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CANADA

# **Standing Committee on Access to Information, Privacy and Ethics**

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**EVIDENCE**

**Thursday, June 3, 2010**

**Chair**

**Mr. Paul Szabo**



## Standing Committee on Access to Information, Privacy and Ethics

Thursday, June 3, 2010

• (1110)

[English]

**The Chair (Mr. Paul Szabo (Mississauga South, Lib.)):** This is the 18th meeting of the Standing Committee on Access to Information, Privacy and Ethics. The orders of the day, pursuant to Standing Order 108(3)(h)(vi), are a study of allegations of interference in access to information requests—more specifically, the motion by Mr. Easter to investigate the systemic political interference by ministers' offices in blocking, delaying, or obstructing the release of information to the public regarding the operations of government departments.

Our witness for this morning is Mr. Sébastien Togneri, former parliamentary affairs director, Department of Public Works and Government Services, who now works in Natural Resources Canada in a similar role, I understand.

I received, after our meeting last Tuesday, a letter from the Minister of Natural Resources, who was the Minister of Public Works and Government Services at the time, to indicate that he would be here in lieu of Mr. Togneri.

The committee will know, and we don't have to refer to any citations, that the committee has the right to call for persons, papers, or records. I would indicate that with regard to the Afghan detainee documents, the Speaker ruled on April 27, 2010, that the role of parliamentarians to hold government to account is an indisputable privilege and obligation. I would also cite *The Power of Parliamentary Houses to Send for Persons, Papers and Records: A Sourcebook on the Law of Precedent of Parliamentary Subpoena Powers for Canadian and other Houses*, by Mr. Derek Lee, lawyer and member of Parliament, specifically from page 108. It is a precedent, and I would just summarize the resolutions that are applicable to us: the House has the power to send for persons, papers, and records and therefore may summons any resident of the country; and that obstructing or tampering with a witness is a breach of privilege of the House or of its committees who have the delegated authority.

I can indicate to the committee that I've had brief discussions with the Speaker and the law clerk and have consulted with the committee clerk's directorate on the options available to the committee. Indeed, where we have a situation where a witness refuses to appear, the precedents are that the committee does not have the power to censure or to punish any person, according to O'Brien and Bosc. They state that:

Only the House of Commons has the disciplinary powers needed to deal with this type of offence. If a witness refuses to appear, or does not appear, as ordered, the

committee's recourse is to report the matter to the House. Once seized with the matter, the House takes the measures that it considers appropriate.

This is according to O'Brien and Bosc in the second edition of *House of Commons Procedure and Practice*, page 977.

From page 976 of O'Brien and Bosc, I would also point out that for any member of the House of Commons, including ministers,

There is no specific rule governing voluntary appearances by Members of the House of Commons before parliamentary committees. They may appear before a committee if they wish and

—and I stress “and”—

have been invited. If a Member of the House refuses an invitation to appear before a standing committee and the committee decides that such an appearance is necessary, it may so report to the House...

In summary, the committee has to determine whether it is necessary to report to the House on the non-appearance of Mr. Sébastien Togneri.

Mr. Poilievre, on a point of order.

**Mr. Pierre Poilievre (Nepean—Carleton, CPC):** You've cited a whole series of rules and precedents that do not apply to the facts of this particular controversy. Seconds ago you said that we're dealing with the non-appearance of Mr. Togneri.

**The Chair:** Yes.

**Mr. Pierre Poilievre:** In fact, this committee passed one motion to invite Mr. Togneri, for which he appeared twice. In other words, he has appeared and has fulfilled that motion.

There is a separate and broader debate, I acknowledge, about whether or not staff members should replace ministers in the future. But that said, the witness has appeared.

I know you are going to say that you have not released him, but in my entire time as a member of Parliament, over five and half years, I have never seen a chair release a member from testimony. In fact, the committee asks its questions, the time expires, the witness leaves, and the matter is done.

If a chair were required to release every single witness, then that has not been the practice around this place for at least the last five years. Otherwise, every single witness who has stood up and walked away from their chair is still involved in pending testimony, as we speak, because they have not been formally released.

The committee asked him to appear. Not only did he appear once, but he appeared twice. If there were any irregularity it was in the fact that he appeared more than the committee asked him to. So if the committee wants to hear him again, they would have to move another motion inviting him to come back to the committee. So far that has not happened. Therefore, we cannot move on to a discussion about his non-appearance when in fact he appeared twice and gave very exhaustive testimony both times.

**The Chair:** Okay.

[Translation]

**Mr. Luc Desnoyers (Rivière-des-Mille-Îles, BQ):** A point of order, Mr. Chair.

[English]

**The Chair:** We're on a point of order. You can't do that.

Mr. Easter, on the same point.

**Hon. Wayne Easter (Malpeque, Lib.):** I think the difference, though, Mr. Poilievre, in this case, is that the chair did specifically state at the meeting that Mr. Togneri was not released from that summons. He specifically stated that. Therefore, I believe he's still under the summons.

**The Chair:** All right, we're getting into debate on facts.

Mr. Poilievre, the summons issued for Mr. Togneri states particularly at the end that the witness remain in attendance until duly discharged, and that's why he appeared a second time. In fact, we had not completed with him and indicated after a second appearance that more members had questions and we wanted to hear from him. He is, as you can see, on our agenda for the day. He is the witness this committee called for today.

So Mr. Togneri is our witness. The rules of practice and procedure indicate that for a witness who refuses to appear—the summons is another element to it, but even if he had no summons—the committee cannot take any sanctions or censures against such a person. It has no authority to do so. Its only option is to report the facts to the House, and it would be the House...

Since we are only a fact-finding body and we don't have that authority, I want to give the committee an idea of the information passed on from the clerk directorate, which oversees all the operations and has the experience. In its suggestion, the report would say something like:

On Thursday, April 1, the committee agreed, pursuant to Standing Order 108(3)(h) (vi)) and the motion adopted by the committee on the same day, to undertake a study on allegations of interference in access to information requests.

In the course of this study, the committee chose to invite Sébastien Togneri to appear before it. ... Sébastien Togneri appeared before the committee on May 6 and May 11, 2010. However, he refused to appear at the June 3 meeting.

In light of this matter, the committee has reason to believe that a potential breach of privilege has occurred, and on Thursday, June 3, 2010, the committee adopted the following motion...

That motion would be that we report it to the House. That is a suggested route. However, this does not occur without the committee making the determination that we should do it, that it is necessary to report.

Because the members don't have this, and in view of the seriousness of it, I don't believe it's urgent for us to deal with this

right now, but I suggest we circulate this and allow the members to make the necessary inquiries or to look into it and to prepare to have that discussion about whether we report to the House and what we report to the House. That is the decision of the committee.

I would propose that we deal with that at our next meeting, which would be next Tuesday.

We have, as I had indicated...

Mr. Desnoyers, on a point of order, sir?

• (1115)

[Translation]

**Mr. Luc Desnoyers:** Yes, Mr. Chair.

As a follow-up to your statement, I think it is important to take note of what you said the committee can do. It can report to the House of Commons, as you mentioned. I think it is important and urgent for us to prepare that report. Currently, as you know, various committees are being subjected to practices and rules in an attempt to impose on committees rules that do not exist. Using its ministers, the government wants to impose those rules and step in here.

[English]

**The Chair:** No, no. Order, please.

[Translation]

**Mr. Luc Desnoyers:** I just want to finish.

[English]

**The Chair:** Monsieur, order, please.

Respectfully, Mr. Desnoyers, you are in debate. This is not a point of order.

I'm going to move on. Now, I did indicate that I received a letter from the Minister of Natural Resources, in which he said he would like to appear.

Yes.

**Mr. Pierre Poilievre:** Mr. Chair, a point of order.

I think the member does have a point. I do appreciate that his point probably isn't very favourable to my point of view, but at the same time, he does have the right to express it. I would hope that you, as chair, would allow him to exercise the privileges he enjoys as a member.

