



House of Commons committees' gridlock can be solved

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Tory MP Tom Lukiwski isn't talking to the media right now

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# THE HILL TIMES

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CANADA'S POLITICS AND GOVERNMENT NEWSWEEKLY

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## Conservatives 'manufacturing' the gridlock in Commons committees, say Liberals

But Chief Government Whip Jay Hill says if 'cancer spreads,' Parliament can't continue to operate.

By BEA VONGDOUANGCHANH AND ABBAS RANA

Conservative MPs have filibustered two Commons committees for almost 38-and-a-half hours while one committee chair has not called a meeting since February and another committee chair has vacated the chair four times—all in an attempt to trigger an election, argue opposition MPs.

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## Liberals now thinking of June election

Tired of running from House votes, the Grits want to protect their base on immigration bill.

By ANGELO PERSICILLI

TORONTO—Federal Liberals seem to be tired of running from the House Chamber whenever there's a confidence vote, but are now ready to run in a federal election as early as June.

It's neither the Conservative economic platform, the dangerous situation in Afghanistan, nor the dramatic status of our environment that will "trigger" the defeat of Stephen Harper's minority government. Indeed, a puny immigration reform buried under billions of dollars in the national budget seems to be the charm.

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Photograph by Jake Wright, The Hill Times

Away from them: Oscar-nominated actor and director Sarah Polley, pictured at the Senate's Banking Committee on April 10. She and other actors are critical of the government's attempt to amend the Income Tax Act that would cut tax benefits to films and TV shows that are too violent, sexual, or offensive. Ms. Polley's presence on the Hill attracted a load of media.

## McVety warns Tories of 'grassroots' rebellion against Bill C-10, 'dirty movies'

But Canadian writers and filmmakers slam bill and Liberal Sen. George Baker calls controversial legislation 'an attack on Trailer Park Boys, an attack on Bubbles and Ricky!'

By SIMON DOYLE

Evangelical lobbyist Charles McVety is issuing a new warning to the Conservative govern-

ment, saying that it will "pay a price" in the way of a grassroots rebellion if it gives in to pressure from the film and television industry and amends or waters down its provision to deny government tax credits for offensive screen productions.

In an interview with *The Hill Times*, Rev. McVety issued the new warning as the Senate Standing Committee on Banking, Trade and Commerce studies the legislation, Bill C-10, and hears from the film and television industry about the so-called "censorship" provision.

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## Parliament is ignoring 'New Great Energy Game' in Afghanistan, says MP

Economist identifies Afghanistan as a strategic 'energy bridge' for the transport of natural gas from Central Asia to South Asia.

By SIMON DOYLE

The Parliamentary debate surrounding Canada's mission in Afghanistan has ignored the role of the "New Great Energy Game" and Afghanistan's strategic importance in the region as an "energy bridge" for the transport of natural gas, says an MP.

Last week in the House, in a debate on a Liberal opposition motion on the creation of a Special Committee on the Canadian Mission in Afghanistan, NDP MP Paul Dewar (Ottawa Centre, Ont.) said that the geopolitics of energy supplies has been left out of the House debate on Afghanistan, and referred to a recent report by international energy economist John Foster, titled "Afghanistan and the New Great Energy Game."

Mr. Dewar said the new House committee on the Afghanistan mission, which MPs voted to create last

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## Senators Bill C-20 'a joke,' says NDP MP Angus

Chief Electoral Officer Marc Mayrand says bill could confuse voters when it comes time to vote if federal and provincial electoral laws are mixed together.

By BEA VONGDOUANGCHANH

A controversial bill to allow the Prime Minister to consult with Canadians on their choices for the Senate is "a joke" and "a waste of time," says high-profile NDP MP Charlie Angus who wants federal legislators to ask Canadians first how the Senate

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## Lukiwski's political career not dead in the water, say Tory insiders

Conservative MP Tom Lukiwski to work closely with others to try to build up his credibility in gay community.

By SIMON DOYLE

Conservative MP Tom Lukiwski was "on an upward track" in the Conservative caucus before he was hit with a 17-year-old tape of himself debasing gays and lesbians, but Mr. Lukiwski can regain his clout within the party after he faces the electorate and "cleanses" his reputation, Conservative insiders say.

