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CANADA

## **Liaison Committee**

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**EVIDENCE**

**Thursday, October 27, 2005**

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**Chair**

**Ms. Bonnie Brown**

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## Liaison Committee

Thursday, October 27, 2005

•(1310)

[Translation]

**The Clerk of the Committee (Mrs. Marie-Andrée Lajoie):** Honorable members of the committee, we have quorum. Pursuant to Standing Order 107, the election of a president is the first item on our agenda. I'm therefore ready to receive motions to that effect.

Mr. Boudria.

**Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.):** Thank you, Madam Clerk.

I am very pleased to nominate Ms. Bonnie Brown, for her extensive expertise. We all know about it, so that will be it for my speech.

**Mr. Brent St. Denis (Algoma—Manitoulin—Kapusking, Lib.):** I second the motion.

**The Clerk:** Okay.

Any other nominations? No.

Therefore, I declare Mr. Boudria's motion carried. Ms. Bonnie Brown has been duly elected as president of this committee.

(Motion agreed to)

**The Clerk:** We will now proceed to the election of a vice-president.

[English]

Pursuant to the same standing order, the next item of business is the choice of a vice-chair.

**Mr. Rob Anders (Calgary West, CPC):** I nominate John Williams.

**The Clerk:** There is a nomination by Mr. Anders of Mr. John Williams.

**Mr. John Cannis (Scarborough Centre, Lib.):** Isn't the chair supposed to be in the chair now?

**The Clerk:** Afterwards.

Monsieur Boudria.

**Hon. Don Boudria:** Do you receive all motions now and then we vote afterwards?

**The Clerk:** Yes.

**Hon. Don Boudria:** Then I would like to nominate Mr. Tom Wappel.

**Mr. Tom Wappel (Scarborough Southwest, Lib.):** On a point of clarification, Madam Clerk, is the vice-chair required to be from an opposition party?

**The Clerk:** No.

We'll have to go to a secret ballot.

Are there other nominations?

**Mr. Paul Steckle (Huron—Bruce, Lib.):** I move that the nominations be closed.

**The Clerk:** The nominations are closed.

We will have to go to a secret ballot, so my colleague and I will issue the ballots.

•(1313)

\_\_\_\_\_ (Pause) \_\_\_\_\_

•((1316)

**The Clerk:** Members of the committee, I declare that Mr. Tom Wappel has been duly elected by a majority of votes to be the vice-chair of the committee.

I now invite Madam Brown to take the chair.

•(1315)

**The Chair (Ms. Bonnie Brown (Oakville, Lib.)):** Thank you very much, ladies and gentlemen, and thank you for your attendance today. I look forward to another season of good, hard work with you. I know you're all working hard at your committees.

Our next item of business is the election of people to be on the budget subcommittee. I have the list of people who have been on it and who have the experience: Marlene Catterall, Bernard Patry, Andrew Telegdi, and John Williams have been on it. Do those people still wish their names to stand?

**Ms. Marlene Catterall (Ottawa West—Nepean, Lib.):** If somebody else would like to gain the experience, I'd be happy to...given that I'm leaving in a matter of months or weeks or days, depending on the opposition here.

**The Chair:** I will put a question mark beside your name.

Mr. Patry has said yes.

That's a yes from Mr. Telegdi. Good, so we'll have two experienced ones there.

I'm pretty sure Mr. Williams will want to be on it. He's a very valuable member of that committee.

Are you going to put forward someone new?

**Mr. Leon Benoit (Vegreville—Wainwright, CPC):** Yes, Rob Anders.

**The Chair:** Okay. Is there anybody else from the opposition who wishes to seek that seat?

**Mr. Bernard Patry (Pierrefonds—Dollard, Lib.):** I would like to propose Mr. Pacetti.

**The Chair:** And I think we probably should have Mr. Wappel because he's the vice-chair.

Maybe we could do it without a vote, if Mr. Pacetti would like to take Ms. Catterall's seat.

Is that agreeable, Ms. Catterall?

Okay. Mr. Pacetti can take Ms. Catterall's seat, and Mr. Wappel can take Mr. O'Brien's seat, since Mr. O'Brien is no longer with us. In the same way, Mr. Anders can take Mr. Grewal's seat.

The new subcommittee on budgets is Mr. Pacetti, Mr. Wappel, Mr. Patry, Mr. Telegdi, Mr. Williams, and Mr. Anders—oh, and me.

Agreed?

**Some hon. members:** Agreed.

**The Chair:** Great. Thank you.

Apparently on the agenda it says we have to go in camera, so I'll take a motion to that effect.

• (1320)

**Ms. Marlene Catterall:** Madam Chair, can I put forward the proposition that we not go in camera? We're dealing with public business, and I see no reason why it shouldn't be dealt with in public.

