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—
Chair

Mr. Gary Goodyear

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• (1105)

[English]

The Chair (Mr. Gary Goodyear (Cambridge, CPC)): Good morning, colleagues.

We're about to begin our meeting today. I would like to advise up front, of course, that this meeting will be held in public. We do have some issues. If there is time at the end of this meeting, we will discuss future business—in particular, how the committee wishes to address the motion put forward by Mr. Preston that was adopted by the committee last week.

Today we have with us witnesses—and Ms. O'Brien, I'll allow you to introduce your team in a moment—but let me remind members that we have the Clerk of the House here to discuss two matters in particular. One matter that the committee needed Ms. O'Brien here to discuss was the release of in camera testimony, making in camera testimony public at some point in the future, and we're going to discuss and debate that today. The other issue was to seek clarity on the authority of a committee chairperson to suspend or adjourn a committee meeting to deal with division bells. We all remember those issues having come up in the past. So we'll move right to that.

Ms. O'Brien, thank you very much, again, for coming. You could introduce your team to us and then begin, or we'll start with a round of questioning—your preference.

Ms. Audrey O'Brien (Clerk of the House of Commons, House of Commons): Thank you very much, Mr. Chairman.

I'd like to introduce my small, high-powered team, composed of Marie-Andrée Lajoie, who's the clerk assistant of committees. She is actually representative of the team of people who are working over in the committees directorate and is familiar with the various situations and she has a better hands-on grasp of the situations that have occurred in the various committees, so I have her here for important backup and as a security blanket of some dimension.

If I may, Mr. Chairman, I'd like to start with a brief opening statement, and then we can go straight to questions.

I'd like to thank the committee for inviting me to appear before you today concerning these two procedural issues—namely, rendering public in camera committee proceedings, and committees continuing to sit during divisions in the House. I'll take these one after the other.

First, let me look at the question of rendering public in camera committee proceedings.

It should be noted from the outset that when committees decide to receive evidence in camera, it's usually because they're dealing with sensitive issues: personnel matters, issues that are or may one day be before the courts, matters of national security, issues dealing with commercially sensitive information, or very often simply issues dealing with how the committee intends to proceed on a particular matter or issue itself. To allow people the freedom to speak absolutely openly, those meetings are often held in camera.

[Translation]

Consequently, committees may wish to exercise caution when deciding later to disclose sensitive information, especially when witnesses had been assured that their testimony would not be made public.

[English]

Over the years, evidence received in camera by parliamentary committees has been made public on several occasions. I can provide the committee with a list of various examples, going back as far as 1978. The reasons for rendering public in camera proceedings usually falls into three categories: first of all, to correct situations where the committee had inadvertently continued to sit in camera when it thought it had come out into public session; secondly, where the committee considered it important that a debate held in camera among members be made public; and thirdly, when the committee felt that evidence heard from witnesses in camera should be made public.

• (1110)

[Translation]

On all occasions, with one exception, motions to release transcripts of in camera meetings, made in committee, were passed with majority vote.

Here are more details about the 1978 case. The only exception is when the House ordered a committee to disclose evidence heard in camera. This was in 1978. Through unanimous consent, the House passed a motion ordering the Standing Committee on Justice and Legal Affairs to provide a commission of inquiry with the transcripts of two in camera committee meetings held during a previous session.

[English]

The order of reference stipulated that the terms and conditions under which these documents would be made available were to be established by the committee. A motion was adopted by the committee, by a majority vote, requiring that the transcripts be examined by representatives of the commission in camera and that they be returned to the committee immediately after the examination.

There is also a more recent case, in 2004, of evidence taken by the public accounts committee. On April 1, 2004, the Speaker delivered a ruling concerning a decision made that same day by the Standing Committee on Public Accounts to release in camera testimony taken during a previous session, specifically on July 9, 2002. The committee had adopted a motion in June 2002 agreeing that the transcript of that meeting would be made public three years from the date of the meeting if criminal charges had not been laid relating to the issues discussed; or if criminal charges had been laid, after all court proceedings, including appeals, were completed. But the witness in question agreed to waive the confidentiality of his 2002 testimony before the committee, and after a long debate and a number of challenges made to the committee chair's rulings, the committee adopted a motion on a recorded division to immediately render his testimony public.

In response to a question of privilege raised in the House, the Speaker ruled that in keeping with all rulings concerning the internal proceedings of a committee, he could not intervene. He also indicated that if the House had concerns about how the committee was conducting its work, it could direct the committee by way of a motion of instruction, moved either under private members' business or by unanimous consent.

In preparing for my appearance today, some research was undertaken regarding practices in other jurisdictions. The result of this research has been distributed to you.

[Translation]

I would point out that the document outlining the rules and practices of various authorities in other jurisdictions is not complete. We are currently updating it; we have appealed to members of the Commonwealth and other jurisdictions in Canada.

[English]

This includes major jurisdictions and is correct as far as it goes, but we have some other interesting information that's coming from a number of the states in Australia, for example, and we'll be happy to give you a revised sheet that includes those practices.

[Translation]

This leads us to the items that must be considered in relation to this issue. When the committee considers the possibility of releasing evidence heard during an in camera meeting, it may take into consideration the six following important points.

To start,

[English]

who is present? Should a distinction be made between an in camera meeting where only committee members are present, such as the housekeeping and internal discussions that I referred to earlier, and

an in camera meeting where witnesses are appearing and giving evidence?

Second, there is the quality of the testimony. Will witnesses refuse to appear or be less forthcoming even in camera, knowing that their testimony might one day be made public? Should witnesses be warned of this possibility prior to testifying in camera? By the same token, will members feel more constrained in their comments if they know these may not remain in camera?

Third, there is the important issue of advising witnesses. Should witnesses be warned of this possibility prior to testifying in camera? The example I gave you earlier, of the public accounts committee, suggests that there was an agreement reached with the witness about the terms under which he was testifying.

Then there is the matter of evidence taken in previous sessions or Parliaments. Should a committee make public in camera evidence received by a committee in a previous session or Parliament? Should the consent of the members who were part of the committee at that time be required? That raises other questions, of course. What if members of the previous committee are no longer members of Parliament? In this regard, it should be noted that committees have adopted, in the past, motions whereby transcripts of in camera meetings are to be destroyed at the end of a session, thereby putting paid to that particular difficulty.

• (1115)

[Translation]

There is also the issue of instructions from the House. If the House orders a committee to release evidence, should it first consult the committee? There is also the issue of substitutes and witnesses.

