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—
Chair

The Honourable Larry Bagnell

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• (1105)

[English]

The Chair (Hon. Larry Bagnell (Yukon, Lib.)): Good morning. Welcome to the 68th meeting of the Standing Committee on Procedure and House Affairs.

We're in public briefly for this portion of the meeting.

This morning we received notice from Mr. Richards that he was resigning as the committee's first vice-chair. Accordingly, I will now give the floor to the clerk, who will proceed to the election of the new vice-chair.

The Clerk of the Committee (Mr. Andrew Lauzon): Honourable members, pursuant to Standing Order 106(2) the first vice-chair must be a member of the official opposition. I'm now prepared to receive motions for the first vice-chair.

Mr. Simms.

Mr. Scott Simms (Coast of Bays—Central—Notre Dame, Lib.): I nominate Scott Reid.

The Clerk: It has been moved by Mr. Simms that Scott Reid be elected first vice-chair of the committee.

Are there any further motions?

Is it the pleasure of the committee to adopt this motion?

(Motion agreed to)

Mr. David Christopherson (Hamilton Centre, NDP): Chair, before we go in camera I just want to make note of this historical moment at which the government has of course broken one of its biggest promises, to keep parliamentary secretaries off the committee. We now enter the new regime where we have not one but two parliamentary secretaries on the committee, breaking the government's promise about how it was going to do things differently around here.

Thank you.

Mr. Chris Bittle (St. Catharines, Lib.): If I could, I would just follow that up, Mr. Chair.

I appreciate Mr. Christopherson's comments. I'm happy to give him page 32 from our platform, which says we will also change the rules so that ministers and parliamentary secretaries no longer have a vote on committees. That's a promise fulfilled and something that we will continue to uphold. I just want to correct the record on that point.

Mr. David Christopherson: Because they can't vote, they brought in two to ride shotgun.

The Chair: Mr. Reid.

Mr. Scott Reid (Vice-Chair): Actually, on the same point, can we just have clarification about what the role of PSs on committee is? I have no opposition to PSs being here. I know they aren't voting. I'm wondering if they are, for example, questioning witnesses. When we have rotations here, do they affect that sort of thing?

The Chair: I'll have the clerk state what's in the standing order now.

The Clerk: Following changes to the Standing Orders, parliamentary secretaries were added to the committee as non-voting members. They have all the rights and privileges of a regular committee member, save for the right to vote and to move motions, and they are not counted for the purposes of quorum. That sums it up.

Mr. Scott Reid (Vice-Chair): Right.

They are ex officio in that sense; they don't count one way or the other.

What about when we get to things like questioning witnesses? Would they just take a government slot? So nothing changes and the rotations are the same?

The Clerk: That's correct.

Mr. Scott Reid (Vice-Chair): All right.

The Chair: Mr. Christopherson.

Mr. David Christopherson: Under previous rules, the parliamentary secretaries were not allowed into in camera meetings except by a special motion. My understanding is that now we would expect that one or two of these parliamentary secretaries would have the right to be at in camera meetings of the committee. Is that correct?

The Clerk: The Standing Orders do permit that.

Mr. David Christopherson: The government may want to stand on the technicality of what the exact wordsmithing in their report was, but no logically thinking Canadian believes for one minute that this is anything other than making sure that you have parliamentary secretaries here to ride shotgun on the government members to make sure they don't stray from the government line, therefore watering down the whole concept that this government ran on about doing democracy differently, in particular committees.

I'm not going to go on at great length today, because I intend to go on at great length for the next two years every chance I get. When there is one of them sitting there, I will be raising this point and reminding Canadians that the promise that this government, the Liberals, brought to Canadians about doing parliamentary business differently was a lie.

Thank you.

The Chair: Mr. Reid.

Mr. Scott Reid (Vice-Chair): I can address that, Mr. Chair.

The Chair: Go ahead.