**The Chair:** This is a decision of the committee. I have a suggestion from the clerks to go in camera; I have a suggestion from Mrs. Catterall that it is not necessary.

Can I hear opinions on this?

**Mr. Rob Anders:** I'm fine with it being open.

**The Chair:** Does anybody on this side wish to speak?

**Hon. Don Boudria:** If I may, Madam Chair, is this with the purpose of discussing travelling expenditures and so on?

**The Chair:** We will be doing budgets, yes.

**Hon. Don Boudria:** Well, same thing. Given that our budgets are generally almost always travel, I think it's the kind of thing, with respect—like Madam Catterall, I won't be around here very much longer—that if it's discussed in camera, people will be a lot freer to argue the relative merits. The motions afterwards, of course, have to be passed in public, but I think it's the kind of thing that works far better if it's done in camera. I suggest that we might want to consider this.

**The Chair:** I don't have a motion either way. I had better take a motion one way, and then we'll vote on it.

**Ms. Marlene Catterall:** We don't need a motion unless it is to go in camera, Madam Chair, and I would again encourage people not to put forward that kind of motion for all the reasons in fact that Mr. Boudria has given. The reasons for the travel, the reasons for expenditure of public funds, are always good reasons, in my

experience on the budget subcommittee, and I see no reason why the public shouldn't know about the business of committees, what they're doing and why they are spending public money. In fact, most of the time it is to hear the opinions of Canadians.

**The Chair:** I don't see a motion to go into camera. I would just suggest to you that if we got to a budget proposal and any one of you wanted to say something about that budget proposal that you would prefer not to have in public, you may, at that point, move to go in camera, and for that particular item we could talk, as Mr. Boudria says, a little more freely.

Most of them are pretty straightforward, but occasionally there is one that has other kinds of implications, and people might not want to really be on the record with all their opinions. So we could always move in camera on one or two items if we need to, but in a general way deal with the budgets as they appear.

Do we have time to do these budgets today that you see listed on your agenda, or would you rather refer them to a meeting of the budget subcommittee next Tuesday? Would you like to deal with them right now?

Mr. Patry.

**Mr. Bernard Patry:** I think I would prefer to deal with it right now, because they're small amounts and we have the money to go along with this.

**The Chair:** You're absolutely right.

By the way, on item number 5 we got a positive decision from the Board of Internal Economy to swing the money into different thirds of the year, if you'll recall. We got a yes.

If you turn to page 5(b), you will see financial status as of October 26, which shows new budget requests of \$273,772, and just above that, available for allocation, \$1.2 million. As Mr. Patry has pointed out, this is not a tricky situation for us at all. We're usually looking at the reverse, budget requests of \$1 million, available funds \$273,000, so it doesn't seem to me that it's too tricky.

We'll move right to the operational budgets with Ms. Catterall. She wants \$30,000 for her study.

Will you move that, Ms. Catterall?

**Ms. Marlene Catterall:** Yes, I will, Madam Chair.

**The Chair:** Are there any questions of Ms. Catterall?

Seeing none, I will call the question.

(Motion agreed to)

• (1325)

**The Chair:** Someone is speaking for Mr. Williams on B-92. He wants an increase of \$3,000 for official hospitality expenses.

**Mr. Gary Carr (Halton, Lib.):** That is through me, Madam Chair.

**The Chair:** Are you going to move that, Mr. Carr—and welcome, Mr. Carr.

**Mr. Gary Carr:** Yes, I will move that.

It is my pleasure.

**The Chair:** Are there any questions of Mr. Carr on this amount?

Seeing none, I'll call the question.

(Motion agreed to)

**The Chair:** We have another one from Mr. Williams. I'm sorry, Mr. Carr isn't a member of the committee. Perhaps somebody else could move that motion for him.

Ms. Folco moves that motion.

We still need you here, though, Mr. Carr.

I am going to assume that with changing the mover that's still okay.

We have the second B-93 from public accounts, and that's \$31,000 for service contracts for a study.

Ms. Folco, would you move that one as well?

Ms. Folco will move it for Mr. Williams. Are there any questions for Mr. Carr?

Mr. Boudria.

**Hon. Don Boudria:** What is this for?

**The Chair:** What is that for?

**Mr. Gary Carr:** The committee is doing a comparison of the testimony before this Parliament and the testimony at the Gomery commission to see if there are any inconsistencies, to see if people said one thing before the public accounts committee and another thing at the Gomery commission.

That's what that is. The actual breakdown is for contracts for people to do that work.

**The Chair:** Are there any further questions?

Mr. Boudria.

