have ruled that in this committee their motion is in order—

The Chair: Order, order.

Mr. Pierre Poilievre: —and I'm not challenging that.

The Chair: Order, order.

This is debate, Mr. Poilievre, again. That's the third point of order that is not a point of order.

Mr. Epp, please.

Mr. Ken Epp: This one is a genuine point of order.

Some hon. members: Oh, oh!

Mr. Ken Epp: I think my last one was, too, by the way. The copy I got of the motion we're debating here says "the committee will broaden their investigations to include the study of these ethical practices and make recommendations to Elections Canada as to whether theses ethical practices ought to be continued". That doesn't make sense to me.

An hon. member: That's right, it should be "these".

• (1555)

Mr. Ken Epp: I don't know what the theses are.

The Chair: Mr. Epp, I passed on to you this document here. I think you're reading from a copy of a document that—

Mr. Ken Epp: No, no, no, it came from this. It's the one I just got.

An hon. member: It's a typo, isn't it, unless I don't know how to spell "these"?

Mr. Ken Epp: Theses is the plural of thesis, and I don't know what the thesis is here.

The Chair: Oh, in Mr. Van Kesteren's hand-written submission to the committee, that's what he gave us and that's exactly what they typed up. You're absolutely correct; there is a spelling mistake there, but not in the official record of the committee, okay? So it's a typographical error, but simply on the submission from Mr. Van Kesteren. We know it wasn't deliberate, but—

Mr. Ken Epp: What should it be?

The Chair: The word "these".

Mr. Ken Epp: Oh, I'm sorry. I thought it was the plural of thesis.

The Chair: Thank you for the time.

Now, again, please don't use points of order frivolously. It is not an opportunity just to take the floor and talk. Okay?

Mr. Van Kesteren, please.

Mr. Dave Van Kesteren: Thank you, Mr. Chair.

You're right, Mr. Chair. I appreciate what you're saying, because when we break our tempo here...and those members who were here at the last meeting recognize that as we began to develop our theme, there was excellent argument that was presented first of all by Mr. Tilson. It's unfortunate that Mr. Tilson isn't here.

I think, Mr. Hiebert, you brought forward some good...and that's what we're trying to do here. Mr. Tilson at the last meeting brought forward some excellent legal arguments. I'm trying to bring forward some good moral arguments. I think we saw that was really being played out well, so I want to continue on.

Mr. Chair, could I have a motion to adjourn?

Some hon. members: Oh, oh!

Some hon. members: Non-debatable.

An hon. member: Call the vote.

The Chair: Order.

Can we get order in the room? The chair can't conduct a.... Order, please.

There has been a motion to adjourn. All those in favour of adjournment?

Mr. Russ Hiebert: I'd like to have a polled vote, Mr. Chair.

The Chair: Mr. Clerk, would you please call the vote on the motion to adjourn?

It's a tie vote. The chair votes no.

(Motion negatived: nays 6; yeas 5)

The Chair: The first meeting was quite an embarrassment, and I'm sorry for that. I'm trying hard to cooperate and make sure people have ample opportunity to put their arguments on the table. I think we had some good input on the motions before us, keeping them reasonably relevant with not much repetition.

Last time, as soon as we started the meeting, there was a motion to adjourn. I don't understand that. As soon as a member has to take a phone call or something like that, people want to start asking for adjournment. Now there are signals of the true intent.

In my notes I see that all that we've done in the first half hour is go through seven examples of repetition, five points of order that were not points of order, and very little substantive contribution to debate on the motions. It is important that members have an opportunity to put points on without repetition. We have to make sure that everybody has the information required to make informed, relevant decisions.

We're losing both of those arguments right now. If it continues, and if the members are saying we might as well adjourn the meeting or something like that, then effectively that's saying we might as well stop talking about this and we'll put the questions. If that's what the members want—

Some hon. members: Oh, oh!

The Chair: Excuse me.

●(1600)

Mr. Mike Wallace: What's your vote?

The Chair: The motion to adjourn was defeated.

An hon. member: There was a tie.

The Chair: I indicated my vote.

We are still with Mr. Van Kesteren.

Mr. Dave Van Kesteren: The point being made, and the point I have tried to make, is to appeal to your moral sense of right and wrong. To prove the point, these are all strong arguments. This amendment really doesn't harm anybody. If you have something to hide, expose it. If you don't have anything to hide, you have nothing to worry about. But the very fact that there is no consensus to move this amendment is very troubling. The way this vote goes proves that we are still not at a point where we can move forward and resolve this.

To close, ethical standards are expected of public office-holders. Before we come to the conclusion that these ethical standards are wrong or that standards have been broken, we must get to the bottom of this. We are not afraid to make an investigation and get to the bottom. My amendment will expand the investigation beyond public office-holders. I think that's clear too.

In conclusion, we have an incredible system in place.

I'll just tell you a quick story. I was in Taiwan and sat beside a senator—

An hon. member: No.

An hon. member: Out of order.

Mr. Dave Van Kesteren: This is important. It's not out of order.

Mr. Chair.

●(1605)

The Chair: Are you on a point of relevance? Mr. Van Kesteren, you know what we're speaking about. I encourage you to please restrict your comments to matters that are directly related to the motions.

Mr. Dave Van Kesteren: They are in order.

The point is that in our system we raise our money. We have to give the former leader of the Liberal Party credit for changing the system to disallow money to be brought in through unions and corporations. Now it can only come from public citizens to the tune of \$1,000. We don't recognize what a profound effect that has had on politics in this country.

I'm sure you can all make this claim. I don't have anyone in my riding who can come to me and ask for something because I owe him or her a favour. I owe no one in my riding anything, except what is right and what is wrong.

We as parliamentarians have that same charge even in this committee. If we deviate from that and follow a different line, remember what I said. If you do not guard one party's rights and principles, you are letting your guard down. What goes around comes around.

The Chair: You're back at the beginning of your speech again.

Mr. Mike Wallace: I liked it, though. It was a good speech.

The Chair: Thank you very much.

We're going to move to Mr. Wallace, please.

Mr. Mike Wallace: Thank you, Mr. Chair.

Mr. Réal Ménard: [*Inaudible—Editor*]...control yourself and be polite to everyone.

Some hon. members: Oh, oh!

The Chair: Order. Order, please.

Mr. Wallace has the floor. I want you to respect his right to speak without being interrupted.

Mr. Mike Wallace: I appreciate that. I'm going to a new area that I don't think anybody.... Now, I'm sorry I missed last Thursday's meeting, but I heard it was quite good and I wish I could have been here.

I'm going to speak to "in past elections", which I think is the amendment that's actually on the floor. Is that not correct?

An hon. member: Yes.

Mr. Mike Wallace: So we have that subamendment to the amendment, and the amendment talks about recommendations to Elections Canada, and the main motion talks about certain election campaign expenses.

I think it's important for us as members of this committee, if this motion actually ends up passing, because we're just debating.... It's not passed yet; it may not pass. I'm taking the assumption that some day it may pass, and when that happens, then this committee will be looking at certain election campaign expenses and recommendations to Elections Canada and what happened, not just in the last election in 2006 but in past elections. That's if the subamendment passes, the other amendment passes, and the main motion passes. So I'm going to work on that assumption.

But I think it's important for us, as members of this committee, to understand what we're actually talking about. I have a copy of the last Canada Elections Act. I think it's important for us to understand, when we're talking about expenses, certain expenses, what that might entail. The fact of the matter is that Elections Canada's job is really to manage and run the federal elections legislation that's been passed by this House.

