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Thursday, November 15, 2007

—
Chair

Mr. Paul Szabo

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Standing Committee on Access to Information, Privacy and Ethics

Thursday, November 15, 2007

• (1110)

[English]

The Clerk of the Committee (Mr. Richard Rumas): Order.

[Translation]

Honourable members of the committee,

[English]

I see a quorum. We can now proceed to the election of a chair. I'm ready to receive motions to that effect.

Mr. Pearson.

Mr. Glen Pearson (London North Centre, Lib.): I nominate Paul Szabo as chair.

The Clerk of the Committee (Mr. Richard Rumas): It has been moved by Mr. Pearson that Mr. Szabo be elected chair of the committee.

Are there any further nominations?

(Motion agreed to)

Some hon. members: Hear, hear!

The Clerk of the Committee (Mr. Richard Rumas): We will proceed to the election of the first vice-chair, who has to be a member of the government party.

Mr. Wallace.

Mr. Mike Wallace (Burlington, CPC): Mr. Clerk, I would like to nominate Mr. Tilson as the first vice-chair—and no speech.

The Clerk of the Committee (Mr. Richard Rumas): It is moved by Mr. Wallace that Mr. Tilson be elected vice-chair of this committee.

Are there any other nominations?

(Motion agreed to)

Some hon. members: Hear, hear!

The Clerk of the Committee (Mr. Richard Rumas): I'm going to ask my colleague Julia Lockhart, who's new to the committees directorate, to preside over the election of the second vice-chair.

[Translation]

The Clerk of the Committee (Ms. Julia Lockhart): Pursuant to the Standing Orders, the second vice-chair must be a member of a party other than the official opposition.

Mr. Asselin.

Mr. Gérard Asselin (Manicouagan, BQ): I am the member for Manicouagan, and I nominate Pat Martin from the New Democratic Party.

[English]

The Clerk of the Committee (Ms. Julia Lockhart): Is it the pleasure of the committee to adopt the motion?

[Translation]

(Motion agreed to)

The Clerk (Ms. Julia Lockhart): I declare Pat Martin duly elected second vice-chair of the committee.

[English]

Some hon. members: Hear, hear!

The Clerk of the Committee (Mr. Richard Rumas): I would ask Mr. Szabo to take the chair of the committee.

The Chair (Mr. Paul Szabo (Mississauga South, Lib.)): Thank you, colleagues. I want you to know that when I was asked to be the nominee for this position, I was very delighted. It's an area in which I have done a fair bit of work in the past. I was chair of the government operations and estimates committee when it was responsible for access to information, privacy, and ethics. I also have served, since its inception, on the panel reviewing the estimates of all the officers of Parliament. So I'm quite familiar with the activities.

I certainly was impressed with the workload that the committee had during the first session. The work on PIPEDA and some of the work on identify theft certainly was very important, and there are some demands coming forward. We'll talk about future business after, but I understand it's usually the practice to deal with the routine motions of the committee.

I believe the clerk has circulated to all honourable members some copies of the routine motions that were adopted. I wonder if the clerk could confirm to the committee that these are identical to the motions adopted for the last session.

The Clerk of the Committee (Mr. Richard Rumas): Mr. Chair, I can confirm that these are the motions adopted at the commencement of the first session of the 39th Parliament.

The Chair: Thank you.

Mr. Martin.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Chairman, I'd like to make a motion that we adopt the routine motions as circulated, with one exception and one change only, and that is in the category of notice of motion. Instead of saying that 24 hours' notice be required, I would like to delete that and say that no notice be required for substantive motions.

Some hon. members: No, no.

Mr. Pat Martin: The purpose, if I can speak to my motion briefly—

The Chair: First of all, you've asked for consent to deal with them as a block, and I think that's the motion on the table.

It sounds like the committee would like to consider the proposal you've laid out, so possibly we can deal with the motions one by one then.

Mr. Pat Martin: Mr. Chairman, what is the status of the motion I just moved?

The Chair: You were asking if you could move all of them—

Mr. Pat Martin: Exactly.

The Chair: —and it's not the desire of the committee to deal with that. We'll deal with your motion on the specific item.

Mr. Pat Martin: Not to argue, Mr. Chairman, but what has been happening is a pattern, a motif, throughout Parliament Hill, in that at every committee the Conservatives have come with changes to every single one of these motions. The last meeting I was at—I was sitting at the agriculture committee—it took an hour and a half to agonize through what are routine motions in every new session of every Parliament.

The Chair: I believe all the members are well familiar and—

Mr. Pat Martin: It's a trick going on. There's some kind of a sabotage going on.

The Chair: The committee is the master of its—

Mr. Pat Martin: Well then, why would we play into their stunt?

The Chair: I think I'm going to respect that all honourable members will deal with matters in a parliamentary fashion.

Can we deal with the first motion? The first motion deals with the analyst.

Mr. Mike Wallace: I'll move the analyst one.

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

The Chair: Motion two is the witness statement. Is there a mover for that motion?

Mr. Dean Del Mastro (Peterborough, CPC): I so move.

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

The Chair: On the questioning of witnesses, do I have a mover?

Hon. Charles Hubbard (Miramichi, Lib.): I so move.

The Chair: Is there any debate?

Hon. Charles Hubbard: On the debate, Mr. Chair, I have some difficulty with the questioning. The first round certainly would be acceptable, but for example on the government side we have five members. If we accept the pattern that's suggested, at least three of those members would sit there patiently while some members have

two or more interventions. I think that's unfair. Certain members would have two or three times to question a witness while others would not be able to participate. I would suggest that the five-minute round be done by members rather than by party. That would be fair to all members of the committee, including our own party.

● (1115)

The Chair: Is there further debate?

Madame Lavallée.

[*Translation*]

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ):

Personally, I have never understood how the list of questioners worked. A seven-minute round is fine. There is first the Liberal Party, then the Bloc Québécois, then the NDP, and then the Conservative Party. I think it is good that speaking time is awarded by party, not by member.

The Chair: Excuse me, Ms. Lavallée, we do not have any interpretation into English.

