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# Standing Committee on Procedure and House Affairs

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EVIDENCE

**Friday, March 25, 2011**

—  
**Chair**

**Mr. Joe Preston**



## Standing Committee on Procedure and House Affairs

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•(1210)

[English]

**The Chair (Mr. Joe Preston (Elgin—Middlesex—London, CPC)):** We are now in public on the orders of the day, pursuant to the order of reference of Wednesday, March 9, 2011, the question of privilege relating to the statements made by the Minister of International Cooperation.

When we were last together, which somehow seems like yesterday, I believe we had proceeded as far as paragraph 32. Am I correct?

**Mr. Marcel Proulx (Hull—Aylmer, Lib.):** Yes.

**The Chair:** Had we voted on paragraph 32 and accepted it? No, we had not. We were still doing things to paragraph 32. I can only assume if we hadn't passed it that there—

**Mr. Marcel Proulx:** I thought we had passed it.

**The Chair:** Our analyst.

[Translation]

**Mr. Nicolas Auclair (Committee Researcher):** If I may, the committee had adopted the changes, but not the paragraph as such.

[English]

**The Chair:** Mr. Reid.

**Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC):** I wasn't here for paragraph 32. I was out of the room at the time, so I'm not sure if we're now looking at the new version of paragraph 32 or the old version as we see it here in the report.

**Mr. Andre Barnes (Committee Researcher):** The difference would be the addition of English, at least, following “April 23, 2010”. We added “as well as in response to question 106 on the *Order Paper* of that same date”. If you have that on your copy, that's the most recent version.

**Mr. Scott Reid:** Okay.

**The Chair:** On that point, there were some other changes yesterday that we had asked for as a committee. Up until paragraph 32 and including...I think there's a change later on that has to do with something we voted on yesterday, so if you have that document, you now have the latest one with the changes already in place. Excellent work.

On paragraph 32, further discussion? Seeing none—

**Mr. Scott Reid:** Sorry, seeing as effectively this amounts to a changed version, what was the point of the change?

**The Chair:** To include “question 106 on the *Order Paper*” as a piece of detail....

**Mr. Marcel Proulx:** After “April 23, 2010”.

**The Chair:** Any other changes suggested to paragraph 32?

Seeing none, all those in favour of paragraph 32?

(Paragraph 32 agreed to)

**The Chair:** Great.

Now on paragraph 33, are there any changes?

[Translation]

**Mr. Marcel Proulx:** I need the English version.

[English]

**The Chair:** I'll just let Mr. Proulx get caught up. I count on him for some of the translation.

Mr. Reid, sorry, I didn't mean to interrupt you.

**Mr. Scott Reid:** That's okay.

Whatever we may think about the whole contempt issue, we all agree that the point of this report is to summarize the evidence that was presented to the committee, either for or against the final argument that the minister either was or was not in contempt of the House.

**The Chair:** Yes, okay.

**Mr. Scott Reid:** So there's something here, and I don't see its relevance to that question. It says here:

...some members questioned the Minister as to whether “political” criteria had been employed to assess KAIROS' funding proposal, considering that the proposal had been recommended by CIDA officials using departmental criteria. The Minister responded that the responsibility for making funding decisions on proposals such as KAIROS' proposal was hers alone. Once her decision has been made, it becomes the department's decision as well as that of the government.

So the question is, was the minister using political criteria? By definition, isn't she using political criteria? If she is, that's problematic. If she isn't, I don't think she can't not use it whether she's approving it or not. Everything she does is political by definition, so it just strikes me that this is effectively a paragraph that need not be here.

•(1215)

**The Chair:** Okay. You got to that point. I was going to ask you, then, if that was correct, what was wrong with it? Are you suggesting that we remove paragraph 33?

**Mr. Scott Reid:** That is effectively what I'm suggesting, yes.

**The Chair:** All right.

Sorry?

**Mr. Andre Barnes:** That point makes reference to paragraph 38 later on, to testimony by Mr. Walsh: "...Mr. Walsh asserted that a distinction must be made between a political decision and an administrative one...." That might need to be removed as well.

**Hon. Bob Rae (Toronto Centre, Lib.):** I think both paragraphs are relevant.

**The Chair:** Okay. I'll make a speakers list. I have Mr. Reid speaking, and Mr. Dewar's hand was up. I assume that since there was an intervention from Mr. Rae, he will put his name on the list.

**Mr. Paul Dewar (Ottawa Centre, NDP):** Chair, it's very straightforward. The role of the department is to follow the wishes of the government, and they follow criteria. That's what Ms. Biggs did. That's why she signed off on it. That's what the dossier is all about.

The fact of the matter is that it was with the minister for a couple of months. We know that. What Mr. Walsh refers to is the fact that there was a political lens put on this. It's straightforward. Whether the government wants to say that's just the way it should be or not, it was....

My final point is that this is CIDA. CIDA is an agency; it has a president. It is different from other agencies. They conduct themselves in accordance with the criteria they've been given. They did that. The minister, at the last minute, directed one of her political officials to change that determination.

That has to stay in. Leave it as is.

**The Chair:** All right.

Mr. Rae.

**Hon. Bob Rae:** I think both paragraphs are relevant. I think it's an attempt to give a more complete view of the evidence and the various views expressed by members and parliamentary counsel. I think it's an important part of the balance that the staff has been trying to present as we go down that list.

**The Chair:** Thank you, Mr. Rae.

Monsieur Laframboise.

[*Translation*]

**Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ):** I just want to say that is a quite faithful report of the debates that went on in our committee. If we want to take out one part, we could be heading towards taking out what we do not like and keeping what we like.

I think the research staff has done a good job. I said so at the last meeting. They reported what was said and it is very well done.

[*English*]

**The Chair:** Okay.

Mr. Albrecht.

**Mr. Harold Albrecht (Kitchener—Conestoga, CPC):** I think this goes to the heart of the entire report. It's not only in paragraph 33. Back in paragraph 30, we see in line 5: "She also made it clear, as did Ms. Biggs, that it is the Minister's decision in respect of funding that becomes the decision of the agency and that of the government".

There is no agency that can sign off on these dollar figures without the approval of a minister. So I think we're trying to split hairs. Repeatedly, the minister was clear in her witness that while it may have appeared that people thought she said one thing, what she actually said was that CIDA did not approve it, and CIDA includes the minister.

**The Chair:** Mr. Rae.

**Hon. Bob Rae:** In that case, why did Mr. Abbott apologize?

**Mr. Harold Albrecht:** Ask him.

**The Chair:** Are you asking the chair a question?

**Hon. Bob Rae:** I'm asking, through you, to our Conservative friends, if there's no difference between CIDA and the minister, why did Mr. Abbott make the statement that CIDA had examined this and it did not fit into CIDA's priorities? He stood up in his place in the House and said he was embarrassed to say that this had been his understanding when he made the statement, but that he now realized it wasn't true. Why would he have said that?

**The Chair:** Mr. Rae, I will offer today, as I offered yesterday, to return to the evidentiary portion of this committee's study to find that answer. But I don't think that's your will.

**Hon. Bob Rae:** That would be correct.

**The Chair:** Right. So testimony on behalf of Mr. Abbott isn't getting it done here.

Mr. Reid.

**Hon. Bob Rae:** It was his last day in Parliament. I just wanted to give him—

**The Chair:** I know that often we'll get the speeches that might not otherwise happen in the review of a report.

The chair can offer an opinion once in a while, too, Mr. Proulx.

Mr. Reid.

• (1220)

**Mr. Scott Reid:** I know we're careful about not revealing in public what goes on in camera, but I don't think I'm in contempt of Parliament in saying that there is some speechifying that occurs at some in camera meetings of this committee and others.

**The Chair:** I will never admit to that, Mr. Reid.

**Mr. Scott Reid:** I wasn't referring to you specifically, Mr. Chair. It was a broader reference.

As to Mr. Rae's comments—this is not the main part of my commentary—I wanted to address the relevant—

**The Chair:** But since a speech was made, you're going to give the rebuttal?

**Mr. Scott Reid:** No, I actually think it's important, because when we're in public...so yeah, the speeches are being made in the hopes that they'll be picked up and looked at afterwards.

**The Chair:** Go for it.

**Mr. Scott Reid:** If memory serves, what happened was that Mr. Abbott misunderstood the situation and stated something that was not correct, not true. He unintentionally said something that was not true. He did not intentionally mislead the House. I think we all accept that. He unintentionally misled the House by asserting—more aggressively than the minister ever asserted anything of this sort, because she never did this—that the CIDA officials were in agreement and...the point being not CIDA, which includes the minister, but the CIDA officials, in the same way that Parliament includes three bodies; it's that kind of distinction.

