



House of Commons  
CANADA

# **Standing Committee on Citizenship and Immigration**

---

CIMM • NUMBER 037 • 1st SESSION • 39th PARLIAMENT

---

**EVIDENCE**

**Tuesday, February 20, 2007**

—  
**Chair**

**Mr. Norman Doyle**

Also available on the Parliament of Canada Web Site at the following address:

**<http://www.parl.gc.ca>**

## Standing Committee on Citizenship and Immigration

Tuesday, February 20, 2007

• (1125)

[English]

**The Chair (Mr. Norman Doyle (St. John's East, CPC)):** Order.

I will go to Mr. Siksay for the appropriate motion.

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** On this issue of the release of the confidential draft report of the standing committee regarding security certificates and the conditions of detention in Kingston, I'd like to move that we report to the House the breach of the privileges of members that has resulted from the release of this draft report; that we indicate that media reports last week included direct quotations from the draft report and that other reporters have indicated they have copies of the confidential draft report; and that we ask the House to investigate further and refer it to the procedure and House affairs committee for further investigation and action.

**The Chair:** You have all heard Mr. Siksay's motion. Is there any discussion?

Mr. Telegdi.

**Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.):** Mr. Chair, I very strongly support the motion.

Let me just say that we are all partisan members, obviously, and that's okay, but I really like operating in such a way that when we come into committee, as much as possible we leave partisanship at the door and try to do what's best for the country when these kinds of situations arise.

God knows how the leak happened. It might have been advertent; it might have been inadvertent. I don't know. But it really undermines our capacity to work together, recognizing that we have all these tensions going between the parties. It undermines our ability to do that and to function effectively. I'm amazed at the quality of the quotes in there.

**The Chair:** To speak to Mr. Siksay's motion, the clerk informs me that the committee has the power to call an individual, a reporter, before our committee and to ask him directly where he received that report. The individual who spoke to me told me he's had a full copy of the report since Friday.

Would it be appropriate, from the committee's point of view, to bring that individual—or individuals, whoever they may be, who we know have copies of that report—before the committee to answer directly as to where they received that report?

Mr. Siksay.

**Mr. Bill Siksay:** Mr. Chair, I wouldn't support that. I think reporters have a right to protect the sources they have. I don't want to get into questioning reporters about their sources.

I think the issue is that our privileges have been violated by someone either on this committee or associated with this committee who released the draft report, and that the motion goes to asking Parliament to solve that issue that's related to a member's conduct—or staff conduct, if that's where it came from. I don't have an issue with the reporters for dealing with something that landed in their laps, frankly. It shouldn't have happened, but I don't fault them for one second for running with what they had in front of them.

**The Chair:** Well, I would imagine the procedure and House affairs committee would question reporters anyway as to where they received the report.

I'm very anxious to get to the bottom of this, because it throws a cloud over every single individual member of the committee—

**Hon. Andrew Telegdi:** Except you, Mr. Chair. You weren't here. You were safely away.

**Mr. Bill Siksay:** He had a copy.

**The Chair:** It happened the week before that.

**Hon. Andrew Telegdi:** That's right.

Anyway, in terms of the reporter, you're talking about freedom of the press and what value we as a society place on it, and as disturbing as it is to have somebody leak a report, it's a lot more disturbing to undermine one of the pillars. It's a classic case where “I disagree with what you have to say, but I'll defend to the death your right to say it.” Really, that's the category the media fall into.

So I wouldn't support it either.

I think we just report it to the House committee on procedural affairs and see what they will do with it and hope strongly that it doesn't happen again. Let's get some kind of deterrent going, because we have to put this behind us.

**The Chair:** Okay. Is there any further discussion on Mr. Siksay's motion?

(Motion agreed to)

**The Chair:** It is carried unanimously that we proceed in that fashion. I will tell the clerk to make that submission.

**Hon. Andrew Telegdi:** And could we also make sure that all copies get “confidential” stamped on them, even if they're done in French?

**The Chair:** Yes, sure.

**Mr. Ed Komarnicki (Souris—Moose Mountain, CPC):** Mr. Chair, I have a further point to that.

**The Chair:** The motion is dealt with, but we are being fairly flexible here.

**Mr. Ed Komarnicki:** While that motion has been dealt with, I will propose another motion to be dealt with.

That motion would be to ask each member of the committee who was here whether they released the report directly to the specific reporter in question or not, and that that question be posed, and that the reporter be brought before this committee to answer the circumstances under which he got it, if he is prepared to do so. If he's not, that's fair, but I think that those two could give us the answer.