Please begin again if you would.

Mrs. Carole Lavallée: I do not think the current speaking order is working very well. We tried it...

Even the interpretation is not working.

The Chair: I apologize, Ms. Lavallée.

Mrs. Carole Lavallée: The interpretation from English into French is working.

[*English*]

The Chair: French to English is not working.

Unfortunately, a technician has to come to make the repairs.

Mr. David Tilson (Dufferin—Caledon, CPC): Can I ask a brief question, not over this but another matter?

The Chair: Unfortunately, when there aren't both official languages, we don't exist.

We're going to suspend until the matter is corrected.

●

_____ (Pause) _____

●

● (1120)

The Chair: We're reconvened. We are dealing with Mr. Hubbard's issue with regard to the questioning of witnesses.

I believe, Mr. Hubbard, you completed your comments.

Hon. Charles Hubbard: I think so, Mr. Chair.

The Chair: Madame Lavallée was speaking when we suspended. Please continue.

[*Translation*]

Mrs. Carole Lavallée: This interruption was almost pleasant. We heard a lot of little episodes in Mr. Thibault's life in the House of Commons.

With respect to the questioning of witnesses and the speaking order of the parties, I must emphasize that we tried this approach and it worked very badly. We never knew where we were at, and moreover, it's quite simply unfair. On the first round, the order is as follows: Liberal Party, Bloc Québécois, New Democratic Party, Conservative Party. That is fine, that is a reasonable order and that is how it should work. However, it makes no sense that on the second round, the order is this: Liberal, Conservative, Bloc Québécois, Conservative, NDP, Liberal and Conservative. That means that the Conservatives would get three more chances to speak. They will forgive me for saying so, particularly the new ones, but some, particularly Mr. Wallace, will understand what I mean, because he often repeated himself when he spoke.

The Chair:

Thank you, Ms. Lavallée.

Mrs. Carole Lavallée: I can see the interpretation is working fine now.

[English]

The Chair: Order. Mr. Wallace, please.

We have to go to Mr. Tilson now.

Mr. David Tilson: I pass.

The Chair: Okay.

Monsieur Asselin.

[Translation]

Mr. Gérard Asselin: Mr. Chairman and members of the committee, I would like to support the comments made by my colleague, the member for Saint-Bruno—Saint-Hubert. In the interest of fairness, I think the speaking order on the first round is just fine. It looks very fair to me. If we change the order of the questioners on the second round, there could be an imbalance in the speaking time given to the parties. I think we are all elected people, we all represent a riding and we have a mandate to represent our party at this committee. All we want is equal opportunity for all parties to speak.

The Chair: Thank you.

You have the floor, Mr. Hiebert.

[English]

Mr. Russ Hiebert (South Surrey—White Rock—Cloverdale, CPC): Thank you, Mr. Chair.

Before I make my comments, I'm wondering if Mr. Hubbard could just restate his opposition.

Hon. Charles Hubbard: I'm not sure if it's opposition, but concern. I think the concern is that we all come to the table faithfully; we sit here hour by hour; we listen to witnesses. It's my feeling that no one should have an opportunity to question twice before other members can participate. If only one Liberal were to show up and that Liberal took all three rounds, the same person doing the questioning.... I think if parties are not here by numbers, they shouldn't participate in each round until all members who sit here hearing the witness are able to.

It's very annoying to sit here for two hours and probably be left as the last one or two people. You just can't participate. So my suggestion is that no member should participate twice until each member around the table has had at least one round.

Mr. Russ Hiebert: Mr. Chair, I think that's a sensible—

The Chair: I'll hear from Mr. Hiebert, please.

Mr. Russ Hiebert: Thank you.

I think that's a sensible proposition and it's one that I would certainly support. In fact, I know from sitting on this committee in the past that we had adopted a process whereby during the second round the questioning would alternate between the government and the opposition. I think in all fairness, with the government having more members than any single opposition party, we don't want to be shortchanged in the opportunity to participate in this committee meeting as well.

I would support the suggestion by Mr. Hubbard, but I would also support organizing the speaking order along the lines of, after the first round, when everybody has a chance to speak for seven minutes, that the questioning during subsequent rounds alternate between members of the opposition and members of the government. We can agree to a particular order if that's of interest to members.

● (1125)

The Chair: Mr. Tilson.

Mr. David Tilson: I now understand what you're trying to do, and I partially agree with it. I'm trying to support Mr. Hiebert with his point. The rationale as to why we go opposition, government, opposition is because the opposition members in the first round get all the good questions—Liberal, Bloc, New Democratic Party. My understanding was that the rationale was to even up that process somewhat.

I don't know whether you're necessarily opposing that process. You haven't really said that. You're saying every member has a chance, but you haven't really said whether you're suggesting the order. In other words, I assume that you're suggesting with this proposal you're coming forward with that the order from one side to another would continue—in other words, Mr. Hubbard, then a Conservative, then Mr. Pearson, or whatever that was.

I'd like you to clarify. It would probably be in order, Mr. Chair, for us to discuss this properly. I'm not suggesting that you're not doing your job, but if Mr. Hubbard is suggesting an amendment to this process, I want to be clear what he's saying. I think it would be appropriate that he put that in the form of an amendment.

The Chair: Thank you.

Mr. Asselin.

[Translation]

Mr. Gérard Asselin: I am inclined to say that the current debate is out of order, Mr. Chairman. I am sure you would agree that the speaking order on the first and second round is by political party. We are not discussing who should be speaking within the party, but rather the speaking order by political party. There is a first round, and a second round. If the Liberal Party has seven minutes in the first round, and five minutes in the second, and if the three members of the Liberal Party want to share their five minutes or their seven minutes, then they do so. That is not the issue. The issue has to do with the first and second round, and the parties' speaking order. If the members of a political party decide to share their time, that is up to them. They are the ones who make that determination.

Mr. Chairman, I would like to limit the debate to the speaking order on the first and second rounds. That is the motion we have before us.

The Chair:

Thank you.