Finally, Mr. Chairman, in either case, must the consent of members replacing the regular committee members or that of witnesses at the meeting be obtained?

[English]

So those are some of the questions that need to be addressed as you deliberate on the way of proceeding in such very serious cases.

Briefly then, Mr. Chairman, if I may return to the second issue that brings me here today, which is to say the question of committees continuing to sit during divisions in the House, the matter was raised in the House on March 1, 2007, by the chair of the Standing Committee on Industry, Science and Technology. He raised the question of whether committees may continue to sit while members are being summoned to the House for a vote.

The Speaker, in his ruling on the matter on March 22, noted that Standing Orders 108(1)(a) and 113(5) clearly confer upon standing and legislative committees the power to sit while the House is sitting.

[Translation]

Page 840 of the *House of Commons Procedure and Practice* reads as follows, and I quote:

While committees usually adjourn or suspend their proceedings when the division bells summon members to the Chamber for a vote, committees may continue to sit while a vote is being held.

[English]

Finally, Speaker Milliken noted that his predecessors had consistently ruled in support of this view; that is to say that committees were the master of their own procedures. He did, however, invite this committee to examine the issue and report back to the House.

A review of recent committee practice reveals that most committees do indeed suspend or adjourn when the division bells sound, although there are examples of committees continuing to sit. In most of these cases the committee makes a conscious decision to continue its proceedings or, as in the case of the Standing Committee on Industry, Science and Technology, it defeats a motion to adjourn. In one instance, the chair agreed to suspend only if there was unanimous consent to do so.

Some members have raised the issue of whether or not a committee chair could unilaterally suspend or adjourn a meeting when the division bells begin to sound. There is nothing we could find in the Standing Orders or in our procedural authorities that would confer such a power upon the chair. Indeed, the powers of the chair in this regard are limited to cases of serious and persistent disorder. I refer you to Marleau and Montpetit, at page 857.

[Translation]

So, there are at least two options that you may consider. First, the committee may consider the possibility introduced by Speaker Milliken in his March 22nd ruling, meaning that each committee adopts a routine motion at the beginning of each session, in order to establish how it will react if the division bell summons members during the committee's deliberations. I would be pleased to provide committees with an example of the wording of a similar motion.

This routine motion could also set out the procedure to be followed to adjourn a meeting if the committee does not have quorum following a recorded division in the House.

[English]

Alternatively, if the committee is of the view that committees should never continue to sit while divisions are occurring, it may wish to recommend changes to the Standing Orders limiting the powers of committees in this regard. Again, I would be pleased to suggest wording for such a change to the committee, if it so desires, but I should point out that traditionally it has been the way of the House to be very leery of limiting or in any way interfering in the notion that committees are masters of their own procedures.

I thank you for your attention.

[Translation]

I would be pleased to answer any questions you may have

[English]

on either of these two issues.

The Chair: Thank you, Ms. O'Brien.

We're going to start our first round of questioning, colleagues. We'll start with a seven-minute round. First up is Mr. Owen, please.

Hon. Stephen Owen (Vancouver Quadra, Lib.): Thank you to the clerk for being here.

I'm quite surprised, I must say, that this issue of the release or publication of in camera proceedings hasn't been dealt with conclusively before, but I'm very pleased to see that it is being considered now.

As a matter of procedural fairness and natural justice, it seems to me that when we are asking witnesses, and even more so when we're compelling witnesses, to come before us and proceedings are being held in camera—and I would make that distinction, as Madam Clerk has, between that and matters of an administrative nature that we're discussing among ourselves or that don't involve witnesses—the proceedings should be highly limited to very restricted points of discussion or issues, and the rules should be very clearly known. It should be the exception that we go in camera when we have witnesses, and the witnesses should be advised, as in the suggestion you made in one of the jurisdictions, of the possibility of disclosure of that evidence at some later date, but within very limited discretion and under very limited circumstances.

One of those circumstances could well be a charge of perjury or suspicion of perjury when there has been contradictory evidence given in the proceedings before the committee or in another proceeding, judicial or otherwise. That is the common exception for the use of testimony that's given in public inquiries and in other proceedings, that they couldn't be used in subsequent criminal or civil proceedings. That seems to be a good exception to the rule, but it seems to me that the honour of the House of Commons can be put into disrepute if someone gives information under the understanding that it will remain confidential, and that confidentiality is broken by the committee, whether it's by unanimous decision or at the discretion of the chair or whatever.

I think there are two things: first, when we hear witnesses, evidence in camera should be very limited to specific categories of situations; second, circumstances for the subsequent disclosure of it should also be very limited and clearly understood by the witnesses and the members of the committee before the evidence is heard.

• (1120)

Ms. Audrey O'Brien: Mr. Chairman, through you to Mr. Owen, I think the point you raise about fairness and natural justice is exactly right. That's exactly the question that needs to preoccupy us in terms of the kinds of procedures that might be adopted.

In one sense I suppose it's not that surprising that rules haven't been laid down, because it has been relatively infrequent until recently for evidence to be heard in camera relative to the bulk of evidence that is heard. I think it's as part of the evolution of committee work and its increasing sophistication that it's going in that direction.

I remember some decades ago when a Standing Committee on Justice was travelling around to the various correctional facilities and hearing testimony from inmates. That was done in camera, but it wasn't transcribed; that was to give people a sense that they could speak freely.

In one sense it's not surprising that we're now coming to actually wrestle with this question. I think setting down guidelines for when hearings ought to happen in camera so that there's a compelling reason for it in the first place and then ensuring that everybody who takes part knows why it's going on in that particular way and knows under what circumstances that confidence might be lifted are important parts of that natural justice that you're talking about.

Hon. Stephen Owen: Thank you.

• (1125)

The Chair: Thank you very much, Mr. Owen. There is some time left if you want to share with your colleagues; otherwise we'll move to....

Yes, Madam Robillard, please. You have two minutes left.

[*Translation*]

Hon. Lucienne Robillard (Westmount—Ville-Marie, Lib.): Thank you, Mr. Chairman.

Madam Clerk, I believe it essential for the members to be provided with guidelines and to meet in camera with a great deal of caution. Personally, I believe that when we receive witnesses—and I'm not talking about those times when we are only meeting amongst ourselves, that is, among members—and they are told that it will be an in camera meeting, this promise has been made by representatives of Parliament. To take away this in camera condition, this confidentiality, I think that we must obtain the consent of the witnesses, no matter what was discussed. I don't know what circumstances would warrant the release of in camera deliberations without the consent of those individuals present.