That is the technical distinction that made it appropriate and indeed necessary for him to offer an apology, which he did. But no such apology was necessary from the minister, because she didn't make such a statement.

Turning now to paragraphs 33 and 38, apologies; I am just trying to get my head around it. I've been trying to find Mr. Walsh's comments where he makes a distinction....

I get the distinction made in paragraph 33 between “departmental criteria” and “political criteria”. I actually just think it's unnecessary, because it seems to me to be kind of obvious. Like, this is what you do. You sit down and ask if something's outside the criteria, i.e., is this something we can't fund because it's not dealing with Foreign Affairs?

So they go through that process, and that's departmental criteria.

She then applies the political criteria, i.e., is this in line with the government's policy objectives?

I don't get the point of introducing administrative criteria in paragraph 38. That's why I'm trying to find Mr. Walsh's commentary, to determine what it was he was doing.

I'm not sure if administrative is actually....

If in saying that he meant “departmental”, or if he has some other point he was trying to make...there are actually three criteria here. Presumably this leads back to some kind of assertion that political criteria are in some respect illegitimate. That's why opposition members were raising it, I assume.

I don't think that's the case, but if it is the case, then that changes everything.

I'm throwing that question out to our analysts so we can get an answer on that.

**The Chair:** Okay. They're hunting that down.

**Mr. Scott Reid:** Actually, I'm looking in his material at the time. He mentioned it in response to a question from Mr. Lukiwski at more or less 2:50 in the afternoon.

He refers to departmental criteria...or he uses the term “departmental decision”. I do not see the term “administrative decision” used anywhere; it's “departmental”. He's not referring to “administrative”. He doesn't use that word.

**Mr. Andre Barnes:** It was written in French. It might have been translated as that, perhaps.

**Mr. Scott Reid:** Oh, I see. Okay.

But he actually was speaking in English.

**Mr. Andre Barnes:** It was written up in French, though.

**Mr. Scott Reid:** Chair, am I allowed to jump ahead and suggest an amendment to paragraph 38 at this point?

**The Chair:** No. I'd like you to hold that until we get to paragraph 38. I mean, certainly you can suggest it all you want, but we won't get there until we get there.

**Mr. Scott Reid:** All right.

Well, look, I still think paragraph 33 is....

Here's the problem, Mr. Chair. I think paragraph 33 shouldn't be there, but we can't get to paragraph 38, right...?

**The Chair:** Make your suggestion; you would like to change some wording in paragraph 38 because they're related.

**Mr. Scott Reid:** Yes.

How do you want me to do this? Do you want me to first suggest we do paragraph 33 and then have an associate amendment that causes paragraph 38 to change, or what's the...?

•(1225)

**The Chair:** I'm happy with that.

**Mr. Scott Reid:** Okay.

I'm suggesting, then, effectively an amendment that paragraph 33 be dropped.

**An hon. member:** Is that “33b”?

**The Chair:** It's paragraph 33 itself.

**Mr. Scott Reid:** Yes; “paragraph 33 be”, not “paragraph 33b”.

[Translation]

I want paragraph 33 added back in.

[English]

Also, as part of this motion, I'm suggesting that 38 be amended in its second sentence, in the English version—I'm not talking about the French version—so that—

**Mr. Marcel Proulx:** On a point of order. Are we—

**The Chair:** We haven't had one of those yet today. Thank you.

**Mr. Marcel Proulx:** No, but I wanted to start....

Are we jumping now from—

**The Chair:** He asked permission to talk about 38 because it was related, and I said give me both at the same time. We'll work on one at a time, but give them both to me. He's following my instructions, Mr. Proulx.

**Mr. Marcel Proulx:** Okay, you gave him permission.

**The Chair:** I did.

**Mr. Scott Reid:** In the second last line, and the last sentence, of 38, the word “administrative” gets taken out and “departmental” gets inserted.

**The Chair:** We're changing the word “administrative”, in the second last line, to “departmental” in 38, and then when we get there we'll—

**Mr. Scott Reid:** I suspect in the French version it's a different story.

**The Chair:** Does the change not apply if 33 is kept?

**Mr. Scott Reid:** The answer is that if this motion gets voted down, nothing gets changed, right?

**The Chair:** Right.

Do you have a point, Monsieur Laframboise?

[Translation]

**Mr. Mario Laframboise:** Mr. Chair, I would really like you to give permission for us to study paragraph 38 at the same time as paragraph 33. It is not a big deal. The only thing that concerns me is that, in paragraph 38, they are asking us to change what Mr. Walsh apparently said. Did he mention an administrative decision? If so, we cannot have it look like he said “organizational decision”. The difference is important because, in paragraph 38, the words are Mr. Walsh's.

[English]

**The Chair:** We'll have the analyst respond to that, and then, Mr. Reid, you can—

[Translation]

**Mr. Nicolas Auclair:** If we stay with paragraph 38, the French version says that “on devrait faire une distinction entre une décision politique et une décision administrative...”. In the transcript, he makes mention of a decision coming from the professional level and one made at ministerial level. We could make changes to reflect more accurately what he said. We were trying to emphasize the fact that Mr. Walsh specified that a distinction must be made. If it is the wish of the committee, we could change it.

**Mr. Steven Blaney (Lévis—Bellechasse, CPC):** Mr. Chair, I would really like to understand.

What would the final word choice be here? My question is for the analyst.

**Mr. Nicolas Auclair:** The committee can change paragraph 38 if it wishes. As I mentioned when telling you what is in the transcript, Mr. Walsh does not talk about an administrative decision, but about a recommendation coming from the professional level.

[English]

**The Chair:** Do we have that wording?

**Mr. Scott Reid:** About the change, just so it it's clear, I wasn't suggesting we change the wording in the French version. I hadn't even had a chance to look at the French version. He was speaking in English when he did this.

**The Chair:** Let's use his exact words in English.

**Mr. Scott Reid:** In the English version, the exact words. For the French version, it's not for me to say what the appropriate translation is.

**Mr. Marcel Proulx:** What are his exact words in English?

**The Chair:** “Departmental”.

**Mr. Scott Reid:** Yes, specifically, he said, “To go to your point about the use of terminology, such as 'CIDA's decision' or “the department's decision”— it's a quote within a quote—“that's the parlance for talking about a decision that has been taken with the

minister's approval. Typically, it's referred to as a departmental decision or a CIDA decision.”

That's one place he refers to it. Then you go down a paragraph and he says, “I don't think one should, however, allow this way of talking—'CIDA decision, departmental decision’”....

The term “departmental” is—

● (1230)

**The Chair:** We've agreed to “departmental” in English. What are you suggesting *en français*?

**Mr. Marcel Proulx:** “Departmental”, in French, would become “*ministériel*”.

**The Chair:** Okay, great.

We're on 33, and the motion has been moved by Mr. Reid that we remove 33.

**Mr. Marcel Proulx:** To remove 33 completely?

**The Chair:** Number 33 would be removed. Is there further discussion on that?

I'm seeing none.

Those in agreement to remove 33? Those against removing 33?

It looks like that was defeated. Number 33 will stay.

Those in favour of 33 as it stands?

(Paragraph 33 agreed to)

**The Chair:** Paragraph 34.

Mr. Young.

**Mr. Terence Young (Oakville, CPC):** I have a concern with regard to the first part of paragraph 34, the first sentence. It's innuendo and very misleading. It says, “...members speculated about the possible involvement of other ministers”, etc.

I asked Margaret Biggs a series of questions. I don't know if the analysts can find them. I have the blues here. But I asked her—I will just use rough dates, and if we need the exact dates I think that's helpful—a series of questions about when she first heard about it. She said she received I think a phone call on December 1, and then a letter. She had received a notice in writing that funding wouldn't be extended. I think it was three days later.

**The Chair:** I think you're talking about Mrs. Corkery.

**Mr. Terence Young:** Mrs. Corkery. Thank you, Chair.

There have been a number of conclusions in this report. This report is full of conclusions that are trying to lead to a political statement that is incredibly unfair to Minister Oda and totally incorrect. For example, in the next paragraph it was asked if she could produce one document that shows how a decision was made by inserting “not” or “do not”, and of course she came up with two very easily.

But in this one there was an intimation that somehow the Minister of Citizenship, Immigration and Multiculturalism had influenced Minister Oda's decision. And yet they refer to a comment he made, or I think he made a comment in his speech. I don't remember the exact occasion, but it was mid-December. It was 10 days or two weeks later. So that's proven to be not true.