M. Martin.

[English]

Mr. Pat Martin: Thank you, Mr. Chairman.

I also am concerned with the second round of speaking. I think none of us have any problem with the first round, but in the second round, the way Mr. Hubbard recommends it, I might get bumped off altogether—the NDP would not have a role there—so I would speak against that. I would speak strongly for leaving it just the way it is.

The Chair: Mr. Thibault.

Hon. Robert Thibault (West Nova, Lib.): Mr. Chairman, I understand well the rationale of Mr. Hubbard's suggestion. I think it's worth full consideration, but I appreciate the comments that Mr. Tilson made, as well as other members.

What we're looking at here is changing a longstanding parliamentary tradition that the parties have speaking times or questioning times at committee and the party chooses how it wants to divide its time. If there's a matter of interest to the committee and there's one committee member who has done a lot of study in that area and the party agrees that member uses more than one of the speaking times, I think that's a decision for the party.

That being said, because we've always done it that way doesn't mean that it's necessarily the right way. Mr. Hubbard is making a suggestion for change, for modernization, which I think we should consider. I think it's difficult to consider it now without having it in writing and without having due diligence. I'd suggest that we go along the lines of what Mr. Tilson is suggesting, that we accept this as the operating procedure now and that a motion can be brought before the committee to verify it at a future date.

• (1130)

The Chair: If I may, then, colleagues, there are some interesting points raised, but the fact remains that if you look at the minutes of the meetings that this committee has had over the first session and to date, this has not been an issue. I think we're trying to create something to deal with an exception that has not occurred yet and may never occur.

I want you to understand from my perspective that Mr. Thibault I think is right, that when we have people who do the work and who are here, they will handle themselves accordingly. The chairman has the discretion of making sure that everybody who has something to contribute will have that opportunity. I think that's in the best interests of the committee and certainly of parliamentarians.

So we have a motion on the table. This "questioning of witnesses" has been moved. There has been no amendment. So I'm going to put the question.

[Translation]

Mrs. Carole Lavallée: I would like to express my views on this motion one last time.

Mr. Gérard Asselin: You could finish your remarks by presenting an amendment. The speaking order on the first two rounds is respected.

[English]

The Chair: In respect to the members—

[Translation]

Mrs. Carole Lavallée: I thought you were talking about Mr. Hubbard's motion. That is why I was not interrupting.

[English]

The Chair: Mr. Hubbard did not make a motion. He moved the motion before you. He just moved the existing motion. That's all he's done.

So I've called the question.

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

The Chair: Now, on the subcommittee on agenda and procedure, colleagues, these are guidelines that guide the committee from time to time. If members should want to reconsider any of these at any time, the committee has the authority to do that. So give it some thought so we can adjust as necessary, if necessary.

Can I have a mover?

Mr. Dean Del Mastro: I would like to move that.

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

The Chair: On reduced quorum, do we have a mover?

Mr. Russ Hiebert: Mr. Chair, may I speak to this next one?

The Chair: Madame Lavallée.

[Translation]

Mrs. Carole Lavallée: I do not want to move the motion, I want to talk about it.

[English]

The Chair: Do we have a mover for the motion?

[Translation]

Mrs. Carole Lavallée: I want to speak against the motion, Mr. Chairman.

[English]

The Chair: It may die for a lack of a mover.

Mr. Del Mastro is going to move that motion on reduced quorum.

Mr. Hiebert.

Mr. Russ Hiebert: Thank you, Chair.

I'd like to just simply make one addition: that at the end of the motion as it's currently stated that it read "and one member of the government", just to make sure we have somebody present for a quorum.

The Chair: Okay, we have an amendment on the table.

Speaking to the amendment, Madame Lavallée.

[Translation]

Mrs. Carole Lavallée: I do not want to speak about this amendment, Mr. Chairman. I raised my hand to speak about the motion as a whole, because I do not agree with it. The current requirements regarding quorum are appropriate, and we do not need to change them. I do not see why we would hear from witnesses with only three members presents. That would probably never work very well. In addition, it would not be polite to our guests, to say the least.

Furthermore, Mr. Hiebert is suggesting that there must be a representative from his party present. The Conservatives should simply turn out for meetings. I fail to see why their presence is required for quorum. That makes absolutely no sense at all.

I will be opposing the amendment even more strongly, but I am also opposed to the motion on reduced quorum. I think the current quorum is appropriate.

• (1135)

Mr. Gérard Asselin: What is the current quorum?

Mrs. Carole Lavallée: At the moment, it is the majority of committee members.

[English]

The Chair: The motion on the table is as printed in front of you. An amendment has been proposed to add the phrase "and one member of the government" at the end. We are at debate.

Mr. Martin.

Mr. Pat Martin: I'll pass, thank you.

The Chair: Mr. Thibault.

[Translation]

Hon. Robert Thibault: I'm going to be voting against this amendment, because it would mean that if government members on the committee chose not to hear from a witness or to discuss a motion, they would simply have to be absent, and the committee would be unable to proceed. That could tie the committee's hands, so I cannot support that.

[English]

The Chair: Mr. Wallace, please.

Mr. Mike Wallace: I just want to comment on that previous comment.

To be fair then, if we're talking about fairness, including one member of the opposition applies in the same way. If the opposition decided not to show up—

Hon. Robert Thibault: It's not "official opposition"; it's just "opposition". It could be two and one.

Mr. Mike Wallace: Okay, thank you for that. It's three members of all the opposition. I thought it was "official opposition".

The Chair: Thank you for clarifying that.

Mr. Hiebert.

Mr. Russ Hiebert: Along the same line, by the same token, what Mr. Thibault is suggesting is that the opposition could refuse to show up en masse and at the same time prevent evidence from being presented as well, so it goes both ways.

What we're simply trying to do here is make it fair so that if the opposition is required to be present, certainly members of the government should be allowed to be present.

Hon. Robert Thibault: On a point of order, Mr. Chair.

The Chair: On a point of order, Mr. Thibault.