For us to do a quality job as members of this committee, I think we should understand this legislation.

The Chair: Order.

Mr. Mike Wallace: How is that out of order? The whole thing mentions election expenses.

The Chair: Order. I understand that.

One of the rulings I made earlier has to do with the difference between providing evidence and what we do with witnesses, should we pass the motion to do this study, as opposed to debating the motion to do the study.

It's something the committee is going to have to address, the subamendment dealing with past elections. In this regard, it's going to be somewhat problematic, because I've read the Federal Court filings on this, and one of the keys here is that there were changes to the Canada Elections Act for the 2006 election campaign, and that will be very complicated. We're not going to be able to resolve that in a debate of the motion, amendment, and subamendment. That is more for expert witnesses. We may all have opinions on it—

• (1610)

Mr. Mike Wallace: You're making an assumption, Mr. Chair, that the subamendment is not going to pass.

The Chair: No, I'm saying that you can't take one book from the latest book. You have to—

Mr. Mike Wallace: No, but I can do this in my review. In my review, Mr. Chair, I can preface every single statement that I make.... For me to do a proper job as a member of this committee, not only do I have to look at, let's say, section 319 and the definition of election advertising in the 2006...but if the past elections amendment passes, I need to know what the definitions are—

The Chair: Order. Order, please.

If I may, colleagues, I made that ruling with regard to the differentiation between testimony that will come, should we engage in this study, and debate on the importance of doing this. I do understand that there is a fine argument that people can make, but it is not going to be helpful to start going through the Canada Elections Act. We understand that we are going to have to hear from witnesses who can give us the authoritative, expert advice on this, should we do the study.

So Mr. Wallace, I encourage you—

Mr. Mike Wallace: I'm going to use your own words here, Mr. Chair.

The Chair: Order, Mr. Wallace. Order.

Mr. Mike Wallace: These are your own words:

The crafters of the Constitution of Canada and our laws now in the Constitution have extended extraordinary privileges to members of Parliament. Those privileges, in brief, would include such things as the matter to speak freely in this place, to represent the interests of constituents without having fear....

That was from Paul Szabo, two Thursdays ago, in the House of Commons.

How on earth, Mr. Chair, can you say that in the House of Commons and not allow me to speak freely to the motion that's here in front of us and the amendment? How is that possible?

The Chair: Order. Order.

Mr. Réal Ménard: *J'invoque le Règlement.*

Mr. Mike Wallace: And I've got more quotes for you.

The Chair: Wipe the smirk off your face. Wipe the smirk off your face.

Mr. Mike Wallace: I'll wipe the smirk off my face when you start living by your own words in the House of Commons.

The Chair: Order. Order.

An hon. member: Please, respect the chair.

The Chair: Keep in mind that—

Mr. Mike Wallace: Those were your words. Keep that in mind.

An hon. member: Just listen, Mike.

An hon. member: Don't be impolite.

The Chair: Keep in mind that this was in regard to the decision of the Ethics Commissioner and the debate of the House with regard to a legal proceeding, a lawsuit, of an honourable member of Parliament and his rights. This is not a parallel issue.

An hon. member: Oh, oh!

An hon. member: So we have no right to speak in this committee; is that what you're saying to us, Mr. Chair?

Mr. Réal Ménard: *J'invoque le Règlement.*

The Chair: I will come to you, yes. I have made note of it, and I'm going to deal with it, but I have to finish with this first. I think it's important.

Now, we are debating a subamendment to an amendment to a motion. Some members have talked about the subamendment in the context of the motion and the amendment as well. Some have made some assumptions. But that is understandable; it's pretty hard to talk to just "or in past elections" and be totally relevant if you only have four words to play with. So we understand that.

But Mr. Wallace, we do need to have expert witnesses with regard to the Canada Elections Act, and that is testimony that is not relevant to the debate. In my view, it is not relevant to the debate of this motion or the proposed amendment or subamendment. I do not want to get into a situation where somebody is going to walk us through the whole Canada Elections Act when in fact the motion, as you know....

If you look, Mr. Wallace, back to.... You're laughing at me again; second time.

Mr. Mike Wallace: I'm listening. I'm not laughing, Mr. Szabo; I'm a happy guy.

An hon. member: Mr. Ménard's making him laugh.

The Chair: Hold it.

Again, I want to encourage members to remember that if you—

Mr. Pierre Poilievre: [*Inaudible—Editor*]

The Chair: Mr. Poilievre, please. Order.

To go back to the ruling on the admissibility of the Hubbard motion, we know that under our mandate it has to be restricted to public office holders in terms of its....

•(1615)

We are not going to get into opining at all on the Conservative Party of Canada in the matter it has between the Chief Electoral Officer and the act. We're talking about the activities of candidates who became public office-holders and, after the election, filed election expenses and returns that have been challenged by Elections Canada. Subsequent to becoming public office-holders, they have now been named by the Chief Electoral Officer as being parties to this matter, which was fully exposed in April. As you may recall, at that time we were talking about whether or not there were any obligations for any of those persons to make any reports or filings or to recuse themselves from any activities. This is what went on at that meeting.

So it's not so much what the Canada Elections Act is and what it does. The court is going to determine that. We are not going to have a play in that.

Mr. Russ Hiebert: But we might.

The Chair: We shouldn't. We're not going to interfere with the courts and we're not going to—

Mr. Mike Wallace: It's written in the amendment. It says “make recommendations to Elections Canada”.

The Chair: I understand. But my ruling was on the motion, not the amendment. The member put in an amendment adding “making recommendations”. Some members may argue that is the responsibility of Procedure and House Affairs.

I gave some latitude to Mr. Van Kesteren, based on his presentation, that the intent of the motion was to be comprehensive and give our findings to whoever they might help. I bent a little bit to allow that to be in order.

Mr. Wallace, I'm sorry I've taken all this time, but for that reason I'm advising you that it would not be proper to go through the Canada Elections Act to debate whether this motion should be adopted. That's my ruling.

Mr. Ménard is next on a point of order.

[Translation]

Mr. Réal Ménard: Point of order, Mr. Chairman.

Some colleagues are not abiding by the decisions of the chair, and it's a sad spectacle. I think you should remind the government side in particular that once a decision is made, it has to be followed. The fact that the government is not following this rule is quite disappointing, especially given that you are an experienced parliamentarian whose judgment is now recognized. You have always served the House well. The fact that the government side has no respect for anything is sad to see.

•(1620)

[English]

The Chair: Thank you.

Mr. Ménard, I appreciate the sentiment, but that is not a point of order.

Mr. Hiebert is next on a point of order.

Mr. Russ Hiebert: Further to Mr. Ménard's comments, I'd like you to respect the ruling you made last November when you said that after the word “that”—

The Chair: Order, order.

Mr. Russ Hiebert: —everything could be amended. This was Charles Hubbard's subamendment to a motion from the Bloc, where you allowed the committee to change everything—

The Chair: Mr. Hiebert, order, please.

Mr. Russ Hiebert: —after the word “that”.

The Chair: Order, order.

Mr. Russ Hiebert: I would like that precedent to stand within this committee so that we can continue to have rules that actually live within the Standing Orders of this House of Commons.

The Chair: Order. Thank you, Mr. Hiebert. Order, please.