Why would we include in this report misleading innuendo and put on the official record something that our days of hearings proved to be not true? Why don't we just leave paragraph 34 with the last sentence:

The Minister stated that no discussions occurred between herself and the Prime Minister, the Prime Minister's Office, or any other Minister regarding KAIROS' application to CIDA. She also stated that this issue had not been raised in any meeting....

No one could have possibly taken more responsibility more often on the record than Minister Oda has for this decision. So why are we leaving innuendo in this report that was influenced by something that happened at least 10 days later?

**The Chair:** Mr. Rae.

**Hon. Bob Rae:** There was bound to have been speculation because of Minister Kenney's speech. Minister Kenney made a speech for which he, himself, has never given an explanation, to which he's not responded to any questions in the House with respect to how it did.... The minister repeatedly asked in the House about it, and he provided no explanation. So there was inevitably going to be speculation about the speech. I think it's fair to leave it in.

The reason the paragraph is fair is that it allows the minister's statement there as well. It simply says there was speculation and here's the minister's answer. I don't see what's unfair about that.

**Ms. Yasmin Ratansi (Don Valley East, Lib.):** It's balanced.

**The Chair:** Mr. Young.

**Mr. Terence Young:** His speech was 10 days later. How could it have influenced her decision if Mrs. Corkery received it 10 days earlier, well, 13 days earlier, perhaps, verbally, and then had it in writing 13 days later? It's ludicrous to imply that the minister's speech in any way influenced her decision.

**Hon. Bob Rae:** The question is how—

**The Chair:** Excuse me, you don't have the floor. I have other members on the speakers list. If you'd like to get on, go ahead and put your hand up.

**Hon. Bob Rae:** I apologize, Mr. Chairman.

**The Chair:** Mr. Albrecht.

**Mr. Harold Albrecht:** Thank you, Mr. Chair.

To be honest, I didn't even catch this in my first read of it. But now that I see this, there are two very problematic words in this first sentence. You have "speculated" and you have "potentially unfavourable". It's unnecessary in the motion. It doesn't do anything to add to the credibility of what this committee heard, especially with respect to Mr. Young's point about the timing of the phone call Mrs. Corkery received and the statement Minister Kenney made 10 or 13 days later. I totally agree that this first part of paragraph 34 would be better deleted.

●(1235)

**The Chair:** I have Monsieur Laframboise, and then Mr. Rae and Mr. Young.

[*Translation*]

**Mr. Mario Laframboise:** Personally, I still say that our researchers have faithfully reflected the status of the discussions and they have described that situation as speculation—they stayed very neutral, those people, because a lot of politics were going on around the table. I feel that it is even to the minister's advantage. I would take out the word "spéculation", but that is basically what it was, and Mr. Rae is right. We were discussing the Liberal motion and the Conservatives wanted to bring some of the debates back in. The analysts have analyzed the debates for us, but some people are challenging the content. That was the content of the debates, that's the reality. I cannot be opposed to their analysis and I cannot support removing paragraph 34.

[*English*]

**The Chair:** Mr. Rae.

**Hon. Bob Rae:** We asked Mr. Kenney to come here and he didn't come here, but his speech raises speculation because he gave a reason for the decision, and no one else has repeated that reason. He himself has not repeated that reason.

It's a reason that's highly prejudicial to the organization, highly prejudicial to the Anglican Church, to the Catholic Church, to all those churches who have supported KAIROS. I thought it was a reprehensible comment by the minister, but that's editorial on my part. It's entirely reasonable for people to speculate as to Mr. Kenney's reasons for making that comment when the implication of the minister's speech is that he knew why the decision was made. This reason for the decision has never been given by the minister.

**The Chair:** Mr. Rae, I'll suggest again, and probably not for the last time today, you're looking for evidence. We've moved beyond looking for evidence—

**Ms. Yasmin Ratansi:** He's stating facts.

**Hon. Bob Rae:** No, Mr. Chairman, with great respect, I'm simply indicating why paragraph 34 should stay.

**The Chair:** We're all agreed, and you gave your opinion on Mr. Kenney's thoughts at the time of giving his speech, and we're not certain. That's in evidence.

**Hon. Bob Rae:** We're allowed to do that. If somebody else did that, I'm allowed to do that.

**Mr. Marcel Proulx:** It's speculation.

**The Chair:** Agreed.

**Ms. Yasmin Ratansi:** That's there.

**The Chair:** Mr. Young.

**Mr. Terence Young:** Thank you, Chair.

I agree with my colleague Mr. Albrecht. The first sentence is speculation of possible involvement. In other words, there was a rumour going around. Are we going to start putting all the rumours that go around this place into committee reports?

**Hon. Bob Rae:** Well, it ended up in Minister Kenney's speech, so tell me how the rumours ended up in the speech.

**Mr. Terence Young:** No, the rumour was that his speech had influenced a decision that was made almost two weeks before. That was the rumour, and why would you put a rumour like that in a report when it's been proven to be impossible?

**Mr. Paul Dewar:** We don't know—he never came to committee to defend himself.

**Mr. Terence Young:** I think that speech was 10 days later.

**The Chair:** Listen to the chair, please.

**Mr. Terence Young:** Get a calendar and look at it—

**The Chair:** Order, please.

**Mr. Terence Young:** Well, if you look at a calendar, you'll see that the information she said she sent out in an e-mail to many of her funding partners was in the public sphere. The decision was made. The speech wasn't made for almost two weeks later, Monsieur Proulx.

If we're going to start putting in rumours, we're going to have very fulsome reports.

**Mr. Paul Dewar:** It's your minister.

**The Chair:** Thank you.

Mr. Reid, then Monsieur Proulx.

**Mr. Scott Reid:** We could have invited Minister Kenney to come before this committee. We could have established in greater detail this information. Putting something in that reflects not hard evidence but merely what members were speculating during the course of the hearings.... One member speculated that we'd get better information if we brought back torture. I suspect—but given the environment around here, I only suspect and I'm not certain of this—that he was saying this in a rhetorical sense. We weren't going to put that in the report either, I assume. So I think this is a good example—

• (1240)

**The Chair:** It would be up to the will of the committee, of course.

**Mr. Scott Reid:** I think the inappropriateness of putting things in that are based on what was going on among the membership of the committee as opposed to what was going on in the testimony presented to the committee is significant, and on that basis I would say that it makes sense to simply remove this.

Has an actual motion to remove paragraph 34 been put before us or are we just debating this in the abstract?

**The Chair:** We're talking in the abstract at the moment. Nothing—

**Mr. Terence Young:** It's just the first sentence.

**Mr. Scott Reid:** I was thinking of actually proposing such a motion. I think Mr. Young is suggesting that just the first sentence be dropped. Is that right?

**The Chair:** It's from the words “Some members” to the word “KAIROS”.

**Mr. Scott Reid:** That's two sentences then.

**The Chair:** Are there two sentences in there? I had to check. Okay, right.

**Mr. Scott Reid:** So the paragraph would now read:

The Minister stated that no discussions had occurred between herself and the Prime Minister, the Prime Minister's Office, or any other Minister regarding KAIROS' application to CIDA. She also stated that this issue had not been raised in any meeting of the Cabinet or any subcommittee of Cabinet.

You see, that's the actual evidence. That's the motion. Can I speak to the motion?

**The Chair:** Sure.

**Mr. Scott Reid:** Okay.

That's the evidence that was presented before us. It may be the case that some members of this committee don't believe she was telling the truth. If that's the case, then it would be appropriate to add speculation in saying that they don't believe that's the truth. What would be appropriate is for the report back to the House of Commons to be something like this: We've collected evidence; however, we need more time to collect more evidence because we can't complete our work given the amount of evidence that is necessary to collect. We need, for example, to have someone go through and check the cabinet records to see whether or not this ever came up. That would be the kind of thing that would be done, and that would make the most sense.

There was nothing in the Speaker's ruling that said we must come back to him with an absolute, final report and we must consider absolutely everything. Given the importance of this matter, he was going to give us until the 25th to produce an initial report. It happens all the time that committees come along and issue what amounts to interim reports, and royal commissions do this too, of course. So that would be appropriate.

Of course, we all understand that there's a confidence vote today and that the 40th Parliament is likely to come to an end, be prorogued, but.... Sorry, not prorogued. That's—

**The Chair:** Dissolved.

**Mr. Scott Reid:** Dissolved. Thank you.

I've spent so much time in this committee debating the word “prorogued” that it's beaten into my head.

**The Chair:** Excuse me, Mr. Reid.

Monsieur Laframboise.

[*Translation*]

**Mr. Mario Laframboise:** A point of order.

Could you specify the nature of the Speaker's request concerning this report? Mr. Reid is telling us that we were given until October 25. Mr. Chair, you are familiar with the Speaker's request. What is your position?