So I move that we pose the question to every member who was here as to whether they released the report to the press. I'll leave that motion at that point and deal with the reporter subsequently.

So that's the first motion.

● (1130)

**The Chair:** You have heard the motion.

Could you write that motion out?

**Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.):** Mr. Chair, there were other members who are not here today.

**Mr. Ed Komarnicki:** It doesn't have to be done today.

**The Chair:** Does everyone understand the motion? I think you do. So we'll go to a discussion on the motion.

Mr. Wilson.

**Mr. Blair Wilson (West Vancouver—Sunshine Coast—Sea to Sky Country, Lib.):** Thank you, Mr. Chair.

I think there are two issues within that motion that have a difficulty coming together, at least in my mind. One of them is the questioning of MPs and whether or not anyone here at the table has leaked information. I have no problem with that part of the equation at all. It's the second part I have difficulty with, with respect to bringing the reporter in front of the committee and questioning—

**The Chair:** That is going to be a separate motion, Mr. Wilson.

**Mr. Blair Wilson:** So he's proposing two motions, one to question members of Parliament, and, two, whether or not he's going to bring forward the reporter.

**The Chair:** Yes.

Let's deal with that first part of the motion.

Mr. Karygiannis.

**Hon. Jim Karygiannis:** Mr. Chair, I'm just wondering if that goes to members' privileges, asking them a direct question. Can we have the clerk look into it before we continue?

**The Chair:** The clerk says it doesn't go against members' privileges, that they can be asked questions. The committee doesn't have the power to decide if a breach of privilege has occurred. It's only the Speaker who would be able to decide that.

What Mr. Komarnicki is asking in this motion is that the chair ask.... Are you saying that the chair would ask each member of the committee if they leaked the document?

**Mr. Ed Komarnicki:** A very specific question, that each member be asked by the chair whether he or his staff, at his or her request, released a confidential study on detention to the press, period. Yes or no.

**Mr. Bill Siksay:** At the beginning of the next meeting?

**Mr. Ed Komarnicki:** At the beginning of the next meeting. It wouldn't have to be necessarily at the next meeting, but in the course of time.

**The Chair:** Okay.

Mr. Wilson.

**Mr. Blair Wilson:** A question to the chair. Members here who have copies of this report obviously have those copies back in their office, and their staff members have had an opportunity to take a look at them and assist us in doing our function. I'm wondering if there is anybody beyond members and their staff who would have had access to the report. Specifically, would the parliamentary secretary have passed on this information to the minister? Would the minister or any of the Department of Immigration staff have had access to this? I'm just wondering how broad a net we should cast to undertake this, or is this a document that the member has kept just with himself and just with his staff?

**The Chair:** I think the motion by Mr. Komarnicki is that each member of the committee be asked. Is that what you're saying?

**Mr. Ed Komarnicki:** Yes.

**The Chair:** That each member of the committee be asked.

Could you read the motion, please?

**The Clerk of the Committee:** That each member be asked by the chair whether he or she, or his or her staff at his or her request, released a confidential study on detention centres to the press.

**The Chair:** We invite discussion on that. We'll have Mr. Telegdi and then Mr. Karygiannis.

**Hon. Andrew Telegdi:** I think the point that Blair raised is important, because I have often wondered in the past if parliamentary secretaries did give committee reports to the department to get help or whatever. I'm serious. That occurred under a Liberal government, and that was on this committee, so I think that should be underlined: when you're here, you're here as a member of the committee, not as somebody for the department or the minister. That's important, because as soon as it gets out into the bureaucracy, it just spreads all over the place. I think it's an important point.

● (1135)

**The Chair:** We'll have Mr. Karygiannis, Mr. Devolin, Mr. Wilson, and then, hopefully, that will be it on this particular motion.

**Hon. Jim Karygiannis:** No disrespect to Mr. Komarnicki, but parliamentary secretaries do have staff that is apportioned to them by the department. There is more staff in a parliamentary secretary's office that liaises with the minister's office. I don't think anybody in here would be foolish enough to think that the staff of the minister's office is not liaising with the parliamentary secretary's office, and has not seen the report, and that this report is not somewhere in the minister's office, probably in some bureaucrat's hands, and away we go.

**The Chair:** Okay—

**Hon. Jim Karygiannis:** Listen, I have acted as a parliamentary secretary in two different departments, and I know as well that there are other people around this table who have been parliamentary secretaries, so there's no way you can tell me that the staff, which is seconded to the parliamentary secretary from the department, does not liaise with the minister's staff. There's absolutely no way you can tell me that the minister has not seen this report, or any other reports. Maybe in this case they haven't seen it, but you can't tell me that the minister does not see any other reports that the committee does.