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## FEATURE

# Grit MP McGuinty says Tories are 'walking around committees with matches and have lit them on fire'

But Chief Government Whip Jay Hill says if 'cancer spreads' from one or two committees to many committees, Parliament can't continue to operate.

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"They're walking around committees with matches and have lit them on fire," said Liberal MP David McGuinty (Ottawa South, Ont.). "What they're trying to create here is an environment of total and complete dysfunctionality so they can substantiate their claim to the Canadian people that nothing is working here, that the opposition is breaking everything down, they're not getting their own way and in order to justify that, they have to build a case."

Some Commons committees were at the centre of attention last week when Chief Government Whip Jay Hill (Prince George-Peace River, B.C.) warned opposition whips at a March 31 meeting that should the gridlock in the committees continue, Prime Minister Stephen Harper (Calgary Southwest, Alta.) is prepared to go to the Governor General to seek a dissolution of Parliament.

NDP Whip Yvon Godin (Acadie-Bathurst, N.B.) told *The Hill Times* that he told Mr. Hill that the parties could challenge this in a court of law and upon hearing this Mr. Hill said that people would forget after the first few days what triggered the federal election.

Mr. Hill told *The Hill Times* however that was not his "recollection of the conversation." He said that he was "stating the obvious" and that it would be a possibility if other committees began to disintegrate. "At some point in the future, if the cancer spreads from one or two committees to many committees that Parliament itself becomes dysfunctional then obviously we wouldn't be able to continue to operate," he said.

Without getting into details of the March 31 meeting, Liberal Whip Karen Redman (Kitchener Centre, Ont.) said her assessment was that Mr. Hill "very much" threw the gauntlet down and said the dysfunction could not continue. "I'm firmly of the view that the government has gone out of its way to manufacture this," she told *The Hill Times*.

Bloc Québécois whip

Michel Guimond (Montmorency-Charlevoix-Haute-Côte-Nord, Que.) likened the threat to "blackmail" and that the Canadian public would know that the Prime Minister doesn't have grounds to call an election when it is them who are causing the dysfunction. "It will be their decision, but I don't work with blackmail. I do my job, I do my best. Sometimes I make mistakes, but I think we are right and we want the truth," he said. "This Conservative government who mentioned during the Gomery commission that they're the champions of integrity, they have an occasion to prove it."

But Mr. Hill said the cause of the dysfunction is "open to interpretation." He noted the Speaker's recent ruling calling on the House leaders and Whips to find a consensus and bring some civility back to the House committees, and not let it slip into "anarchy" or be dominated by the "tyranny of the majority." Mr. Hill said he was attempting to show leadership on that issue and defended his government's filibustering at committees.

"When it comes to filibustering, all parties and all MPs recognize that it's a very traditional method of stalling, it's a tool that's used by the minority to try and win concessions from the majority. Normally, in our Parliamentary system, the opposition is in the minority and it's them that's filibustering. In a minority parliament of course it's the reverse," he said, adding that the opposition on the Procedure and House Affairs Committee and the Justice Committee are attempting to study issues that are outside of its mandates. "When the opposition says that it's the government that is trying to make the committees dysfunctional, I would argue that that's not true, that if they will get on with doing the business of the committees, rather than trying to have the committees conduct partisan, political, witch hunts with trumped up fantasy scandals, then the committees can return to what they're supposed to do which is work in the best interest of Canadians.

They have legislative work to do, especially the Justice committee. There's a pretty heavy agenda, both from government legislation and private member's legislation that goes through the justice committee. Well, it's been stonewalled right now because of this Dominic Leblanc motion."



**Whip it good:** Chief Government Whip Jay Hill, Liberal Whip Karen Redman, NDP Whip Yvon Godin, and Bloc Québécois Whip Michel Guimond. Without getting into details of the March 31 meeting, Ms. Redman said her assessment was that Mr. Hill 'very much' threw the gauntlet down. Mr. Hill said he was just stating the obvious, but also has a different recollection of the Hill meeting.

At issue are two committees in which the government is doing everything possible within the rules to prevent investigations into Conservative actions on topics they think are irrelevant to the committee mandate, and another committee in which the Tories are filibustering a clause-by-clause study of a private member's bill.