Hon. Robert Thibault: Could we ask the clerk? When I read "opposition" I'm thinking it would be any members of the opposition totalling three.

The Chair: I believe that's the committee's understanding. Thank you.

We are at Mr. Hiebert still.

You are finished? Okay.

We have no further members wishing to speak. The amendment by Mr. Hiebert is that the phrase "and one member of the government" be added to what's printed on your text. The question is on the amendment.

(Amendment negated)

Mr. David Tilson: I'd like to move that the words "including one member of the opposition" be deleted.

The Chair: Do you want to explain why?

Mr. David Tilson: I am following along the same rationale. What's fair is fair. The argument was just made by someone that the government could stifle a proceeding by not showing up. The government can say the same thing. If the opposition...

This whole issue, quite frankly, is very silly, but if we're going to get into that, I'll play that game too. I simply say that the opposition could do the same thing, Mr. Chairman. They could say they don't want to hear witnesses, so they are not going to show up. Hence, you can't even hear the witnesses. So what's fair is fair.

The Chair: Okay.

Mr. Scott.

Hon. Andy Scott (Fredericton, Lib.): I don't think it is analogous at all, because you are talking about one party in one case and three parties in the other. The likelihood of one mind is a lot less on this side than on that side. That's the reason it has been that way.

The Chair: No further debate.

The amendment suggested by Mr. Tilson is that we drop the last phrase, "including one member of the opposition". Is that correct, Mr. Tilson?

Mr. David Tilson: Yes, it is, Mr. Chair.

The Chair: I would like to put the question now on the amendment of Mr. Tilson to delete the phrase “including one member of the opposition”. Do all members understand the question?

(Amendment negatived)

The Chair: We are now back at the main motion.

Mr. Asselin.

[*Translation*]

Mr. Gérard Asselin: On the issue of quorum, Mr. Chairman, the best idea is to base ourselves on past practice. This has always worked well in the past. I move that the reduced quorum be composed of three members, including one member of the opposition.

• (1140)

[*English*]

The Chair: You're saying what is written there now, the existing wording.

Okay, seeing no other debate, I would like to put the question on the main motion, which is the motion before you as written initially. Does everyone understand that?

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

The Chair: On distribution of documents, could I have a mover, please?

Mr. Martin.

Mr. Pat Martin: I so move.

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

The Chair: Next is working meals.

Can I have a mover, please?

Mr. Martin moves it.

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

The Chair: For witnesses' expenses, may I have a mover, please?

Mr. Martin.

Mr. Pat Martin: Actually, I'd like to move an amendment to this one, if I could.

The Chair: Okay, hang on for a second.

The witnesses' expenses motion is moved by Mr. Martin. And on debate, I have Mr. Martin.

Mr. Pat Martin: This is something that was introduced, actually by the government side, at the last committee I sat on: that witnesses' expenses be expanded to contemplate reasonable child care costs when necessary.

I thought that was a very timely and contemporary and progressive move.

The Chair: I see a lot of nods around the table. Could we have some language?

Mr. Russ Hiebert: I could add it, Mr. Chair.

The Chair: Please, Mr. Hiebert.

Mr. Russ Hiebert: Sure. It's “and that reasonable child care expenses of witnesses shall be reimbursed”.

The Chair: Now, Mr. Clerk, is it—

Mr. Russ Hiebert: I should say, “that, if requested, reasonable child care expenses of witnesses shall be reimbursed”.

The Chair: And would it be just added to the end: “and that, if requested, reasonable child care expenses be reimbursed”?

Mr. Russ Hiebert: Yes.

The Chair: Has everyone heard the amendment?

Mr. Wallace, please.

One day I'm going to ask Pat Martin to bring in a talking stick.

Anyway, we have an amendment that goes on the end adding what Mr. Hiebert said: “and that, if requested, reasonable child care expenses be reimbursed”.

If there's no further debate, I'll call the question now.

(Amendment agreed to)

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

The Chair: Concerning staff at in camera meetings, may I have a mover, please?

Mr. Mike Wallace: I'll move it and add an addition to it.

Mr. Russ Hiebert: Okay, I'll move it and I'd like to speak to it, to make an amendment.

The Chair: Mr. Hiebert moves it.

On debate, it's Mr. Hiebert.

Mr. Russ Hiebert: Thank you.

Mr. Chair, I'd like to add a phrase at the end of that sentence that indicates, “In addition, each party shall be permitted to have one party staff member attend in camera meetings”.

The Chair: i don't think we have to repeat the words “in camera meetings”, do we? We can we just leave that.

Is that okay?

Mr. Russ Hiebert: Sure.

The Chair: The amendment is to put an additional sentence there that says, “In addition, each party shall be permitted to have one party staff member attend”.

Is there debate on the amendment?

Hon. Robert Thibault: I have just a question. I don't have any huge objection to your amendment, but if each member can bring a staff person in, doesn't that give latitude to have somebody from each party's staff represented—from the whip's office, or whatever—to come in with the member? I don't see the rationale for adding another four people to the room.

Mr. Dean Del Mastro: Let me respond, Mr. Chair.

The Chair: Okay, we have a speaker. Mr. Del Mastro.

Mr. Dean Del Mastro: There actually has been a ruling on in camera meetings where the staff member has been asked to leave because they are not the actual staff member of that given member of Parliament. This would be allowing party staff to attend the meeting—somebody from the whip's office or the House leader's office—because if they're not directly in your employment, some committees ruled that they couldn't be there, which we thought was unreasonable; that's all.

• (1145)

Hon. Robert Thibault: Thank you.

The Chair: Mr. Scott, please.

Hon. Andy Scott: On that point, I know other committees have found otherwise.

Is there not a consistent response to the question, if I want the person who's here, whether from the whip's office or from my office? Is there no consistent interpretation of that?

The Clerk of the Committee (Mr. Richard Rumas): Mr. Chair, it's normally left up to the member in question to decide which staff member he brings, as long as he is a staff member—

The Chair: Of somebody.

The Clerk of the Committee (Mr. Richard Rumas): —of a member of Parliament.