• (1120)

**The Chair:** That is not a point of order, Mr. Poilievre. That's debate.

Now, the minister did write and offer to appear in place of Mr. Togneri. The committee cannot proceed that way. However, the members have also received a motion from Mr. Easter.

**Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC):** On a point of clarification...

**The Chair:** I'm sorry, I'm not familiar with that.

**Mr. Tom Lukiwski:** Point of order then, for clarification purposes.

I'm not a novice when it comes to sitting on committees, but I'm certainly new to this committee. It is my understanding, through all of the committee work I have done, that when a member has a point of order and wishes to speak, he be given the right to do so.

Mr. Desnoyers has been patiently waiting with his hand up, trying to get your attention. I'm just trying to suggest to you that in the interest of fairness, we hear the member opposite here.

**The Chair:** Okay. Thank you for that.

**Mr. Tom Lukiwski:** Is that the way this committee operates, that the chair determines over the rights of a member as to who speaks and who doesn't?

**The Chair:** I will try to make rulings in accordance with the rules of the House.

I did listen to Mr. Desnoyers. He was giving reasons, but I didn't hear a point of order. That's all. I did not hear a point of order. I think you have to start by showing what the point of order is first.

Mr. Desnoyers, if you could indicate to the committee what the nature of your point of order is before you argue it... *Comprenez-vous?*

All right. I will give you back the floor if you believe... The members seem to think this to be a point of order, so please...

[Translation]

**Mr. Luc Desnoyers:** That is kind of you, Mr. Szabo. I greatly appreciate the fact that you are now giving me time to have my say. I had about 22 seconds in which to do it and you interrupted me. I find that unfortunate. But you gave people on the government side a huge amount of time.

You reported to the committee about the various means at our disposal. I have to tell you at the outset that we approve of your comments on this point of order. The committee may report to the House to make sure that the people come to testify. They are committing contempt, because they have been summoned to appear, and they are not here. That includes Mr. Togneri. Two others have not replied to their summons. Even the bailiffs were not able to reach them.

This is an affront to the committee, Mr. Szabo. You can say what you like, you can say that it is not a point of order, but I still think that this committee has a right to require those people to appear. It appears clearly in O'Brien and Bosc's book. Let me refer you to page 1063, which is important and which you should read. You yourself have mentioned the book on several occasions.

Mr. Chair, I am convinced that you should move on to the next stage, which is the draft report...

[English]

**The Chair:** Is there a point of order?

[Translation]

**Mr. Luc Desnoyers:** ...to submit to the House, Mr. Chair. I believe that we have reached that point, because these people are refusing to testify.

[English]

**The Chair:** Okay. I've heard your statement, sir. Respectfully, I didn't hear a point of order, but you've had your time.

Mr. Siksay, on the same point.

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Chair, on your suggested approach for the committee in terms of its next step, I'd like to move that the committee report as you have suggested. I believe that's in order, and we could discuss that now. I don't believe it's necessary to wait until Tuesday. It's very clear, as you laid it out, that Mr. Togneri is not here today. I believe we could have an appropriate and successful discussion of that motion today.

I would therefore move that the committee report to the House the failure of Mr. Togneri to appear, as per your suggested motion.

**The Chair:** No, that wasn't my suggestion; it was the committees directorate.

• (1125)

**Mr. Bill Siksay:** Then as per the advice you had from the clerks of the committee.

**The Chair:** The motion is in order.

Before we have other speakers on it, I would indicate to the members to also consider that we have a situation in the House where there's a ministerial statement and the committees have rules that they're following. They're at loggerheads, as you know.

We have two other witnesses. I want the members to understand and be aware that I received a letter last night from the Prime Minister to indicate that the transport minister would be appearing in lieu of Mr. Soudas. I also failed to mention the letter from the Minister of Natural Resources. He indicated that he would be appearing in lieu of Jillian Andrews, who has also been issued a summons.

Because these three cases are virtually identical, I'm not sure whether the committee wants to issue a separate report on each or consider doing one report on all of them. It will have to be the choice of the committee.

It would be my personal recommendation that we take the time to formulate our arguments to come forward with a good debate on whether or not the committee should report to the House with regard to this matter. It would be my suggestion.

**Mr. Pierre Poilievre:** Point of order, Mr. Chair.

**The Chair:** Mr. Poilievre, on a point of order.

**Mr. Pierre Poilievre:** You indicated the requested witness, Mr. Dimitri Soudas. Are you indicating that he has declined the summons?

**The Chair:** I didn't say anything about that.

**Mr. Pierre Poilievre:** Are you suggesting that his case be dealt with in the same context as Mr. Togneri? I only want to clarify it.

**The Chair:** All right, if you want to go there, I will then give the committee further information that would lead me to the conclusion that we should wait and deal with it all together.

Today I was provided with written reports from the bailiff who served the summons.

**Mr. Pierre Poilievre:** To whom?

**The Chair:** I'll get there.

The first one was with regard to Ms. Andrews. I signed the summonses for the clerk at one o'clock last Monday, and the bailiff was called. They were given to the person. They were going to be served that afternoon.

The report from Mr. Jay Fox, of William Stuart Kilrea, Commissioners, said that on June 1, which was yesterday,

I attempted to serve the Summons on Jillian Andrews at 580 Booth Street Ottawa, Ontario. This is a secure government building and I was unable to gain access to Ms. Andrews office. I called Ms. Andrews on three occasions between June 1st, 2010, and June 2nd, 2010. I left three voice mails outlining that I had summons from the House of Commons to serve on Ms. Andrews. On the morning of June 2nd, 2010, I was able to reach a receptionist in Ms. Andrews office who confirmed that she was in the office June 1st and June 2nd, 2010, and that she was currently in a meeting.

I have yet to receive a return call from Jillian Andrews and am unable to effect service at this time.

He's continuing to try, though, and her date to appear is next Tuesday.

With regard to Mr. Soudas, similarly, the same date, Mr. Fox reported:

On June 1, 2010, I attempted to serve the Summons on Dimitri Soudas at 80 Wellington Avenue, Ottawa, Ontario.

That is the Langevin Block, the building across the street.

He goes on:

This is a secure government building and I was unable to gain access to Mr. Soudas office. I called Mr. Soudas on three occasions between June 1st, 2010, and June 2nd, 2010. I spoke to Mr. Soudas' executive assistant each time and informed him that I had summons from the House of Commons to serve on Mr. Soudas. The executive assistant confirmed that Mr. Soudas was in the office and would return my call. On the morning of June 2nd when I spoke to Mr. Soudas' executive assistant he stated that Mr. Soudas was aware I was attempting to serve him with documents and would call me back.

I have yet to receive a return call from Dimitri Soudas and am unable to effect service at this time.

In both regards, I contacted the clerk and instructed him to have the bailiff continue to attempt to serve the summonses.

Mr. Poilievre, you raise a very good point. In that light, I would think it is possible that the other two witnesses, Ms. Andrews and Mr. Soudas, may not appear. Should that be the case, and it has been established after we have our meeting next Thursday, when Mr. Soudas is to appear, at that point the committee may wish to consider a report on all three witnesses at the same time. That's all I'm suggesting. But it's the committee's decision.

Madam Davidson, did you want to add anything here?

• (1130)

**Mrs. Patricia Davidson (Sarnia—Lambton, CPC):** Thank you very much, Mr. Chair.

First, I have a question, and depending on the answer, I will have more comments.

Do we have a motion on the floor at the moment that we are about to debate?

**The Chair:** Mr. Siksay had a motion.

**Mrs. Patricia Davidson:** Have you accepted that motion?

**The Chair:** It's in order. We simply got a little carried away. Mr. Poilievre, on a point of order, basically asked on what basis we would want to wait for the other two witnesses. That's why I gave the information with regard to the difficulty in actually serving the summons. At least Mr. Siksay now understands, and all members understand, why I might think it would be best for us to proceed once members have had an opportunity and once we hear and determine that witnesses have in fact not appeared in accordance with the order of the committee.

Do you have a further point?