**Hon. Don Boudria:** I'm a little worried about this. There are two people, maybe more. There are two who I know of who appeared before that commission and who have been charged with a criminal offence. Is a study comparing testimony at this point the most prudent thing for us to do?

**The Chair:** Maybe some of the lawyers could comment on that. Have we any lawyers in the room? We have Mr. Wappel.

**Mr. Tom Wappel:** I'm a lawyer, but I have no comment. It is up to the committee to decide what it wants to do.

**The Chair:** Mr. Patry.

**Mr. Bernard Patry:** Can we postpone this to the next meeting, until we have a legal opinion on it?

**The Chair:** Mr. Benoit.

**Mr. Leon Benoit:** It is my understanding that the law clerk at the House of Commons is okay with this. We've already done that, in effect, so I suggest that we go ahead with this.

I don't think Mr. Boudria's concern is a valid one. This is to find out for the committee whether there have been contradictions to testimony given at the committee. It's not to pass any kind of judgment on what's happened in the Gomery inquiry.

**The Chair:** No, but the problem would be this. Suppose your hired help, with the \$31,000, finds some big discrepancies and then the committee decides to hold a big press conference about it, just about the time the court case is going to begin.

**Hon. Don Boudria:** Madam Chair, I think it is worse than that. The findings are going to be public. What impact can that have? Could a report produced by a committee of Parliament, or staff working for a committee of Parliament, be *préjudiciable* and so on to a process? A number of people—I know of at least two, maybe three—have been charged. Actually three have been charged. One was convicted, and that conviction right now is subject to an appeal, so technically it's before the court again. We had that referred to in the House of Commons only a day ago. There are no less than three.

Anyway, if there's a terrible rush and you have to do it, fine, but I would recommend.... I am the chair of the procedure committee, and I am a little worried that you would embark upon that without having some advice. That's all.

**The Chair:** Mr. Benoit claims that they've had advice, but I think I can still see what he's worried about.

Are you on that committee, Mr. Benoit?

**Mr. Leon Benoit:** No.

**The Chair:** No, but Mr. Anders is, as is Mr. Carr.

You all are? Three of you.

I think that cautionary note sounded by our most experienced member in the House could be taken back to the committee. Suppose you find something hot. At that point I think you should check with the lawyer again to see what your responsibilities would be, so as not to prejudice the legal proceedings.

Mr. Carr.

**Mr. Gary Carr:** Just very quickly, and then I'll turn it over to my colleagues who were there, this was obviously a lot of what went on in the debate in the committee. We did have the law clerk come in and take a look at it, and only one person charged, Mr. Guité, appeared before it. I don't believe the others appeared before the committee.

• (1330)

**Hon. Don Boudria:** The other two never appeared?

**Mr. Gary Carr:** The other two never appeared. I obviously wasn't there, but that's what the clerk informs me.

But it is a valid point. This was a discussion we had at committee, and I'll defer to my honourable friends here, because they were obviously there as well.

**The Chair:** Thank you.

The great advantage of this committee is that we have some of the most experienced heads or brains in the House of Commons at this table. If I may say so, there are a lot of other posts that are filled with people with not much experience, but we have a lot of experience here. That's why, when somebody brings forward a point that suggests caution, I think we're wise to take it.

I think Mr. Patry wants to speak to this.

**Mr. Bernard Patry:** I have one question. Was the motion from the public accounts committee adopted unanimously? Was there no opposition, or was there some opposition from the other parties?

**Mr. Daryl Kramp (Prince Edward—Hastings, CPC):** I understand it was unanimous.

**Mr. Bernard Patry:** You understand that or you're sure?

**The Chair:** Is that the clerk sitting at the table?

**Mr. Gary Carr:** Yes, this is our clerk.

**The Chair:** Do you remember how the vote went on that?

**Ms. Elizabeth Kingston (Procedural Clerk):** I don't have the papers in front of me, but my recollection was that, yes, it was a unanimous decision to accept the budget.

**Hon. Don Boudria:** Maybe something could help me here, if I may. Did Mr. Walsh actually appear before the committee?

**Ms. Elizabeth Kingston:** He did.

**Hon. Don Boudria:** Okay, fine. If he appeared, that's a different story from someone saying he was consulted.

**The Chair:** Ms. Catterall.

**Ms. Marlene Catterall:** I have two concerns. Even though I won't be here when the budget subcommittee meets on Tuesday, it's only a couple of days away. Perhaps it might be worth waiting for some further advice.

There's an ongoing criminal investigation in addition to Justice Gomery writing his report. We have no idea what charges may be laid or what impact such a report might have on the process of those cases. I think it's incumbent on the budget committee to get its own advice before it facilitates this. I think it's a good idea—

**The Chair:** We've already decided that this is going to be decided here today. Are you making a motion that we refer it to the budget committee?