Mr. Russ Hiebert: Until you recognize the fact that you've allowed this precedent in the past, I will continue to make these points. You have ruled this way in the past—

The Chair: That was with regard to the Mulroney issue.

Mr. Russ Hiebert: It doesn't matter what it was with regard to. You allowed an amendment to change everything after the word “that”.

The Chair: Order. Order. Order.

Mr. Russ Hiebert: It altered the scope, it changed the depth—

The Chair: Mr. Hiebert, for the final time—

Mr. Russ Hiebert: Well, Mr. Chair, you—

The Chair: For the final time, Mr. Hiebert! I do not hear you at this meeting.

Now, I want to inform members—

Mr. Pierre Poilievre: I have a point of order, Mr. Chair.

The Chair: —that the chair does not make decisions unilaterally here. Any of the decisions taken on the motions, etc., in fact have been affirmed by the committee. They've been ruled on by the chair. They may have been challenged by the committee—

Mr. Russ Hiebert: It's nonsense, Mr. Chair. You know it's nonsense. You were there, and you allowed it to happen.

What's happening here is a kangaroo court. It's just unbelievable. And you're allowing it to continue like this.

The Chair: Mr. Hiebert, please; I'm not—

Mr. Russ Hiebert: It's an Alice-in-Wonderland place: what's up is down, what's down is up.

The Chair: Just unplug his mike.

A voice: It's not on.

The Chair: It just doesn't go on for the rest of this meeting.

Mr. Russ Hiebert: That the chair takes that power upon himself is unbelievable—

The Chair: Just hold it, Mr. Hiebert.

You know, this is because of the disrespect and the disorder of you, Mr. Hiebert.

Mr. Russ Hiebert: It's because of what we're experiencing from you as chair.

You can pretend that you have the support of the opposition behind every one of your decisions, but until you start facing reality, Mr. Chair, you're going to continue to get these kinds of opposition points from the members of the government.

An hon. member: *Incroyable*; respect the chair.

Mr. Pierre Poilievre: I have a point of order, Mr. Chair.

The Chair: Order, please. Order. Order.

Colleagues, I want to ensure that the committee has the opportunity to debate the matters before us right now. As I think the members will know, it is improper to reopen matters that the committee has already ruled upon and decided upon.

We may not like everything that happens, but I want to remind members again that you can speak when you're recognized by the chair and you have the floor—or when you have a legitimate point of order, and we haven't heard one yet. Most of the meeting has been people talking just for the sake of wanting to hear themselves talk. They just want to rant and continue to disrupt the meeting. It's disorderly conduct. It's disrespect for the chair. It's disrespect for all of our other members.

The chair of a standing committee has no power to censure or to name a member. The chair has the authority not to recognize a member because of disrespect for the committee. The chair can also suspend the committee meeting or seek adjournment of the meeting if order can't be restored.

• (1625)

We'll see how it goes. It's really up to the members; it's not up to the chair. The committee will determine this. Sometimes, if one member is particularly the reason for the problem, the other members will make a collective effort to encourage the member to behave himself or herself. The committee is going to decide what happens here. Since there are votes at 5:45 and bells at 5:30, my intent would be that we adjourn by 5:30.

It is possible that the House will rise on Wednesday at the end of the business day or sometime in the afternoon, but it is my intent that we will have a meeting on Thursday. Should the House adjourn until September 15, we will meet on Thursday at one o'clock or something like that, but if there is business as usual, our regular meeting is at 3:30. We'll have to give you notice, but I'll give you that notice right now.

We have one hour left, and I'm going to encourage members to use it the best way they can to provide constructive input about the matters before us. We will pick it up again on Thursday, either at one o'clock or 3:30, depending on what happens with the House.

I want to leave it at that.

Mr. Wallace still has the floor.

Mr. Pierre Poilievre: On a point of order, Mr. Chair.

The Chair: Mr. Poilievre has a point of order.

Mr. Poilievre, please.

Mr. Pierre Poilievre: Would it be in order at this point to go to a brief intermission to recollect our thoughts so we can return—

The Chair: Thank you, but that is not a point of order.

I've tried to slow the process down here. That's interesting, but it's not a point of order.

Mr. Wallace, please.

Mr. Mike Wallace: Thank you. And thank you for that ruling. I don't agree with it, because let me put it this way: I never even got started.

The subamendment I'm speaking to is the addition of “in the past elections”. Now, Mr. Chair, I have been involved in past elections. I've been involved in past elections as a candidate. In 2004, I was a candidate for the Conservative Party of Canada. I've been involved in past elections as a campaign manager. I've been involved in past elections as a candidate for nomination in 1997, in which I did not receive the nomination. I was with the Progressive Conservative Party, as it existed at that time, and I ran as a nomination candidate.

I think it's important that if this amendment passes and the subamendment passes.... The amendment talks about similar ethical practices of other parties, and that the committee will broaden its investigation to include ethical practices and make recommendations. Those recommendations would obviously affect Elections Canada in how they operate, not just how the legislation is put but how they operate.

And for me, as someone who has experience in previous elections as a candidate and as a campaign manager.... I was a campaign manager in 1993. In 1997, I was a nomination candidate. And when was the next one? It was in 2000. They were so quick.

• (1630)

The Chair: What is the relevance of this?

Mr. Mike Wallace: I'm talking about past elections, and my involvement in past—

The Chair: Your history is not relevant.

Mr. Mike Wallace: I'm trying to remember what my past election experience was.

The Chair: Order.

An hon. member: [*Inaudible—Editor*]

The Chair: Please be relevant, sir.

Mr. Mike Wallace: Is he allowed to yell at me like that? He can't swear.

Don't swear.

The Chair: Order, order.

Mr. Mike Wallace: I think it's important for this committee, if this motion sees the light of the day and passes eventually, that we do look at past elections. Because my involvement, and that of many of us around the table...and Ms. McDonough has joined us, and she's been in a number of past elections. It's interesting to find out if the practices from the elections I was involved in, whether it was in 2004, 2000, 1997, 1993—those are the big ones I was involved with—have changed.

I know you don't want me reading from it, but there have been changes to the Elections Act that cover off the past, the election in 2006. But for us to do a proper job as members of this committee, we need to look at the differences. That's why I think this subamendment is important. Whether the difference in what has been allowed in the past from an advertising point of view is in the limits, whether it's how it's funded, or whether candidates can have money from their federal party or send money to the federal party for spending, or how that money is spent, or what identification needs to be on that advertising.... As you all know, you have to put the official agent on the bottom of your lawn signs—all national advertising.

Mr. Chair, I am talking about the specific item that we're talking about, the different practice that may have occurred in past elections, when parties and individuals may have operated in a certain manner based on the rules that existed at that particular point. I don't know if they have changed. I don't know if they've gotten stricter, or less strict, or whether that makes a difference. But I think it's important for this committee to understand what the Elections Act says now, what the Elections Act said then, if we are going to...which I'm supporting, by the way. I am supporting the addition of past elections in this motion, because my own personal experience in terms of advertising is that it was all local. We raised enough money to spend locally. We didn't have surplus that went to the party. And in the campaigns I've been involved in, either as a campaign manager, as a candidate, or as a nomination candidate, the party didn't send money.

That's why the part about the past elections is important in this, because if we find that public office-holders at any time in the past, in any election.... If the rules changed, did they change to the good? Let me put it that way. Are we doing the right thing? Did we do something different as a party, as a campaign manager, or as an official agent in previous elections from what the Elections Act states here?