**Mrs. Patricia Davidson:** Yes, I do. Thank you.

Further to that, I would like to have the motion read again, for one thing. I think in the preamble Mr. Siksay spoke to some of the comments that you read out. I'm not sure if they came from the clerk or who they came from, but you referred to some of the information.

**The Chair:** The sample motion?

**Mrs. Patricia Davidson:** It's information that none of the rest of us on this side of the table have. Perhaps they have it on the other side, but we definitely don't. Is that information that you plan on circulating?

**The Chair:** Are you referring to the draft motion?

**Mrs. Patricia Davidson:** It was information that you read out at the beginning of the meeting, I believe, or close to the beginning of the meeting. It's not Mr. Siksay's draft motion; it's information Mr. Siksay referred to.

**The Chair:** Yes. This document was provided to me... I requested the clerk to check with the committee clerks directorate to give me a sample of what other committees have done in the past.

**Mrs. Patricia Davidson:** And will that be circulated to this side of the table as well?

**The Chair:** Well, it is a draft. No one has this but me right now.

**Mrs. Patricia Davidson:** Oh, okay.

**The Chair:** But I wanted to read it to the members to give them an idea, should we be doing a report. The format is basically to lay out the facts as they occurred, and not to reach a conclusion. I want them not to reach a conclusion whether or not there has been any breach or contempt, but rather refer it to the House for its consideration.

**Mrs. Patricia Davidson:** And is that the information that's referred to in Mr. Siksay's motion? I need the motion read again.

**The Chair:** Yes. The motion was basically that we do report in a form similar to, but not the precise details, because that's up to the committee.

**Mrs. Patricia Davidson:** Thank you.

**The Chair:** The question now becomes... Okay, I should hear from members. I apologize.

Mr. Siksay.

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

I want to comment on your reading the bailiff's report on his attempts to serve the summons. I have to say I'm very concerned about that. It strikes me that security measures that are in place in the House of Commons facilities, or in government facilities, shouldn't be a barrier to the bailiff performing his duties on behalf of a parliamentary committee. I'm extremely concerned that he has not been able to gain access to the Langevin Block, which is a House of Commons facility, to deal with serving that summons, or to the offices where Ms. Andrews works.

I would like to ask you and the clerk to make sure that, if required, he has the appropriate escort that gets him through that security. I don't think House of Commons security is meant to interfere with the work of a standing committee, and in this case it is clearly doing that.

• (1135)

**The Chair:** Okay, thank you.

Mr. Easter, then Mr. Lukiwski.

**Hon. Wayne Easter:** Yes, I agree entirely with what Mr. Siksai said on bailiffs not being able to deliver a summons. If they have to call in the RCMP to get to these individuals, then they'll have to do it.

As I understand the motion... That's what I want to speak on, Mr. Chair. Can you read that motion to me?

**The Chair:** I was never given the motion. The motion was that we in fact report to the House along the lines I've indicated, but that's why I wanted to make that other intervention, that the committee may want to consider an amendment, or maybe the member wants to withdraw that for now and we will...

**Hon. Wayne Easter:** Let me speak to it, Mr. Chair.

On the motion, it is clear that Mr. Togneri is, I feel, in contempt for not having come before this committee, and we do need to report that to the House at some point in time. But based on what you've said and the difficulties the bailiff is having with the proposed witnesses for next Tuesday and next Thursday, it looks as though we will have Ms. Andrews also potentially in contempt.

With regard to Mr. Soudas, we have the letter, which has been distributed, from the Prime Minister, which is, in my view, one of the most insulting letters I've ever seen from a Prime Minister directed at a committee. I will quote from it:

The purpose of this letter is to inform the Committee of my instruction to Mr. Soudas that he will not appear before the Committee.

That is not the Prime Minister's prerogative, Mr. Chair. Maybe this Prime Minister doesn't realize it, but we live in a democracy, and not a dictatorship, and it is Parliament, and not the Prime Minister, that will decide whether or not Mr. Soudas will come before this committee. I am insulted and I am affronted by the Prime Minister's letter.

**An hon. member:** He was following the rules.

**Hon. Wayne Easter:** You wouldn't know what the rules are over there. There are rules for you and different rules for everybody else. That's the trouble with this Conservative government.

In any event, Mr. Chair, because it does look as though three of the witnesses this committee has asked for will be in contempt, I

would suggest we table this motion until next Thursday, until we see what happens and whether or not Ms. Andrews and Mr. Soudas appear. Obviously there is a major cover-up of some kind here on the part of the government.

I would move that we table that motion until next Thursday.

**The Chair:** I will hear the last speakers on this whole matter, and then we can move on.

Mr. Lukiwski, Mr. Poilievre, and Monsieur Desnoyers also wanted to speak on it.

Go ahead, please, Mr. Lukiwski.

**Mr. Tom Lukiwski:** Thank you, Chair.

Notwithstanding Mr. Easter's political theatrics here, I do want to speak to a point that Mr. Siksai made, and that is to suggest to the chair and to this committee that somehow the committee be empowered to deal with security matters by allowing the bailiff access to Langevin Block and other buildings in the parliamentary precinct. That is a security matter. I suggest, Mr. Chair, that security matters in the parliamentary precinct are under the purview of the Board of Internal Economy. Therefore I suggest, not doubting the sincerity of Mr. Siksai's suggestion, that it is highly inappropriate and out of order. Any security matters should be directed to the Board of Internal Economy, and not given to this committee.

• (1140)

**The Chair:** I agree.

Okay, we are on a motion.

On a point of order, Mr. Siksai.

**Mr. Bill Siksai:** Chair, Mr. Easter made a motion to table until a specific time, and I don't believe that's debatable, so we should be having a vote on that motion to table until June 10.

**The Chair:** Yes. You're absolutely right, except that Mr. Easter went on to debate it. If I'm going to be fair in this committee, if Mr. Easter wants to debate a non-debatable motion, the members are going to have to have an opportunity. I'm sorry, I was distracted with my papers, trying to keep up with this.

I hear the intent, and the committee always has some latitude to hear relevant input. There was a previous motion, and members may have some additional information they're not aware of at this point. I do want to... I think the motion to table certainly is not debatable, normally, but these are extraordinary circumstances.

We want to hear from the minister. I'm going to close off debate. I'm going to simply admit I was in error in not putting the question on the tabling motion. I'm going to ask the clerk to call the question, please.

[Translation]

**Hon. Christian Paradis (Mégantic—L'Érable, CPC):** A point of order, Mr. Chair.

[English]

**The Chair:** No, no, I'm sorry. I called for a vote.

**Mr. Pierre Poilievre:** Mr. Chair, sorry. No, no, sorry, Chair, we have people on the speaking list.

**The Chair:** Sorry. No, no, sorry. The chair has to accept the fact that I made a mistake and that I should have put the question immediately. I have put the question. I would like the clerk to call on the motion by Mr. Easter to table that motion. Carry on.

(Motion negated: nays 7; yeas 3)

**The Chair:** All right. The motion to table is not carried.

We're back to Mr. Siksay's motion, so I'll go back to the other list. Mr. Poilievre, did you want to stay on the list for Mr. Siksay's motion?

**Mr. Pierre Poilievre:** Yes, I am next on the list.

**The Chair:** Okay, then Mr. Desnoyers, and then Mr. Paradis has asked for an opportunity. Welcome, sir.

Please go ahead.

**Mr. Pierre Poilievre:** I'd like to begin by pointing out how unfortunate it is that the members of the coalition parties have besmirched the good work of the security forces around Parliament Hill and accused them without any evidence of acting inappropriately. I regret that a great deal.

I had a lot of high hopes for the way this committee could have proceeded with the work that is before it and the mandate Parliament has provided it with. I was hoping we could continue some of the productive work that we began on matters such as privacy and access to information, but coalition members have made it clear that they want to reverse parliamentary tradition, undermine ministerial responsibility, and turn this place into a circus.

Canadians sent us here to make Parliament work for them, and that's what we're attempting to achieve here on this side. Not only have government members responded to requests by this committee for accountability, but we've exceeded those requests. Where members of the coalition parties have demanded to have staff members, we have gone further and provided ministers. In fact, today we have with us a minister who's prepared to speak on behalf of his ministry and department and to defend himself.