Hon. Andy Scott: Well, then, hold it; that's different.

The Chair: But that's what the existing situation is—

Hon. Andy Scott: That's a different issue. I think it's important.

The Chair: It says one staff person, but it doesn't say his staff person. It could be any staff person.

You're suggesting that somebody would disallow you from bringing someone in who doesn't happen to work with you.

Mr. Russ Hiebert: That's correct, that has happened.

The Chair: But the words here are clear: it's one staff person who you select. It could be someone who's quarterbacking the issue for you—

Mr. Dean Del Mastro: As long as that's your interpretation, Mr. Szabo, we don't have a problem with that.

The Chair: I understand. I think there's still reasonable—

Mr. Russ Hiebert: My motion still stands.

The Chair: Except that, as Mr. Thibault points out, you would be adding another four people to the room, which I don't think is a good idea.

Having been through the Radwanski hearings, totally in camera on sensitive matters, it is extremely important. All in camera meetings are not that sensitive, but sometimes they are, and I think you really have to keep it to people who should be engaged there.

Mr. Scott.

Hon. Andy Scott: There's an accountability issue associated with this. That's the reason that every member is responsible for the staff person they have here. I have no quarrel with the integrity of anybody else, but the additional person is not aligned with anybody who's here. That's the reason.

So this way if every member here vouches for the staff person, whether they work in the whip's office or their own office, then there's a straight line of accountability that is removed when you have an additional person who is not responsible to anybody here.

The Chair: Okay, I'm going to go one more time to Mr. Hiebert.

Mr. Russ Hiebert: Thank you, Mr. Chair.

I appreciate the comments from Mr. Scott. My amendment still stands. I think there's good reason to have the ability to have an additional person from the party present at in camera meetings and I would encourage all members to support it.

The Chair: Okay, thank you.

Mr. Asselin.

[*Translation*]

Mr. Gérard Asselin: I have a question, Mr. Chairman. If we say that a committee member can be accompanied by a member of his or her staff, should we not give that individual observer status? That happens automatically, but should we not state that in the motion?

[*English*]

The Chair: For clarification, I don't understand what you mean by “observer”.

[*Translation*]

Mr. Gérard Asselin: The motion states that a committee member may be accompanied by one staff person. This person who accompanies the committee member to in camera meetings would be present as an observer.

[*English*]

The Chair: We're talking about in camera meetings.

Mr. Gérard Asselin: Yes.

The Chair: And there are no observers, to my knowledge, at in camera meetings.

There being no further debate, Mr. Hiebert wants his amendment to stand; it is that in addition each party shall be permitted to have one party staff member attend.

(Amendment agreed to)

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

The Chair: For “in camera meetings transcripts”, can I have a mover please?

Mr. Dean Del Mastro: I so move.

The Chair: Mr. Del Mastro, thank you kindly.

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

The Chair: On “notice of motions”, can I have a mover please?

Mr. Dean Del Mastro: I so move.

The Chair: Thank you, Mr. Del Mastro.

Mr. Martin, please.

Mr. Pat Martin: This is something I recommended earlier. There are committees that meet with no notice required. It takes a better degree of perhaps protocol and cooperation and trust. You have to have an atmosphere where you know that people aren't out to sabotage the work of the committee. But I also believe that in that atmosphere of cooperation and trust rules like that can still lead to a productive working committee.

I will move the amendment that rather than 24 hours notice being required for any substantive motion, we simply delete that and zero hours be required. I'm not sure how it would be phrased. We may want to delete the clause altogether.

• (1150)

The Chair: Are you suggesting that we say that no notice be required?

Mr. Pat Martin: I think that would be kind of redundant. If there's no notice required, why would you have a rule at all?

The Chair: Because other committees will have different rules; it's just that this committee's rule is that no notice is required.

Mr. Pat Martin: My proposed amendment is that no notice be required.

The Chair: And the procedure and House affairs committee in fact has that.

Mr. Pat Martin: That's correct; there's a model example.

The Chair: They're the only one, but that's because if they needed notice of motion, some of the members who are on this committee right now wouldn't be here right now, because they'd still be waiting for the notice period.

All right, no notice is the amendment.

Mr. Hiebert, please.

Mr. Russ Hiebert: Thank you, Mr. Chair.

I'd like to move an amendment that would change the notice to 48 hours.

The Chair: Well, we have an amendment on the floor.

Mr. Russ Hiebert: Okay, then I'm not going to speak to this amendment because I don't support it. I don't think it's reasonable to put members in the situation where they have no opportunity to prepare for a motion.

The Chair: Mr. Wallace.

Mr. Mike Wallace: Thank you, Mr. Chair.

I'll try not to repeat myself, but from my experience in the last session when I was on this committee, I introduced a motion to the committee. Somebody also on the committee, not me and not a Conservative member, actually moved that we waive the rules and move to the motion right away. I actually said no, because I thought it needed to be translated and I had not had it translated, to give the opposition parties an opportunity to have a look at it.

Not to my surprise—although I had tried to explain it the best I could in English—when the opposition parties, particularly the Bloc Québécois, saw the motion, they did not like the motion once it was translated. It didn't translate the way they wanted it to, and it got defeated eventually.

The notice of the motion and not waiving the rules and allowing it to be translated and for them to do the work of studying what it meant made a difference in their decision-making. Although I may not agree with them, I think it was a reasonable approach.

So I think there needs to be some notice, for two reasons: one, to make sure everybody, whichever language it's in, understands the language and that it's accurate; two, that the parties and the individual members have an opportunity to do a little bit of research on the motion and what it means.

I'm interested in some time. I know we're all busy here, but to get a motion slapped on the table when we're here.... It's hard enough to get things done in between committee meetings, let alone on the fly. That's why I'll not be supporting Mr. Martin's amendment to the motion.

Thank you.

The Chair: Thank you.

Madame Lavallée.

[Translation]

Mrs. Carole Lavallée: Obviously, in the best of all possible worlds, that would be the ideal approach. We would table a motion on a hot topic and everyone would agree. Unfortunately, we have found that in this committee, some members make considerable use of delaying tactics. One afternoon, we even saw a committee member read the Access to Information Act from beginning to end. It took several hours.