**Ms. Marlene Catterall:** I'm making a motion that we refer it to the budget committee.

And, Madam Chair, the second point I have a great deal of concern about—and it was a great issue when the public accounts committee was holding its hearings—is that some of this testimony was given in camera. I would want assurances, if I were a member of the budget committee, that in camera testimony would not in any way be used as part of this report, because all the legal ramifications of that were discussed at the time. There are some significant risks here, so I think it's incumbent on our budget subcommittee to explore a little bit further.

Normally my bias is to say that if the committee has decided it wants to do something, that's good enough for me. In this case, though, there are legal ramifications for potentially criminal cases or

other actions against other people, and I think it's worth a couple of days of waiting to exercise due diligence and caution.

**The Chair:** I have a motion to refer the request in item B-93 to next Tuesday's meeting of the budget subcommittee.

Are there any speakers on that motion? Mr. Benoit.

**Mr. Leon Benoit:** Thank you.

There are two things about that. First of all, I think we should trust the judgment of the public accounts committee on an issue like this. They've dealt with a lot of very touchy issues over the past many years, and if this committee overrides their judgment, it really is a slight to that committee, quite frankly. I would therefore suggest that we reject this motion.

The second thing is that, just for the record, all of the information that was collected by the public accounts committee was declared to be out of camera, so that's not an issue here.

**The Chair:** Declared by whom?

**Mr. Leon Benoit:** By the committee.

**The Chair:** Even though some of the witnesses spoke in camera?

**Mr. Leon Benoit:** That is correct. That's what happened, so none of that is in camera any more.

**Mr. Gary Carr:** On that point, maybe the clerk can give us an indication, because she's very familiar with that situation. Perhaps she could add to that in regard to Marlene's concerns.

**Ms. Elizabeth Kingston:** Thank you very much, Mr. Carr.

With respect to the in camera testimony before that committee, all of the testimony from the sponsorship hearings in the spring of 2004 is public testimony. It is already in the public domain.

As part of our motion, we have also included previous in camera testimony from 2002, when Mr. Guité and Mr. Tremblay appeared before the public accounts committee in camera. That testimony was then made public subsequent to that; it's actually available on our website. That testimony would also be included in terms of this comparison exercise, but it's all now in the public domain. That's the only testimony our committee would be dealing with.

● (1335)

**The Chair:** Mr. Kramp, and then Mr. Boudria.

**Mr. Daryl Kramp:** Thank you, Chair.

Just as we're going around the table now, in committee we went around on this for almost a full two hours, with a lot of valid points here and there. The bottom line—and it was well recognized by all committee members—was that we had to protect the integrity of the testimony before all committees.

If we can't have faith that the people are going to tell the truth, then the committee's testimony is literally worthless. If people can feel that they can just appear before a committee and say whatever the heck they want with impunity, regardless of whether or not.... In other words, they can never be held accountable.

In an opinion from Rob Walsh, we listened and listened, and his paramount emphasis was on protecting the integrity of the committee testimony. He said that at some particular point this has to come forward and this has to be discussed.

No one wants to make a political football out of this, but what we do want to do is somehow bring this to a definitive end. Therefore, if we could not go back in and check one testimony versus the testimony given at a subsequent hearing to find if there are glaring inconsistencies.... Obviously, if there is a perjury, then they should be held liable for that in committee, in addition to any other particular hearing that they would be held at.

Mr. Walsh felt that if there were valid grounds, we should definitely look into this at this particular point. We accepted his advice on this matter and basically put the integrity of our system ahead of any particular partisan interests that might occur at this time.

**The Chair:** So are you speaking against this motion?

**Mr. Daryl Kramp:** Yes, I am.

**The Chair:** Mr. Boudria.

**Hon. Don Boudria:** I'm going to do the same, because I think I'm hearing that there was in camera testimony that was made public without the consent of the witnesses who testified.

**The Chair:** The clerk is shaking her head.

**Hon. Don Boudria:** The witnesses consented? If there was a two-party agreement to be in camera and both parties lifted it, fine, that's a different set of rules, in my mind. And one of those two guys died, but I don't know whether he died before that particular exercise took place. If he did, then obviously that couldn't have happened in that case, unless somebody knows how to get these kinds of releases from the hereafter. I'm not familiar with that process yet, so I want to know about that.

You see, Madam Chair, what worries me here—and I agree with what Mrs. Catterall was saying here—is that if we're now going to engage in the study in fact of the validity of the in camera stuff that was given in camera, and if the agreement to have it in camera was subsequently breached by us and we're going to use it to say they breached by telling us stuff that's untrue, what about us telling them stuff that's untrue by breaching the in camera provision? And now we're going to engage in an exercise representing the House of Commons as a whole, which we do in this committee, to finance this? I'm worried about that.