I think for us to ask questions.... Let me assume that these motions all pass, I want to be able to call people and witnesses from past elections who have been campaign managers, who have been official agents, who have been involved with political parties, even political parties that don't exist anymore, on how they handled their finances when it came to sharing their funds with their candidates and, in terms of the candidates, with their national party.

Now, some of those national parties don't exist anymore, but I think it's still important for us to understand the process, because this is what this whole thing is about. At the end of the day, the Conservative Party has not denied anything. Candidates and the national party have shared dollars to be able to advertise the national party. For example, in New Brunswick I understand there's another party that pooled their money to buy advertising. I want to know whether in past elections that was done. I want to know, under Elections Canada's review of the act, whether under the rules that

existed at the time of past elections it was legal for them to pool money. And we don't have to go that far back.

•(1635)

Let's just look at the 2004 election. Was that pooling of money done, and if it was done, does that affect any ethical standards of any public office-holders, which is what the original motion talks about? So it's important for us to understand what happened in 2004.

I believe it's important for us to know the public office-holders, many of whom continued on between elections. The year 2006 was a unique situation. There was a change in government. So lots of public office-holders were brand new to being public office-holders, whereas from 2000 to 2004 those public office-holders were often the same people.

So I would be interested to see, as a committee member, that a review of past election expenses, or certain election expenses, as the main motion says, applies. Make sure those rules that those public office-holders were operating under.... Has there been a change, and how did that change affect the advertising and expenses that happened in 2006?

The motion, as it's presently stated, which I'm open to having changed, says "the Conservative Party of Canada". The Conservative Party of Canada—

[Translation]

Mr. Réal Ménard: Point of order, Mr. Chairman.

[English]

Mr. Mike Wallace: Mr. Chair, I'm right on point here. How can I get even more on point?

The Chair: Mr. Ménard has a point of order, please. Mr. Wallace, order. Just a moment.

I understand that points of order do interrupt everything, and sometimes it's not for the good. But we have to respect a member's right to have them. I can tell you that points of order called that are out of order can only be made a couple of times. Because it's like calling wolf, and I'm going to have to say no.

Members should be judicious. If you're going to interrupt this meeting, it had better be for a legitimate point of order, or you have disrespected the committee.

Mr. Ménard, do you have a point of order?

[Translation]

Mr. Réal Ménard: Yes.

Mr. Chairman, everyone on all sides has always appreciated how strict you are. Allow me to respectfully bring to your attention the fact that this appears to be useless repetition, and that should normally put you on high alert. Perhaps I might even ask you to kindly intervene so that others might speak.

Mr. Chairman, with all due respect to my colleague, I'd like to point out that there may have been some pointless repetition. I think he has made his point and is now only repeating himself for no reason, excessively, and not always subtly.

[English]

The Chair: Thank you.

I have asked members to keep to that. Mr. Wallace has made a point that the election law has changed. It could be significantly complicated to get into this, because you would have to have a lot of experts to remind you of what the law was back then, how it's changed, and the implications. Then you would have to have witnesses to tell you what they changed in their approach to dealing with election financing. It could be very significant.

I'm not exactly sure what that has to do with the ethical practices or the ethical standards met by public office-holders, but simply by the fact that we have this subamendment that refers to past elections, musing about past elections is in order.

I don't think we'd better go very much further, Mr. Wallace. I'm going to kind of saw off here. I think your point has been made, and maybe we should just move on. Okay?

Mr. Mike Wallace: Well, I have the floor, and whether you agree with my point or not isn't the issue; it's whether I'm entitled to talk to my point. But I hear what you're saying, and you're interested in moving on.

So here is the issue I have also with this amendment—that's why I think it's important. The main motion talks about certain election campaign expenses, and if this motion is to pass, Mr. Chair, I don't think that's detailed enough. I'm looking in the legislation we have now. It has election advertising, and there's a listing in there under section 320. And I'm not saying this isn't going to be complicated. I'm not in favour of the motion generally, and this is why I'm trying to talk my colleagues, including my Liberal friends, into not supporting this.

They should be withdrawing this, because this is opening up a big can of worms, a long, long process that I don't think they're willing to stand up to the scrutiny for. I think if we are going to look at past elections, which was in the amendment, all election campaign expenses that the Liberals, the NDP, the Bloc, and the Conservatives had—all four of us—and in previous elections what the Alliance did, what the Reform did, what a number of other parties have done, we should be looking at those expenses and what they mean, how they have changed. We are talking about making recommendations to Elections Canada here on how it administers the act, and I think we have to have an understanding if we are going to make informed, appropriate recommendations. We need to be informed on how it interpreted the legislation, based on what the legislation was, on election expenses—and I mean all election expenses, not certain ones—

An hon. member: I have a point of order.

Mr. Mike Wallace: My God, the wording is right in the motion. How can that be—

• (1640)

The Chair: Order.

I think I need to help here.

Even in the amendment, we're talking about the Canada Elections Act. We're talking about the specific actions that were taken vis-à-vis the moneys that were used. There is a finding by Elections Canada that the Conservative Party of Canada had used candidates as a means to overspend its limit on the national advertising campaign. That is a matter for the courts. We are talking about the candidates who, subsequent to getting elected and being made public office-holders and filing returns and claiming expenses, have been challenged and not reimbursed by Elections Canada because the matter is in dispute. Okay?

So it's not the whole Elections Expenses Act; it's not every aspect of election expenses. It is talking about the transfer of moneys between parties and the fact that it was used for a specific purpose, which was national, apparently—a national advertising campaign—not local, and therefore, according to Elections Canada, not eligible for the section 465 subsidy.

Okay? It's very narrow.

Mr. Mike Wallace: But that's not what the motion says at all.

The Chair: It's very narrow, okay? It's talking about these people, those candidates in the 2006 election. I believe, as Mr. Van Kesteren presented his amendment to us, he wanted to expand this to other parties and, he said, should their investigation find.... We're still talking, though, about the principal transactions involved, that Elections Canada has alleged and has raised, and the court action is dealing with. It has to do with moneys that were transferred, the purpose for which, and whether or not they qualified for a candidate rebate or whether or not they constituted a scheme that allowed a party to overspend its national advertising limit.

That legal problem is something else. We're still back at the individuals and their returns—

Mr. Mike Wallace: I agree with you.

The Chair: —and that they filed and they claimed reimbursement for something that is being challenged. They've been named by Elections Canada.

Even though we're dealing with past elections, according to the way the motion, the amendment, and subamendment are, it has something to do with transfers between the national party, riding associations, and candidates, because they're all legal under the Canada Elections Act, and whether or not they also were either permitted or not permitted in prior elections.

That's how I understand the amendment. Okay?

• (1645)

Mr. Mike Wallace: The subamendment applies to the main motion. That's how you understand it. But with all due respect, it says "certain election campaign expenses". So you're telling me that because it doesn't say exactly the in-and-out portion of national advertising, this committee could not call any other official agents or anybody from Elections Canada. There are other candidates who are not getting reimbursed for election expenses for other reasons. There are issues other than the one that's been pointed out here.

It's been said in the House that there's a list of individual people. So if your argument is the case, I think this motion is poorly worded because it opens it up. My interpretation of this is that it does open it up.

