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# Standing Committee on Procedure and House Affairs

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**Thursday, October 28, 2004**

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**Chair**

**The Honourable Don Boudria**

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## Standing Committee on Procedure and House Affairs

Thursday, October 28, 2004

• (1110)

[English]

**The Chair (Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.)):** Order, please. We do have a lot more than a quorum, and the chair has waited 11 minutes for members to attend.

As you know, this is the fourth meeting that we have had the estimates before the committee. Is the committee now prepared to deal with the motions to carry the estimates?

There are a number of other items here. I just want to alert colleagues to one item that is on the other side of the page under committee business, “Planning of future business”, i.e., electoral reform. At some point, we should at least have preliminary in camera discussions about electoral reform. We're still awaiting a letter from the minister responsible for election laws; I understand we will get that letter on Monday. Of course, our staff has to do some preparatory work.

So I alert you to item number 6. Unfortunately, being that it is on the other side of the page, it's possible that unless you're alerted to it, you might actually miss it.

That being said, Mr. Clerk, do you have the motions for the carriage of the estimates?

I will repeat for colleagues who may not have been here for the last four meetings, as we raised this four meetings ago, the two estimates that remain to be carried were passed in the previous Parliament. They are exactly the same thing. The clerk and the researcher have confirmed to us at a previous meeting that they are the same estimates; that is to say, quantitatively they have not changed at all, or no money is different. This committee had voted on them—not me personally, because I wasn't there—in the previous Parliament. Because the election was called before the estimates carried, we must now pass them again.

Pursuant to Standing Order 81(4) and its order of reference of October 8, 2004, the committee therefore is considering vote 5 under Parliament and vote 25 under Privy Council, in the main estimates of 2004-05.

PARLIAMENT

House of Commons

Vote 5—Program Expenditures.....\$212,498,000

**The Chair:** Shall vote 5 under Parliament, less the amount of \$159,373,515 granted in interim supply, carry?

It is moved by Mr. LeBlanc.

(Vote 5 agreed to)

PRIVY COUNCIL

Chief Electoral Officer

Vote 25—Program Expenditures.....\$13,186,000

• (1115)

**The Chair:** Shall vote 25 under Privy Council, less the amount of \$9,889,500 granted in interim supply, carry?

It is moved by the whip.

(Vote 25 agreed to)

**The Chair:** Shall I report the estimates to the House?

**Some hon. members:** Agreed.

**The Chair:** That's it for those particular items. They are item 1 and 2 on our list.

The next item I have is item 3. Is it your wish that we do this now, or do you wish to do other items on the list first and bring it back somewhat later in the meeting?

There's one more item that does not have to be done in camera, and generally, if something doesn't have to be done in camera, let's not.

There are two draft letters to write to Minister Mauril Bélanger. One of them is on Bill C-3 and the other one is on the action plan. I will start with the Bill C-3 letter.

As you know, as a result of the Figueroa decision, the act that we now have has a sunset clause. I won't give you my opinion on sunset clauses generally, but I think you probably know how I feel. Nevertheless, we're stuck with this, or at least Parliament is stuck with this. That is to say, there was a Supreme Court decision. We adhere to it by passing a piece of legislation. There was an amendment in there and it's listed in that letter. It's section 26.

The amendment made by this act ceases to have effect on the day that is two years after the day on which this act comes into force, or if Parliament is not then in session, on the day that is 90 days after the commencement of the next session of Parliament. The bill received royal assent on May 14, 2004; therefore, in accordance with section 26, it will expire on May 14, 2006, unless Parliament is not then sitting.

There are a number of things that aren't clear in this. The deadline is quite clear. Presumably it means that at the end of that period, unless we've done something, Bill C-3 will cease to be in effect. Presumably it means we will be in a condition that is against the Supreme Court ruling. It's an unfortunate result of having worded that particular amendment that way. In any case, I propose that we write the letter before you to the minister, basically asking for some guidance.

The other thing that isn't clear is that it talks about this review, but it doesn't say by whom. It doesn't say it's by this committee.

Well, we can all give our opinion as to who it is, but it doesn't say by whom. Given that, I propose that we write this letter to the minister. Does the committee feel that this is to your agreement?

**Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC):** I need to look at this for a second.

**The Chair:** Yes, go ahead.

**Mr. Scott Reid:** It sounds like a quick reply.

**The Chair:** Well, I think the last paragraph refers to that. It says "Given this tight deadline, and the original ruling of the Supreme Court of Canada, the Committee believes that it is essential that legislative action be taken before this provision takes effect." In other words, we refer to tight deadlines when we say this is a rush.

**Mr. Scott Reid:** Is this essentially an invitation to the minister to come before us and make a presentation or would he satisfactorily respond by correspondence?

**The Chair:** Well, he can do it by way of writing to us and we can decide then whether we want to invite him. We're basically asking the minister responsible for the Elections Act what is the course of action he intends to take given this tight deadline. The committee can decide to invite him then. That's fine with me, of course, and presumably with all of us.

**Hon. Dominic LeBlanc (Beauséjour, Lib.):** I would move that.

**The Chair:** Okay. It is moved that the draft letter to the Honourable Mauril Bélanger re Bill C-3 be sent to the minister by your chair.

(Motion agreed to)

**The Chair:** Next you will see a draft letter to Minister Mauril Belanger on the action plan. Colleagues, I just want to alert you to read the letter to the Honourable Mauril Bélanger on the action plan.

[Translation]

It is a draft letter on the action plan addressed to Minister Mauril Bélanger. I'll give you a few moments to read its contents.

As we all know, on February 4, 2004, the former Government House Leader and Minister responsible for the Elections Act referred the Action Plan for Democratic Reform to our committee. We want to know if the government still intends to refer this action plan to the committee, especially given that the Minister, in response to a question raised several days ago by Ms. Picard, appeared to say that the order of reference is still valid. From a procedural standpoint, that's not the case, and that needs to be stated clearly. Moreover, as you can see, the letter contains a reference to *Figueroa v Canada*.

Now then, Mr. Clerk, if we decide to go with the second letter, does the first one become redundant? Are we better off having two distinct letters?

• (1120)

[English]

**Mr. James Robertson (Committee Researcher):** No, they deal with slightly different issues. The first one specifically is the legislation that was Bill C-3. The second one was a request by the former minister, Monsieur Saada, that this committee undertake a review of other aspects not covered in Bill C-3 of the Canada Elections Act with respect to their impact from the Figueroa decision and otherwise.

**The Chair:** Okay, *voilà*. So that's the second draft letter.

[Translation]

**Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ):** Mr. Chairman, I'm satisfied with this letter, in particular with the last three lines which read as follows: We would appreciate your advice as to whether Government wishes the Committee to undertake a review of other aspects of the electoral system such as the appointment of returning officers, and what reasonable time frame you foresee for this study.

I'm very pleased that you were specific. I'd like to add something further. You mention other aspects of the electoral system.

**The Chair:** I added this further to a question from Ms. Picard. The other day, Ms. Picard asked the Minister if he intended to consider this file and he indicated to her that the matter had been referred to the committee by former Minister Saada. However, that isn't entirely accurate. Mr. Saada did refer this to the Committee, but the order did not include a review of these other aspects. This makes it clearer...

**Mr. Michel Guimond:** We'd like it to be more specific.

**The Chair:** Fine then. I felt that this was the Committee's wish, further to our recent discussions.

**Mr. Michel Guimond:** And given the importance of this matter, I agree with this.

**The Chair:** All right then.

[English]

Is someone willing to move this one?

Madame Boivin.

[Translation]

(Motion agreed to)

[English]

**The Chair:** Now I guess the rest is the in camera work of the committee. So apart from the usual people who can attend, Mr. Clerk, is that one staff member per member? Is that the way it works?

**The Clerk of the Committee (Mr. Jeremy LeBlanc):** I don't believe the committee has adopted a formal motion about the number of people per member who are allowed to stay. It traditionally is the case, though, that one staff member per member of Parliament be allowed to stay.

**The Chair:** What is the wish of the committee? Do you wish to kick everybody out, or should we keep one staff member per member?

**An hon. member:** One per member.

**The Chair:** So we'll invite the media to leave and members' assistants can remain. Is that your wish?

**Some hon. members:** Agreed.

**The Chair:** Okay.

Anyone who's from the media can...and if you're not sure if you're from the media, ask us; we'll tell you.

The committee will now sit in camera.

*[Proceedings continue in camera]*

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