Mr. Komarnicki comes in here and he's got his briefing notes, and you can see that definitely when questions are being asked or stuff is being said, there are briefing notes from the department.

**The Chair:** Thank you.

Mr. Devolin.

**Mr. Barry Devolin (Haliburton—Kawartha Lakes—Brock, CPC):** Thanks, Mr. Chair.

There are a couple of points I want to put on the table—

**The Chair:** We're speaking to this motion here.

**Mr. Barry Devolin:** Yes, sorry, I'm addressing the motion.

This is the first time I've seen the media story, but it seems pretty obvious from reading this that the reporter talked to someone who was in the room during the discussion. So I take Bill's point, which is that if you're going to ask people whether or not they leaked it.... I mean, the report was sent to our offices. My office received a copy of the report last week. Unless the reporter is fabricating some of this, it's obvious that they've talked to someone who was in the room. So I just want to point that out as being relevant information.

The second thing is I think that documents go out the back door lots of places, lots of times. I appreciate that, but I think the first layer of investigation obviously would be the people who were in the room at the time the conversation took place. The minister wasn't in the room. The bureaucrats weren't in the room. Unless the reporter made this up, someone who was in the room—it could be physically—had to talk to this reporter. Some of the quotes here are very specific about the conversation that took place, as opposed to being about the document. I had a copy of the document, obviously, so I guess I'm a suspect for having given it to the media, but I wasn't in the room at the time, so I couldn't speak about what the debate was on the report.

I'm not saying that departments never leak stuff. All I'm saying is that when you look at the facts here, the reasonable place to start the investigation is with the people who were actually in the room at the time, not with committee members who were not in the room, or,

quite frankly, not with ministerial or departmental staff. I just think that's a logical point from which to approach this issue.

**The Chair:** I have four people who want to speak to this. I have Mr. Wilson, Mr. Siksay, Mr. Telegdi, and Madame Faillie.

Keeping in order, we will go to Mr. Wilson now.

**Mr. Blair Wilson:** Thank you, Mr. Chair.

To respond to Mr. Devolin's comment, I don't think we can assume anything about what gets written in the press and about where their sources come from. When I read articles in papers, I always operate by "half of it is true". The difficulty is, which half is true?

On the point in question, when we had the committee meeting and were going over this confidential report, I believe that was the meeting where we had three additional new Conservative members to the committee. There were also some rotations in and out. We should make sure we include those people on the list of names as well.

I'd also really like to get an answer on whether or not this report got leaked beyond members' offices. Did this report get leaked to the bureaucracy? Did it get leaked to the Department of Immigration? I'd like that clarified.

• (1140)

**The Chair:** I want to remind members that what we're doing now is dealing with Mr. Komarnicki's motion.

Mr. Siksay.

**Mr. Bill Siksay:** Thank you, Chair.

I largely agree with what Barry was saying. I don't think the issue right now is whether this has gone further into the bureaucracy or not. I don't think that needs to be our first concern, given what we've seen before us. I think he made a very clear statement about that.

I think we do have to put the question to all of the members who were present at that meeting last week.

I would like to add an amendment to the motion: that the chair put that question at the beginning of the next open meeting of the committee, and that all the members who were present at the meeting in question be asked to appear at that meeting.

**The Chair:** Okay.

Mr. Komarnicki, do we really need to have any discussion, then, on the amendment? If we do it at the opening of our next meeting, on Thursday, that would be fine?

**Mr. Ed Komarnicki:** That's fair.

**The Chair:** If that part of it is okay.

We're dealing with the motion, and now I'll go to....

Members, I'm told that the amendment has to be dealt with first.

**Mr. Bill Siksay:** Do I see that the Conservatives are willing to accept that as a friendly amendment?

**The Chair:** Yes. Okay, that's dealt with.

Going to the motion, Mr. Telegdi.

**Hon. Andrew Telegdi:** I think the two vice-chairs will question the chair, so everybody is covered.

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

**The Chair:** That's fine, but may I remind you that I never got the report until yesterday.

**Hon. Andrew Telegdi:** Yes.

You know, to some extent I want to be somewhat careful. Sometimes we do ourselves.... Notwithstanding all that's been said, we had an income trust scandal, if you will, where it turned out that neither a politician nor a political staffer was involved. It's important to keep that in mind.

Look, for the record, Mr. Chair, I did not leak the report, nor did I talk to any of the reporters. But let me just say that this is serious, let's deal with it, and then let's get back to the report. It's important that we get this done. We have lots of important work to do, and we have now spent 42 minutes on this. I'm concerned that we get this report out.