Excuse me. I heard October 25 through the translation.

[*English*]

**The Chair:** No, it's the 25th of March.

**Mr. Scott Reid:** I may have said October, but unintentionally. If I did, I meant March; I meant today.

For the sake of argument, in the event the confidence motion had been yesterday, we would not have failed in our duty for failing to have submitted a report by that time. It's just that the clock would have run out. By the same token, if we are unable to report that we need more time, and then get more time and produce a final report, that is not the fault of this committee. We are not failing to be in compliance with the Speaker's ruling. What's happening is simply that the clock will have run out on us, a really important point to make, that this is the situation here. So you can't get around this by saying we'll throw in what people were speculating on in the course of these hearings. For one thing, we aren't always right. People had trouble even recalling what they themselves had said.

**An hon. member:** That's right.

**Mr. Scott Reid:** Just yesterday, Mr. McGuinty incorrectly stated that he'd requested all decisions be presented before the committee. I went back and reviewed his words from just a few days earlier, where he'd said "Provide me with just one example." The difference between "just one" and "all" is as great a difference as there can be. That's the kind of thing you don't want to report, and I would suggest you probably don't want this in the report either.

So, as I say, I think the hard evidence is there, I think we have to take the fact that it was made at face value and leave things at that.

• (1245)

**The Chair:** All right. I have another speaker on the list. This is to Mr. Reid's motion to strike everything from the start and down to the words "the Minister".

Monsieur Proulx.

[*Translation*]

**Mr. Marcel Proulx:** Thank you, Mr. Chair.

I am listening to my Conservative colleagues nitpick about sentences where there is absolutely no problem. I agree with Mr. Laframboise that the analysts have done a very good job in this report; they have reported the discussions that took place and the testimony we heard. I think it is clear that the Conservatives are systematically putting obstacles in our way.

Mr. Chair, I am concerned about the fact that, if this motion is rejected, we will have 13 minutes left. The report must be submitted to the Speaker of the House of Commons today. What are your intentions in that regard?

[*English*]

**The Chair:** The chair is always at the guidance of the committee. We have a motion.

Mr. Albrecht...

Mr. Proulx, are you finished?

**Mr. Harold Albrecht:** Mr. Chair, am I on the list?

**Mr. Marcel Proulx:** I'm expecting an answer from you, sir—

**The Chair:** I gave you one. I'm at the guidance of the committee.

**Mr. Marcel Proulx:** —in the sense that it's obvious that we're not going to reach an agreement between now and one o'clock.

**The Chair:** I have greater faith in you than you do apparently, Mr. Proulx.

**Mr. Marcel Proulx:** You plan on reporting to the House at what time today, sir?

**The Chair:** If we finish.

**Mr. Marcel Proulx:** Are we going until 1 p.m.?

**The Chair:** That's what the orders of the day said.

**Mr. Marcel Proulx:** It was refused to us to sit yesterday afternoon for a couple of hours, and again early this morning for a couple of hours. We're acting in good faith. We wanted to arrive at a conclusion, so I'm anxious to see what we're going to accomplish in the next 14 minutes.

**The Chair:** Apparently you're questioning my good faith.

**Mr. Marcel Proulx:** No.

**The Chair:** Mr. Albrecht.

**Mr. Harold Albrecht:** Mr. Chair, they wanted to arrive at a conclusion. Let's be honest. They did arrive at a conclusion long before we even had Minister Oda here. Before we had seen any witness, they had arrived at a conclusion because of the motion that was presented.

Page 8—

**Mr. Marcel Proulx:** On a point of order, the motion was tabled after we—

**Mr. Harold Albrecht:** —number 34, we're dealing with the amendment to remove the first sentence and we're talking about words like "speculation", "possible", "potential".

Mr. Chair, for those who were at the meeting, I think you can see, in addition to the example that Mr. Reid gave about the rhetorical question about torture, there was another piece of speculation in regard to me. One of the members, Mr. McGuinty, speculated that I was a member of the Mennonite church. I have utmost respect for the Mennonite church. I work very closely with the Mennonite church. I have great friends in the church and many churches.

**Mr. Marcel Proulx:** He apologized.

**Mr. Harold Albrecht:** But it isn't in the record. My point is that piece of information isn't in this record. It's not in this report. The same way that that information isn't in this report, this piece of speculative, possible, potential information does not deserve to be in the report.

The really disappointing part about that whole scenario was that the research that was done, either by Mr. McGuinty's staff or himself, or whomever, was actually done on Wikipedia. We all know that Wikipedia is a user-driven resource that is very, very inaccurate. It's disappointing to hear that we brought ministers and witnesses and many others to this table on this issue, and members of the opposition coalition had made up their minds what the outcome would be before the information was actually presented. In fact, during the hearings, I recall distinctly that during much of the time the witnesses were speaking, members on that side were speaking to their staff as much as they were listening to the witnesses. If this is contempt of parliament, that, if anything, was definite contempt of the parliamentary process.

Back to the point of this amendment. I would agree that the first sentence of paragraph 34 be struck from the record.

**The Chair:** I have a motion that the first two sentences—I think it's two sentences—from “Some members” through to the word, “KAIROS” be struck from paragraph 34.

**An hon. member:** Could we have a recorded vote?

**The Chair:** Sure you can.

(Motion negated [See *Minutes of Proceedings*])

**The Chair:** It was defeated. At this moment, we'll vote on paragraph 34 as it is written.

(Paragraph 34 agreed to)

• (1250)

**The Chair:** Paragraph 35.

Yes, Mr. Young.

**Mr. Terence Young:** There are problems in 35. It's a correction we made in an earlier paragraph that Ms. Biggs had produced two samples of ministerial decision documents that had included the words “not” or “do not” as opposed to just one sample. That would require in the second last sentence, where it starts—

**The Chair:** The analysts shared with me when we started the meeting today that they pluralized that...the word “and” to—

**Mr. Harold Albrecht:** Not on my copy.

**Mr. Nicolas Auclair:** On the computer.

**The Chair:** It's on the master. We couldn't change it until we got to it, but they recognized that the pluralization of yesterday's earlier clause would force this.

Could you read it, please?

**Mr. Andre Barnes:** It reads:

...provided to the Committee two examples of decisions conveyed by the Minister to Ms. Biggs by adding a “do not” or “not” in the approval line.

**The Chair:** Are there any further questions on paragraph 35?

(Paragraph 35 agreed to)

**The Chair:** Great.

On paragraph 36, Mr. Young.

**Mr. Terence Young:** Thank you, Chair.

On my copy it's on the next page, in the latter part of the paragraph. There are dates that I didn't see before and I hadn't memorized. It says:

On December 4, 2009, KAIROS received a letter dated December 3, stating that CIDA had made this decision for reasons of efficiency and in light of its priorities of food security, children and youth and economic development.

The next sentence then says, “The letter did not provide a specific explanation.”

Mr. Chair, the CIDA website lists its priorities clearly for anybody in the world to see. We discussed that the KAIROS website lists its priorities—clear, for anybody in the world to see—and anybody can see they are predominantly activist. There is “solidarity partners”, and I think they had “action partners”. But it's activism. There was no similar focus on food, security, children and youth.

Mrs. Corkery testified, and it was very strange; she said she didn't have an explanation. This is a pretty clear explanation. Their priorities are different—food, security, children and youth, and economic development. So why are we putting in a sentence that says, “The letter did not provide a specific explanation”?

That's not the evidence we saw; that is a specific explanation. I think that sentence should be removed.

**The Chair:** What are you asking to be removed?

**Mr. Terence Young:** The last sentence.

**The Chair:** I have a motion that the last sentence be removed: “The letter did not provide a specific explanation.”

We'll vote on that motion.

Mr. Rae.

**Hon. Bob Rae:** Mr. Chairman, in the spirit of trying to find a solution, there's probably a better way of expressing that thought. You could say, “The letter did not provide a specific explanation as to how the KAIROS application did not meet these criteria.”

**The Chair:** Mr. Rae is suggesting a bit of an amendment to what you have suggested, Mr. Young.

**Hon. Bob Rae:** That would be a fair way of saying that it didn't... because it didn't relate specifically to the KAIROS application.

**Mr. Terence Young:** We can say it like that, perhaps: the explanation didn't relate specifically to the KAIROS explanation.

**Hon. Bob Rae:** Application.

**Mr. Terence Young:** Application, yes. Thank you.

• (1255)

**The Chair:** Mr. Rae, are you finished?

**Hon. Bob Rae:** I'm just trying to be helpful, Mr. Chair.

**The Chair:** Okay, good. I didn't want to cut you off before I moved on to someone else.

Mr. Albrecht, you're next.