With regard to members meeting in camera, in my opinion, if we release in camera deliberations, we must do so with the consent of the same members who asked for the in camera meeting and not the consent of their substitutes, which sometimes occurs in committees. The individual who requested that a meeting be in camera, who spoke during that meeting, must agree to release the transcripts of the in camera meeting. In my opinion, it should be unanimous. Perhaps you have other arguments that will make me change my mind.

Ms. Audrey O'Brien: As you say, I think that it is really a question of confidence with regard to the committee. I think it is absolutely essential to respect the circumstances under which individuals may decide to testify or take part in a discussion. It's difficult to imagine, without that individual's consent, how we could change the rules of the game after the game is over. Unless, as Mr. Owen said, it's a situation where an individual has contradicted him or herself, meaning that their in camera testimony is different from their public testimony. Under such circumstances, it would be understandable if the decision was different. If we look at our experience, perhaps this issue has not been very well managed in some cases.

[*English*]

The Chair: Thank you very much.

Next would be Mr. Hill, please.

Hon. Jay Hill (Prince George—Peace River, CPC): Thank you, Mr. Chair.

I think I'll leave it largely to my colleagues to deal with the issue of the whole debate about whether there is a significantly appropriate process and sufficient sanction in place to prevent premature release of committee reports and sensitive in camera discussion or information.

I want to give a whip's perspective on the other issue that you addressed, which is the whole business about whether the committees—standing committees, legislative committees—if they're within the parliamentary precinct, should be required to suspend their meeting, their session, to allow their members to attend the House and vote on a recorded division in the chamber. This particular example, although it has arisen in previous Parliaments, arose, as you noted, with the industry committee.

As one of the four whips in the House, I would say that part of our responsibility as whips is the requirement that we do everything possible to ensure that our members are present for votes. Obviously our respective leaders look to us to ensure that happens.

I note that when Mr. Rajotte rose in the chamber to raise this as a question of privilege, he talked about the conflict that would exist for each individual member of a committee where the majority is denying the minority the right to suspend and go to the chamber to vote, because obviously one of our primary responsibilities, if not *the* primary responsibility as a member of Parliament, is to represent our constituents in the chamber for votes. It's a responsibility that I would allege, regardless of party, all members take extremely seriously. Obviously you want to be in the chamber to cast your vote on behalf of your constituents. It's a fundamental tenet of our democracy.

On the other hand, because of the uniqueness of a minority government situation where, in this particular instance, the government could not withdraw quorum by walking out en masse and going to vote, they were faced with a dilemma and were torn between two conflicting responsibilities: one, to represent their constituents in the House of Commons at the vote; and the second, to perform their parliamentary duty of continuing to sit at the committee and ensure that their votes, if any, would be recorded there.

The committee was dealing with a sensitive issue at the time as well, and if the government members left, they were left with the difficult choice that they didn't know what would transpire at that committee. In this particular instance it was the government, but it could have been some other party that was faced with some similar dilemma. If they were into a process, for example, it's not unheard of at committee where even one of the smaller parties would be filibustering to try to prevent that committee from achieving some aim that was contrary to that party's position.

So I believe this is an extremely serious issue, and I personally believe, both as a whip and as a member of Parliament, that the Standing Orders should be adjusted, such as it is, I understand, in Britain, where they must adjourn at least temporarily to allow the members of any committee within the precinct to attend the vote. As way of background, that's where I'm coming from on it.

There are two potential courses of action that you've suggested to committee. One is that each committee at the beginning of a Parliament could adopt their own specific motion on how to deal with this potential conflict. In my view, that's a bit cumbersome. I think we'd be better off to adjust the Standing Orders themselves—which was your second point—so that all committees are uniform in how they approach this potential conflict for their members.

That said, you did raise this issue and I wrote it down. You said that traditionally the House has been leery of restricting the power of committees to be complete masters of their own proceedings. While I think all of us have some sympathy for that and we want to proceed very carefully, I wonder if you could indicate specifically what your concerns would be in that regard, why we wouldn't want to proceed with a standing order in this specific issue.

• (1130)

In my opinion, we're not taking a lot of power away. To suggest that we respect the fact that individual members of Parliament, especially in a minority situation, could be in a real dilemma, it actually could, as I pointed out to colleagues, result in the fall of the government if it were a confidence vote and some committee is denying those members the right to go and cast their ballot. It's possible, depending on how the members of that specific committee were going to vote on a specific division in the House.

So given the seriousness of it, Madam Clerk, I wonder if you could give us any more insight into what your sense is on whether we want to respect the traditions of the House, which is not to impose any restrictions on the committees, versus this particular move to have some temporary adjournment put into the Standing Orders.

Ms. Audrey O'Brien: Thank you, Mr. Chairman, through you to Mr. Hill.

I think what prompted me to kind of deviate from my script and throw in the business of the House being leery of imposing restrictions on anything that would lessen a committee being master of its own proceedings is really my ongoing fear of the law of unintended consequences. I agree with the way you describe the dilemma. I had discussions with my colleagues, and certainly my colleagues from committees, who understandably enough are committee crusaders and are sort of whacking me over the head to explain that committees are masters of their own procedures. That's always been the case, and so it should remain.

My difficulty, philosophically, is that you can't have a creature of the House that somehow or other... It seems to me that a member's duty to the House as a whole to vote in the chamber has to supersede his duty as a committee member. When those two are in conflict, as they were in the case that Mr. Rajotte brought before the House, it really does create quite a dilemma.

Again, fast forwarding, I can foresee a situation such as you were describing, where you have a potentially very divisive or very controversial issue before a committee, and the way to get the committee to shut down is to provoke a vote in the House on something like, "That the member be now heard", so the tail is wagging the dog and you are handling what's going on in committee by provoking something in the House. It's that kind of disequilibrium that I would be worried about.

Now, that being said, we were suggesting that there might be a way—and the reason we are suggesting it at the beginning of a Parliament, when the committee sets down its housekeeping rules, is that this is really before controversy tends to engulf committees and when people are planning their work, in perhaps a more cool-headed moment—to say this committee will suspend its hearings to answer any division bells and then will resume sitting. But if, from the whips' perspective, they feel it's a bit chaotic to have every committee looking to do that as a housekeeping measure, that could be put into the Standing Orders, and there what you're saying is that you'll suspend hearings so as to avoid that particular unintended consequence.

That's really all I'm flagging, because one of the things I've found over the years here is that you really have to be very cautious of producing rules to deal with specific irritants, because if you press down here, it pops up there.