**The Chair:** The clerk shook her head.

**Mr. Gary Carr:** Do you have a clarification of perhaps what exactly—

**The Chair:** Did we get permission from the people who were guaranteed in camera status, to release it into the public domain? Did you get their permission?

**Ms. Elizabeth Kingston:** There was a motion of the committee back in 2002, after the testimony of Mr. Guité and Mr. Tremblay was given before the committee in early July, that the in camera testimony would be made public. There were two provisions for that. This was an understanding that the committee had with the witnesses, that it would be either after all charges had been

exhausted or within, I believe, three years following the date of the time in which that testimony was given.

Now, with respect to Mr. Guité, we agreed, back in the spring of 2004, that his rights with respect to the in camera testimony would be waived. We did have an agreement with Mr. Guité that this provision would be waived. We then made that testimony public at the time.

● (1340)

**The Chair:** Did he sign off? Do you have a document that says you can make that public?

**Ms. Elizabeth Kingston:** We have correspondence through lawyers, yes.

With Mr. Tremblay, it was as a result of the period of time having lapsed. We made that public, as a result, July 9, 2005.

**Hon. Don Boudria:** Just to clarify, then, we are satisfied that it's not the committee that lifted this; it is in fact that the time provisions set out in the agreement have now been executed. That's not the same as telling us that the committee lifted this. If in fact these provisions of the contract in both cases have been adhered to—it's not a written contract, but I'm using the comparison here for my understanding—or have been satisfied, then that's a different story.

Is that what I'm hearing?

**The Chair:** I think that's what I'm hearing.

Have the three years expired?

**Ms. Elizabeth Kingston:** Correct. July 9, 2002, was the date of these two hearings, in camera, with the public accounts committee, the order of reference being the Groupaction file at the time. Three years have lapsed with respect to Mr. Tremblay. As a result, the committee, in respecting that agreement, made it public on July 9, 2005.

To reiterate, with Mr. Guité, because of his appearance before the committee in April, we had an agreement with him, through lawyers, that it would be waived earlier than that time period.

**Hon. Don Boudria:** In any case, the agreement has been fulfilled in both cases.

**Ms. Elizabeth Kingston:** Correct.

**Hon. Don Boudria:** All right. Then the only thing remaining for us to decide is whether in fact this is a good or bad idea, given the criminal charges that are still outstanding.

**The Chair:** I have another concern. Could Mr. Guité have predicted, when agreeing to this contract or this undertaking, that four years later would also be the exact time he is going to court? In other words, it seems to me we have to have a higher standard than the norm in this place, and I'll tell you why.

Suppose public accounts or some other committee wants to hear testimony that people want to give in secret to protect themselves or others, and it gets out that the in camera testimony of Mr. Guité is public just around the time he's going to court. How will you entice somebody—I'm thinking of the health committee, of course, in this case, and you can think of your own committees—who has some secret information that you really want to hear to come in camera and have faith in the process if it's been in the paper that Mr. Guité's in camera testimony is now in the public domain? I'm trying to think about our future ability to get the best information we can out of witnesses.

Mr. Carr, then Mr. Wappel.

**Mr. Gary Carr:** On that point, just very quickly, Mr. Guité's in camera testimony has been in the public domain since about April of 2004, because that's what his agreement was. It has been out there in the public domain since 2004 already.

**The Chair:** Mr. Wappel.

**Mr. Tom Wappel:** I was just going to say, from what I'm hearing, the testimony in both cases has been on the website for quite some time. Given that, has any lawyer on behalf of Mr. Guité contacted the committee to indicate any objection to that?

**Mr. Gary Carr:** No, they have not.

**Mr. Tom Wappel:** All right.

Madam Chair, that doesn't necessarily deal fully with Mrs. Catterall's concern. If I understand correctly, her suggestion is to simply have the budget subcommittee deal with it on Tuesday. If that motion were to pass, I presume it would not be a difficult matter to have Mr. Rob Walsh attend at the subcommittee at that time. Members could ask whatever questions are troubling them and get the answers from the chief legal counsel of the House of Commons.

And that's three or four days from now. It's not as if it's three or four months from now.

**The Chair:** Mr. Patry.

**Mr. Bernard Patry:** This could be a precedent because of an in camera meeting, and we need to be much more cautious than in any other subject. I think waiting four more days will not be bad, because they're not going to start their study within the next week, by next Tuesday. To be on the safe side...because this could be a precedent. I would agree with Ms. Catterall's motion that we should postpone it to next Tuesday—and if not, the committee will look at it.