That follows on two exhaustive sessions to which this committee has subjected a staff member in that minister's office. That staff member answered all the questions put to him. He exceeded the amount of time for which he was requested to appear. Three or four minutes before his testimony was to have expired, the fire alarm went off, and the chair used that as an excuse to extend his testimony for an entirely new meeting. There were only three minutes left in the period of time for which he had been extended to be here.

Mr. Chair, it's clear that this committee doesn't want answers from Mr. Togneri. If the committee wanted answers, it would have sought those answers in two successive meetings. What it wants is to intimidate members of staff in ministers' offices.

When a committee calls someone and they appear, and then they appear a second time, and then the committee says "Well, that's just not good enough, we'll have you a third time, even though we only invited you once", it's clear that they're actually trying to torment and intimidate that witness. That is exactly why our system of government, hundreds of years ago, set in place a practice whereby ministers, and not their staff, are responsible for explaining the

conduct of the government. We have here a minister prepared to do just that.

Mr. Chair, now you have recounted some anecdotes, some third-hand information about summonses that have not been delivered. I remind you, Mr. Chair, that before you even tried to deliver that summons to Mr. Soudas, you ran off to tell the media. That was your first priority.

• (1145)

**The Chair:** Order, please. Order, Mr. Poilievre. Order.

**Mr. Pierre Poilievre:** You're right. And you can come to order whenever you're ready.

**The Chair:** Order. Mr. Poilievre, order, please.

**Mr. Pierre Poilievre:** It is a basic act of respect for you to inform somebody of their summons before you run to the media and attack them in that forum.

**The Chair:** Please turn off the microphone.

**Mr. Pierre Poilievre:** And now you want to silence us.

**The Chair:** With respect, Mr. Poilievre, you're making allegations against the chair. We should be dealing with the motion. I've given you great latitude, but I think you have gone way beyond where we should be.

We have a motion from Mr. Easter that the committee invite the Minister of Natural Resources to appear before the committee. I want to deal with that motion after we dispose of this matter. If it is the committee's wish, we can hear from the minister now.

**Mr. Pierre Poilievre:** We have points of order here, Mr. Chair.

**The Chair:** To finish my statement, I want the committee to understand that I've spoken to the minister and I've indicated to him that I would make every attempt to let him have an opportunity to be accountable before the committee.

Now, which one of you wanted...?

**Mr. Tom Lukiwski:** I raised a point of order.

**The Chair:** Mr. Lukiwski, on a point of order.

**Mr. Tom Lukiwski:** It's a procedural matter. I believe Mr. Poilievre had referenced it before you shut off his microphone. I would just like to ask a simple question of you, Chair, since I think it speaks to the essence of committees in general and the proper procedure and proper actions of the chair of a committee.

Did you in fact, Mr. Chair, speak to the media prior to informing Mr. Soudas that he would be summoned?

**The Chair:** That he would be summoned?

**Mr. Tom Lukiwski:** Did you speak to the media before you informed Mr. Soudas of the potential of him being summoned?

• (1150)

**The Chair:** The potential.

**Mr. Tom Lukiwski:** I'm not trying to parse words here, I'm just asking did you go to the media before you went to Mr. Soudas?

**The Chair:** This is not, Mr. Lukiwski...



[Translation]

**Mr. Luc Desnoyers:** A point of order, Mr. Chair.

[English]

**The Chair:** Excuse me, Mr. Desnoyers, we are actually on a point of order. We can't have another one.

Mr. Lukiwski...

[Translation]

**Mr. Luc Desnoyers:** We have a motion to debate, Mr. Chair.

[English]

**The Chair:** No. Order. Just a moment.

I have in writing, from the clerk, that on Monday I signed the summonses at one o'clock, and I got a response from the clerk that the summonses to Ms. Andrews and Mr. Soudas were being delivered that afternoon. And I heard—

**Mr. Tom Lukiwski:** When did you speak to the media?

**The Chair:** Just a moment.

On Tuesday, the following day, in the evening, a media person asked me whether or not Mr. Soudas was being summoned. It is quoted—it's in the press, as the members know—that I indicated that I issued the summons. I did not receive the bailiff's report till this morning, and I spoke with the clerk about it. My statement was that I signed it. That's the truth: I signed it. There is no...

You will know, as well, Mr. Lukiwski, that the committee authorized the chair to issue those summonses if necessary. After I found out that there were... We called last Thursday to have him appear, with an e-mail. There was no response by the end of the day. We had a second one; there was no response by the end of the day. We waited until Monday, until noon. At noon, there was still no response from either of those requested witnesses. Accordingly, I asked the clerk to prepare the summonses and to bring them to me for signature and for service. That's how it happened, sir.

**Mr. Tom Lukiwski:** I appreciate your explanation. To summarize, you spoke to the media before informing Mr. Soudas.

**The Chair:** Is that a crime?

**Mr. Tom Lukiwski:** I'm asking whether that, in your opinion, sir, is proper procedure for any chair of any standing committee?

**The Chair:** I told the truth. I signed summonses.

**Mr. Tom Lukiwski:** I don't doubt your veracity. I'm just wondering whether that's correct procedure.

**The Chair:** The facts are on the table; they're on the record.

Now, Mr. Desnoyers and then Mr. Paradis.

**Mr. Pierre Poilievre:** I have a point of order, Mr. Chair.

**The Chair:** Mr. Poilievre, on a point of order.

**Mr. Pierre Poilievre:** You have cited a precedent and a rule that forbid anyone from tampering with witnesses. In this instance you decided that you wanted to make a media circus out of Mr. Soudas's appearance. As proof of that, I point to your admission that you ran to the media to talk about a summons before you even informed Mr. Soudas. You tell me a court of law in Canada that would operate in that way. You have basically launched a media attack on a witness

before even informing the witness that he was being summonsed to testify. That is entirely inappropriate.

No one is suggesting that you should not be allowed to speak to members of the media. That would be ridiculous. It's part of all of our jobs to communicate with members of the public, and we do that through the media. But the very basic respect and decency that you could show to witnesses of the committee would be to wait until those witnesses have been informed of the information that you are sharing with the media about them.

• (1155)

**The Chair:** Thank you.

Mr. Poilievre, I hear you, and I know we should always use discretion. If you check the transcript of our meeting of last Tuesday, I announced at the very beginning of the meeting that I signed the summons, and all the committee knew; it was also televised. I don't think we're talking about state secrets here.

**Mr. Pierre Poilievre:** It's not a state secret, it's a matter of respect to tell the witness first.

**The Chair:** It was in the public domain.

Now that I've seen today the bailiff's report, where there appears to have been a refusal to be served, I've asked for a legal opinion about whether service is deemed to have been taken where someone refuses to accept. But I have to get the details from the bailiff, and that's still ongoing.

But I don't want to take up the committee's time. What I do want to do is hopefully get on to hear this minister who wants to appear. We have a motion that would allow it—

**Mr. Pierre Poilievre:** Mr. Chair, on a point of order, you've indicated to the committee that you did not speak to any media on this matter until Tuesday evening. I have a message that was conveyed by a member of the media in a public forum on Twitter on May 31, which would have been Monday, a full day, 24 hours, before you claim to have spoken to the press. It says: "Paul Szabo has issued summons to Dimitri Soudas, Jillian Andrews to appear at committee." So it is clear that you were playing this out in the media before you even gave Mr. Soudas a chance to respond and deal with the matter.

**The Chair:** No.

**Mr. Pierre Poilievre:** And now we have documented proof that your chronology is false. I'm going to give you the benefit of the doubt and assume that is by error. But clearly you were in the process of speaking to members of the media before you could even reasonably have given Mr. Soudas a chance to receive the summons—in each possibility. You said you only signed the summons I think it was on Monday. So immediately the first thing you did, instead of waiting for that summons to be delivered, was run to the media.