Mr. Scott Reid (Vice-Chair): I'm glad Mr. Christopherson raised that matter. I was going to ask about the rules regarding in camera meetings.

Yesterday I had the chance to substitute in for Mr. Richards at the meeting at which we were discussing our agenda. I was uncertain, because it's a new role for me, what the limitations are for the members. I'm not referring really to PSs; I'm referring to all members of Parliament other than those who are actually on the subcommittee, just for some clarification as to who can and can't be there.

• (1110)

The Clerk: Standing Order 119 states that:

Any Member of the House who is not a member of a standing, special or legislative committee, may, unless the House or the committee concerned otherwise orders, take part in the public proceedings of the committee, but may not vote or move any motion, nor be part of any quorum.

That applies to all members of the House. They are all welcome to attend public meetings.

The Clerk: When we speak of in camera sessions, I'll read from Chapter 20 of O'Brien and Bosc, page 1077:

Neither the public nor the media is permitted at in camera meetings, and there is no broadcasting of the proceedings. Usually, only the committee members, the committee staff and invited witnesses, if any, attend in camera meetings. Members of the House who are not members of the committee normally withdraw when the committee is meeting in camera. However, the committee may allow them to remain in the meeting room, just as it may allow any other individual to remain.

Mr. Scott Reid (Vice-Chair): Right. Normally we would just take a consensus, but if necessary we would decide the matter by means of a majority vote.

The Clerk: That's correct.

Mr. Scott Reid (Vice-Chair): Thank you.

The Chair: Mr. Richards, would you like to speak?

Mr. Blake Richards (Banff—Airdrie, CPC): Yes. Have we finished with the questioning on that?

The Chair: Yes.

Mr. Blake Richards: If you recall at our meeting on November 17, I had given notice of a motion. I would like to bring it forward for discussion at this point, Mr. Chair.

The motion was

That the Committee invite Paul Szabo, Sven Spengemann, Veena Bhullar, Jamie Kippen, and a representative from the Parkhill Group to appear to answer all questions related to the correspondence sent to the Chair of the Procedure and House Affairs Committee on

October 28, 2016, regarding alleged breaches of the Canada Elections Act in Mississauga—Lakeshore.

Given that one of the members listed there was available here at the committee today, I thought it might be a good opportunity to see if we can clarify some of these alleged breaches of the Canada Elections Act, and bring forward this motion for some discussion, and see if we can make some progress with it.

The Chair: A motion has been moved. It's open for debate. We're distributing copies of the motion.

Mr. Graham.

Mr. David de Burgh Graham (Laurentides—Labelle, Lib.): Thank you, Chair.

I would like to move to adjourn debate at this time.

The Chair: Mr. Graham moved to adjourn the meeting.

Mr. David de Burgh Graham: The debate, not the meeting.

The Chair: The debate.

Mr. David Christopherson: Can you at least wait until the documents are circulated before we shut things down?

Mr. Blake Richards: I have a point of order, Mr. Chair.

I saw the documents were being distributed. I had certainly intended to make some remarks. I would assume other colleagues may wish to have some discussion. I think it's out of order for someone to move debate before people have even had the document circulated to them.

The Chair: Mr. Christopherson.

Mr. David Christopherson: Thanks, Chair.

In terms of making things in order, if we're going to debate this motion, and it relates to correspondence sent October 28, 2016, I as one member of this committee will need that document in front of me before I can comment on whether or not we act on that document.

I make that as a point of order that until I have that document in front of me, further discussion on this, Chair, I'm contending is out of order because I don't have all the information as one member of the committee. I don't know if other members have a copy of that letter right in front of them. I don't.

• (1115)

The Chair: The motion is non-debatable, so I have to put the question.

Mr. Scott Reid (Vice-Chair): The motion you're talking about, I assume, is Mr. Graham's motion. Is that correct, the motion to adjourn?

Mr. Blake Richards: Point of order, Mr. Chair, just to clarify.