Second of all, based on what you've said—and I don't disagree with you—the ethical standards of public office-holders is in the main motion. In past elections there have been public office-holders. I want to see what transpired in previous elections with public office-holders and their campaign expenses, and if that interpretation changed in 2006 for public office-holders who became public office-holders.

The Chair: Order, Mr. Wallace.

Mr. Mike Wallace: I'm listening.

The Chair: This is at least the third time you've laid out what we would do if we adopted these motions, called witnesses, and had to get into this complicated thing, right back to however many.... Those are decisions to be taken should the motion be passed. If we go this route, it's going to be complicated.

The point that public office-holders existed in other election campaigns, and there are different rules, etc., has been made several times, so we really should move on from that. We understand that it's relevant to the member's consideration—

Mr. Mike Wallace: I'm opposed to the motion. I'm putting forward considerations people should have about why this is a complicated issue, and why they should not be in favour of the motion in general. But if they're going to be, we should be looking at past elections, which is the subamendment.

So I'm on point, Mr. Chair.

The Chair: But don't repeat.

Mr. Dave Van Kesteren: Mr. Chair, I have a legitimate point of order.

I want a clarification. A number of times you have made reference that the intent of my subamendment was to see if there were other wrongdoings. That was not the intent, and I laid that out clearly in my pre-empt as well. The intent of the subamendment was to do something useful as a committee.

I recognize there's a lot of badgering going back and forth here, but that was my pure intent and I stand by that intent. I don't think you are in any way trying to change my intent, but I would appreciate that when we talk about my subamendment we recognize that the motion as it stood really was not accomplishing anything. The subamendment changes the intent so that we, as a committee, are actually doing something useful and giving the Canadian public something for their money.

The Chair: I thank you for the commentary, but it's not a point of order.

Mr. Wallace, please.

Mr. Mike Wallace: Thank you, Mr. Chair.

You make a good point, and I'll move on to the ethical aspects. I looked through the Elections Canada book for the words “ethical standards”, and the actual legislation does not lay out ethical standards for candidates during elections. It doesn't say that. It has a

bunch of rules, of course, but not what you would call ethical standards set out in the book. I challenge anybody to find them, because they're not there.

We may want to recommend to Elections Canada—it wouldn't have to be in the legislation—that it lay out a set of ethical standards for candidates who get elected and those who don't.

So ethical standards are important. Why should we look at past elections? Why is that subamendment important on ethical standards? I looked up the ethical standards, and this is from the Library of Parliament so it's not biased.

• (1650)

The Chair: Order, please. Order, please.

I need to make sure that members are clear here. There are two references to the ethical standards, if you put the motion, the amendment, and the subamendment all together.

The Hubbard motion has ethical standards as they relate to public office-holders, and those would be the ethical standards required of public office-holders in the act guiding the conflict of interest statement, not members of Parliament. This is where, if you look at the transcript of when Mr. Van Kesteren brought his amendment forward, I asked him and wanted him to clarify this thing, because he wanted this word “ethical” in there—ethical practices.

What your commentary is referring to is that maybe we should have some ethical standards in the Canada Elections Act, because you're taking that from Mr. Van Kesteren's amendment, whether these ethical practices.... This is the confusion. The members have to understand that the original motion was referring to the ethical standards expected of public office-holders per the Prime Minister's code of conduct for public office-holders. Okay?

Mr. Van Kesteren's—

Mr. Pierre Poilievre: On a point of order, Mr. Chair—

The Chair: Just a moment.

Mr. Van Kesteren's amendment...he's used the word, and that's his choice, but he put in handwriting, as a last edition, “ethical practices”. This refers to the activities of somebody under the Canada Elections Act. It has nothing to do with the code of ethics for public office-holders.

They're two different.... There definitely is a problem. I just want the members to understand that. Mr. Wallace is now talking about making ethical guidelines in the Canada Elections Act.... That's pursuant to Mr. Van Kesteren's, but not the main motion.

Mr. Mike Wallace: But it's there.

The Chair: Okay. I just want members to know that our job.... I'm not sure Mr. Van Kesteren really intended that we were to somehow come up with a whole new set of ethical guidelines for candidates under the Canada Elections Act. I don't know that.

An hon. member: It's possible.

The Chair: He may want to speak to it.

In any event, I thought it was important to understand that if you put all these together, there are some contradictions.

Mr. Wallace.

Mr. Mike Wallace: Thank you for that clarification. You have lots of input to these; maybe you should relieve yourself of the chairmanship and get on the committee.

The ethical practices piece is debatable whether—and you've highlighted it in terms of whether there's the code and the actual practices. But in the code, which I have from the Library of Parliament, the Conflict of Interest Code for Parliamentarians, this section deals with conflict of interest and post-employment code for public office-holders, on the order of the Prime Minister, as you just mentioned—

Mr. Réal Ménard: [*Inaudible—Editor*]

The Chair: Mr. Ménard, respect the member.

Mr. Réal Ménard: I respect you myself.

The Chair: I understand that, but you know what? It's happening a little too often. Bear with us, we've got about 35 minutes left.

Mr. Wallace.

Mr. Mike Wallace: I'm only going to be on for about 34 of those minutes, only 34 of those minutes.

And it applies to cabinet ministers, parliamentary secretaries, and other senior public office-holders. Now, it has been brought to my attention, and I'm not sure it's accurate, but it's my understanding—and I want to apologize to Mr. Hubbard—that public office-holders, if you're a parliamentary secretary.... If you're a cabinet minister, it still stands between elections; if you're a PS, it does not. I don't apologize for his being a PS, I apologize for saying that he was still a public office-holder.

Some hon. members: Oh, oh!

Mr. Mike Wallace: Can I not apologize? Is that not allowed?

The Chair: I understand.

We've already had this before, but he wanted to make it....

That's fine. Carry on, Mr. Wallace.

• (1655)

[*Translation*]

Mr. Réal Ménard: Are any opposition members going to speak, Mr. Chairman?

[*English*]

The Chair: This is a bit of a repetition.

Mr. Mike Wallace: From whom? I've never said it before.

The Chair: No, but others have. We've already been through the definition of public office-holder. Mr. Hubbard made a request to members that he wasn't—

Mr. Mike Wallace: I wasn't here at the time.

The Chair: Order. This is a problem we have—members who have not been with us for this debate. If you're not here, you may find yourself....

I'm indicating that it is repetition. I understand you may not have known that, but....

Order.

Madame Lavallée on a point of order.

[*Translation*]

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Mr. Chairman, members who are replacing a colleague or who have missed a meeting should in my opinion read the blues in order to avoid repetition.

[*English*]

The Chair: *Merci.*

Go ahead, Mr. Wallace.

Mr. Mike Wallace: Thank you, Mr. Chair.

That wasn't repetitive. I wanted to apologize personally because I had made those references. If you check the blues previously, it's the first opportunity I've had on this particular topic to apologize to Mr. Hubbard, and I have done that. Thank you very much.

The reason that passed—

An hon. member: You have to read it; you don't have to make it.

An hon. member: And he did read it—

Mr. Mike Wallace: I'm moving on now.

Mr. Chair, I can't even move on. They keep hassling me. I can't believe it.

The Chair: Do you think that's something we all should stop?

Order, order.

We only have about a half hour left. Mr. Wallace asked a rhetorical question about whether we should respect everybody and not have interruptions. If the committee is willing, we'll all adopt that as a principle, and nobody is going to interrupt ever again, as Mr. Wallace has suggested.