**The Chair:** Any statements I made, Mr. Poilievre, were with regard to whether or not I issued a summons, not with regard to delivery. You're splitting hairs. And I understand your statement, but the way it happens is that once the chair signs a summons, it's given to the clerk, who engages a bailiff, who then serves it.

The person to be served also is subject... They are both political staff. The House leader of the government had indicated on Tuesday at 10 a.m. in a statement to the House that political staff would not be permitted to attend and they were going to be represented by ministers. This is all in the public domain. Even in our steering committee meeting last Thursday we understood that this was likely the case to happen.

Our job now, respectfully to all our colleagues, is not to try to resolve the issue about whether ministers or political staff should appear. All we can do is report the facts to the House if it is the will of the committee to do that.

So I have Mr. Desnoyers, and then Mr. Paradis.

[Translation]

**Mr. Luc Desnoyers:** Mr. Chair, to demonstrate our good faith and to try to resolve this situation, we in the Bloc Québécois are prepared to table this motion until Tuesday and to return immediately to the second item on the agenda, committee business.

[English]

**The Chair:** Okay.

Please call the question, Mr. Clerk.

(Motion agreed to: yeas 6; nays 5)

**The Chair:** The motion is tabled.

Mr. Easter, you had a motion for the committee?

**Hon. Wayne Easter:** No, Mr. Chair. I'll not move the motion today. I believe we should go to committee business. I will deal with that motion another day. As the Bloc said, we're all willing to go to committee business on agenda item number 2.

**The Chair:** Thank you.

Our next order of business—

[Translation]

**Hon. Christian Paradis:** Mr. Chair, I thought that you would give me the floor before the motion was tabled. I had a comment to make. I just want to remind everyone of one very important point, Mr. Chair.

• (1200)

[English]

**The Chair:** Yes.

[Translation]

**Hon. Christian Paradis:** Mr. Chair, you gave me the floor. I sit as a legitimate member of the committee. I would like to make a point, Mr. Chair.

[English]

**The Chair:** Excuse me, Minister.

You were on the list to speak with regard to the last issue, with regard to the motion. That was the speakers list. The member who spoke before you made a motion to table the matter, which means to take it off the table. That motion carried. Our only recourse now is to move on to the next order of business of the committee.

Having said that, Minister, I want to thank you kindly for being so very patient. I have due respect for the ministry and for its role and its responsibilities in terms of accountability for its departments, and collectively, as part of the ministry for the government.

Having said that, colleagues, I hope you'll give me a little latitude here. I'd like to allow the minister to speak.

[Translation]

**Hon. Christian Paradis:** Mr. Chair, I want to remind everyone of the following point. I am here today on behalf of my employee Sébastien Togneri. I appreciate the steps that have been taken to let me speak freely and the conversation we had before this committee meeting. I appreciate all that. But I wanted to remind everyone of a principle that is clearly set out by O'Brien and Bosc on pages 32 and 33 of their book:

Responsible government has long been considered an essential element of government based on the Westminster model. Despite its wide acceptance as being a cornerstone of the Canadian system of government, there are different meanings attached to the term "responsible government". In a general sense, responsible government means that the government must be responsive to its citizens, that it must operate responsibly... and that its ministers must be accountable or responsible to Parliament.

In terms of ministerial responsibility, ministers have both individual and collective responsibilities to Parliament...The principle of individual ministerial responsibility holds that ministers are accountable not only for their own actions as department heads, but also for the actions of their subordinates.

**Mr. Luc Desnoyers:** A point of order, Mr. Chair.

**Hon. Christian Paradis:** The quotation continues:

Individual ministerial responsibility provides the basis for accountability throughout the system. Virtually all departmental activity is carried out in the name of the minister who, in turn, is responsible to Parliament for those acts. Ministers exercise power and are constitutionally responsible for the provision and conduct of government; Parliament holds them personally responsible for it.

End of quotation.

**Mr. Luc Desnoyers:** A point of order, Mr. Chair.

**Hon. Christian Paradis:** Mr. Chair, I want to say here, before this committee, that Mr. Togneri was summoned...

**Mr. Luc Desnoyers:** Mr. Chair, a point of order.

**Hon. Christian Paradis:** Mr. Chair, can I finish?

**The Chair:** I am sorry, Mr. Minister.

[English]

I did want to give you the opportunity with the concurrence of the committee. Someone has called for a point of order. I don't want to get into a debate about what you're saying. I wanted to show respect and give you an opportunity to present any information you felt was important for the committee with regard to this.

[Translation]

**Hon. Christian Paradis:** Yes, I am getting to that information. I just wanted to give you my...

**Mr. Luc Desnoyers:** Mr. Chair, a point of order.

**Hon. Christian Paradis:** Mr. Chair, can I speak?

[English]

**The Chair:** How much time do you need? Ten seconds?

Mr. Desnoyers, could we allow him ten seconds?

[Translation]

**Mr. Luc Desnoyers:** No, my point of order is first, Mr. Chair.

[English]

**The Chair:** Fair enough. Mr. Desnoyers has a point of order.

[Translation]

**Mr. Luc Desnoyers:** Thank you again for giving me the floor, even though it took some time. I understand that you would like to hear from the minister, but a motion has been passed and now we have to go by the agenda and move to committee business. We have more than enough work for the next hour without hearing from the minister. He has to leave us anyway, you told us so. You have done that in the past.

[English]

**The Chair:** He's entitled to be here as long as he wants. He's a member of Parliament. With the indulgence of the committee, I wanted to offer him the opportunity to speak. Maybe I was presumptuous. But the minister says he has a couple of moments left in his statement, and I'll allow the minister to finish his thought. Then we're moving on to committee business.

[Translation]

**Mr. Luc Desnoyers:** Mr. Chair, I would like to raise a point of order once more.

Mr. Chair, you do not need to decide for the committee. The committee has always taken a clear position on this. The committee decides these things, not the chair. Can we please move to the committee business in point 2 of the agenda, as approved?

[English]

**The Chair:** Okay. The committee is the master of its own business. I attempted to show a little bit of respect for the minister, but the committee does not unanimously agree. So we are going to move now, Mr. Desnoyers, to committee business.

● (1205)

**Mr. Tom Lukiwski:** I'd like to respond to the point of order. Is that not my privilege? I want to speak to the point of order raised by Mr. Desnoyers. Is that not my right? I will be brief.

**The Chair:** Mr. Lukiwski, you understand that the chair sought to show a little respect to the minister and made a unilateral decision. The members have pointed out that we had already decided to move to committee business. I asked if there was consent. Indirectly, I asked if it would be okay with the members to allow the minister to speak. The members have said no. As a consequence, Mr. Lukiwski, no matter how much you debate, there isn't consensus that the minister speak any further.

**Mr. Tom Lukiwski:** This is not debate. I want to speak to the point of order raised by Mr. Desnoyers.

**The Chair:** I will respect your right. Carry on.

**Mr. Tom Lukiwski:** I thank you for your indulgence in your suggestion to the committee that the minister, who has sat here patiently for over an hour and appeared here on his own volition, ought to be extended the courtesy of making a statement. I would like to have it on the record that the opposition members, led by Mr. Desnoyers, are refusing the minister the right to make a few opening comments and want to exclude him from any discussion on this matter, the very matter that brought this committee here today.

**Mr. Greg Rickford (Kenora, CPC):** Who's in charge?

**Mr. Tom Lukiwski:** Mr. Chair, I think your suggestion was the correct one. I am admonishing the opposition members who think that it is not worthy of this committee to hear the minister's comments. He has said he would be brief. I respect the minister. I believe that brevity will be part of his presentation and I would encourage my opposition colleagues to allow him to make a few comments. After all, was it not the purpose of this committee's discussion to try to find answers? Yet it now appears now that the opposition doesn't want those answers. This is looking more and more like a kangaroo court. I want these comments on the record, and I would encourage all members to reconsider their position and allow the minister to make a few comments.