• (1135)

The Chair: Thank you very much.

We did go over a few minutes.

Ms. Audrey O'Brien: I'm sorry, that's me.

The Chair: That's quite all right.

Hon. Jay Hill: It's my fault. I used up too much time.

I have a follow-up.

The Chair: Thank you. We'll get you down for the next round.

Monsieur Guimond.

[*Translation*]

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Thank you, Mr. Chairman.

I too want to talk more about the second part of the issue that the clerk dealt with, meaning committees that sit while there are votes in the House.

With regard to the in camera meetings, I only want to make a brief comment. We mustn't forget that in camera meetings—and it's the same thing in the courts—seek above all to protect sensitive information. We must ask ourselves what would happen if we retroactively agreed to release in camera testimony. This would have a direct impact on the quality of evidence provided to committees. We could promise a witness coming to testify about national security that the meeting will be in camera, that the individual is completely protected, and that their comments will not be made public outside the room, and nevertheless that individual will ask himself whether it might be possible, in light of a motion passed by the majority of committee members, for the committee to later decide to release the in camera evidence. This would jeopardize the entire committee process and seriousness of committee work. I hope that we, as members of this committee, will seriously consider this.

That was my comment on the in camera question.

I would like to make a second comment, along the same lines as those made by my colleague, Jay Hill. It's probably because, like him, I am my party whip.

I am not in favour of having each committee adopt a motion, I will tell you that right away, because I put more faith in the House, as an entity, than in the chairmanship of each committee. I am not pointing fingers; there are committee chairs representing each party. I think that we should establish a rule and amend the standing orders accordingly.

I will illustrate my opinion with an example. You know that Tuesday is the day when the most committees meet. Today, 22 committees and subcommittees of the House are meeting. We know that there are often votes on Tuesdays. If we agree to allow committees to continue to sit during votes, I believe that this would alter the very make-up of this minority government. In fact, opposition members who would represent the majority on committees and would be obliged to continue their work—because important motions can also be introduced in committee—so they could not take part in votes in the House. We can't be in two places at the same time.

I agree with Jay Hill that our primary responsibility is to go and vote on behalf of the constituents we represent. When we stand up in the House, democracy speaks, the people who elected us expect their representatives to vote for or against various motions. When the public does not like the position taken by its representative, that individual is kicked out. That is democracy.

We would wind up in a situation where we would be literally torn, tortured between adopting a motion in committee and our duty to go and vote in the House. There are more representatives of the opposition than of the government on the majority of the 22 committees and subcommittees sitting today. Consequently, during a vote, this situation would work in the government's favour, which, numerically, would become a majority, although people voted in a minority government.

For all those reasons, I believe that we should amend the standing orders in order to prohibit committees from sitting during a division. I agree with Jay Hill. Furthermore, we must ensure that it would not be possible, through a motion, to allow a majority of committee members to decide, based on a vote, to continue to sit. This must be made very clear, because we know that chairs sometimes try to get ahead.

We need to write in the standing orders that committees may not sit during a vote.

● (1140)

[English]

The Chair: There is a minute and a half left to comment, or you can share, Monsieur Guimond.

[Translation]

Mr. Michel Guimond: I would like to hear the clerk's comments on this subject, although she will no doubt be cautious. She exercises the caution of a wise person.

Ms. Audrey O'Brien: I barely dare speak, given the passion with which Mr. Guimond has spoken. The only thing I could add—my colleague Marie-Andrée reminded me of this—is that at one time the committees were not able to sit while the House sat. Change was made in the 1980s giving more power to committees. Perhaps the time has come to restore some balance. Obviously, the fact that we

have a minority government, a reality that Mr. Guimond spoke of quite eloquently, merits some reflection.

[English]

The Chair: Thank you.

Monsieur Godin, it's your seven minutes.

[Translation]

Mr. Yvon Godin (Acadie—Bathurst, NDP): Thank you, Mr. Chairman.

With regard to in camera meetings, I say unequivocally that when we sit in camera, we cannot change the rules, we remain in camera. I don't want to say the wrong person's name, but I remember that, during the sponsorship investigation—if I'm not mistaken, it was during Mr. Charles Guité's testimony—there was talk of lifting the in camera condition, and I... It doesn't matter, even if it could have cost us the battle. It's a matter of honour. When we invite people here to an in camera meeting, we must respect that confidentiality, unless everyone concerned agrees unanimously, without hesitation, to lift the in camera condition. In this case, that's different.

However, let's suppose that we ask someone to testify—and I agree with Michel on this—and they are told that it will be an in camera meeting and then, later, the evidence is released. Personally, I would no longer want to invite anyone to come and testify before us and speak freely at an in camera meeting. I will never agree to this. I am unequivocal: in camera means in camera.

With regard to committees, I would like Parliament to adopt a standing order. Without wanting to criticize anyone, people in my riding do not know about what I do in committee, they know about my work in the House of Commons because a vote is important. There is no reason...

I remember the case of Brian Masse, who was on the Industry Committee. He really wanted to take part in a vote in the House and was prevented from doing so. It's not right for a committee to make that decision for a member. We make members who are travelling come back so that they can take part in a vote, but in this case, the members were here, on the Hill, just next door, and they couldn't go and vote. Their right to vote was taken away from them. This really is about taking the members' right to vote away from them, no matter what their political party. I don't think we can allow this to happen. If we let each committee decide for itself, then some committees will let members go and vote, and others not. This would be discrimination against members. How could a member explain to his constituents that he could not go to vote, when he was in Ottawa? Could he say that it was because a group representing the majority made that decision? It's much easier to explain why, for emergency votes held the very evening, a member who was in Vancouver, for example, was unable to go and vote, than to explain why that member couldn't go and vote when he was in Ottawa. How can we explain this to our constituents? Furthermore, depending on the subject, our constituents consider some votes to be more important than others.

My question is for the clerk. Ms. O'Brien, you said that, in the past, committee members made their own decisions. Is there something that would prevent Parliament from adopting similar standing orders again?

•(1145)

Ms. Audrey O'Brien: No, absolutely not.

[*English*]

The Chair: Thank you very much.

Colleagues, we're on our second round now, so I'll just remind you that we're down to five-minute rounds.

We have covered a lot of ground here. I'm sure all colleagues are listening to the testimony and we won't be covering the same ground twice.

Monsieur Proulx, you are next on my list, then Mr. Hill, Mr. Godin, and Madam Picard.

[*Translation*]

Mr. Marcel Proulx (Hull—Aylmer, Lib.): Thank you, Mr. Chairman.