I see some nodding around, so I'm going to assume that everybody is not going to speak unless they're properly recognized, okay?

Mr. Wallace—

Mr. Ménard, it starts right now. You must restrain yourself. I know it's hard; you're an active member. But we need to hear Mr. Wallace, okay? I want Mr. Wallace to be able to....

Let's everyone listen to the member. He'll finish his turn. We'll hear from another honourable member, I'm sure.

Mr. Mike Wallace: Yes, that's right. I'm actually coming to the end of the points I wanted to make.

For past elections, the reason this is important...I've covered off the election expenses piece, and I'm not going there. On the ethical piece, the code of conduct has changed from previous years. It became a lot stricter, in my view, for public office-holders in 2006, and I think that's why this subamendment is important.

If we find in our deliberations—if we get there—that we need to look at other activities of public office-holders from previous elections from the ethical code point of view, whether that code applied to them.... And I think it's a great opportunity for us to look at past elections, because they're not that far past—2004 and 2000—and we can see a transition of the parties. Let's look at the ethical code that applied to public office holders in past elections. It's right in the motion: the ethical standards, the ethical practices; there is a definition piece about practices.

Were there any violations, based on the Elections Act of the day? I think we need to look at the Elections Act of the day in 2004 and in 2000, and if this motion happens to pass, we have to look at the ethics code that was put in place.

Let's remind committee that the ethics code at one point, and not that long ago, prior to 2004, was administered by the Office of the Ethics Counsellor, an office that was criticized for not being independent from government; the Prime Minister ran it, basically. Now I think we've done the right thing by setting up an independent office that reports on the code of public office-holders directly to Parliament. And I think that's an important distinction.

We need to look at seeing what happened in previous elections. We don't have to go too far back. I think we can go to 2000. People are still around, I think, from 2000, and maybe 2004. A lot of the public office-holders are still around. Their election expenses are easily accessible on the Elections Canada website, which I have looked for and looked at for previous years.

The code of conduct, which is listed here in the main motion, and the ethical practices—that “the committee will broaden their investigations to include the...ethical practices and make recommendations”.... Let's look at the ethical practices based on the code that was in place in 2004 for public office-holders. Let's look at the code that was in place in 2000 for public office-holders and see whether there is any transition and then see what the transition is in 2006 with the new code that we have brought in, which has more teeth to it.

That's why it's important that we look at these last elections. We can't look at this one election in isolation, because that's not really fair to those brand new public office-holders. We have to look at the history. It's important to look at history, because the history of how things operate is how we got to where we are today. If we don't, as committee members, understand the evolution of the code of conduct, who administered it, how it affected Elections Canada, how it affected the funding of elections, how individual public office-holders participated in the election, how the spending was done, who made those determinations, how much sharing was done with their national parties; if we don't know, I don't think it's fair, as committee members.... If we don't know where we've come from, how do we

know what changes we can make in terms of recommendations as a committee?

My issue is—and it's been pointed out by the chair in his interventions—that this isn't just politics. This can get very complicated. I don't mind this committee looking at it for a year, if that's what it takes.

• (1700)

The Chair: We are repeating areas, Mr. Wallace. Please, you will have to move on.

Mr. Mike Wallace: What am I repeating?

Tell me what I just repeated.

The Chair: You repeated that past elections are allowed, that we have to look at the Canada Elections Act, and we have to look at the code and the changes.

Mr. Mike Wallace: I'm talking about the ethical standards.

The Chair: Yes. It goes back. This was right back at—

Mr. Mike Wallace: I even introduced you at an event. I don't know why you're picking on me so much about these things. I am clearly talking about issues that affect the decision-making of committee members on why they should or should not support this motion.

Mr. Réal Ménard: Respect the chair.

Mr. Mike Wallace: He's yelling at me again. I can't take it much longer.

The Chair: This was in the first 10 minutes of your speaking.

Mr. Mike Wallace: Who is the next speaker on this?

The Chair: It's Mr. Dhaliwal.

Mr. Mike Wallace: Oh, I have to talk then for sure.

An hon. member: We're falling asleep.

Mr. Mike Wallace: Do I still have the floor or not?

The Chair: Yes, you do. Of course you do.

Mr. Mike Wallace: Okay. For us to make—

The Chair: Madame Lavallée—I'll cross my fingers for you—on a point of order.

Is what you're saying relevant, or repetition, or what?

[Translation]

Mrs. Carole Lavallée: Yes, it has to be relevant. If not, they should yield the floor to committee members who actually have something to say about the motion. Otherwise, it will be obvious that they are only filibustering.

I would ask them to admit they have said all they can possibly say, they've run out of arguments and all they can do now is repeat themselves. If they admit that, we can proceed to the vote. I am really fed up.

[English]

The Chair: Madame, I agree with you.

The members will be familiar, and if they would like to consult, there are a couple very good paragraphs in Marleau and Montpetit about the subject matter of repetition and relevance, and they both in fact are very much linked.

The simple guide for members should be that if you have said it, if you have made your point, or if somebody else has said it and made their point, it is not helpful to the determination of our deliberations to repeat it. It's considered to be taking up useful time that could be used by members who want to speak to add any other new considerations for the members to have in mind when they vote.

We have covered past elections about the code, and about the Canada Elections Act. They are complicated, and we've done so at least three times.

Mr. Wallace, if you want to check the blues, please do so. I believe, according to my records, at least three times we've covered this ground, and I encourage you to accept it. The point is made, and we should move on.

● (1705)

Mr. Mike Wallace: Thank you.

The subamendment that I'm debating, as you clearly indicated before, is only four words long, and it's only about past elections. I'm supporting adding "past elections".

The reason I have covered off, which you probably—

Mrs. Carole Lavallée: I'd like to see those things—

Mr. Mike Wallace: I was going onto my next point, madame.

Mrs. Carole Lavallée: I'm fed up.

Mr. Mike Wallace: Are you? Leave, then. *Au revoir*.

Some hon. members: Oh, oh!

Mr. Réal Ménard: Excuse yourself.

Mr. Mike Wallace: Well, if she's fed up she can leave.

Mr. Réal Ménard: No.

Mr. Mike Wallace: Okay, well, then she listens.

Mr. Réal Ménard: You have to leave. Or you have to stop.

Mr. Mike Wallace: Do I have the floor or not? My next point is on the recommendation part of this from past elections.

The Chair: Carry on.

Mr. Mike Wallace: Thank you.

Part of the amendment that the subamendment is attached to from past elections says "make recommendations to Elections Canada". I think it's important for us as committee members, if this motion passes, to look at what recommendations were made. The recommendations were made to Elections Canada after the past elections occurred. That's why past elections should be in there.

I know for a fact that Elections Canada does a review of what happened with election expenses. I'd like to know whether in previous elections there was anything to do with elections expenses or anything to do with public office-holders, and whether any of those—

The Chair: Order.

Mr. Mike Wallace: I'm sorry.

The Chair: Okay. That's the third time that I've asked you to please not repeat the same stuff again.

I'm sorry, but I'm going to give the floor to Mr. Dhaliwal.

Mr. Sukh Dhaliwal (Newton—North Delta, Lib.): Thank you, Mr. Chair, for giving me this opportunity.

First of all, I'd like to commend you. I'm very sympathetic to you in terms of the treatment you are getting from the members. You are doing a wonderful job here.