**Mr. Harold Albrecht:** Was that a motion that Mr. Young put forward? Or has he accepted the—

**The Chair:** I'll say yes, he did. He's accepted the change that Mr. Rae has suggested.

**Mr. Harold Albrecht:** Okay. That's where I'm confused. I'd like to know the wording.

**The Chair:** Okay. Try that on for us, Mr. Rae, if you would, please.

**Hon. Bob Rae:** It would be "...did not provide a specific explanation as to how the KAIROS application did not meet these criteria."

**The Chair:** All right.

I still have Mr. Albrecht. Are you okay now that you've heard it?

**Mr. Harold Albrecht:** I may want to come back to that.

**The Chair:** Okay, you may want me to come back to it.

Monsieur Laframboise, and then Mr. Reid.

[Translation]

**Mr. Mario Laframboise:** Mr. Chair, the only thing is that paragraph 36 mentions Mrs. Corkery's appearance and the answers she gave. It seems to me that, in her reply, she said that the letter did not give any more specific explanations. That is not the committee's position, actually. It really is what she said.

I do not know whether the analysts found the sentence in her testimony where she said that the letter did not give any more specific explanations. I think that is what she said.

[English]

**The Chair:** You may.

[Translation]

**Mr. Nicolas Auclair:** Mrs. Corkery's testimony reads as follows: "We didn't receive anything under December 4—it was dated December 3, but it arrived on December 4—and it was quite general". A little further on, she says, and I quote: "We did receive a letter, dated December 3, which we got on December 4, which said that CIDA has to make decisions, and that's for efficiency and effectiveness, and also for our priorities on food security, children and youth...". We based ourselves on those two quotations when we wrote the end of the paragraph.

[English]

**The Chair:** Mr. Reid.

**Mr. Scott Reid:** Chair, the problem I have with them ending this way is that this implies it is normal practice to provide the reasons, a list of the ways in which an application failed to meet the criteria. First of all, that isn't the practice, at least not as far as I'm aware, for this agency or any other. It's a different story when you're dealing with court decisions, when you're reading through court rulings, and they'll frequently give greater explanations, but they won't, for example, give reasons why they've refused to hear an appeal. They'll just say you're not getting an appeal, and that's it. I think you have to wind up reading it in the *Gazette*. I don't think you actually get to see this thing.

Remember, there were 758 applications. We were asked that question. How many of these things come across the minister's desk? Why did the minister fall behind in dealing with these things? Well, there are 758 applications and 365 days in the year, and the minister has to go back to her riding, back and forth, but she tries conscientiously to deal with these things at all times, including by telephone. The decision in question, the final decision, as we know from her testimony, was dealt with in part while she was in her car—one hopes not driving—on a cellphone because they were up against some kind of deadline—

• (1300)

**Mr. Terence Young:** It would probably be a hands-free unit.

**Mr. Scott Reid:** No. I think she doesn't drive because of her eyes.

Anyway, you can see what I'm getting at. This is more than two decisions a day. Talking about week days, it's three or four decisions a day. And she is trying to give adequate time to all of them and take them seriously—perhaps not the ones that are really obviously not fit to be presented. But obviously the ability to sit down and write a response to each of them doesn't exist, giving a specific explanation as to why they don't meet the criteria. The facts are that here are criteria and we've determined the application doesn't meet them, and that's all that needs to be said; that's all that is said.

I've had an objection, which I've voiced a number of times in the course of discussing this draft report, that one of the problems we face here is that we are implying that which could not actually be stated clearly. We're effectively, as the saying goes, doing through the back door that which we couldn't do through the front door. Here is an implication that the minister departed from normal practice. Given that that is the entire assertion on which the opposition is basing its complaint that she is in contempt, because I don't think they any longer are arguing.... I stand to be corrected, but I don't believe they are arguing any longer that she deliberately misled Parliament by forging a document, given the fact that we now see that was the normal practice. I don't think, based, for example, on what Mr. McKay was saying in his final questions to the minister, that he was arguing any longer that she had actually lied to Parliament or deliberately misled Parliament or stated something that was, in a narrow sense, an untrue statement in the House of Commons.

I believe his assertion was that she had said something that was misunderstood and had then not looked at the misunderstanding and reported back to us to say, "Look, I'm worried there's a misapprehension here; I want to correct something that was never started by me but has gotten in the air", and that is a pattern of behaviour that is, in and of itself, unacceptable. Given that that is the avenue they are going down, putting things in that say that—

**Hon. John McKay (Scarborough—Guildwood, Lib.):** Your time is up.

**The Chair:** I thought you said you liked procedure. Let the man speak.

**Mr. Scott Reid:** This is very important—

**The Chair:** Carry on, Mr. Reid.

**Mr. Scott Reid:** —and germane, Mr. Chair.

Given that fact, it seems to me that saying the letter didn't provide a specific explanation, unless we are going to add something and say that "as is typical in such cases, the letter did not provide a specific explanation" as to why.... I would be willing to move an amendment to that effect, but I think that would reduce our ability to complete our report and get it back to the House in time to deal with the subject matter.

So let me just say that on this basis I oppose the motion as amended and suggest that we return to the original wording of the proposed amendment. We'll simply remove the last sentence.

**The Chair:** We have a motion to remove the last sentence, rather than what was suggested, but that's a new amendment. We had one where we were adjusting the sentence. We'll go to Mr. Reid's motion to remove the sentence.

**An hon. member:** A recorded vote.

**The Chair:** On the motion to remove the sentence, all in favour? Opposed?

(Amendment negatived: nays, 6; yeas, 5)

**The Chair:** Now we're back to the changes to the sentence that Mr. Rae had proposed. All in favour?

Mr. Reid?

**Mr. Scott Reid:** I don't mean to interrupt, but could we get a recorded vote on that?

**The Chair:** Sure we can.

On Mr. Young's amendment, subamended by Mr. Rae, those in favour? Opposed?

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

**The Chair:** So we've amended paragraph 36 by changing the last sentence.

We have to vote on it. We now have a new last sentence. Those in favour of 36 as it is now written?

**Mr. Scott Reid:** A recorded vote, please, Mr. Chair.

**The Chair:** Mr. Reid would like a recorded vote. Certainly. We can do that. We know how to do that now.

(Paragraph 36 as amended agreed to [See *Minutes of Proceedings*])

**The Chair:** Is there any discussion on paragraph 37? No?

**Mr. Scott Reid:** A recorded vote, please, Mr. Chair.

**The Chair:** Sure. All in favour as it is written?

(Paragraph 37 agreed to [See *Minutes of Proceedings*])

**The Chair:** We're on paragraph 38.

There has already been a bit of a discussion on an amendment to 38. I think we inserted the word "departmental" in English, instead of the word "administrative".

• (1305)

**Mr. Scott Reid:** On a point of order, did we actually insert that? Because that was part of a motion—

**The Chair:** Sorry. There was a suggestion that it happen, so at this moment I'll give it to you, Mr. Reid.

**Mr. Scott Reid:** Thank you, Mr. Chair.

I have no thoughts on the French version, but in the English version I think the word "administrative" should be removed and the word "departmental" inserted. If it's acceptable, perhaps I'll just talk to my motion a little.

**The Chair:** Certainly.

**Mr. Scott Reid:** The point here is a desire to be as precise as possible. Mr. Walsh used the word "departmental" a number of times, and not the word "administrative". The danger would be if you have "political", "administrative", and "departmental" all being used. In that case, you would start running into confusion, getting the idea that there might be three kinds of decision-making processes when in fact there are only two: the departmental decision, in this case a memorandum submitted to the minister; and a political decision made by the minister.

I'm a little frustrated. This is my own fault, I suppose, for not having caught it earlier. In paragraph 33, the word "political" has quotes around it and I feel a bit like I do when people raise their fingers and do the air quotes. It means that somehow "political" isn't "political", and we're using this word precisely, because some other word is actually meant. That is problematic. However, it's done correctly this time.

I don't know how one would do this. I might ask the permission of the committee to return to paragraph 33 and remove the quotes around "political" so that political is seen as being truly political, and not illegitimately political, which is the implication of the word when it has the quotes around it back in paragraph 33.

At any rate, putting in "political decision" and "departmental decision" helps to clear things up.

**The Chair:** Thank you.

You asked about returning to a previous paragraph. I'm guessing that this would require unanimous consent from this committee.

**Mr. Scott Reid:** Yes, and I'm also in the middle of something else, so I can wait on that one until a later point and deal with it then.