**The Chair:** Mr. Easter and then Mr. Siksay.

**Hon. Wayne Easter:** Mr. Chair, to a certain extent, I understand why you would want to show some respect for the minister and allow him to speak. But the fact of the matter is that the whole cabinet, starting with the letter from the Prime Minister, is not showing committees any respect. Ministers are invited to committees to discuss certain issues that fall under their responsibilities.

[Translation]

**Hon. Christian Paradis:** A point of order, Mr. Chair.

[English]

**The Chair:** There's a point of order.

[Translation]

**Hon. Christian Paradis:** Mr. Chair, a point of order.

The situation is clear. I am here, I am sitting on the committee as a member of Parliament. If my opposition colleagues do not want to allow me to speak, Mr. Chair, the Standing Orders are clear: the committee can remove me. It is as simple as that. The standing orders say that I have the right to speak. I appreciate your flexibility in letting me speak. But if members on the other side feel that I do not have the right to speak, even if I am here as a member, they can remove me. Of course I do not want that. I know that you know me and I appreciate the fact that you are flexible and will let me speak.

[English]

**The Chair:** The rules are clear, Minister, as you well know.

**Hon. Christian Paradis:** *Je sais que—*

**The Chair:** Sir, the translators can't deal with two people talking at the same time.

**Hon. Christian Paradis:** Okay. I will go more slowly.

**The Chair:** No, I heard you.

Minister, first of all, that's not a point of order. It's debate.

Secondly, yes, you have the right to speak.

**Hon. Christian Paradis:** That's good.

**The Chair:** But Mr. Easter has the floor now.

[Translation]

**Hon. Christian Paradis:** Thank you.

[English]

**The Chair:** Thank you.

**Hon. Wayne Easter:** Thank you, Mr. Chair.

The fact of the matter is the minister's remarks that he was reading from were clearly in his capacity as a minister and were designed in terms of the message—it seems to me to be what my motion was all about—as a way to block, delay, obstruct, and try to manipulate the message in such a way as to why parliamentary committees should not be able to hear from Mr. Togneri, Ms. Andrews, and Mr. Soudas.

If we want to invite the minister to come before the committee, then we will do so, and we'll expect him to be here. When we invite other people to come before the committee, as is our right, we expect them to be here and not to be shut out from coming by an edict from the Prime Minister's Office.

I agree with the Bloc decision. The minister can sit here as a member of Parliament. He can question witnesses. He can get into the debate. But as for the statement he tried to make before this committee, he is not Mr. Togneri. In my view, he can't give us the facts in terms of what Mr. Togneri has done. He may be able to answer some questions when we invite him to be here.

•(1210)

**Mr. Tom Lukiwski:** I have a point of order.

**The Chair:** Mr. Easter, excuse me, sir.

On a point of order, Mr. Lukiwski.

**Mr. Tom Lukiwski:** I would like a ruling, Mr. Chair. I think it would certainly put this committee on an even keel, at least.

Is it not the right of the minister to have the ability to speak here? It's not permission that needs to be granted to the minister. It is his right, is it not, Chair?

**Hon. Wayne Easter:** Yes, it is, as an MP.

**The Chair:** All right. I think it's worth examining.

First of all, all members of the House are welcome to attend and sit at the table of any committee at any time, unless it's a special committee, such as the Board of Internal Economy or something like that.

The committee can agree to hear from a member who's not signed in as one of the spots. You can have ten members from a particular party here, but they cannot vote, they cannot move motions, etc.

Normally, in terms of speaking lists in committees, the practice has always been that the slots are predetermined and the permanent members or those who are signed in will indicate who's going to speak.

There's no question that the member has a right to speak, but the members have indicated that it's not with regard to the matter of the order of business we have before us. They passed a motion to move on to committee business. We are no longer there.

If the minister is going to speak further, it really has to be on committee business.

I think we understand each other.

There's another point of order from Ms. McLeod.

**Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC):** On a point of order, you indicated that we passed a motion to move on. I've been listening very carefully, and I don't believe we actually had a motion to carry on.

**The Chair:** Yes, it was part of the tabling that we move on. We tabled that. There's no other business, so we are automatically there, okay? Thank you.

Mr. Easter, are you finished?

**Hon. Wayne Easter:** That's okay. Thank you, Mr. Chair.

**The Chair:** We have Mr. Siksay, Monsieur Desnoyers, and Madam Davidson.

Mr. Siksay.

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

I just want to say that it's the committee that determines its agenda. The government or the minister is not going to determine our agenda for us. With all respect to the minister, he's not on the agenda today. He's certainly not on the part of the agenda we have moved to. He fully has the right to participate in our discussion of our future agenda, if that really turns his crank. He can participate in that discussion, but we have determined our agenda. We've determined who we were going to hear from. We've determined what's on that agenda, and I think we should move to that.

I don't want to deny the minister his ability to participate in that discussion. I can't imagine that he doesn't have something more important than that, but if he wants to participate in it, that's his right.

•(1215)

**The Chair:** Monsieur Desnoyers, go ahead, please.

[Translation]

**Mr. Luc Desnoyers:** I concur with my colleagues. I feel that if he wants to take part in the debate on committee business, he can do so as a member of Parliament. There is a motion to that effect.

We must now stick to the agenda. At the moment, all we are doing is holding up the work of the committee. That is clear.

[English]

**The Chair:** Thank you.

Madam Davidson, go ahead, please.

**Mrs. Patricia Davidson:** Thanks very much, Mr. Chair.

Given that we do have the minister before us today, and given that the government has announced in the House that ministers shall be appearing to answer for the conduct of staff in their offices, for whom they're responsible, I move that the committee invite Minister Paradis to immediately present an opening statement and answer questions from committee on the subject matter of this meeting.

**The Chair:** The committee has moved from our order of the day to committee business. As a consequence, the motion that the member is proposing to the committee now would require 48 hours' notice in order to be put on as a committee business item. It is out of order at this time.

On a point of order, Madam Davidson.

**Mrs. Patricia Davidson:** On a point of order, Mr. Chair, we moved to table the previous motion that came from Mr. Siksay; we did not agree to move on. We did not vote on that.

**The Chair:** Once our business is complete on the first... The witness is not here. The minister has not been accepted to be there. That item is complete. The only other item we have on our agenda is committee business.

**Mrs. Patricia Davidson:** Are you saying now that once this committee moves on, the business is complete? Then how do you rationalize your argument that Mr. Togneri is never done until you tell him he's done? Once the committee moves on... We can't have it both ways.

**The Chair:** We have—

**Mr. Pierre Poilievre:** On a point of order, Mr. Chair.

**The Chair:** No, I have Mr. Siksay.

**Mr. Bill Siksay:** Chair, I believe we're in discussion on Mr. Lukiwski's point of order. If that is the case, then Madam Davidson can't make a motion during the point of order. You can't make a motion when you're discussing a point of order.

**The Chair:** I've already addressed that. We agree that the minister, like any member of Parliament, has the right to participate fully in committees other than if they're not signed in to vote, or make motions, etc.

Mr. Poilievre, on a point of order.

**Mr. Pierre Poilievre:** It strikes me that none of the motions that have been put forward by any of the members... Let me start with the premise you have constructed on behalf of the committee. You said that after it was acknowledged that the witness you wanted to see return was not here, discussion was then complete, and any motions thereafter were not to be entertained. It was on the basis of that rationale that you rejected Ms. Davidson's motions. Therefore, the motions moved by members of the other parties should not have been entertained in the first place. Therefore, they are nullified as though they never existed.

**The Chair:** The initial motion of Mr. Siksay was in order. He was dealing with the current order of the day, being allegations of

interference. The motion to table was related to that same motion, so it was also in order, and once that—

**Mr. Pierre Poilievre:** Mrs. Davidson's is also related to the subject of the day.

**The Chair:** Excuse me. Once those matters were dealt with, the motion to table, there was no further business with regard to the order of the day. We move on—

• (1220)

**Mr. Pierre Poilievre:** No, no. Point of order, Mr. Chair.

**The Chair:** No, just a moment. My ruling was that we are going on to committee business. That was the intent of the committee. When we're in committee business, we're not going back to reopen things.