The other issue is that these Conservative friends of mine sitting on the other side are not getting it. They can call the issue that we are dealing with here election fraud, or an in-and-out scheme, or in-and-out financing, or whatever they want. They can call it fraud that they committed, or whatever. But I can tell you one thing: this study is about their exceeding the spending limit under Elections Canada. They have overspent their central spending limit. That is what we are studying here. No other party has done that.

Mr. Ken Epp: How is this relevant?

Mr. Sukh Dhaliwal: It is relevant, Mr. Epp. This is exactly what we are studying.

They can filibuster this meeting for a day or two, but if they want an open, transparent government, they should be cooperating here with you as the chair because of all the crap you have to take from these members.

Second, we have been studying this motion for the last so many days, but it's been nothing but their filibustering. In fact, they should come clean on this one and should be supporting this motion if they have nothing to hide.

I would like to thank you for giving me this opportunity. I will move it to the next speaker. Thank you.

The Chair: Go ahead, Mr. Wallace, on a point of order.

Mr. Mike Wallace: I know it's in the heat of debate, but I believe the honourable member across used unparliamentary language here in terms of describing something as "crap". I think he should apologize to the group and withdraw that comment.

● (1710)

The Chair: Madame Lavallée, you have the floor.

[Translation]

Mrs. Carole Lavallée: Thank you, Mr. Chairman.

First and foremost, I want to say to the members of the Conservative Party that here on this side of the table, we're not fooled by the filibustering they are currently doing. For three or maybe even four meetings now, the Conservative members have been talking endlessly. You have constantly had to call them back to order, and to ask them to show some discipline and respect. As a result, last week, on Thursday and Friday, before question period in the House, there were at least two statements under Standing Order 31 in which members mentioned the Conservative members' lack of discipline at this committee. And each time, at least in my case, it was a tremendous pleasure to say that we supported you as chairman.

We're asking you to be even stricter in order to restore order and courtesy to this committee. One Conservative, whom I could name, is laughing while I talk about restoring order and courtesy to this committee, and I think you've got your work cut out for you, Mr. Chairman. It's a perfect example of the lack of respect that Conservative members have been showing you. It also disrupts our work, Mr. Chairman.

[English]

The Chair: Order.

Go ahead, Mr. Poilievre, on a point of order.

[Translation]

Mr. Pierre Poilievre: Mr. Chairman, Ms. Lavallée criticized you and I now call on her to apologize to you. She's criticizing the way you run the committee. It's not fair.

Mr. Réal Ménard: That's not a point of order.

[English]

The Chair: Thank you. That's not a point of order.

Madame Lavallée, you have the floor.

[Translation]

Mrs. Carole Lavallée: Mr. Chairman, I don't know whether Mr. Poilievre is listening to me in French or in English, but he didn't understand a word of what I said. It's exactly the opposite. I was paying tribute to the chairmanship of Mr. Szabo. I find him to be an excellent chairman.

Mr. Poilievre, last week, you were disrespectful to him and refused to apologize. I think the chairman does an excellent job.

I'd like to come back to the motion. Mr. Hubbard's motion is excellent in all respects. It doesn't need amendment or subamendment. The Conservative members here are doing everything they can think of to filibuster and obstruct. They've pulled out their manual on how to be nasty little Conservative committee members, in order to prevent our committee from doing this work and to avoid being tainted yet again by a new scandal, after those of Julie Couillard, Dimitri Soudas and all the rest.

The Conservatives have shut down two committees: the Standing Committee on Justice and Human Rights and the Standing Committee on Procedure and House Affairs. Now, they're trying to use dilatory tactics. Unfortunately, I have to say they are effective. This is the fourth meeting in a row that has been a waste of time.

For all of these reasons and also because everyone who has taken the floor today has repeated himself...

[English]

The Chair: Excuse me, madame.

Mr. Wallace has called a point of order, and I would like to hear his point of order.

Mr. Réal Ménard: No.

The Chair: Mr. Wallace, please.

Mr. Mike Wallace: The point of order is on relevance. You've ruled me out of order numerous times on relevance. I don't know how her intervention is relevant and mine was not. Can you explain that? Write it out for me in English.

The Chair: That is not a point of order.

• (1715)

Mr. Mike Wallace: [*Inaudible—Editor*]...a point of order on relevance.

The Chair: No, no.

Mr. Mike Wallace: Yes, you did. I'll get you the blues.

The Chair: Excuse me. You asked me to explain to you why one was not.... That is not a point of order.

Mr. Mike Wallace: A point or order was called on relevance.

The Chair: Okay. So now you're saying relevance on her point. Your point was for me to explain.

Mr. Mike Wallace: You were listening. I said relevance—

The Chair: Your point was for me to explain.

Order, please.

Now, Madame Lavallée has been patient. Actually, she has not interrupted the committee. On this matter she's obviously expressing her concern that we're not making progress. I think that's a relevant point to be made. I think she is explaining the reasons she feels we're not making progress, such as repetition by members, or irrelevance, or simply being procedural, or whatever. It's arguable that the frustration is well founded. It wouldn't be there if everybody would simply follow the rules of the committee.

In Mr. Wallace's case, it was with regard to the repetition.

I'm getting this conversation from Mr. Hiebert. I don't know why, Mr. Hiebert. I really don't think your interruptions are helpful.

It's not just Mr. Wallace. It has happened two other times in our proceedings that I've taken the floor away from a member after three times of going back, even after I've ruled. I think it's the only way. I've given some latitude. I'm trying to take some advice from members, or sense what the members.... But being asked three times just to respect the chair's ruling is enough. If the members feel that's a little too rigorous.... Madame Lavallée says I'm not rigorous enough. I'm trying to sense from the members whether you want me to be more rigorous.

I know that I have a problem with maybe being too rigorous when members challenge the rulings of the chair, but I think I've been consistent. I want to hear from the members. My job is to hear from the members.

Hon. Charles Hubbard (Miramichi, Lib.): Mr. Chair, it's time to call the question.

The Chair: I want to give the floor back to Madame Lavallée.

[Translation]

Mrs. Carole Lavallée: If you don't mind, I'm going to tell you what I really think. I find that the Conservative election promise of transparency is one of the biggest jokes we've heard in a long time. The attitude of Conservative members on this committee just goes to show that they're trying to avoid the transparency they promised during the election campaign by doing everything in their power to avoid discussing and passing a motion that would enable us to examine something illegal that may have been done.

That said, we have spent eight hours listening to their arguments and repetitions. Do you know how much those eight hours cost? It's another unkept election promise, the promise of a good government that uses the money of Canadian and Quebec taxpayers properly. I don't even want to calculate the cost of eight hours of committee work lost to nonsense and repetition.

To conclude, Mr. Chairman, I'd like to make a formal request. I'd like the Conservative members to recognize that they've made all of their arguments on the amendments, the subamendments and Mr. Hubbard's motion, and to proceed with the vote to determine whether they were sincere when they promised transparency and good government.

Thank you.

[English]

The Chair: Thank you, Madame Lavallée.

Mr. Epp, you're next on the list.

Mr. Ken Epp: Thank you, Mr. Chairman.

The Chair: Then I have Mr. Ménard after that.

Mr. Epp, you have the floor if you wish.

Mr. Ken Epp: Thank you.

Mr. Chair, you know that over the years you and I have worked together in many different venues, on different committees, and in different functions. I would like to say that for the most part, in those years, I have had a good healthy respect for you. Before I go into the topic of the debate today, I'd like to make a little comment.