I had indicated in a point of order that I felt it was out of order to move that while people were still having the documents distributed to them so that they would be able to determine whether they wanted to comment.

I can understand the government's reluctance to want to have a debate on the motion, but I would assume it might be out of order for them to even be able to procedurally take some kind of approach like that prior to people even having had a chance to look at the motion. I would think people may have wanted to have debate.

I'm asking for you to rule on whether it is, in fact, in order for them to move that.

Mr. David Christopherson: Point of order.

The Chair: Mr. Christopherson.

Mr. David Christopherson: At the risk of getting too far in the weeds, it looks we're going to, I'm afraid.

I would also make the case that Mr. Richards is entitled to have his first comment. It's his motion. He asked that it be brought forward. It's normally—I don't know if courtesy, and I would seek from the clerk whether it's an absolute rule—a courtesy and the culture of this place that, if somebody moves a motion, they're at least given the respect to be given an opportunity to say something about it, particularly before a member of the government majority slams the whole thing shut.

I would seek some further clarification, Chair, on the appropriateness of moving on a motion that makes reference to a piece of correspondence that we do not have in front of us. I would ask you, Chair, to rule on that, and my point of order is that we are not in order to deal with this motion without a copy of the correspondence that's referenced in the motion.

Mr. David de Burgh Graham: [*Inaudible—Editor*] in front of you. That's not debatable.

The Chair: Related to the letter, it has been distributed to everyone, but—

Mr. David Christopherson: Not today.

The Chair: No, not today.

Mr. David Christopherson: Does anybody else have it in front of them right now?

Mr. David de Burgh Graham: No.

Mr. David Christopherson: No, okay. That's my point.

The Chair: The clerk says the dilatory motion is legally on the floor, so we have to have a vote on it.

Mr. David Christopherson: Even though you didn't give the mover of the motion a chance to speak just because technically David got on the list first? You're going to let this whole thing be shut down based on that, Chair.

Mr. Blake Richards: Further to that point, I believed I did have the floor. I was simply allowing a courtesy because I was moving forward something that we hadn't seen in a while. I was simply allowing the documents to be distributed, and I kind of paused to allow that to happen. I would have believed I had the floor at that point.

Mr. Chris Bittle: Mr. Chair, the motion—

Mr. Blake Richards: The motion is on the floor.

Mr. Chris Bittle: The clerk has advised us of the rules. It should proceed to a vote.

Mr. David Christopherson: Welcome to the new era.

Okay. We can play that way, too.

The Chair: We are going to suspend just for a minute so I can discuss this with the clerk.

• (1115)

(Pause)

• (1125)

The Chair: I'm prepared to rule on that point of order. I think Mr. Richards is right in the sense that it's a courtesy for the person who proposed the motion to have the first speaking slot. It's not a rule but it's often the way things are done. I apologize that I didn't leave time for that, but I did recognize Mr. Graham in the process, so I have to allow the vote to proceed. Nevertheless, I apologize to Mr. Richards for not going to him first in the time when nothing was happening.

Mr. David Christopherson: Chair, with the greatest respect, you just acknowledged that your mistake caused a member to lose his right, a right he would otherwise have. You have the means to fix that by giving Mr. Richards the floor. I find it hard to believe that you would articulate a right denied, recognize that you caused it, and then not take the opportunity to fix it.

Mr. Blake Richards: Mr. Chair, I too find it disappointing that you would make such a ruling, because you do have the opportunity to correct the mistake you made in recognizing somebody else while I had the floor. I'll just point out that I don't think it would have taken a lot of time to deal with bringing forward this motion. I noticed that the member, Mr. Spengemann, was present. I'm not here to try to assassinate someone's character. In fact, it's the very opposite. I'm trying to give him an opportunity.

• (1130)

Mr. Scott Simms: He had a point of order, and now he's actually talking about his motion.

Mr. Blake Richards: Well, I—

Mr. Scott Simms: I think the ruling was—

Mr. Blake Richards: Hold on, Mr. Simms, I'm in the middle of a point of order here.