It is unfortunate, but I do not think we can proceed in this way in this committee. I would be too afraid that this would be used to delay things. However, it really would be the best way of proceeding.

[English]

The Chair: Thank you, Madame.

Mr. Del Mastro, please.

Mr. Dean Del Mastro: Thank you, Mr. Chair.

I'd like to speak to the motion put forward by Mr. Martin. I think that if we want the committee to do good work, work we can be proud of, the members have to be prepared. Being prepared requires time for notice so that members can be prepared for what's to be debated.

As indicated earlier, by unanimous consent we can always work outside of these rules. These are the general guidelines. If a motion were brought forward that the committee decided it would like to move on immediately, it could do so.

At the finance committee the other day, we actually talked about this at length and talked about the general rule being two sleeps. So even though we put hours to it, essentially what we mean is it can be dealt with at the next sitting of the committee. I think that's wholly reasonable. It allows members to be prepared. It allows us to be able to plan a little better as to what we're going to be dealing with. In fairness to everyone on the committee, I think we should stand by those rules.

• (1155)

The Chair: Are there any further items?

Okay, we'll deal with the amendment, which is basically to replace the words "24 hours" with the word "no". Is that correct, Mr. Martin?

Mr. Pat Martin: Yes.

The Chair: Then I would like to call the question on the amendment, please.

(Amendment negated)

The Chair: There being no further debate, I'll put the question now on the main motion that's before you.

Mr. Russ Hiebert: Mr. Chair, I asked to speak, to make an amendment.

The Chair: Well, you were out of order by trying to put an amendment when there was an amendment on the floor, unless you wanted to put a subamendment.

Mr. Russ Hiebert: That's correct.

The Chair: But now that you have the floor, you can certainly move an amendment, yes.

Mr. Russ Hiebert: Thank you, Mr. Chair.

I'd like to amend the motion, as it's written, to state that 48 hours' notice be required—change 24 to 48—and then continue it as is. Additionally, I'd like to add the following: "and that the period of notice shall be calculated from the time the motion has been distributed to the members of the committee by the clerk of the committee".

The Chair: That was that the period—

Mr. Russ Hiebert: It was that the period of notice be calculated from the time the motion has been distributed to the members of the committee by the clerk.

Mr. Chair—

The Chair: Okay.

Mr. Russ Hiebert: I'd like to move this motion because, as has already been stated by some of my colleagues, for us to work effectively and amicably on this committee, we want to avoid the situation in which we're ambushed by emotions. We want to have the time to do a reasonable amount of research and prepare for these motions, and I think 48 hours is a reasonable amount of time. As my colleague has indicated, it gives us an opportunity to address an issue at the following meeting, whenever that might be, and it's worked well in other committees.

In terms of the additional sentence, there have been instances in the past in which the clock has started ticking despite the fact that the clerk may not have distributed a motion, and that prevented members from having adequate time to prepare. This just clarifies exactly when the clock starts.

The Chair: Thank you.

Go ahead, Mr. Thibault, please.

Hon. Robert Thibault: Well, I don't see the reason for these changes. In my experience with parliamentary committees, the clerks have been diligent in getting the motions out, and the time of having it deposited with the clerk works quite well. Generally speaking, the member who is putting a motion forward and who has sent a copy to

the clerk is usually—if he is looking for support from other parties—notifying the other parties, so I don't think there's a problem there. I don't think that side of the amendment has any valid argument.

On the question of the 24 hours or the 48 hours, I have a hard time seeing what the difference is, because the 24 is, in effect, 48 with the meetings being every second day. Now, there could be some times when you'd have additional sittings in those periods, and that 24 would come into play there at that time, but when that happens, the members are quite engaged and they're not surprised by any of those motions; they are around the table to discuss and they are following the subject, so I would believe 24 hours is plenty of time to have the discussion among the parties and do the studies. That amount of time has worked well in the past. I don't see the compelling reason to change that rule.

The Chair: Go ahead, Mr. Hiebert.

Mr. Russ Hiebert: Thank you, Mr. Chair.

The reasoning here is that if a motion is not presented at a meeting, but after a meeting—let's say the day after a meeting—it could be giving 24 hours or less for somebody to address an issue, to prepare for an issue, to research an issue in advance of the next meeting. It's quite possible that although we meet on Tuesdays and Thursdays, somebody would not give notice of a motion on a Tuesday but on a Wednesday, and that would limit the amount of time that members would have to address the issue.

There is nothing sinister about this intent. It's simply trying to give members—all members from all parties—an opportunity to prepare adequately, so that we can be effective in the work we want to accomplish here at this committee.

The Chair: If I may, I'd like to ask the clerk, so that all members will understand what does happen and what could happen when members want to have a motion come before a committee. I'd ask the clerk if he would just give us the words of wisdom as to how things operate right now.

● (1200)

The Clerk of the Committee (Mr. Richard Rumas): Mr. Chair and members, the normal practice—and most members are quite diligent about this—is that they submit electronically to my office a copy of the notice of motion that they would like to bring to the attention of the committee. We'd normally ask that it be in both official languages so that there is no delay in my office in distributing electronic copies to the members of the committee. That's how the process works.

Once that is done, if a notice period is met, it is put on the agenda for the next meeting—not as the main issue of the committee, because the committee may be dealing with supplementary estimates or something, but it will become the second item on the agenda and it will be dealt with.

That's the normal practice, and I can say that in the last session we experienced no difficulty with it.

The Chair: That's clear; you don't have to go to a committee and move a motion, and that's going to start the clock. You can do it at your leisure.

Mr. Russ Hiebert: That's my point.

The Chair: We understand that, and it has to be circulated to members promptly by the clerk, which I know happens.

Okay. Is there further debate here? Seeing none, I'm going to—

Mr. Pat Martin: I think I was on the list, Mr. Chair.

The Chair: Oh, okay. I'm sorry. You have my apologies, Mr. Martin. Please go ahead.