Ms. O'Brien and Ms. Lajoie, thank you for coming here from such a distance. It was generous of you.

I want to talk about in camera meetings. We all know the answer to the following question, but we want to hear it from you. What penalty is imposed on someone who reveals information obtained at an in camera committee meeting?

I want to come back to the example Mr. Godin gave earlier. At that time, I believe that it was Mr. Guité who had testified in camera, and some of the information was disclosed. It had to have come from an employee of the House or a member of Parliament on that committee. It could not have come from another witness, because there were no other witnesses in the room.

What is the penalty or the stick, if you like, in cases where information is disclosed?

Ms. Audrey O'Brien: Mr. Chairman, to answer Mr. Proulx's question, I would have to say that there are currently no sanctions at all. People give their word, and everyone relies on that.

Mr. Marcel Proulx: I think that Mr. Godin raised an important point with respect to voting. Information can be communicated so quickly now that if MPs do not vote in the House, people think that they are not in Ottawa. This is something that is not talked about very often, but it is the reality. This is part of our responsibilities.

I agree that we should change the standing orders of the House in order to add a provision on this. I also agree with Mr. Guimond that there should be absolutely no exceptions allowed by the chairman, the members of the committee or committees by way of a resolution, an amendment or any other means. Generally speaking, the standing orders should dictate that when the bells ring, people have to be allowed to leave their committee.

•(1150)

Ms. Audrey O'Brien: Mr. Chairman, there is no doubt that the realities of a minority Parliament focus our minds much more clearly on situations such as the ones that you have experienced and described.

That said, it is important to keep in mind that cases in which committees have not suspended or adjourned their meetings in order to enable members to go to the House have been very rare. That does

not mean that it could not happen more often, given the current circumstances in committees. On our side, we have identified, I believe, four occurrences since the 1980s. I understand that this does not mean that the issue should be put aside and treated as if it were unimportant, but we are not seeing a revolution in this area.

Mr. Marcel Proulx: Thank you.

[*English*]

The Chair: Mr. Proulx, thank you very much.

Mr. Hill, you had a follow-up from the first round. You have five minutes as well, sir.

Hon. Jay Hill: It won't take me that long. I have a suggestion and then a question. Then I'll turn it over to my colleague Mr. Lukiwski.

I note that in your remarks you suggest it could be problematic if we changed the Standing Orders to dictate or force an adjournment, even a temporary adjournment, of any committee when there's a division, because what would happen in the future if one party were to use that rule to try to prevent a committee from dealing with something controversial? In your notes you used the example of a quorum call, which obviously wouldn't be that important. In remarking about my earlier intervention, you used the example, "That the member be now heard".

In drafting the new standing order, to ensure that members are afforded the opportunity to return to the House to vote, could we fashion it something like "for a previously scheduled division"? Then it wouldn't be something spur of the moment that necessitated the committee suspending.

Ms. Audrey O'Brien: If I may say, Mr. Chairman, through you, I think that if the Standing Orders are amended so that what you're dealing with is a suspension of committee activity to handle the division bells, that will address the danger. In fact, all you're doing is buying whatever half hour it is.

I would counsel against the idea of an adjournment of committee proceedings to answer the division bell. Again, that's with an abundance of caution, obviously. If the Standing Orders provided that the work of committees had to be suspended to allow members to answer the division bell and then return, obviously, to their work, I think that would succeed in doing what you want.

Hon. Jay Hill: You only raise the issue of a quorum call or a member's now being heard in the context of a definitive adjournment of the committee. That was your only concern?

Ms. Audrey O'Brien: Yes. It would seem to me that—

Hon. Jay Hill: As long as it says "suspension", you're comfortable that it won't be used or that there won't be unintended consequences?

Ms. Audrey O'Brien: There are no unintended consequences that I can think of offhand. Even if one were to do a quorum call or "That the member be now heard", you would only gain a certain amount of time, so it wouldn't be a very effective weapon, if you will. My own feeling is that it looks as if that would resolve the anxieties that have been raised this morning without going overboard in the other direction.

Hon. Jay Hill: Thank you, Mr. Chair.

The Chair: Mr. Lukiwski, you have two minutes.

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): Thank you, Mr. Chair.

Thank you, Ms. O'Brien, for being here.

I think what I've been hearing around the table, on the subject of adjournment or suspension of committee meetings to attend votes, is that there's some unanimity around the committee here. Perhaps at the conclusion of this meeting, we can take a motion forward. I agree with your analysis that if it's a suspension rather than an adjournment, that should take care of any particular problems of someone trying to manipulate votes to affect the committee outcomes. That's my opinion on that.

With respect to the other opinion on in camera proceedings, I tend to agree with Monsieur Godin and Monsieur Guimond that in camera means in camera. However, I think what also should be noted to all, particularly committee chairs and committee members, is that perhaps they should take extra time to view any requests by a witness to appear in camera with a little bit more due diligence. For example, if there was a demand by a potential witness to a committee that he or she would only appear under an in camera agreement, I think the committee should take a hard look at that to determine exactly why that request is being made.

In the example that we've used before, that of Mr. Guité, clearly there was a conflict between testimony in camera and testimony before the Gomery commission. That could have been very useful to Justice Gomery, but of course, he was prevented from hearing any of the in camera testimony. I think the committee originally should have had enough prescience to understand the fact that the testimony could be relevant at a later date in a more formal setting.

I think it begs the question of who determines that there should be an in camera setting. If it's the committee that determines that, then that's certainly their prerogative to do. I think that all committees would be wise to proceed with some caution if in fact there ever came a time when a witness only agreed to appear under an in camera setting.

I guess that's my only comment.

• (1155)

The Chair: Thank you, Mr. Lukiwski.

Would you like to comment, please?

Ms. Audrey O'Brien: On a point of clarification, Mr. Chairman, through you, regarding the question of the testimony of Mr. Guité before the public accounts committee, I believe there was also the question of privilege. This was privileged information because it was testimony before committee, and that, in a sense, was the key issue rather than it simply being an in camera situation.

The Chair: Thank you very much.

Madame Picard, go ahead, please.

You have five minutes.

[Translation]

Ms. Pauline Picard (Drummond, BQ): I agree with my colleagues that to avoid compromising the privileges of members and witnesses when we go in camera, we should have a very strict rule. If the content of a discussion held in camera must be made

public, we should have to obtain the unanimous consent of all committee members who participated in the discussion as well as the witnesses.

Now, I would like to ask you a question. We have talked about not respecting the in camera rule and we have heard that there were currently no penalties possible. Do you think that we should have penalties for someone who breaches the in camera rule?