The Procedure and House Affairs Committee has been at a standstill since the House returned from its Christmas break. Opposition MPs on the committee have attempted

to pass a motion to study the Conservatives' 2006 election advertising practices since last August when the party took Elections Canada to court. Elections Canada has said

that some ads for which candidates claimed rebates at the local level were in fact national ads and did not deserve the rebates. The opposition party then accused the Conservatives

of running and "in and out" scheme which allowed the national party to exceed its advertising spending

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## FEATURE

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limits. The Conservatives have maintained that they are within the law and in fact do the same as other political parties at election time.

While the committee stopped debating the motion last fall to pass Bill C-18, the Verification of Residence Bill, the committee has not studied legislation since Dec. 11, 2007. The Conservatives introduced a sub-amendment to Ms. Redman's motion to study the "in and out" scheme, stating that the committee should study all of the political parties' election advertising practices from the last three elections, but the opposition refuses to agree to the motion. The Conservatives since then have filibustered committee meetings, for a combined total of approximately 18 hours and 40 minutes and have not allowed the sub-amendment to the motion to get to a vote, which means the main motion cannot be voted on.

In addition to the filibustering, one of which lasted more than six hours in one day, opposition members have had to use standing order 106(4) to have meetings. The standing orders state that committee meetings are called at the discretion of the chair, but if four members request a meeting, the chair must call one within five days. The opposition has used S.O. 106(4) four times, and haven't met since the beginning of March.

On March 6, the opposition ousted former chair of the Procedure and House Affairs Committee Gary Goodyear (Cambridge, Ont.) by moving a motion of non-confidence in him. They then elected Conservative MP Joe Preston (Elgin-Middlesex-London, Ont.) against his will to be chair. Last week, he resigned as chair; however, he did not call any meetings in the three weeks that the House has been sitting since his election as chair.

"When Mr. Hill says that the opposition is stalling the committees, it's another proof that it's not true. They decided to filibuster the committee since September," Mr. Guimond said, referring to the opposition's forced use of S.O. 106(4). "There's a reality. Since the election of January 2006, Canadians and Quebecers decided that this government is a minority government and we applied the same rules that we had during Paul Martin's reign. There's a minority government and in a minority government, the majority in the House and the majority in committees is formed by opposition members. This is democracy. We don't want to stall the committee. We want the committee to discuss very important subjects as soon as possible and the 'in and out' scheme in the last election from the Conservatives is a very important matter. This is the reason why we want the committee to do its job."

Conservative MP Scott Reid (Lanark-Frontenac-Lennox and Addington, Ont.), who sits on the Procedure and House Affairs Committee, said that while it's true the opposition have a majority, they shouldn't be able to use it against the House's standing orders and for nothing more than partisan purposes. "Ultimately, when they act in concert as they frequently do, if they do so on an illegitimate matter, they make it impossible for the committee to function. That's what's been going on at Procedure and House Affairs," he said. "I mean, the idea of electing a guy against his will, coming up with some illegitimate reason for kicking out a chair who's functioned extraordinarily well in a very consensual manner for two, habitually expecting that you can overrule a chair on straightforward matters of what the standing orders say, the standing orders are simply cast aside because someone wants to challenge the chair, as opposed to challenging him on interpretations of precedence—these are abuses that cause the system to break down. Parliament can't function only through the operations

of the House, it has to function through its committees given the amount of business it deals with, so ultimately, you make the committees work again, or there's a particular danger to just evaporate."

Ms. Redman defended her party, however, saying that the Standing Orders, or House rules, were changed so that committee chairs could be elected rather than appointed, and it's the Conservatives who are working against this. "This minority Conservative government, this Prime Minister, has decided that they will choose who are the chairs of committees and Mr. Hill has made it very clear for a very long time that they will not consider any other name of a government member to be chair of a specific committee other than the one they put forward," she said. "So, they have really created this dynamic where there is no way to move forward."

Mr. Hill said last week that Mr. Goodyear will put his name up for election of the Procedure and House Affairs Committee now that Mr. Preston has resigned.