Mr. Pat Martin: I just wanted to add that I also speak against making this change in when the clock begins, and also the idea of moving from 24 to 48 hours. Twenty-four hours was always something we fought for in this committee, and there was good reason: it's because it's in the interests of committee members to be able to get a motion on at the next committee. Sometimes if there is a matter of urgency and if you're only meeting twice a week, it can sometimes mean four or five days before you can actually get it before the committee.

The Chair: Yes, it does raise an interesting question, colleagues, about whether or not scheduled work of the committee is going to be pre-empted by these motions. Quite frankly, in my experience, committees try to accommodate motions that have just come before the committee and to make reasonable accommodation, but not to suspend committee business in the middle of it, etc. It's a practice that changes from committee to committee. But we do have the right to seek unanimous consent to waive the notice period if there is a matter that all honourable members would like to deal with immediately and suspend all other business. So we have full latitude, and I think everyone is well aware of the tools we have to work with. There doesn't seem to have been difficulty in the first session, but we can always reconsider if necessary. Okay?

Having said that, Mr. Hiebert has an amendment that says that the period of notice shall be calculated from the time the motion has been distributed to the members of the committee by the clerk.

Is that correct?

Mr. Russ Hiebert: Also 48 hours.

The Chair: Oh, and it's 48 hours. My apologies, colleagues. It's two-pronged—to change it to 48 hours' notice, and that the period of notice be calculated from the time the motion has been distributed to the members of the committee by the clerk.

Is everyone clear on the amendment being proposed by Mr. Hiebert? I see some nods around the table, so I'm going to put the question on the amendment.

(Amendment negatived)

The Chair: We are now back at the motion as it was printed on our paper before us. I see no further amendments, so I'm going to put the question on that motion.

(Motion agreed to)

The Chair: Thank you, colleagues.

I think we had some good discussion there. It's constructive, and I think we should continue that dialogue.

Now, Mr. Martin.

Mr. Pat Martin: Mr. Chairman, I'm wondering, now that we're properly constituted and we're finished the mandatory orders of the

day, if I might ask for unanimous consent for a motion that I would like to read to you.

An hon. member: No.

Mr. Pat Martin: You can't say no until you've heard the motion.

Some hon. members: Oh, oh.

Mr. Pat Martin: The chair will probably agree that the process here is that I read the motion that I would like to have unanimous consent for, and then they can decide whether or not they will give unanimous consent.

The Chair: Mr. Martin has submitted a motion to the clerk.

Mr. Pat Martin: That's not the motion I would like to move.

The Chair: Oh, it's another motion?

• (1205)

Mr. Pat Martin: That's correct.

The Chair: Okay, Madam Lavallée, I have your name, and I will allow you to speak in a second.

Mr. Pat Martin: It's a motion that no one here has seen before.

The Chair: Mr. Martin, if you'd like to advise the committee of your motion and seek unanimous consent, please proceed.

Mr. Pat Martin: Mike doesn't even know. Maybe it was a motion that we give Mike a raise or something. You haven't seen this motion. The motion is that the Standing Committee on Access to Information, Privacy, and Ethics undertake a review of matters related to the Mulroney Airbus libel settlement, including any and all new evidence, testimony, and information not available at the time of the settlement, including but not limited to the circulation of correspondence from the Privy Council Office to the Prime Minister's Office, with particular emphasis on the correspondence sent by Karl Schreiber to the Prime Minister, so as to determine if there were violations of ethical or code of conduct standards by any public office holders, and to report to the House on its findings, conclusions, and recommendations.

I seek unanimous consent that we bypass the 24-hour notice rule to be able to entertain that motion today.

The Chair: Are the members clear on the motion, and that the member is seeking unanimous consent to waive the notice requirement?

Is there unanimous consent?

Some hon. members: No.

The Chair: I regret that there is no unanimous consent.

Mr. Pat Martin: Then I'd like to table a notice of motion for consideration of that motion at the next committee meeting.

The Chair: You can do that electronically, or you can do it at any time directly to the clerk. That's certainly in order.

Thank you, Mr. Martin.

Madam Lavallée, I understand you have tabled a notice of motion with the clerk. Did you want to...?

[Translation]

Mrs. Carole Lavallée: No, it is not about this motion, but about what comes next.

The Chair: Do you have another question?

Mrs. Carole Lavallée: Yes, I have several. I am going to start with the motion, but I would like to tell you at the outset that there are some other issues I would like to raise as well.

I'm going to start by talking about the motion I tabled a few minutes ago with the clerk, and I gave you a copy as well, Mr. Chairman. I'm requesting the same thing as Mr. Martin: to waive the 24-hour notice, and to request unanimous consent to discuss my motion.

The motion reads as follows:

Pursuant to Standing Order 108, the Standing Committee on Access to Information, Privacy and Ethics studied the circulation of correspondence from the Privy Council Office to the Prime Minister's Office, with particular emphasis on the correspondence sent by Karlheinz Schreiber to the Prime Minister, in order to determine whether Prime Minister Stephen Harper is right to claim that he was never made aware of the letter.

The Chair: Thank you, Ms. Lavallée.

[English]

The member has advised the committee of a motion she'd like to make, and she is seeking unanimous consent of the committee to waive the required notice period.

Is there unanimous consent?

An hon. member: No.

The Chair: Unfortunately, there isn't.

Mr. Hiebert.

Mr. Russ Hiebert: Well, in the spirit of motions, I would like to read my own motion for the committee's consent, and possibly its unanimous consent.

Mr. Chair, I would move that this committee commence a study whose purpose is a comprehensive review of the Privacy Act.

The Chair: Okay.

If I may say—and this is probably a good segue—we obviously want to be productive with our time. There are only about eight or nine meetings before we rise for Christmas. We do have to have a work plan. We do have a steering committee that is going to have to consider the various items that have been before the committee and are still in process, or new items that have been referred to us. The estimates have been referred to us, we have the report of the Privacy Commissioner, we have a response on the PIPEDA recommendations, and the list goes on. It's quite a substantial list. We will not be able to deal with all of it before we rise for Christmas; I think the members are quite aware of that.