I've observed that I've been here as long as you and some of the other members around the table. In the House, the Speaker gives wide latitude in giving individual members the freedom to make their speeches without interruption. It's really very wide. Even if someone stands up on relevance on a point of order, the Speaker almost always returns it to the member speaking and just gives him a little chastisement and lets him make his speech—

An hon. member: You're getting a chastisement.

• (1720)

The Chair: You may have heard earlier, as I explained, that when you get into these situations, the chair does not have the same authority as the Speaker of the House with regard to chastising or sanctioning a member. The only thing the chair can do is address the person and take a decision. From our proceedings, going right back to the Mulroney thing, we have a pretty good idea of our tolerance for stuff.

I think your thoughts about me as chair and so on are interesting, but they are not relevant to the motion before us. I would encourage you now to move to the points you would like to contribute to the committee.

Mr. Ken Epp: I have a couple of things, Mr. Chairman, that I would really like to have on the record. This means that I'm asking you, please, to not shut off my mike while I'm speaking. As an MP who is—

The Chair: Mr. Epp, order.

That's the job of the chair. Again, I've asked you once already to move on to something relevant, to move on to a matter relevant to the motion before us and not to speak about comparing the House to this committee and so on. This has been explained many times in this committee already. I encourage you. This is the second time now, and this is giving latitude, just like the Speaker does.

I want you now to move to your contribution to the debate on these motions and how it will assist members in deciding whether any or all of these motions or amendments should be adopted. I think you should move to that right now, or I'll have to move to another speaker. Okay?

Mr. Ken Epp: Mr. Chairman, I would simply like to say that we're dealing here with a motion that's being amended and has a subamendment. Members of Parliament, including me, as a properly signed-in member of this committee, have the right to put forward arguments. I'm asking that you allow me to do that without shutting off my mike. I don't like that. I think I should have the privilege, as an MP, of expressing my opinion.

Also, Mr. Chair, I want to point out that when we come to take a vote on this motion, the chair, I believe, should originally be impartial. The fact that, although we had quorum, you didn't start the meeting until seven minutes had gone along does not show impartiality. Also, Mr. Chair, later on—

The Chair: Mr. Epp, for the third time, I have to tell you that you are discussing matters that are not relevant to the motion.

Mr. Ménard, you have the floor, sir.

[Translation]

Mr. Réal Ménard: Thank you, Mr. Chairman.

I'm pleased to reiterate my friendship and appreciation for the excellent work you do as chairman. You are a man of highest principle and great integrity. You have always served this committee and Parliament well, we extend our wholehearted friendship to you, and we certainly have full confidence in you.

The proposed subamendment is both sad and contemptible for democracy. We are dealing with a government whose offices were searched on live television for all Canadians and Quebecers to see. I would just remind you that this search did not take place at the headquarters of the Liberal Party, the NDP or the Bloc Québécois, it took place at the Conservative Party headquarters. Mr. Wallace, in a display both unconvincing and beneath his position, implied that the problem was with officials and the Elections Act, when we know full well that the mandate of this committee...

An Hon. Member: Point of order.

Mr. Réal Ménard: Mr. Chairman, I'm a very sensitive man. It doesn't take much to upset me.

•(1725)

[English]

The Chair: We have a point of order from Mr. Poilievre, I believe.

[Translation]

Mr. Pierre Poilievre: I think that I was before Mr. Ménard. Could you verify that?

[English]

The Chair: That's not a point of order.

Mr. Ménard has the floor.

[Translation]

Mr. Réal Ménard: Mr. Poilievre, you need to be a little bit more on the ball. Take your head out of the clouds, this is not caucus.

Mr. Chair, I have the floor and I know that I am going to keep it. I just wanted to say not only how many friends you have on this committee because you act with impartiality, and also how disagreeable and unfortunate it is to see government members presenting a subamendment that is, in fact, a diversionary tactic. You are an experienced member, you know that this is not about Elections Canada or the code of ethics or the qualifications of public officials. The subamendment is a dishonest tactic. I am deliberately using that word. The subamendment is a dishonest tactic to expand...

Mr. Pierre Poilievre: Point of order.

[English]

The Chair: I'll recognize that as long as the member honestly believes it's a point of order.

Mr. Poilievre.

[Translation]

Mr. Pierre Poilievre: I think that it is, Mr. Chair. The honourable member, who is a respected man in the House, has unfortunately used unparliamentary language by accusing a member of this committee of lacking integrity. He used the word "dishonest" to describe another member of this committee. You know that it is not parliamentary to attack the integrity or honesty of a member. I therefore ask that the member apologize.

[English]

The Chair: Order.

I did not hear the member refer to a specific member—just generally.

The members will know that in the House, if you say the Conservative Party or the Liberal Party lied that's not a problem, because it doesn't mention a specific person. That is the rule. If you talk about a specific person, it becomes an issue.

I did not hear the member. If he said that, he should withdraw it and apologize for the remark. But I did not hear him identify the specific member he was referring to.

Mr. Pierre Poilievre: I have a point of order, Chair.

The Chair: That's my ruling on that.

Do you have another point of order?

Mr. Pierre Poilievre: Yes. It turns out there was an individual member—

The Chair: No.

Order, please.

Mr. Pierre Poilievre: —and that was Mr. Van Kesteren.

Mr. Dave Van Kesteren: It was me.

The Chair: I did not hear that.

Order.

This is debate, Mr. Poilievre.

Mr. Ménard, you have the floor.

[Translation]

Mr. Réal Ménard: I would invite Mr. Poilievre to get a hold of himself, Mr. Chair.

I will continue, Mr. Chair, by saying that we are dealing with a very disagreeable attempt that will, no doubt, not work. Ultimately, this is a diversionary tactic. The government knows that it has broken the rules and that there is an Elections Canada investigation. They would like to divert attention by broadening the scope of this committee's work through the motion that was initially tabled. Mr. Chair, this is shameful.

I remember that, when they were in the opposition, they presented themselves, through their statements in the House, day after day, saying that they wanted to restore moral order. These people wanted to embody integrity and ethics, Mr. Chair. I am using the word "ethics" in its etymological sense. What a disagreeable sight to find ourselves here still trying — my colleague Ms. Lavallée said so — after four meetings, to shed light on something. People with nothing to hide should agree to open those books. We are well aware that this is not the case.

Mr. Chair, we will not be the willing accomplices of those who do not want democracy to follow its course. This committee has extremely important work to do; it must do it.

[English]

The Chair: Order, please.

Mr. Van Kesteren, on a point of order.

• (1730)

Mr. Dave Van Kesteren: Mr. Chair, the Bloc member has repeatedly not only insinuated but blatantly stated that the intent of my amendment.... When he talks about the amendment it's directed right to me, and in my opening remarks and again today, I have stated that the intent was none other....

The Chair: Order.

Mr. Dave Van Kesteren: It's a valid point, and repeatedly I hear this.

The Chair: Order.

Thank you, Mr. Van Kesteren.

I think we understand. I don't believe there was a personal issue here. I do appreciate your argument, though. It's directed at the motion, but since you're the mover, I do understand your concern. I don't think there's a personal matter here. I hope not. I hope that you members will talk about it.

Do I have a motion to adjourn until Thursday?

Depending on what the parties decide, a notice will come out about tomorrow. The meeting will either be Thursday at 1 p.m. or at 3:30 p.m.

The meeting is adjourned.

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