The other committees that are at a standstill are the House Justice Committee and the House Environment Committee. Opposition MPs on the Justice Committee are attempting to also pass a motion, this time to study the Chuck Cadman Affair. After it was revealed in a new biography of the late independent MP by his wife that the Conservatives allegedly offered him a \$1-million life insurance policy if he voted against the Paul Martin (LaSalle-Émard, Que.) government in 2005, the opposition called for a probe at the Justice Committee.

Liberal MP Dominic LeBlanc (Beau-

séjour, N.B.) introduced a motion calling for one on March 11, but the Justice Committee's chair, Conservative MP Art Hanger (Calgary Northeast, Alta.) ruled it out of order. The opposition then challenged his ruling, but Mr. Hanger refused to take a vote on the challenge. He vacated the chair stating he would not allow the challenge to go forward. Mr. LeBlanc attempted to bring the challenge up again at a subsequent meeting when the committee was supposed to be studying Brian Saunders' appointment as the Director of Public Prosecutions. Mr. Saunders was never able to testify because Mr. Hanger walked out of the meeting again and then cancelled the following meeting, hoping that the two week Easter break would calm the committee members.

When the House returned on March 31, however, the same events occurred, even though there were more witnesses at the committee who also did not get to testify on Bill C-27, the Identity Theft Bill. Mr. Hanger vacated the chair on April 1 after Mr. LeBlanc attempted once again to pass the motion to challenge his original

'When Jay Hill says that the opposition is stalling the committees, it's another proof that it's not true. They decided to filibuster the committee since September. There's a reality since January 2006, Canadians and Quebecers decided that this government is a minority government and we applied the same rules during Paul Martin's reign.'—Bloc MP Michel Guimond

ruling. The committee held an in camera meeting on April 3 and then held another meeting last Tuesday, April 8, to which the scene repeated itself of Mr. LeBlanc trying to move a motion to challenge the chair's ruling and Mr. Hanger vacating the chair. The committee currently has three bills before it, Bill C-25, the Youth Criminal Justice Act, C-27, and C-426, the Protection of Journalistic Sources and Search warrants Bill.

Over at the House Environment Committee, the government is filibustering a clause-by-clause study of Bill C-377,

the Climate Change Accountability Act, introduced by NDP Leader Jack Layton (Toronto Danforth, Ont.). The committee has been studying it since Dec. 11, 2007. It reached clause-by-clause relatively easily until the government began filibustering, beginning with a motion on Feb. 27 by Conservative MP Mark Warawa (Langley, B.C.), Parliamentary secretary to the Environment minister. He moved a motion calling on the committee not to proceed further with the bill.

At the time, Mr. Warawa told *The Hill Times* that Conservatives were simply trying raise their own concerns about the cost and constitutionality of the bill. "It would give sweeping and unlimited power to the federal government over the provinces and we absolutely do not want that. We have to constitutionally respect provincial and federal jurisdictions. So I was quite shocked to see that the bloc was leaning towards supporting those unlimited powers," Mr. Warawa said. "When all these issues came up at committee, that the bill wasn't costed, that it had no policy attached to it, and that it would not achieve its ends, we raised concerns that the bill should proceed, so we did raise those concerns. What was happening at committee was that the NDP and the Liberals were wanting to block us and not give us opportunity to speak and that created a lot of confusion in the committee."

His motion was defeated and the committee moved onto clause-by-clause, but has been stuck at clause 10 since March 5. The filibuster on clause 10 continued until April 1<sup>st</sup>, when NDP MP Nathan Cullen (Skeena-Bulkley Valley, B.C.) moved a motion to limit speaking times to two minutes per committee member. The committee has since been debating this motion, rather than the bill. Conservative MP Jeff Watson (Essex, Ont.) spoke for half an hour about how a two minute time limit on debate fringed on freedom of speech before Mr. Cullen interrupted on a point of order. Mr. Cullen wanted to withdraw his motion on the time limit in an effort to

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## FEATURE

# Conservatives 'manufacturing' House of Commons committee gridlock, charge opposition parties

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move onto clause 10, but Committee chair Bob Mills (Red Deer, Alta.) said he couldn't withdraw it while it was under debate.