So in terms of the motion, yes to the first, no to the second.

**The Chair:** Madame Faillie.

[Translation]

**Ms. Meili Faillie (Vaudreuil-Soulanges, BQ):** I just wanted to clarify that I was questioned by a reporter on Thursday when I emerged from Question Period. Everyone is talking about questions having been asked on Friday. He told me that when we visited Kingston, some guards had been scheduled to appear before the committee. He said he had learned that very day that I had opposed this. So then, the reporter knew that I had voted against the motion. This happened right after Question Period, a mere hour into the day's proceedings.

Nevertheless, I don't have a problem with the parliamentary secretary's motion. I for one never leaked the report over to anyone.

[English]

**The Chair:** No, no, I'm sure that wouldn't constitute leaking the report, what you're telling us there.

Mr. Alghabra.

**Mr. Omar Alghabra (Mississauga—Erindale, Lib.):** Thank you, Mr. Chair.

I just want to say that I also did not leak the report to the media. It was similar to what happened to Meili. I was approached by the reporter who wrote that story. He asked me why I had voted against the motion on bringing in detainees. So I was quoted in that article as saying.... The quote is there. It was a selective quote, by the way. I had a lot more to say at the time, but that's expected.

I just want to go on the record as saying yes, I was asked by the reporter, but I did not leak the report to him, and I support the motion that was put forth.

• (1145)

**The Chair:** Okay. Well, I'm reluctant to cut it off. We still have hands going up here.

Mr. Siksay.

**Mr. Bill Siksay:** Sorry, Chair, now that we're declaring, I also want to declare that I did not leak the report. I have been asked by a reporter to comment on the leaked report and have refused to comment on anything that pertains to the leaked report.

**The Chair:** Good. Thank you.

We have heard the motion and we've debated and discussed the motion.

Do we have a nuance?

**Hon. Jim Karygiannis:** Briefly looking at the newspaper report, Mr. Chair, I noticed that my name was on there. I was the one who had moved the motion that we do call the detainees here. I don't even know the reporter, and I didn't leak the report. Let's put that on the record.

**The Chair:** Mr. Komarnicki, did you have a final word?

**Mr. Ed Komarnicki:** Yes, for the record, I was asked for an interview on the report and declined the interview and did not leak the report to the reporter in question, but—

**Hon. Jim Karygiannis:** Mr. Chair, right now it looks like the members want to say if they leaked or didn't leak the report. So why don't you just move on and have anybody who wants to go on the record—

**Mr. Blair Wilson:** Who's the chair?

**The Chair:** Are you finished, Mr. Komarnicki?

**Mr. Ed Komarnicki:** Yes, I am.

**The Chair:** Mr. Wilson, you wanted a word.

**Mr. Blair Wilson:** I just want to go on the record as well that I kept the report confidential.

**The Chair:** Do you want to have a word, Mr. Devolin?

**Mr. Barry Devolin:** Yes, I also wanted to say that I have not shared the report with anyone and have not spoken to any reporter about this issue.

**The Chair:** Did I see your hand up, Ms. Grewal?

**Mrs. Nina Grewal (Fleetwood—Port Kells, CPC):** Mr. Chair, I want to be on the record that I did not leak the report.

**The Chair:** Did I see your hand up, Mr. Jaffer?

**Mr. Rahim Jaffer (Edmonton—Strathcona, CPC):** No, but I guess I have no choice here. I already declared earlier when I said that this reporter came into my office on Friday and had a copy of the report. I wasn't planning on talking to him about that. We had other issues we were discussing, but obviously that was the clear indication he wanted to talk about that report.

So I didn't leak it. He had it.

**The Chair:** Yes, and the chair wishes to make it unanimous. So that makes the motion moot. Is that the term?

**Mr. Bill Siksay:** Mr. Chair, I have assurances from other members who were present.... There were lots of substitutions that day.

**The Chair:** Good point.

All in favour of the motion, then?

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

**The Chair:** Okay, so we'll carry on with the other members of the committee when they arrive.

Right now we're at the point where the analyst has made certain changes in the report. We will suspend for a moment to go back in camera.

*[Proceedings continue in camera]*

---







**Published under the authority of the Speaker of the House of Commons**

**Publié en conformité de l'autorité du Président de la Chambre des communes**

**Also available on the Parliament of Canada Web Site at the following address:  
Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante :  
<http://www.parl.gc.ca>**

---

**The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.**

**Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.**