**Mr. Pierre Poilievre:** Point of order, Mr. Chair.

**The Chair:** That's my ruling. If you disagree with the ruling, your right would be to challenge the ruling of the chair, sir.

**Mr. Pierre Poilievre:** No, I have a separate point.

**The Chair:** My ruling is we're on other committee business.

Mr. Poilievre, on another point of order.

**Mr. Pierre Poilievre:** The committee voted to table a motion—

**The Chair:** I'm sorry, sir, that is not a point of order.

Okay, the first item is the report of the subcommittee that held its meeting last Thursday to try to get some work plan for the committee. I'd like to circulate for the committee—if you can, Mr. Clerk—the calendar. We have very few meetings left, and it's going to be extremely important for the committee to make sure we make use of each and every meeting and that we do spend the time.

First of all, with regard to next week, the members of the steering committee are recommending, as per the summonses that were authorized for the chair to issue, that on June 8 we would deal with Jillian Andrews, and on June 10 Mr. Sudas. The other items currently on the list of other committee business that are not disposed of finally would be carried forward on all notices of meetings until they in fact discharge.

So on today's notice of meeting, you will see there is the instruction to the chair concerning the appearance of the Minister of Justice before the committee. I think I indicated to the committee that this morning I received a letter from the minister and he has agreed to appear before us on Thursday the 17th. That will probably be a full two hours: one hour on each of the reports, the quick fixes on the Access to Information Act, and the quick fixes report on the Privacy Act.

With regard to Google, just to advise the committee, you may be aware that on the Google Street View and Canpages study that we did, we had a draft report. That report was held subject to determining whether the current investigations by the Privacy Commissioner with regard to the collection of private information by Google Street View, when they were doing their 360-camera pictures around the country, that other information was... In fact, Canada is involved, and there are matters to be discussed, so the committee is recommending that we not proceed with the Google Street View report or have witnesses until we've had an opportunity to consult with the Privacy Commissioner as to what her office is doing in this regard. We will then be able to better plan how we might ultimately report on that matter.

Then we have the discussions of the Governor in Council appointment process. This is Madam Freeman. We were advised that it won't take very long, but Madam Freeman is not here today, so we can't deal with that. Therefore, the only other matter that we have is with regard to the discussions on drafting a report to the current study, and we have had...

Sorry, just a moment, please.

**The Clerk of the Committee:** [*Inaudible—Editor*].

**The Chair:** Okay. Under Standing Order 108, we have responsibilities for this committee specifically. One has to do with review of the annual reports of commissioners. I am just advised that this morning the Information Commissioner tabled her annual report, and that is referred immediately to the committee for its consideration. We will speak with the Information Commissioner to see if we can arrange a convenient time for her to be here.

Secondly and probably more importantly, I also have been advised that this morning a certificate of nomination of Madame Suzanne Legault has been filed, which is recommending that she be appointed the new Information Commissioner. That appointment happens by the committee's meeting and having the nominee appear before the committee, reviewing that nomination with her, and making a report back to the House, with which the House will be asked to concur on the day it's reported.

So it's going to be extremely important for us to have the nominee appear before us, and I will attempt to find out whether we can do that on June 8, 10, or 15, should matters unfold the way we're seeing. We would like to have some time with her, because I would like to have that nomination dealt with in the chamber before the summer, so that we do have a full-time Information Commissioner in place. I think all honourable members will want to respect that opportunity for us to have a full-time rather than an acting Information Commissioner.

So things keep happening, and we only have five meetings after this, and I'm not even sure whether the committee will actually be here on the 22nd. That's up to the government, but we are scheduled to be here on the 22nd.

So those are the items we dealt with at the steering committee. Also at the steering committee, I should report, I consulted with each of the parties as to the options we have with regard to the appearance of ministers in lieu of political staff, and I took their counsel into account as well with regard to how we've handled matters today.

Now, the last item on committee business is... Sorry, on the steering committee report. You have a question on the steering committee report, Ms. Davidson?

• (1225)

**Mrs. Patricia Davidson:** Yes, thank you very much, Mr. Chair. I think you said at the beginning of your report that Minister Nicholson would be coming on the 17th. Did we have a letter from Minister Nicholson?

**The Chair:** Yes. This morning I received a letter from Mr. Nicholson saying that he would agree to appear on the 17th.

**Mrs. Patricia Davidson:** Thank you.

**The Chair:** You're welcome.

There are not any items on there, but normally the actions or the recommendations of the steering committee are usually brought here for the committee's consideration.

Would the members want a vote on the report, to adopt the report, or to just agree?

Is it agreed?

**Some hon. members:** Agreed.

**The Chair:** Okay.

The last item on committee business is the discussion of the process we're going to use on finalizing the report of this committee on its current study with regard to the allegations of interference on access to information responses.

I wanted to get some input from the committee members, given the fact that there are only five meetings left in the actual schedule and that we have the Minister of Justice on one full day, at least a half day with regard to the nomination of the Information Commissioner post, and probably another half day with regard to the consideration of a report to the House on the non-appearance of witnesses who had been requested. That only leaves us two days, in fact, then to file a report, and that is extraordinarily ambitious.

Because I think we have brought maybe to a conclusion all the substantive work, I'm going to ask the members if they would consider a special evening meeting that we would spend in camera, working on the report.

Do I understand that the summary of the testimony of the witnesses is ready?

**Ms. Alysia Davies (Analyst, Library of Parliament):** It will be ready for Monday, as we discussed.

**The Chair:** It will be ready for Monday so that the members will have a summary of the witness information. I won't pick a date for the committee, but if the committee is open to having a special meeting for two hours, sometime outside of our normal scheduled meetings, to in fact have a discussion on the recommendations or to have input into the recommendations, observations, or indeed the minority reports, if that's advisable, you will have, by Monday, the summary of the testimony of the witnesses we have had thus far.

I'm open to the committee's input on this.

• (1230)

[Translation]

**Hon. Christian Paradis:** Mr. Chair, I just want to remind committee members once again that I am here today, as a minister, ready to answer questions about the actions of my employee, Mr. Togneri, under the principle I mentioned earlier, the principle of ministerial responsibility. I am in a position to clarify the matter for the committee. I am ready to speak, Mr. Chair, and that is why I have been here for almost an hour and a half.

[English]

**The Chair:** I know, sir.

[Translation]

**Hon. Christian Paradis:** Mr. Chair, I think that it could help the committee in its work in preparing its report. I repeat that I am ready to speak.

[English]

**The Chair:** Mr. Minister, *je suis désolé*. I'm very sorry that you have had to spend this time with the committee without having an opportunity. I thought we had an opportunity, but unfortunately the committee took a decision that they did not want to hear from you on that matter.

If the committee would like to reconsider, a motion could be made that the minister be now heard.

**Mr. Pierre Poilievre:** Mr. Chair, I would move that the minister now be heard.

That's a motion. The motion is in order. You asked for it to be presented. It's presented. Let's debate.

**The Chair:** All right.

Mr. Lukiwski, did you want to...?

He asked first, Mr. Poilievre.

**Mr. Tom Lukiwski:** Thank you, Chair.

I understand that you're ruling from a procedural basis, Mr. Chair. So let me tell you that I will be making a motion after a few brief comments.

It again appears absurd to me that this committee's first order of business was to have a discussion on allegations of interference on access to information requests. The minister responsible for the staff member who was requested to appear was here and prepared to speak to and answer questions on this very issue, but that offer by the minister has been rejected by members of the opposition. Based on a procedural ruling, Chair, you have stated—and probably quite correctly, procedurally speaking—that the minister is not allowed now, or given the right, to speak because the committee has voted to move on to item 2. Therefore, Mr. Chair, in order to be procedurally correct and to at least give the appearance of fairness in this committee, rather than it being the kangaroo court it appears to have become, I move that this committee revert to the previous order of business—

**An hon. member:** Point of order.

**Mr. Tom Lukiwski:** —that is to say, pursuant to Standing Order 108(3)(h)(vi), study of allegations of interference in access to

information requests. I therefore move, Mr. Chair, to ask for a vote on that motion.