During last Wednesday's meeting, Mr. Warawa asked Mr. Mills to ask Mr. McGuinty to "quit interrupting" Mr. Watson because he couldn't hear him speak when he was sitting right beside him. Mr. McGuinty said he didn't say anything and Mr. Mills interrupted with, "I taught school once you know? And that innocent little guy sitting in the front row that just never ever did anything wrong but he sat in the front row for a reason."

Mr. McGuinty replied "That was John Baird." Mr. Mills then said, "Mr. McGuinty, we're not discussing your school chums. Anyway I will ask members to please stay on topic and let Mr. Warawa listen to Mr. Watson and everyone else concentrate."

Mr. McGuinty said, "I never went to school with John Baird."

Liberal MPs on the committee have put up a "Filibuster Counter" during the meetings, which is now at more than a combined total of approximately 20 hours.

"In order to consolidate the view that I think the Conservative members there are now the objects of ridicule, I actually walked across the floor in committee and offered to the Parliamentary secretary Mr. Warawa a white pages and yellow pages phone book and in the spirit of cooperation I said it would be more productive for him to read from those phone books than to read the nonsense he was reading into the record for his filibuster. This is exactly where we're at now," said Mr. McGuinty, who sits on the Environment Committee. "They are desperately trying to make this place look totally dysfunctional."

If Prime Minister Harper decides to seek dissolution of the current Parliament from the Governor General on the grounds that the committee system

has become dysfunctional, opposition parties could challenge this in a court of law NDP MP Joe Comartin (Windsor-Tecumseh, Ont.) said last week.

Mr. Comartin argued that under the fixed election date legislation, which schedules the next election for October 2009, the Prime Minister has to demonstrate clearly that he has lost the confidence of the House.

"What that legislation says, both explicitly and implicitly, is that unless he [Prime Minister Harper] has a clear non confidence vote in the House, unless there's a clear expression of non confidence and he will be bound by the legislation in exercising his discretion. I'm not suggesting for a minute that his discretion has changed in the sense of his right to the discretion, what he has done for both himself and future prime ministers has set criteria for the exercise of that discretion," said Mr. Comartin in an interview with *The Hill Times*.

Mr. Comartin said that his party has no inten-

tion of challenging a Parliamentary dissolution in a court of law as they have already stated publicly that in their view Mr. Harper's government has lost their party's confidence. He speculated that the only party who could launch such a challenge is the Liberals who are trying to keep this government afloat by voting strategically on confidence votes. Mr. Comartin also pointed out that no federal or provincial government dissolved by a governor general or a lieutenant governor has ever been challenged in a court of law in Canadian history.

Ms. Redman disagreed with Mr. Comartin's opinion, stating that the Parliament has already lasted more than two years, which is longer than most minority governments.

"It really underscores how bogus this fixed election date [legislation] was that Mr. Harper and his Conservatives brought in," she said. "It talks to how disingenuous this government is. I said in the

House at the time that I had no problem in supporting this—I really object to cherry picking Republican aspects of the United States form of government at appropriating it in a Parliamentary system but I could vote for this piece of legislation—because there was no substance. Clearly, they're not amending our constitution, therefore he will always retain the right to go to the governor general and ask for dissolution. Because of that, I would think Mr. Comartin must know something I don't because I would disagree with his analysis."

Ms. Redman said that the only plausible reason that the Governor General would deny an election is if opposition parties came together to form a coalition government. "I don't believe those conditions exist in this Parliament," she said.

Mr. Reid also refuted the idea that the courts would have a say in when an election took place. He said that elections are the prerogative of the

Governor General, on the advice of the Prime Minister. "It's a constitutional question that is not justiciable, it's not subject to court review in that our constitution takes two forms, which is the written form ... [and] the unwritten part of our constitution is the conventions that have grown over time," he said. "If it's in conformity [with the unwritten constitution] then an election can occur, but if not, it can't occur, but that decision is ultimately one that doesn't rest with the courts, it rests with the Governor General."

According to a Nanos Research poll released last Friday, the Conservatives and Liberals are tied with 36 per cent support while the NDP have 14 per cent and the Bloc Québécois eight per cent. The poll, conducted with 827 Canadians between April 4-8, also found the Green Party still holds six per cent support. The poll is accurate to 3.4 percentage points 19 times out of 20.

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