As a consequence, I'd like to suggest, with the concurrence of the committee, that we have a steering committee meeting next Tuesday. We have been provided with a binder that summarizes some of the items; it's not comprehensive, as there are some other items. Other members have strong views on matters that should be addressed by this committee and be prioritized, and that should be done before the

steering committee gives consideration to making a recommendation to the whole committee.

So I've taken the liberty of having conversations with the Information Commissioner, the Privacy Commissioner, and the Ethics Commissioner yesterday and today, and have asked them to pencil this meeting in. So I'm asking the committee to consider the proposition that on Tuesday we will have those three commissioners come before us and have five minutes to propose their priorities to us and to encourage the committee to address matters they see as important, and also to have members recommend their priorities or suggestions to the committee next Tuesday from 11 o'clock forward. That meeting should go on for no longer than one hour, because it's just basically to get the laundry list out there and to have lobbying by members on their issues. The meeting will then adjourn and we will immediately convene a steering committee meeting to deal with all of the representations of the three commissioners, with all the members, and we will try our best as the steering committee to prioritize them in a manner reflective of the urgency and mandatory nature of certain items, like the estimates. So by our Thursday meeting, we will in fact be presenting to the whole committee a work plan for the balance of the year.

Now, having said that, Madame Lavallée.

• (1210)

[Translation]

Mrs. Carole Lavallée: Thank you very much, Mr. Chairman.

I did want to talk about the work plan. In preparing for today's meeting, I realized that we had a lot of work before us.

With respect to the two motions that have just been announced, I think we should study them at the beginning of Tuesday's meeting. This is a real scandal, and I would not want to repeat what Norman Spector, Brian Mulroney's former chief of staff, had to say. Nonetheless, his comments were quite disturbing.

We also need to meet with the Minister of Justice. The new members of the committee must understand that trying to get the Minister of Justice to meet with us has become quite a saga.

I noted the dates, since there have been so many twists and turns in this story. In June 2006—

[English]

The Chair: Madame, this is exactly what we should be doing Tuesday, to deal with.... The passion that you have for these issues, you have a—

[Translation]

Mrs. Carole Lavallée: Just let me go through the list. It is a long one. The meeting with the Minister of Justice—

[English]

The Chair: No, Madame. *Je m'excuse*. This discussion is not an agenda item. The meeting is going to be adjourned, but as a courtesy to the committee, to accommodate your wish to have an opportunity to make your case about the priorities that this committee should address prior to the break in December, that we will have this opportunity to do on Tuesday, to do it properly, to make sure that there is consensus.... Because the steering committee can only recommend. It is the whole committee that will affirm an action plan, and we need to give the whole committee an opportunity to do that. We can't argue each and every one ourselves. It's not quite in order. So come prepared for next Tuesday.

I believe that our business is complete. Do I have a motion to adjourn?

Mr. David Tilson: No. One point, on the list—

The Chair: I'm sorry. There was a list. What item?

Mr. David Tilson: I wanted to talk.

The Chair: There's no motion or no item of business on the floor. Are you making—

Mr. David Tilson: No, Mr. Chairman. Well, then, I'll speak on a point of order.

The Chair: To accommodate the committee, I have two people who as a consequence of the discussion wanted to add something to it. I'll recognize Mr. Tilson and Mr. Martin.

Mr. David Tilson: Mr. Chairman, I just want to say I agree wholeheartedly with your proposal. In other words, I agree that the idea of the three commissioners coming and speaking followed by a business meeting is an excellent idea. My only comment is that for the future it's the committee that decides the work of this committee, even calling commissioners. It's not the call of the chair, it's the call of the committee, but I happen to agree with what you're saying.

The Chair: Thank you. You're quite right. I was motivated by the fact that it has been five months since we've been here and we needed to save a day.

Mr. Martin, please.

• (1215)

Mr. Pat Martin: I was only going to say, Mr. Chairman, that I think it's a good idea that you've made arrangements with the officers of Parliament who answer to this committee. I think that's the proper and courteous first thing to do, so I think the first hour of that meeting should be for that. I'm only wondering if you or the committee would entertain this idea. Rather than breaking out to the planning committee, the subcommittee, for the second hour, could we not meet as a committee as a whole and look at planning and

thereby be able to make some actual decisions on Tuesday instead of postponing it until the following Thursday?

The Chair: Mr. Martin, I suspect that there are some matters on which there would be consensus and there may be some matters on which there wouldn't be. That's the reason we have a steering committee, to work it out in an efficient way. Sometimes you just have to say that unfortunately we cannot do it all, and somebody's going to have to say no. So I hear you, and I sympathize with the point, but I'm not sure that it will actually save us any time. I think we'll proceed as is.

We will have one last speaker, Madame Lavallée, and then we're going to adjourn.

[Translation]

Mrs. Carole Lavallée: At next Tuesday's meeting, when do you expect we will be able to study the two motions we have just heard about?

[English]

The Chair: There are at least three motions. They will be on the agenda of the committee but I don't think that we will be getting to them, and the steering committee in fact will probably have to do its work. This is the question you run into when the committee is into some business it has agreed to and a motion comes forward—whether or not you suspend the work you were doing to deal with a motion.

Now the idea is that the undertaking of the chair, and I think the goodwill of the committee, is that motions will be dealt with as soon as possible with the least disruption to the work of the committee, but not to be delayed for any reason whatsoever. Members have the right to bring these motions, and it is the intent of this chair to make sure the motions are dealt with as soon as they can be, once they've satisfied the notice requirement.

D'accord?

[Translation]

Mrs. Carole Lavallée: No, I do not agree, because it is not specific enough. What I heard was "as quickly as possible". That was the last thing you said. But does that mean at 11:00 a.m. next Tuesday?

[English]

The Chair: No, we have agreed to hear the representations of the commissioners and the members on their suggestions for the work. That's the order of business for Tuesday.

The meeting is adjourned.

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