I'm in favour of this, but I want to be cautious about it.

• (1345)

**The Chair:** Are there any other speakers to Ms. Catterall's motion?

Mr. Pacetti, then Mr. Benoit.

**Mr. Massimo Pacetti (Saint-Léonard—Saint-Michel, Lib.):** I have more of a question than a comment. The chair of the committee has been with the committee for a while. Why is he not here, and will he be here on Tuesday?

**The Chair:** I don't know why Mr. Williams isn't here.

**Mr. Massimo Pacetti:** He's usually present. I'm wondering, will he be around on Tuesday?

**The Chair:** He may be travelling. Nobody knows. He usually doesn't miss the budget subcommittee.

Mr. Benoit.

**Mr. Leon Benoit:** Somebody referred to a precedent being set, and I really believe this is a dangerous precedent, that this committee withhold, or even considering withholding, money as a way to control the actions of one of the committees of the House of Commons. To me, that is totally inappropriate; it is a bad precedent to set.

**An hon. member:** It's the job of the committee. We did that last time, at the last meeting.

**Mr. Leon Benoit:** Well, I wasn't here. The point is, the committee has agreed to do this. They've set a timeline for the end of January. Holding this off will make it very hard to meet that deadline.

**The Chair:** Mr. St. Denis has the floor.

**Mr. Brent St. Denis:** Thank you, Madam Chair.

With respect to Leon's remarks, budget proposals come to this committee for some vetting, and like Bernard, I agree with the intent of the committee's motion, but I think for the sake of a few days, we're not holding anything up. It's our job to provide some reasonable oversight, so I don't think we're interfering with the committee. I've seen budgets turned down in here. Ask my friend here.

I think Marlene's motion is extremely sensible. I think the outcome is going to be—I'm going to guess—that if the right answers come from Mr. Walsh on Tuesday, this will eventually get through. But I think it would be a better part of wisdom to take a few days.

**Ms. Marlene Catterall:** Madam Chair, I have a couple of sentences to wrap up the debate. I don't want either the record or Mr. Benoit's comment to leave the impression that this is a motion against this proposal from the committee. It is not. Nor is it an attempt to dictate to the committee how it should act or what studies it should undertake. However, the simple fact is that in all my years in Parliament, the inquiry into the sponsorship program is one of the first times I have seen evidence—and certainly allegations—of such an abuse of public trust. There's not a Canadian, and there's not a member of Parliament, who doesn't want to see those responsible—whoever they are—prosecuted to the full extent of the law.

I think it's incumbent on this committee, before it approves the expenditure of funds from the House of Commons, to consider the implications for the public interest in this matter—particularly with respect to anything that might impinge upon criminal proceedings, with respect to investigations currently under way and with respect to the implications that might have for bringing people to justice in this case.

I'm not opposing this proposal at all. I think it's important that the committee ensure the integrity of the testimony it's had before it, and probably this is a good way to do it. It's simply to say that as a budget subcommittee and a liaison committee, we also have a responsibility to look at any implications in this action at this time that might be against the public interest.

**The Chair:** Thank you.

Seeing no further hands, I'd like to call the question on this one.

Mr. Kramp.

**Mr. Daryl Kramp:** While I fully recognize your reason for prudence, it is frustrating—maybe because I'm a new member. We just went through two hours of this at the committee meeting, with Mr. Walsh there for the entire period giving us professional legal advice. Then we ended up with a unanimous decision from all members there, and I'm going, fine. But if we want to go through the same purpose again, basically we're rendering that committee inefficient of making a decision. If we were sitting there without any advice, fine, but we had Mr. Walsh there. I guess if you want to hear the same thing all over again, no problem. But I think it would be a bit of a waste of time.

• (1350)

**The Chair:** Seeing no further hands, I'll call the question on the motion to refer to next Tuesday.

(Motion agreed to [See *Minutes of Proceedings*])

**The Chair:** Next is B-94, from Mr. Pacetti, for \$48,900. This must be an addition. It should say “an additional”, shouldn't it?

**A voice:** They never had an operational budget.

**The Chair:** Oh, they didn't have an operational budget. Okay.

Mr. Pacetti.

**Mr. Massimo Pacetti:** This is very basic. It's for the pre-budget consultations. We're asking \$25,000 for printing of the report and \$20,400 for witnesses to come before the committee to testify during the pre-budget consultation; then there's \$3,500 of other expenses.

Since we're on the record, I might as well inform you that it looks as though we're going to have 424 groups, for a total of 628 witnesses, during the whole pre-budget consultation. So if the public's worried about getting their money's worth, they're getting their money's worth on this committee.

**The Chair:** Mr. Pacetti is moving this. All those in favour, please signify.

I have a question from Mr. Anders.