**The Chair:** Okay, great.

Mr. Blaney.

[*Translation*]

**Mr. Steven Blaney:** Thank you, Mr. Chair.

The point that Mr. Reid raises is certainly relevant. It was Mr. Laframboise who brought this little problem up first. It is quite significant, addressing as it does the decision-making process. It seems more appropriate to me to talk about a departmental decision than an administrative decision. That goes along with Mr. Reid's remarks. Often, and certainly in the case of foreign affairs and international assistance, we hear "department" in English, for which the French translation is "ministère".

As we have seen, if the minister makes a decision, it becomes a departmental decision. The text clearly shows how that differs from a political one. In this case, it seems clear to me that it was a departmental decision, because the minister, of course, is an integral part of the department she heads. As she herself has said that there was no interference, this was a departmental decision. In a word, I support the corrections and the definition of the word “ministérielle”.

• (1310)

[English]

**The Chair:** Thank you.

Mr. Albrecht.

**Mr. Harold Albrecht:** I want to make some of the same points.

Back in paragraph 30, you see that both Ms. Biggs and Minister Oda alluded to the funding becoming the decision of the agency and the government. I think it's important, as Mr. Walsh points out in paragraph 38, that the distinction be made there. We could argue whether it should be “departmental” or “agency”, but it's better than simply “administrative”. It also goes to the heart of what paragraph 33—now left in—clearly identifies. This is especially clear in the last part of that paragraph, where it points out that she said that the Kairos proposal was her decision. It then becomes the department's decision as well as the government's. I think it tightens up the whole argument that we've been trying to make throughout the course of the hearings, and indeed since we decided to study the draft report.

**The Chair:** I have Mr. Reid and then Mr. Young.

**Mr. Scott Reid:** Mr. Chair, I appreciate my colleague Mr. Blaney speaking about *les décisions ministérielles* and suggesting that....

I just want to ask about this. In English the terms would be “department” and “minister”. We've stopped using the term “ministry” federally. Provincially in Ontario I think we still talk about the ministry of this, the ministry of that. The Ministry of Natural Resources comes to mind. In French you're talking about *le ministre* and *le ministère*.

When you refer to *une décision ministérielle*, is it going to be clear...?

**Mr. Marcel Proulx:** *C'est compliqué.*

**Mr. Scott Reid:** As Madame Ratansi's mother pointed out, I haven't got that much in there.

I'm worried that if we use the term—and I guess I'm asking for clarification on this *ministérielle*—will it be clear that it is effectively an advisory opinion of departmental officials to the minister, as opposed to being a minister's actual decision made on a political basis? That's a very important distinction and a different question from the one that comes up in English, but of a similar nature when we are thinking of it in terms of trying to provide maximum clarity.

**The Chair:** Thank you.

Mr. Young.

**Mr. Terence Young:** I can't remember exactly if the parliamentary legal adviser used the words “political decision” and “administrative decision”. I'm trying to understand what decisions he's talking about. Is he referring to “political decision” as ministerial versus departmental?

I wonder if the analyst could shed any light on that.

**Mr. Scott Reid:** I am looking for an answer to my question first about the use of *ministérielle*.

**The Chair:** Okay.

**Mr. Terence Young:** He used the word “departmental” right through this.

**Mr. Scott Reid:** I know that.

• (1315)

**The Chair:** While we're hunting some of this down, you're looking for an answer to the word *ministérielle*.

**Mr. Scott Reid:** I want to make sure that *décision ministérielle* means the same thing as “departmental” in English, as opposed to implying that the minister—

[Translation]

**Ms. Meili Faille (Vaudreuil-Soulanges, BQ):** Perhaps I can answer that for you. I am a former public servant.

Anything called a departmental decision stops at deputy minister level. A minister's decision is a cabinet decision. There is no ambiguity in those terms. We have already discussed that. A decision made in the minister's office is a minister's decision and a departmental decision.

**Mr. Marcel Proulx:** We are trying to translate the word, but I am concerned. If voters see that they don't understand this, they will never vote for them.

[English]

I didn't have the floor, I'm sorry.

**The Chair:** I'll add your name if you like.

Madame Faille, I have you on the list. Was it to make that point?

[Translation]

**Ms. Meili Faille:** I just want to clear up the problem with the confusion. I was a senior public servant. I have drafted memoranda to cabinet as an official dealing with programs. They were departmental decisions. They are the responsibility of the department and cover everything up to deputy minister level. In order to remove any ambiguity, some departments use “memorandum to the deputy minister” and “memorandum to the minister” in order to show that there really are two levels. When you talk about a “departmental decision”, you really are talking about a decision made by the officials.

**Mr. Steven Blaney:** I would like to know the analysts' opinion about the clarification that Ms. Faille has just provided.

**Mr. Nicolas Auclair:** Naturally, I would not presume to dispute the opinion that Ms. Faille has just put forward. Unlike her, I have not worked in that area. I have never submitted a memorandum to cabinet. For our part, we relied on Mr. Walsh's testimony, that concurs perfectly with what the hon. member said. I cannot offer an opinion on its validity. But I do have the transcript and it reflects the same view.

[English]

**The Chair:** Are we satisfied about where we are with the wording?

**Mr. Scott Reid:** Madame Faillie was very helpful in explaining something to help me understand. These are technical terms, so it's not just language, it's a jargon issue.

I had initially proposed a wording change, but I wasn't sure if Mr. Blaney was proposing an amendment to it that would adjust the wording in the French to say *ministérielle*. Is that what was happening? Are we voting on those, or are they going to be separate amendments? Are we doing both now as one, or are we going to have separate...?

**The Chair:** I'll take them as being the same, because by making it "departmental" in English, the right change would have to happen to go with that *en français*. So I think we would accomplish both with one change.

Is there further discussion on that?

**Mr. Terence Young:** Mr. Chair, you're talking about the one change to "administrative".

**The Chair:** In English, the change to me is striking the word "administrative" and putting in the word "departmental".

**Mr. Terence Young:** I have concerns about the words "political decision" prior to that. I don't want to interfere in the vote, but I do want to discuss that, please.

**The Chair:** We'll change "departmental" first by vote, and if you want to then discuss "political decision", I guess we can.

Monsieur Laframboise.

[Translation]

**Mr. Mario Laframboise:** I just want to say that we cannot take words out of Mr. Walsh's mouth. If he said "political", he said "political", whether we like it or not.

[English]

**The Chair:** We moved to "departmental" because we discovered those were the words he used in English. If we're now going to quote him verbatim, exactly, we probably can't go back and change other words he used. I would suggest that.

**Mr. Terence Young:** I can tell you what he used. I have it right here—between "political" and "ministerial". But you want to vote on this first.

**Mr. Scott Reid:** It's between "political" and "departmental", not "political" and "ministerial".

**Mr. Terence Young:** I see—the ministerial decision that is political.

Is this helpful, Chair? I don't want to interrupt.

He refers to ministerial decision that is political, so he equates them. He defines "political" as "ministerial", so my suggestion is to use the word "ministerial" because "political" has a hundred different meanings in this place. In general, "political" can mean a whole range of things. It's used in a derogatory manner, a factual manner, and in a whole lot of different ways.

•(1320)

**The Chair:** So you're suggesting the sentence would read:

Mr. Walsh asserted that a distinction must be made between a ministerial decision and a departmental one, even if the minister alone is responsible to Parliament.

**Mr. Terence Young:** Yes. I think that's truer to what he actually said.

**The Chair:** Mr. Reid, on that point on changing the word "political" to "ministerial"....

**Mr. Scott Reid:** I'm assuming that Mr. Young is effectively trying to make an amendment to my amendment.

**The Chair:** No, you're on "departmental". He's in a different place. But you could do it—or the whole sentence.

**Mr. Scott Reid:** I guess it's a point of order then. Might I suggest on a point of order that this be saved for after we've dealt with the question of "departmental", and we can come back to that as a side issue?

**The Chair:** I'll do it that way if you like.

So a motion is on the floor to change the last sentence of paragraph 38 by striking "administrative" and putting in the word "departmental", and doing whatever would need to happen also *en français*.

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

**The Chair:** Mr. Young, you have suggested a second change in that sentence. Please give it to us.

**Mr. Terence Young:** Thank you, Chair.

On page 46 of the blues, Mr. Rob Walsh was quoted. He goes to great length to talk about the difference between what a department's decision is, what it means in Parliament, etc. A little further down there's a paragraph that begins, "I don't think one should, however, allow this way of talking—'CIDA decision, departmental decision'—to be used as a shield", etc. Then he says towards the bottom, "coming from the professional level, the departmental level, and the ministerial decision, which is political."