The Chair: Yes, but please talk about the point of order and not the motion.

Mr. Blake Richards: I'm getting to that. There was an opportunity for the member, while he was here, to clarify and hopefully be able to...There are allegations that hang over his head, and he should have the opportunity to correct those. I was simply making that attempt. and I would have explained that, had I been given the opportunity I was due, given that I did have the floor. I think it would have been appropriate for you to make that ruling. Maybe you can still reconsider, Mr. Chair.

The Chair: In regard to Mr. Christopherson's point, I talked about a courtesy and a procedure that often occurs, but I didn't suggest that I had taken away a person's right.

So I'll call the vote.

Mr. Scott Reid (Vice-Chair): Hang on, Mr. Chair.

The Chair: Yes?

Mr. Scott Reid (Vice-Chair): My understanding of how the rules work is that as long as Mr. Richards hasn't surrendered the floor, he has it. So if you're ruling that Mr. Graham had the floor, then I'm challenging that ruling.

The Chair: Okay, the ruling is challenged. We have to vote on whether the ruling of the chair should be sustained.

Mr. Blake Richards: I'd like a recorded vote.

The Chair: Okay.

We are voting on the question of whether the ruling of the chair should be sustained.

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

Now we'll call the vote.

Mr. David Christopherson: This is a recorded vote.

The Chair: On the motion that the debate be now adjourned.

(Motion agreed to: yeas 5; nays 4)

Mr. Blake Richards: I have a point of order.

Is it appropriate for a member to vote on a motion that names that member as one of the potential witnesses? Is this something that is appropriate?

Mr. David de Burgh Graham: Well, we didn't have a vote on a motion.

Mr. Blake Richards: Well, we had a vote to adjourn the debate on the motion, so it does relate to the motion.

Mr. David de Burgh Graham: We had a vote to adjourn the debate, period.

Mr. Blake Richards: I wonder if—

An hon. member: Huh. Isn't that interesting?

The Chair: The motion is adopted. Debate is adjourned.

Mr. Blake Richards: Can you rule on my point of order, please?

The Chair: Okay. Just repeat that, please.

Mr. Blake Richards: We obviously had a vote on a motion to adjourn debate on a motion that did call for one of the members who voted on that motion to appear as a witness. Is that appropriate? Is there not a conflict of interest in that, potentially? Is it appropriate for that member to vote on that motion?

The Chair: Okay. We'll suspend again for a moment.

• (1130) _____ (Pause) _____

• (1145)

The Chair: We're back in session.

We looked at the conflict of interest code for members. It doesn't appear that this particular vote abrogated that, so I rule that the vote stands.

Mr. Richards.

Mr. Blake Richards: I have a point of order, Chair.

First, thank you for the clarification on that. I wasn't sure of the correctness of that, or the incorrectness.

Although I do note that Mr. Spengemann has been subbed out of the committee now, he is still present. I wonder if he could confirm for us—because this may change the ruling, I don't know—whether or not there's any legal action currently under way that he would be a party to, related to this. Would that then change the ruling?

Mr. Scott Simms: Mr. Chair, he's just doing his motion. We just voted not to do exactly what he's doing.

Mr. Blake Richards: I'm just trying to clarify whether we're...

Maybe Mr. Spengemann could begin by clarifying for us whether there is any legal action.

The Chair: Points of order are meant to deal with the rules, not in debate.

Mr. Blake Richards: But obviously that may in fact change the ruling. I don't know; that's why I asked if we could get some clarification on that, and if you could then clarify whether that would in fact cause any change to the ruling. That would obviously make a difference in what would be in the code or anything else. Is that correct? That's why I asked for the ruling.

Mr. Scott Simms: We voted on adjournment, sir.

We vote on adjournment, not on what he's talking about, and therefore his point of order has to go toward the point of adjournment, not to the matter he brought up in his earlier motion.

Mr. Blake Richards: It's a point of order about whether or not the rules were followed correctly.