Ms. Audrey O'Brien: Mr. Chairman, the tool available to committees in cases where information is disclosed or leaked is the possibility of reporting to the House or raising a question of privilege in the House. However, even if that leads to further discussions and the issue comes back here, to your committee, that nevertheless leaves—

Ms. Pauline Picard: There is a void.

Ms. Audrey O'Brien: Exactly, there is a void.

Ms. Pauline Picard: Thank you very much.

[English]

The Chair: Monsieur Guimond, please. You have three minutes.

[Translation]

Mr. Michel Guimond: For the benefit of the group, I would like to explain that the only person who can lift the in camera status is the one benefiting from its protection.

I am going to give you an example that was in the news in Quebec. It will not mean anything to colleagues from other provinces, but it does, nevertheless, clearly illustrate Canada's two solitudes.

A young singer, Nathalie Simard, was sexually assaulted by her manager, Guy Cloutier, when she was between 8 and 10 years of age. During the legal proceedings, her name was never mentioned. There were rumours, discussions in the hallways, but no one ever mentioned her name. It was the singer herself who "came out of the closet", to use a popular expression, to discuss that she had been the victim. So in that way, she was the one who lifted the in camera status.

The possibility of going in camera exists first and foremost to protect witnesses and evidence, and only those witnesses can say that they do not require that protection and state it. For example, a witness may appear here in camera and upon leaving grant an interview to Tim Naumetz. Technically, if the witness does not need the protection he or she has been provided, the committee could not be held responsible. The witness may repeat publicly what he or she said in camera, but the in camera status is ultimately there to protect the witness.

• (1200)

[English]

The Chair: Thank you.

There is a minute left, if Ms. O'Brien wants to respond. Otherwise, we'll go to Monsieur Godin.

[*Translation*]

Ms. Audrey O'Brien: I think that you must bear in mind that the deliberations of Parliament are privileged, they fall under the umbrella of privilege. So witnesses already benefit from protection. Perhaps one way of simplifying the task would be, as some of you have suggested, to have strict procedures for going in camera.

[*English*]

The Chair: Thank you.

If I could draw the committee's attention to the rules and practices in other jurisdictions, you probably have this. As we continue our questioning, which we'll do in one moment, I think we're leaning towards having a look at Australia. You may find the majority of the discussions around the table so far are very similar to those in Australia. In particular, I tend to like the last point on the second page.

Having said that, while members read it, we'll move to Mr. Godin.

If you're ready to proceed, Monsieur Godin, you have five minutes.

[*Translation*]

Mr. Yvon Godin: Mr. Chairman, I would just like to make a comment.

While I often support my colleague, Michel Guimond, in many respects, because of his wisdom and knowledge, this time, I do not agree with him on the last point he raised. I do not think that going in camera should be just to protect the witness. It applies to the entire meeting. We don't even allow the public to attend in camera meetings for those reasons.

For my part, as a member, it could be a matter of privilege for me, depending on the question I ask. So I would be freer to ask my questions and to say things in camera. So as a member, I want to be protected too. Everyone should be protected, not just the witness. If the witness says things outside of the room, he must be reminded that he appeared in camera.

I don't know what we can do with an outside witness, but I want to make sure everyone understands that the in camera applies to us as well. It is an in camera session for everyone.

The Chair: Thank you.

Mr. Proulx.

Mr. Marcel Proulx: Thank you, Mr. Chairman.

Like my colleague, Mr. Godin, I disagree with your last comment, Mr. Chairman. In fact, in Australia, it says: Witnesses testifying in camera are told prior to their appearance that the committee may subsequently render the testimony public. If witnesses have been given assurances that their testimony would not be disclosed, their written consent is required before any portion of their testimony may be made public.

The first part of what I just read is unacceptable for me. As for the second part, as Mr. Godin said, and contrary to what Mr. Guimond was saying, I think personally, that the in camera status must apply not only to witnesses, but to the entire committee meeting, or the committee itself.

For example, if we go to the trouble of conducting a meeting in camera when the committee hears from a witness to discuss national security or even security on the Hill, as has already been the case, it is because we do not want the information to be made public, or published. If a witness tells us that there is a potential danger of a bomb exploding in some way and we want to keep that information confidential and secret by holding the meeting in camera, the witness must not be allowed to leave the room and make public any evidence he has provided to the committee.

• (1205)

Mr. Michel Guimond: Mr. Chairman, point of order.

Why wasn't action taken against Nathalie Simard? I simply want to—

Mr. Marcel Proulx: It wasn't a committee.

Mr. Michel Guimond: Precisely.

[*English*]

The Chair: I want to continue with the questioning.

Is that a point of order?

[*Translation*]

Mr. Michel Guimond: Mr. Chairman, point of order. I want to clarify something that I mentioned earlier.

I gave the example of a witness, in a criminal setting, who accepted to go public with information, when the witness was the victim. In the case I mentioned earlier, Nathalie Simard was the victim, and she publicly disclosed her name. No action was taken against her.

A distinction must be made between a parliamentary committee like ours... When the committee meets in camera, that must be respected. I would not want to suggest otherwise.

[*English*]

The Chair: I don't see that as a point of order, but point well taken.

We'll go to Monsieur Proulx.

[*Translation*]

Mr. Marcel Proulx: That is a very important clarification, Mr. Chairman. The example did not apply to us, and that was the point I wanted to make. Therefore, I thank you, Mr. Chairman.

[*English*]

The Chair: Thank you very much.

We're back to Mr. Hill. Mr. Hill, we are on our third round.

I should have reminded you, colleagues, that we're down to three-minute rounds. I have Mr. Hill, and Mr. Reid wanted up. You might want to consider that, or we can do a fourth round.

We'll have Mr. Hill first, please, for three minutes.

Hon. Jay Hill: Thank you.

I just want to follow up on Mr. Godin's earlier comments. When the restraints of in camera sessions are not honoured, it's a reflection on the members as well as on witnesses. I think that was the point he was trying to make. I strongly agree with that. This disrespect for confidentiality is one of the very reasons we have to be able to trust one another at committees. I think most members, if not all, would agree with that. That's why I think, when there is a question of privilege raised in the House about a premature leak of a committee report or something like that, the vast majority of members, if not all, take that very seriously.

Of course, raising that it actually happened because it's in today's newspaper is quite separate from actually proving who did it. You get into the whole area of whether you can prove it and then what sanctions there are, which is one of the issues Mr. Guimond was trying to address earlier.