He is equating a ministerial decision with a political decision. So why don't we just change that word "political" to "ministerial", because it has so many other meanings. Anyone reading this would be confused. So I would like to make a motion to change the word "political" to "ministerial" decision.

**The Chair:** All right.

Mr. Reid, on that point?

**Mr. Scott Reid:** Yes.

Mr. Chair, I have two concerns about making that change. The first one is that in French I think we would now have a situation in which you say "*ministériel*" and "*ministérielle*", which presumably would be problematic. That's problem number one.

Problem number two is the fact that the word "political" is used elsewhere, back in paragraph 33. I raised concerns at the beginning of this meeting about using consistent terminology. You'll remember that at the time I wanted to amend paragraphs 33 and 38 at the same time, which turned out procedurally to be somewhat difficult. I would hate to have us starting to depart.

My concern was over the fact that "departmental" was not being used, but we've corrected that. But if we now abandon the word "political" here, we've created further complexity.

What I would suggest, if I could....

I have a third concern, which is this.

**An hon. member:** Are you talking to yourself, Scott?

**Mr. Marcel Proulx:** We're moving forward and then we're going backwards.

**An hon. member:** You're confused because you're not used to listening to him.

**The Chair:** Gentlemen, Mr. Reid has the floor.

**Mr. Scott Reid:** Thank you, Mr. Chair.

What Mr. Walsh says specifically is.... Forgive me; I had it here a second ago. He uses the word "ministerial", but he doesn't use it on its own. He talks about the ministerial or political decision. That's what I'm trying to find right now.

I'm going to suggest, once I find this.... I wish you hadn't written all over this, Mr. Young.

Okay, here we are.

I'm going to quote from the paragraph. He says:

I don't think one should, however, allow this way of talking—"CIDA decision, departmental decision"—to be used as a shield to obscure the distinction between a decision taken or a recommendation coming from the professional level, the departmental level, and the ministerial decision, which is political. There is an important distinction there.

I think he uses the same pairing, "ministerial" and "political", together.

So if we want to do this, what I would suggest is that we amend Mr. Young's motion so that it leaves the word "departmental" in, as it is here in paragraph 38, but say "between a ministerial or departmental decision", or else actually incorporate, if you like....

Let's do this: "ministerial decision, which is political", in place of the words "political decision".

So it would read: "a distinction must be made between a ministerial decision, which is political"—and we can quote it because of the fact that it actually is, in Mr. Walsh's testimony, a very precise thing—"and an administrative one".

Do you see how I divided it up? I'm making a suggestion that this amendment be made to Mr. Young's amendment.

•(1325)

**The Chair:** Okay.

Mr. Young, are you all right with that?

**Mr. Terence Young:** Yes.

**The Chair:** So putting it the way Mr. Reid said—

**Mr. Scott Reid:** I'll speak to my proposal, Mr. Chair.

**The Chair:** Certainly.

**Mr. Scott Reid:** This actually comes back to the whole problem of having quotes—

**The Chair:** It is getting a little loud for me to be able to hear Mr. Reid.

Thank you.

**Mr. Marcel Proulx:** I'm sorry, what was that?

**The Chair:** Don't be sorry; just be quieter.

**Mr. Marcel Proulx:** I couldn't hear you. I don't know what you were saying.

Go ahead. Take some time. You'll have a breather and a glass of water and then you'll be back in shape.

**Mr. Scott Reid:** I could have more of that excellent House of Commons coffee.

The point here is that we have quote marks on this. I raised an earlier concern about the use of quotes around the word "political". I want to explain that this is different. My concern was that the use of quote marks might imply sarcasm. It might look like ironic quotes, the print version of air quotes. But the opposite is going in here—this is quotation for precision.

I've long maintained, and I think today is a good chance to reiterate this important point, that when you can quote, it's always preferable to paraphrasing. It's something we sometimes forget about, and we find ourselves making paraphrases that lose a bit of the precision that was there initially. They also cause us to lose the ability, as readers, to be certain of whether this was intended as a precise repetition or a general summation of what was being said.

In this case, putting the actual quotation in allows for absolute certainty of precision, and ensures that this paragraph is an accurate reflection of what had been said by Mr. Walsh. It's pretty important, because he is our legal counsellor for the House of Commons.

Those are my thoughts on the amendment to the amendment.

**The Chair:** Super.

On Mr. Reid's amendment, is there further discussion?

**Hon. John McKay:** What was the amendment, by the way?

**Mr. Scott Reid:** For Mr. McKay's benefit, what I said was—

•(1330)

**Hon. John McKay:** No, don't repeat it. Just go to the cut. Don't repeat it, please.

**Mr. Scott Reid:** The amendment is to delete the words "political decision" in the last sentence of paragraph 38, and replace them with the words "ministerial decision, which is political". That would be what would go into that spot, and it would be in quotes.

**The Chair:** We're okay with that?

Do we want a recorded vote on that?

(Amendment agreed to: yeas 11 ; nays 0 )

Carried.

Mr. Young, with respect to your motion, as amended, I'll call for a vote if there's no further discussion.

**Mr. Scott Reid:** Perhaps we could have a recorded vote.

**The Chair:** Perhaps we could.

**Mr. Scott Reid:** We're on Mr. Young's amendment, as I amended it. That's what we're on now. Then we'll get to 38.

**Hon. Bob Rae:** That adds the word "departmental"?

**Mr. Terence Young:** It has been done, so we're just asking if you approve the change.

**The Chair:** It's "departmental", plus his changes. That's fine.

(Amendment agreed to: yeas 10 ; nays 0 )

**The Chair:** It carries.

Paragraph 38, as amended?

**Mr. Scott Reid:** We voted on my amendment to his amendment, and then we voted on his amendment. Now we would be voting on 38, but I wanted—

**The Chair:** We voted on the amendments to paragraph 38. Now we're speaking to it as a whole.

Mr. Reid.

**Mr. Scott Reid:** Thank you.

I wanted to speak in favour of paragraph 38 as amended.

**An hon. member:** Good thinking.

**Mr. Scott Reid:** This is significant. Mr. Walsh stresses—this is really important—that he was not offering an opinion as to whether the minister was guilty of contempt of Parliament. He went on at some length. I actually would like to have seen in there some of what he said about contempt, about what contempt means, because it was a very enlightening discussion.

To be honest, I am having trouble remembering now—he appeared before us twice on two different subjects—whether it was in his Wednesday testimony or his Friday testimony. I think those are the two days he came before us. I don't know which day he made the point that contempt is whatever Parliament wants to find contempt to be.

That's significant. He says, number one, that he's genuinely not in a position where he can say, because this clearly isn't covered by the current definition of contempt, but that it is possible for Parliament to extend the term "contempt" out beyond its meaning, or to apply it, I suppose, on one basis and not in another in a manner that would be inconsistent. That would be within Parliament's rights. All that procedural folks like O'Brien and Bosc can do is keep a record of where the term has been used in the past and where it hasn't. Whether the uses are consistent is not within their powers to say.

I did say that this was important, and I wasn't just saying that rhetorically. The point is that it's Parliament's decision. In the Commons right now, there is a motion of non-confidence in the government under way on the subject of whether the government is in contempt.

You know, all this is really about is whether the term "contempt" is going to be extended to include something that has never been there before, because, as Mr. Walsh pointed out, contempt is whatever the majority of members voting on the issue want to say is contempt. Contempt is nothing more than that.

During our hearings it was frustrating for me personally. Mr. McGuinty on a couple of occasions read a dictionary definition of the word "contempt", which really has absolutely nothing to do with the parliamentary definition of the word contempt. A parliamentary

definition refers to something that relates back to the privileges of the House or respect for the House, that kind of thing. It is narrowly defined, which is why we see people acting in manners that are, by any objective sense, contemptuous—and I suppose sometimes even contemptible—but that would never qualify as contempt in the technical definition, particularly if they happen to be people who are members of a majority government.

Now, heaven knows, having sat under the Chrétien government and watched previous governments operating, majority governments of more than one partisan stripe.... We can all think of examples. We all read history, too, so we can think of examples. But they had a majority behind them, so...a different story.

The point here is that contempt is something that unfortunately can be subject to abuse. That's why when this statement kept on getting made, as part of the Liberal talking points, that this is a historic first, that never before has the government been found in contempt....

But there's a whole bunch of other things that will become firsts as we try them just because they're so far outside the normal practices of this Parliament, the Westminster Parliament on which it's based, and the various other parliaments throughout the Commonwealth. We are talking literally dozens of parliaments when you take into account the parliaments of the various provinces of Canada, the states of Australia, the states of India, the provinces of South Africa, and so on.