**Mr. Rob Anders:** I'd like to bring a motion to refer Mr. Pacetti's request for those funds to the budget subcommittee. This is strictly out of a question of prudence, along the lines of what Mr. Boudria has discussed and Ms. Catterall has raised—any reason to protect the public interest whatsoever, any reason to safeguard the use of public dollars in this. It is one of those circumstances where we have to be extra cautious.

**The Chair:** But what is the substantive reason, as opposed to just being retributive?

**Mr. Rob Anders:** The substantive reason is the idea of protecting the public interest.

**The Chair:** How is your motion going to protect the public interest?

**Mr. Rob Anders:** This can certainly wait three or four days. It isn't an urgent matter. It can wait three to four days; it's not a problem that way. Surely Mr. Pacetti can wait that long. I suggest we go

ahead and put it to the budget subcommittee. It can wait a couple of days for some consideration.

**The Chair:** Before we go on, I think I should ask Mr. Anders if this means he is going to want to refer everything, because maybe we could do it in a single motion.

**Mr. Rob Anders:** No.

**The Chair:** Just this one.

Mr. Pacetti would like to respond.

**Mr. Massimo Pacetti:** I can answer that. There's no danger to public policy here. All our hearings are public. There is no question about it.

This is to reimburse some of the witnesses for some of the expenses they've incurred in coming to testify. Everything is public. It's pre-budget. Everything is recorded. There's nothing in it even remotely possible to be against the public interest.

By the way, it's in the Standing Orders that the finance committee has this mandate, so it's not a problem.

**The Chair:** There's a motion to refer from Mr. Anders.

(Motion negated)

**The Chair:** We now have the main motion, to approve \$48,000.

(Motion agreed to)

**The Chair:** Mr. Maloney is next, on a travel budget for national security and public safety, etc.

**Mr. Tom Wappel:** Madam Chair, I'm here on that, in case anybody has any questions.

**The Chair:** Okay. Are you going to move it as well?

**Mr. Tom Wappel:** Yes.

**The Chair:** Mr. Wappel is going to move this.

Did you want to explain at all?

**Mr. Tom Wappel:** The subcommittee of the committee on justice, I'll call it, because the other name is much too long, is studying Bill C-36, the anti-terrorism bill. We're getting very close to the end of the time mandated by the statute to provide our report to the House of Commons, which is the middle of December of this year. We are almost at the end of our hearings, but we feel it is important to do two things.

One is to consult with our American counterparts in Washington on the Patriot Act and their experience with that act and how it compares with Bill C-36. That's the purpose of the travel—I believe it's one day—to Washington.

We also feel it important to hear, shall I say, from “the other side”, to put it no other way. We want to visit the detention centre where one of the people being held under a detention certificate is being held so that we can hear the evidence of that person in that detention facility. This is the second request, for \$321. It's in Ottawa, but we need a bus, etc., and translators, etc.

So the first one is to take us all—and there are seven members of the committee, four opposition and three government—to Washington to hear the evidence of those experts in the United States on the Patriot Act, and working with Canadian authorities under Bill C-36, etc.

• (1355)

**The Chair:** Why don't we move both of these together, Mr. Wappel?

**Mr. Tom Wappel:** Right. Thank you. I'll do so.

**The Chair:** We have a question from Mr. Benoit.

**Mr. Leon Benoit:** Just for clarification, you're going to visit somebody being held under a security...?

**Mr. Tom Wappel:** Under a security certificate, that's correct.

**Mr. Leon Benoit:** And there have been no charges laid against this person?

**Mr. Tom Wappel:** No.

**An hon. member:** Then why is there a security certificate?

**Mr. Leon Benoit:** If a person is being held, you would think that charges would be laid at some point.

**Mr. Tom Wappel:** I think that's one of the major criticisms of Bill C-36—

**Mr. Leon Benoit:** But couldn't there be legal implications here, much like the legal implications you're referring to with the issue of Mr. Williams' budget? It should be considered carefully by this committee before we pass spending...

**Mr. Tom Wappel:** Madam Chair, I think the comments of Mr. Benoit and Mr. Anders are well taken. They're teasing us I think to some degree, but I remind the committee that the Parliament of Canada and the statute require us to report by the middle of December. I also remind members that a majority of the members of that committee are opposition members, and that it has been decided unanimously that we require some expertise and some evidence from our American counterparts. We think it's only reasonable and in the public interest to hear from someone incarcerated under a security certificate before we make our recommendations to the committee, which will then decide whether or not they wish to endorse them, and we will make a recommendation to the House and the government.