I wonder, Mr. Chair, if our witnesses wouldn't have some thoughts on the procedure we have to try to prevent it. And I'll just use that as an example, because it goes on quite regularly. It's not a real anomaly to have the premature release of a committee report by someone, obviously, who has access to that report, in musing with a journalist. It does show a disrespect for the institution and for the colleagues who sit around the table. I wonder if the witnesses believe that we have an adequate procedure in place.

I know that one or two of the committees have, over time, grappled with this. They have their members, after a committee report or some information considered in camera—confidential—has been leaked to a journalist and has appeared in the press, in the public domain, swear an oath that it wasn't them. They take an oath, as you would in a court of law. But of course that's in camera, and if somebody refuses to take an oath, that in itself can't be released. I'm just using that as an example.

Do the witnesses have some suggestions, not only for this committee but, by extension, for all parties and all members and for the House itself? Is there some way we can change the procedure to try to tighten it up, as it were, so that all members take this a little bit more seriously, perhaps? I think the vast majority do take it extremely seriously, and they do reflect upon it from time to time. It's incumbent on their own personal integrity that they honour that commitment to keep stuff confidential. Obviously some don't, because we're confronted with this from time to time.

I'm not pointing fingers at any one party or any one member. It happens. And I wonder if we shouldn't have some tighter rules and potentially some sanctions in terms of what would happen if you could prove who it was, or if somebody refused to take an oath, for example. I suggest that it would obviously point towards at least some suspicion of guilt if every member didn't take an oath and say, "It wasn't me. I don't know who did it, but it wasn't me who talked to the journalist."

• (1210)

The Chair: I wonder if I could interject, Mr. Hill. Thank you.

We're a bit over time here. I think we're reaching into different subject matter. We have a motion coming before the committee that deals with leaked in camera information.

Ms. O'Brien, I'm happy to let you answer the question, but you weren't prepared to deal with the leaking of in camera information versus making in camera information public. It's a very grey definition, but I see the difference. I'm happy to let you answer the question, if you want to take a minute. If you're not prepared, I see that the motion, Mr. Hill, dealing with this particular matter is before the committee. We can deal with it at a future date. I'm open to the committee answering it; it just deals with a different area.

Ms. Audrey O'Brien: Thank you, Mr. Chairman.

The Chair: Are you prepared?

Ms. Audrey O'Brien: I didn't address this particular aspect of in camera, notably the leaking of information, and particularly reports and information relating to the discussions on reports, so I don't have a lot of the background.

But I would certainly be able to say to you that the worry I have there is that as soon as you start.... On the one hand, I think better education of members may be needed, so that they have some idea that this is not a trivial matter, that it's not something they can treat in a cavalier fashion, because I think you're absolutely right. If I may, Marie-Andrée is famous for reminding me from time to time—many, many times—to never attribute to malice what you can explain by stupidity. And it may well be that that little adage might go far, and that in fact members are just treating things as cavalier because, well, after all, "Everybody knows this; it's an open secret, you know." Maybe by doing a better job of educating members, that can help.

The other thing is that if you get to the point where you have a member who is known to have done this, perhaps the fertile imagination of the whip in a given party can be applied to sanctions. One would venture to say that maybe that person is not worthy of sitting on a committee for six months.

The Chair: Could I interject? Thank you very much, Ms. O'Brien.

I think what we'll do is defer this discussion to a future meeting in the near future. I'm pretty close to hearing a consensus from the committee, so I'd like to stay on point, if I could.

I have only one more name on my list, and that's actually Mr. Reid. If we're going to start a fourth round, I'd like to give other members opportunity. Seeing no other members, then we're on our fourth and likely final round.

Mr. Reid, three minutes, please.

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): Thank you.

And thank you both for coming here.

With regard to the discussion that Mr. Proulx was having, following up on the earlier discussion we had about how Australia handles things and his comments on that, I don't think I'm wrong in assuming that if someone has given testimony in camera but has resisted the release of that testimony, but it's the judgment of the committee that the testimony ought to be heard, they could be compelled to give the testimony again in public.

Am I not correct that that could be done?

Hon. Stephen Owen: That's true.

Mr. Scott Reid: Is that true?

Hon. Stephen Owen: Yes, that could work. The committee would have that.

Mr. Scott Reid: Yes, so if that's the case, that would overcome the concern that I think Mr. Proulx was expressing—

Mr. Marcel Proulx: Could you run that again, please?

Mr. Scott Reid: Well, you gave the example of someone who gives testimony in committee regarding something that we feel ought not to be kept secret because of its importance. We could then turn around and say, fine, we're going to meet in public, or we could recall the witness and have this information in public all over again from the witness, and compel the witness to make the same testimony.

The Chair: Ms. O'Brien, as the expert on this, could you comment on that, please?

Mr. Scott Reid: Actually, maybe I haven't described it.... Maybe I can get Ms. O'Brien's comment. Am I correct that this could be done as a way of overcoming the problem that Mr. Proulx was talking about?

•(1215)

Ms. Audrey O'Brien: Yes, I guess you could invite them again and have them testify in public on the same things that you had talked to them about in camera.

Mr. Scott Reid: Could I give some context to this, Mr. Chair?

The Chair: Yes, please.

Mr. Scott Reid: There was a meeting of this committee where we had an individual who came. I was in it, and so were a number of people who are sitting here today. The witness insisted on testifying in camera.

I don't think I have to be careful about saying who this was. It was the Ethics Commissioner. He claimed that the testimony he was giving had to be given in camera.

Once he gave it, it was clear to me that there was no reason for this. We didn't pursue it. I'm wondering whether we had the authority to then say, "Fine. We've listened to it. In our opinion, you're not revealing any confidences. Maybe you're revealing some things that are embarrassing to yourself. We'd like you to repeat the whole thing in public."

Would that have been within our powers?

Ms. Audrey O'Brien: Yes. I think you could invite a witness or compel a witness to come before you and ask him whatever questions you want. Sure.

Hon. Karen Redman (Kitchener Centre, Lib.): What if they have a difference response? Can we say...[*Inaudible—Editor*] Can they refuse to answer?

Mr. Scott Reid: How do you force him to give exactly the same testimony?

Ms. Audrey O'Brien: That's the trick. How he answers is another story.

Mr. Scott Reid: You could phrase your questions artfully enough to force him into the position of having to answer yes or no to things.

The Chair: I'm just wondering, Ms. O'Brien, if there's a legal requirement for witnesses to be truthful before a committee of the House of Commons.