When you're talking about contempt and saying that it doesn't exist, or that these things don't happen elsewhere, it's because they are being respectful of the need to keep this term very tightly under wraps. They are aware of the dangers of using this too broadly, something that unfortunately has not occurred in this case.

● (1335)

I would argue, quite frankly, that if we're talking about contempt in the dictionary sense, there was some degree of contempt displayed by—

**Mr. Paul Dewar:** Chair, on a point of order—

**The Chair:** Mr. Dewar.

**Mr. Paul Dewar:** —just on relevance, we have a member who is actually aware that he supports the amendment. He has voted on the amendment. He supports the motion. I am just wondering if we could move things along, because he seems to be having the discussion with himself.

**An hon. member:** I think it's fascinating.

**Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC):** I'm learning something.

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

**The Chair:** He's referring to what Mr. Walsh has said, to the paragraph that's about—

**Mr. Paul Dewar:** But in light of the fact that he has already stated he agrees with the amendment and everyone agrees—

**Mr. Tom Lukiwski:** It's educational, Paul. You're a scholar. You should learn something too.

**Mr. Paul Dewar:** It's a point of relevance, and I know you're anxious to get things moving, Mr. Chair.

Thank you.

**The Chair:** Thank you.

Mr. Reid.

**Mr. Scott Reid:** Thank you, Mr. Chair.

I always think it's important.... I'm not sure how to respond to Mr. Dewar's intervention, except to point out that it is not unprecedented for a member of a committee, or indeed even a member speaking in the House, to speak in favour of something they support. That's all I'm doing.

The point, of course, of all discussion in the House and in its committees is to try to persuade members over to the point of view expressed by the speaker in order, hopefully, to have them vote in favour of the item on which they are speaking in favour. But we even have situations where something is non-votable, ultimately, and we still have debate over it. People try to convince each other of the merits in a more abstract fashion, something which I think is relevant here, since this ultimately is the issue that the opposition is planning on fighting the election over.

I was frustrated throughout these hearings by some of the ways in which.... I don't want to criticize other members. I'll say that I was frustrated by some of the things I saw some members do where I thought it just wasn't appropriate behaviour. I suppose it wasn't contempt of Parliament, obviously, but it was not respectful in the way we ought to be respectful—

**Mr. Marcel Proulx:** Do you mean with a filibuster?

**Mr. Scott Reid:** —of the proceedings.

Well, in answer to Mr. Proulx's question, I will just point out that you could write the rules here. We do have rules that deal with closure, right? We can write the rules so that debate just ends, regardless of whether all the germane points have been discussed or not, but the resting state of Parliament is to permit further debate, because there is always the possibility that the debate might result in a decision being made.

That's why, when the Speaker rules to break a tie, he rules as he does. At third reading, he'll rule against, and at second reading, he'll rule in favour, always to ensure that further discussion and further debate can occur, that the door is never closed. Of course, that's the reason for talking. That is ultimately the reason why, from a procedural point of view, additional debate is always possible in committee. That's all that I'm attempting to do here.

As I say, the issue of contempt of Parliament ultimately comes down to whether Parliament makes that decision. The fear one can legitimately have, I think, is that this and other procedures can be bent sufficiently out of shape such that they no longer serve their initial purpose. The purpose of the concept of contempt of Parliament, as with contempt of court, is not that it be used, first of all, as a rhetorical tool—that's obvious—but additionally that it not be used for the purpose of going after people when you don't have some other method for doing it, because effectively you can

find anybody in contempt on the basis of anything at all. All you need is to have a majority willing to do what you want to do.

That's the reason why I think it's so important that we all understand and all support this paragraph, and support it knowingly, knowing what we are voting on. That is why I wanted to send that thought, Mr. Chair.

• (1340)

**The Chair:** Thank you.

Monsieur Laframboise.

[*Translation*]

**Mr. Mario Laframboise:** Mr. Chair, I am going to support paragraph 38. Mr. Reid is doing so for his own reasons, but I am supporting it precisely because Mr. Walsh told us that it is important for us to see that, in the minister's office, there are two levels of decision-making, a departmental level and a political level.

The Bloc Québécois is clear in its decision. We are not questioning the minister's decision, a decision made in her office. Rather, we are questioning the fact that, for more than a year, the attempt has been made to make it seem like a CIDA decision, and that we will never accept. That is why we are going to support paragraph 41, that, by way of conclusion, says: "... the committee sees no other choice to find her in contempt of Parliament". If my colleagues were in agreement, Mr. Chair, we could even add "and to recommend that the House withdraw its confidence in this government that, by its systematic obstruction, today once more clearly shows that it no longer deserves to govern this country".

**An hon. member:** Hear, hear!

[*English*]

**The Chair:** Mr. Albrecht.

**Mr. Harold Albrecht:** Mr. Chair, I honestly wasn't planning to speak again, but what Mr. Laframboise just said clearly indicates that side does not understand the difference between the departmental recommendation and CIDA's decision. The decision is CIDA's, when the minister made it, and he clearly identified the opposite just a minute ago. He doesn't get it.

**The Chair:** Mr. Blaney.

[*Translation*]

**Mr. Steven Blaney:** I just want to say that I am ready to support the paragraph as presented. As I understand it, no amendments have been introduced. Is that correct? We are voting on this as presented? So I think we can move to a vote.

[*English*]

**The Chair:** We have finished our amendments on paragraph 38, and we're discussing 38 as it's been amended.

Mr. Lukiwski.

**Mr. Tom Lukiwski:** I just wouldn't feel right if I didn't have a chance to comment on this, Marcel.

I want to pick up where Mr. Albrecht left off, because I think that's the whole thrust of the argument on contempt. From the opposition standpoint it seems they have this continuing confusion on what a CIDA decision truly means.

When she appeared before committee, the minister was crystal clear when she stated that she had always said the decision to defund Kairos was a CIDA decision. The committee heard her testimony and had the benefit of her thoughts. By her saying it was a CIDA decision, she stated it was because she had made the decision to defund Kairos, and once she had made a decision, her decision became a CIDA decision.

However, the opposition continues to operate under a misunderstanding. They point to her testimony as evidence, in their minds at least, that when she said the CIDA decision was to defund Kairos, or not to fund Kairos, that she misled Parliament because she's saying that it was CIDA officials.

She never stated that it was CIDA officials. In fact, during committee, if members recall, I challenged the committee to find one excerpt from Hansard or one comment in a news report afterwards that quoted Minister Oda saying that CIDA officials made this decision. She had never done so. I'm sure that all of the researchers from the opposition parties will have had adequate time by now at least to go over every single word the minister said.

She made many appearances. She talked at length at committee, particularly during her appearance at committee on December 9. She spoke in the House. She answered questions. She gave interviews outside the House. At no time was her testimony inconsistent. At no time did her testimony, either in the House or outside the House, offer contradictory statements. She continually stated this was a CIDA decision.

As members will recall, when I questioned the minister at committee, I asked her specifically, did she say at any time, did she give any impression or inference at any time, did she make any suggestion at any time that this was a decision to defund Kairos that was made by her officials as opposed to her? She said no, she never stated that, and she never meant to state that. She also clarified the fact that although she was comfortable in her own mind when she said it was a CIDA decision and that others would interpret her

remarks as she intended them to be received, that it was her decision and she represented CIDA, she understood there was some confusion. That is why in her statement in the House in February of this year she apologized for any confusion and she wanted to clarify the record. She went on to clarify and apologize once again at committee. She apologized if there was any confusion on this matter.

I think her direct testimony at committee should put an end to this. She stated that at no time did she state this was a decision made by her officials and that she overturned it. She said it was a recommendation by her officials. She rejected the recommendation. Her officials confirmed that. Ms. Biggs confirmed the fact that it was a decision made by Minister Oda and that CIDA officials were not confused whatsoever. It seems the only confusion is that generated—and I say generated for a reason—by the opposition. I think, quite frankly, they're manufacturing their confusion.

In the Speaker's ruling, if you recall, he said that the primary reason he was referring this to committee was to clear the air because there appeared to be some confusion. He cited a similar case back in 2002, and although he didn't mention the name of the minister involved, it was Art Eglington, a former minister in the former Liberal government.

**A voice:** Eggleton.

**Mr. Tom Lukiwski:** Eggleton. Thank you for that.

• (1345)

I'll just call him Art.

**The Chair:** Not named after the street...?

**Mr. Tom Lukiwski:** When that issue was referred to committee, the committee finding was that the minister was not in contempt.

**An hon. member:** A point of order. The bells are ringing.

• (1350)

**The Chair:** We are adjourned.







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