**The Chair:** Mr. Anders, then Mr. Boudria.

**Mr. Rob Anders:** Madam Chair, I see this as something that directly affects our foreign relations, particularly with our largest trading partner, with whom we have our most crucial trading relationship; 85% or so of our export goods are traded with the United States. It's literally millions, if not billions, of dollars every day in cross-border traffic. This has direct implications for that.

I also wonder whether or not we've sought legal counsel with regard to the significance of this particular initiative.

**Some hon. members:** Oh, oh!

**Mr. Rob Anders:** Have the law clerks been asked for their thoughts on this?

Certainly it's something that can wait a couple of days to refer to the budget subcommittee. Out of prudence, and if there is any reason

whatsoever to protect the public interest, I think we have to exercise due caution, Madam Chair. So I move that we refer this matter to the budget subcommittee.

**The Chair:** Mr. Boudria.

**Hon. Don Boudria:** Well, notwithstanding this, I am going to try to be somewhat more serious, which I don't think will require much effort on the part of most of us—

**Mr. Leon Benoit:** So it's serious when we bring it up, but not when you bring it up, Mr. Boudria?

**Hon. Don Boudria:** No, it's serious when it's serious, no matter who brings it up—and it's not serious when it's not serious, no matter who brings it up.

This particular request, having been made by an opposition MP, was serious because the opposition MP who suggested we travel to that jail was not being frivolous. I resent anyone from the Conservative Party saying that another Conservative member was frivolous.

**Some hon. members:** Oh, oh!

**Hon. Don Boudria:** I don't think this is right, and I don't think it's appropriate on the part of all of us. The Conservative member, whose character has been attacked here by another Conservative member, needs to be defended.

**An hon. member:** Shame.

**Hon. Don Boudria:** I will gladly do it on the part of that member.

**An hon. member:** You're a good man.

**The Chair:** Mr. Benoit.

**Mr. Leon Benoit:** Madam Chair, you would know that what Mr. Boudria reported to have been said by a Conservative member was in fact not said. It's totally inaccurate.

Listen to what was said and look at the minutes of this meeting.

**The Chair:** There is a motion to refer to—

**Ms. Marlene Catterall:** Madam Chair, I just have a comment for Sir Rob: the next time he may want to bring his armour! He'll know what I'm talking about.

**The Chair:** We need a new bull's eye around here.

The motion to refer is before you.

(Motion negated)

**The Chair:** We'll go on to the motion to approve the expenditures in B-95 and B-96.

(Motion agreed to [See *Minutes of Proceedings*])

**The Chair:** Now we have B-97 from Mr. Williams. I would imagine that Mr. Carr is going to explain this, but I'll ask Mr. Telegdi to move it.

**Ms. Marlene Catterall:** I already moved the motion to approve this.

**The Chair:** Oh, I'm sorry, Mrs. Catterall.

So we have a motion to approve B-97. Are there any questions about that? Mr. Carr is here to respond.

Seeing there are none, I'll call the question.

• (1400)

**Hon. Don Boudria:** I'm just wondering, but I'm awaiting Mr. Anders' discourse....

**The Chair:** No, no, he's commented.

**An hon. member:** He's okay on this one.

(Motion agreed to [See *Minutes of Proceedings*])

**The Chair:** Now we have B-98, Mr. Patry.

**Mr. Bernard Patry:** Thank you.

It's \$123,661, and that budget was already accepted by this subcommittee last June. Because we were supposed to travel when the House resumed in September and we were unable to travel because the committees were not formed, we didn't spend the money; it was cancelled. We're coming back with the same budget, to be allowed to travel out west. At the request of the leader of the Conservative Party, we want to be sure that we're going to be able to travel to Vancouver, Calgary, Edmonton, and Saskatoon.

Next week we're travelling in the central provinces and in three weeks to the Atlantic provinces.

**The Chair:** Thank you.

Are there any questions for Dr. Patry?

Seeing none, I'll call the question.

(Motion agreed to)

**The Chair:** I'm looking at item 8. I'm not really sure what that's about, but the clerk tells me that's another issue that could be.... The budget subcommittee could have a first stab at it anyway and then we'd come back and present what comes out of that to the rest of you.

Is there any other business?

**Mr. Tom Wappel:** Briefly, Madam Chair, when the clerks include a response to a letter in the package, I would ask if it would be at all possible to include the letter to which it is responding, because our memories are not all that great.

I know Mr. Boudria is a very warm man, but his letter appears so cold, I wanted to take a look at what the committee said so that I could understand what he said in return.

So Madam Chair, in the future, if you wouldn't mind, if that would be all right.... Thank you.

**The Chair:** Any other business?

Seeing none, I thank you very much for your attention and your attendance. I look forward to seeing the members of the budget subcommittee next Tuesday at 1 p.m. in this room.

This meeting is adjourned.

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