Ms. Audrey O'Brien: Yes, there is. Again, I suppose you get into gradations of truth. Something that is spoken really baldly at an in camera meeting might be tempered in a public meeting.

The Chair: Thank you.

Are there any further questions to the witnesses? Monsieur Guimond.

[*Translation*]

Mr. Michel Guimond: My question is not for the witness, Ms. O'Brien.

Later on, we will go to the issue of future business. I have two items to raise that could deal with amendments to make to standing orders. They're topics that are more or less along the same lines as what we are discussing now.

Would it be possible for a member of the clerk's staff—her staff is smaller than that of the Speaker—to be present later, when I provide my explanations on the two topics I would like to discuss regarding future business? Someone should perhaps represent the clerk. It is not that I don't have confidence in Jamie to report back to her, but—

Hon. Lucienne Robillard: It will be in camera.

Mr. Michel Guimond: Yes, it will be in camera. So we will have to give the staff member permission to discuss it. If Ms. Lajoie stays, we would have to give her permission to discuss the matter with Ms. O'Brien, and lift the in camera status for her.

[*English*]

The Chair: Does the committee agree with the witnesses staying, moving into an in camera meeting to discuss future business, and allowing Mr. Guimond to raise his two points with the witnesses? Obviously we have an agenda here, but does everybody agree, assuming we have time?

Is that okay with our witnesses?

Ms. Audrey O'Brien: That's okay, Mr. Chairman.

The Chair: Perfect, thank you.

Colleagues, seeing that there are no other questions, I'm going to try to draw the business into focus. We were dealing with two issues this morning. Perhaps we could go with the one that seems to me to have the consensus, regarding the changes to the Standing Orders, or the division bell issue.

Do you sense, as I do, that we would like to change the Standing Orders, rather than leave it up to individual committees? I'm seeing that.

May I propose to the committee that our witnesses work with our clerks to come up with some wording for the Standing Orders changes? My understanding from Ms. O'Brien's opening statement is that she has already done so. Would it be okay with the committee members to have them draft some wording to change the Standing Orders to deal with the suspension of a meeting and those kinds of matters, and then bring that back here on Thursday?

Some hon. members: Yes.

The Chair: I'm sorry, let's say Tuesday, because we may not have anything for Thursday right now.

Colleagues, that deals with the division bells. Thank you very much.

I'm not sure we have come up with the solution to deal with the in camera issue. What I'm hearing is that Mr. Owen raised a good point at the beginning, saying that there may be circumstances in which the committee chooses to make circumstances public, such as suspicion of perjury or illegal conduct—just to refresh your memory on the discussions.

Various members have held the opinion that under no circumstances should in camera meetings be made public. Also, there was the most recent suggestion that the committee may recall the witnesses to have them revisit their testimony in public, to the best of their abilities. But I'm not sensing a consensus here on this issue.

My thinking is that we need to discuss this more and come to a consensus either right now or defer the debate to another meeting, and then put it back on another agenda. We have other business to attend to today; I'm looking for the committee's advice on this piece.

Monsieur Godin.

• (1220)

[*Translation*]

Mr. Yvon Godin: In my opinion, the matter has already been clarified. When a meeting is in camera, it is in camera. The standing orders at that time permitted a witness to be called back to testify if it was known that there were two versions. I think that this has always been the case. However, a committee cannot call back a witness and tell him that he already said in camera what he is saying today. You cannot do that.

Committee members can question him, but if he decides to lie, he will lie. It is as simple as that. But I think that this provision already exists in the standing orders, and I want it to remain as is. We have already discussed all this in the past.

[*English*]

The Chair: Monsieur Godin, I appreciate that, and obviously we have recorded that opinion. It's not just your opinion, it's the opinion of other members as well.

The issue I have before me is deferring this discussion. It sounds to me as if we need to discuss this further, and I'm suggesting we do that at another meeting, because I'm not sure we'll get it done today. There seem to be some very good arguments all around.

Is it okay with the committee that we put this on and discuss this again thoroughly at a future meeting?

Monsieur Proulx.

Mr. Marcel Proulx: I have a point of clarification, Mr. Chair. You mentioned a few seconds ago that you understood, or at least I understood that you understood, that in a case of perjury we could make the testimony public.

The Chair: No.

Mr. Marcel Proulx: How do you see this? What's our position on this?

The Chair: I don't think we have developed a position on it. I was simply reminding colleagues of some of the members' opinions as I wrote them down. One of the opinions was that we could adopt this policy, but I don't think the committee has made any decision on that.

These are the options. Perhaps what we could do is defer this to our next meeting, and for that meeting our analysts and clerks could have an options paper for us, the options based on the testimony we heard and the opinions. These are the options for us, ranging from never do we make public anything in camera to these being the reasons where we would or could or should, and reviewing what other jurisdictions do around the world.

Mr. Owen, please.

Hon. Stephen Owen: Mr. Chair, perhaps I could ask that we also have some options around the restricted use of in camera hearings, simply to narrow the scope of the problem.

The Chair: Good point.

We've heard testimony about educating members as to the calibre of in camera and what that means. Also, listening to members, I thought about what we do about staff in in camera meetings. What do we do with notes that are taken by members during in camera meetings? We also heard the topic of sanctions. I think we're at a point where the clerks and our analysts need to prepare some document for us with our options and listing to remind us of all these topics. We should discuss this perhaps at the next available opportunity.

Mr. Reid, have you any other comments on this?

Mr. Scott Reid: Following up on Mr. Owen's point on the possibility of restricting circumstances, I'm not aware of any problem with this within the Canadian Parliament, but I have seen it with municipalities in some cases, such as school boards, library boards, and so on—the use of habitual in camera meetings as a way of essentially silencing dissent, making it impossible to discuss anything that was brought up in committee and then making sure that everything gets brought up there.

I don't want to impose an unreasonable burden on our researcher, but perhaps we could take a look at the potential for abuse of in camera by making too much in camera. That's really, I suspect, what Mr. Owen would like to guard against, and I would like to guard against it too.

The Chair: Are we comfortable with that? I'm seeing all kinds of nods.

Thank you very much. It seems we've had a lot of movement on the SO changes for division bells. We'll have that at the next meeting, and we'll have a proposal on our options regarding in camera meetings. That's what we'll have for our next meeting as well.

Colleagues, we are at the end of our public meeting. We need to go in camera now to discuss future business. So if I could have one minute to do that, I'll suspend the meeting for one minute and we will go in camera, and the witness will stay.

Thank you.

[Proceedings continue in camera]

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