The Chair: Thank you for that point of order, Mr. Richards, but at this point that doesn't affect my decision. Thank you.

Yes, Mr. Christopherson.

Mr. David Christopherson: On a point of order, Chair, I seek some clarification from the government in terms of proceeding.

The current lead for the government is Mr. Bittle. He is the deputy House leader, which is a pretty strong tie to the government agenda. I was a former House leader in another place, so I know the role. What I'm taking note of is the government's new rule, where they broke their promise about parliamentary secretaries on committees. They go out of their way to make a big deal of the fact that their new parliamentary secretaries and their role here is not that big: it's not that big a role; they don't have the right to vote; they don't have the right to play the full role that a member does. And yet, I want to note, one of those non-voting parliamentary secretaries is sitting right next to Mr. Bittle, who is in the lead position for the government.

Isn't it interesting that the main reason we want to keep parliamentary secretaries—

An hon. member: [*Inaudible—Editor*]

Mr. David Christopherson: I'm...S. O.

• (1150)

Mr. Scott Simms: No, this is debate, sir.

Mr. David Christopherson: The main reason we're asking parliamentary secretaries to not be on committees—

Mr. Scott Simms: We are upholding the law as it stands —

Mr. David Christopherson: —is because of the undue—

Mr. Scott Simms: —in the Standing Orders. They're not voting on it.

Mr. David Christopherson: As far as I know, I have the floor.

Mr. Scott Simms: They haven't voted this. It's in the Standing Orders.

Mr. David Christopherson: As far as I know I have the floor, so why is his microphone on?

The Chair: . Mr. Christopherson, you're on a point of order, so is there a specific rule—

Mr. David Christopherson: Yes, I'm asking what role Mr. Fillmore is playing, given that the government is suggesting that the parliamentary secretaries don't play a big role and he doesn't vote and yet there he is, sitting there right beside Mr. Bittle where he can lean into his ear and tell him exactly how he should be voting.

I'm just asking for some clarification. Are the parliamentary secretaries running this show or not? If they aren't, why are they playing such a role in terms of how they're even setting up the structure of the committee?

Nothing personal, Mr. Fillmore, it's strictly the position.

The Chair: There is nothing in the rules about where people sit, so are you making anything else in the point of order?

Mr. David Christopherson: I was seeking some guidance from the government as to what role Mr. Fillmore is going to play, since they suggest parliamentary secretaries are not playing a big role and yet there he is in the second-in-command seat, so I'm just seeking some guidance from the government as to what's going on?

The Chair: Mr. Simms.

Mr. Scott Simms: This isn't a warship. There is no second-in-command seat. What you're talking about is you're trying to bring up a point of order based on the rules by which.... They're not voting.

That's the way the Standing Orders go. I think we should dispense with this and get on with the agenda.

The parties across the way will talk about the fact that we're delaying the agenda. We want to get on with it for the record today.

The Chair: Okay, thank you for that.

Mr. David Christopherson: Scotty, you're good at talking. Explain to me what role Mr. Fillmore plays and how this is a positive addition, especially in light of the promise you made not to have parliamentary secretaries on the committee?

Mr. Scott Simms: He is a member, pursuant to the standing order, without any voting. He just indicated earlier what the promise was and fulfilled.

I actually fell into your little trap and started debating with you. Congratulations—

Mr. David Christopherson: It's worth debating.

Mr. Scott Simms: I think it's worth debating because of the fact that they're upholding what they said that we would do and the Standing Orders reflect it. Your point of order, sir, is about the standing order that we are upholding right now.

Mr. David Christopherson: Which broke your promise.

The Chair: Okay, we're heard enough on this point of order. Thank you.

Mr. David Christopherson: Thank you.

The Chair: We're going to suspend briefly so we will into camera to go on to the next item, which is committee business.

Anyone who is not supposed to be in the room should leave now that we're going in camera.

[Proceedings continue in camera]

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