**The Chair:** Mr. Poilievre, actually, had a motion, so I can't entertain another motion right now.

Could you repeat the motion, Mr. Poilievre?

**Mr. Pierre Poilievre:** My motion is that the Minister be allowed to speak.

**The Chair:** That he be allowed to speak, okay.

Is there debate?

[Translation]

**Mr. Luc Desnoyers:** Mr. Chair, a point of order on the debate on the motion.

It seems to me that we have already debated this matter. It was clear. We called the witness, Sébastien Togneri, who is supposed to be here. If he appears in the next five or six minutes, we can hear from him. While we wait, we must continue with the agenda as we decided. I see no reason to rescind motions and start the battle over again, because the committee never invited the minister. He was never invited, Mr. Chair.

• (1235)

[English]

**The Chair:** Okay.

Mr. Lukiwski.

**Mr. Tom Lukiwski:** Again, thank you for the opportunity to participate in this debate.

I think this underscores what we have been saying all along. This is not about fairness or about trying to gather information and draft a report; this is all about the ability of the opposition, the coalition, to intimidate and bully and threaten staff members. What other conclusion can one draw, Mr. Chair, when in fact the minister appeared here at the outset of this meeting, prepared to speak to and answer any questions that the committee members might have had concerning his staff member, Mr. Togneri? Yet the committee, the opposition members, the coalition, decided to reject that offer.

Mr. Chair, there is no reason for them to do so, other than the fact they don't want to hear from Minister Paradis. In other words, they don't want to hear answers to their questions. They merely want to get a staff member before this committee to try to continue with intimidation and their abusive and threatening comments from the first two meetings. I find it unconscionable, Chair, and I think this committee should be reprimanded for its actions.

**The Chair:** Order, order.

**Mr. Tom Lukiwski:** This is debate, is it not?

**The Chair:** Order.

Mr. Lukiwski, and to all honourable members, I have to remind all of you that references to other members or to the committee as a whole or to the chamber in terms of what they did are unparliamentary and should cease. We cannot start to question or judge our colleagues for their decisions. The committee's decisions will speak for themselves. The language is really getting to the point where I believe it could be viewed as disrespectful to committee members, or the committee as a whole. So I just ask all honourable members to please conduct themselves in a parliamentary fashion.

**Mr. Tom Lukiwski:** I will attempt to do so—

**The Chair:** Madam McLeod.

**Mr. Tom Lukiwski:** I have not completed my remarks.

**The Chair:** You have.

**Mr. Tom Lukiwski:** I have not completed my remarks. I have the right to complete my remarks. You interrupted my comments.

Very briefly, in response to your admonition to me that I try to clean up my language and be more parliamentary in my language, I would point out to you that we had testimony from Mr. Easter previous to mine that was most unparliamentary in referring to the Prime Minister.

Mr. Chair, if you allow a member to—

**Hon. Wayne Easter:** He's a dictator.

**Mr. Tom Lukiwski:** He just called the Prime Minister a dictator, Mr. Chair. Is that parliamentary language? Do you allow that? You admonished me, but you allow this member to call the Prime Minister a dictator?

**The Chair:** Your name isn't Baird, your name isn't Coady, and we're not going there.

Madam McLeod.

**Mrs. Cathy McLeod:** Thank you, Chair.

As I think everyone knows, I'm not a regular member of this committee. I did actually watch the proceedings on TV when a staff member was here, and I was actually quite stunned by what I witnessed, seeing the staff member being interrogated in a process where there appeared to be no fairness, or that simply appeared to be a bit of a witch hunt.

I know that in any committee I've been on, when we managed to secure the time of a minister, we have valued that time. It is very clear that the minister, in terms of his accountability, could speak very clearly to the issue at hand. So I think it is absolutely imperative that this committee vote to allow the minister to speak.

I speak in favour of the motion.

**The Chair:** Thank you for being concise and precise.

Mr. Easter.

**Hon. Wayne Easter:** Yes, Mr. Chair. Thank you.

**Mr. Tom Lukiwski:** Say it on the record, Wayne.

**The Chair:** No, no. Come on.

Mr. Easter, you have the floor, sir.

**Hon. Wayne Easter:** Mr. Chair, just let's go back to the beginning. That is, that this committee is doing an investigation into allegations of interference in access to information requests, and that was based on a motion that we debated some time ago. As a result of that, the committee sat down and determined a number of witnesses who could lead us to the facts. That's what we're looking for here, facts. For some reason, I don't know why, the government... And we can go back to some of the things the parliamentary secretary even said in the beginning on this issue, when we debated whether or not staff would be allowed to come. Mr. Togneri was allowed to come. Of course, in Mr. Togneri's information he mentioned Jillian Andrews, so we decided we should also hear from her.

But following that meeting, when it seemed like we were really starting to drill into the facts, whether it was the systems management committee at the PMO or what really happened, by the people directly involved... You know, if an employee of a store robs the store, you don't need to bring in the manager to talk about the employee. You talk to the people who are actually doing the deed. This is what this whole purpose of this committee was. Now, when we had evidence after hearing Mr. Togneri, Mr. Soudas at the time was here. The fire alarm went. He seemed more than willing to come. In fact I happened to talk to him, and he seemed really enthusiastic to come before the committee. Then all of a sudden, cabinet meets, and we get a speech in the House by the House leader that this will never happen again. I believe it's an abuse of committees, and we'll get to that debate next week.

Mr. Chair, the committee will decide when we want a minister. We certainly need to hear from the other individuals first, I believe, before we hear from the minister. I have a motion that we didn't debate today that would be calling on Mr. Paradis to come before this committee. But there's other information from people who were involved in this issue who we need to talk to first so we can appropriately question the minister. That's not a kangaroo court, as Mr. Lukiwski is saying. That is a committee that is trying to sit down and seriously do its work. The problem with us being able to be serious and do our work is the edict that came from cabinet that staffers would no longer be able to appear before committees, which I believe is our right.

There's the A list, those who have been invited, and there's the B list, those who have just dropped by. I like to operate on the basis that when we decide as a committee who we're going to invite, I know who it is, and I expect them to be here. I do my research so my questions can be properly asked, and that's what parliamentarians should do. That's our job. We're doing that on behalf of Canadians, and that's how I expect this committee to function. So for the minister to just appear here today seems to me more of a cover-up than anything else.

I know Mr. Lukiwski and others are certainly trying to get a certain message out here by calling this a kangaroo court. This is not a kangaroo court. This is a committee trying legitimately to do its work and being obstructed in doing our work by the Prime Minister's Office and the cabinet of this government.

● (1240)

**The Chair:** Okay.

Monsieur Desnoyers.



[*Translation*]

**Mr. Luc Desnoyers:** Thank you, Mr. Chair.

The rules under which we operate are clear. My colleagues have once more declared that the minister was not invited. Of course, he can participate as a member of Parliament. The person we wanted to hear from is Mr. Togneri, who, we feel, has a good deal of information to give us on the matter. Just like the other witnesses whom we want to question and whose answers we want to hear, as my colleagues have stated.

Since we live in a democracy, I feel the committee has those rights. If we feel that it is appropriate to invite the minister, we can do so. At the moment, the only thing happening is that the work of the committee is being systematically paralyzed. As the minister had nothing else to do this morning, he came to sit with us and to listen to us.

We must now move to other matters, in my view. Mr. Chair, I move that the committee do now adjourn.

● (1245)

[*English*]

**The Chair:** You're making a motion that we do now adjourn.

I heard one member say there's a motion on the floor and you can't make another motion. That's normally correct, and we had the case there with Mr. Lukiwski and Mr. Poilievre. However, motions to adjourn are special motions, so the motion by Mr. Desnoyers that the committee do now adjourn is in order. It is not debatable and we must call the vote immediately.

Please call the question.

(Motion agreed to: yeas 9; nays 0)

**The Chair:** Thank you, colleagues.

We're adjourned.

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