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# **Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness**

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**EVIDENCE**

**Wednesday, October 13, 2004**

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**Chair**

**The Honourable Paul DeVillers**

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## Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness

Wednesday, October 13, 2004

• (1530)

[English]

**The Clerk of the Committee:** Honourable members of the committee, I see a quorum. We can now proceed to the election of the chair. I am ready to accept motions to that effect.

Ms. Neville.

**Ms. Anita Neville (Winnipeg South Centre, Lib.):** Madam Chair, I would like to put forward two names in nomination: Paul DeVillers and John Maloney.

[Translation]

**The Clerk:** Are there any other nominations?

[English]

Nominations are now closed.

[Translation]

Since more than one candidate has been nominated for this position, pursuant to the Standing Orders, we will proceed to elect the Chair by secret ballot.

[English]

Before proceeding, I will briefly explain how the process will be conducted. My colleague, who is a procedural clerk with the House of Commons, and I will stand at each side of the table and issue ballots to members. After members have written their choice on the ballot and deposited it in the box, we will count the votes and announce the name of the successful candidate.

[Translation]

If no member garners a majority of the votes, there will be a second round of balloting.

**Mr. Paul DeVillers (Simcoe North, Lib.):** Before we proceed with the election, Madam Clerk, do the Standing Orders say anything about the procedure to be followed in the event of a tie vote? They do? What do they say?

**The Clerk:** We should start over again.

• \_\_\_\_\_ (Pause) \_\_\_\_\_  
•

**The Clerk:** I declare Mr. Paul DeVillers elected.

[English]

to have received the majority of votes.

• (1535)

**Mr. John Maloney (Welland, Lib.):** Madame Clerk, on a point of order, I wonder if we could make that unanimous. Perhaps I'll make a motion to destroy the ballots and congratulate Mr. DeVillers on his new position.

**Some hon. members:** Hear, hear!

**The Clerk:** Before inviting the chair to take the chair, we will now proceed to the election of vice-chairs.

[Translation]

I am ready to proceed with the election of the Vice-Chair for the Official Opposition.

[English]

**Mr. Myron Thompson (Wild Rose, CPC):** Madam Clerk, I take pleasure in nominating Mr. Garry Breitzkreuz.

[Translation]

**The Clerk:** Are there any other nominations?

[English]

Nominations are now closed.

(Motion agreed to)

**The Clerk:** I declare the motion carried, and Mr. Breitzkreuz duly elected vice-chair.

[Translation]

I will now proceed with the election of the Vice-Chair from the other opposition party.

**Ms. Diane Bourgeois (Terrebonne—Blainville, BQ):** Madam Clerk, I nominate Mr. Richard Marceau for the position.

[English]

**The Clerk:** Are there any other nominations?

(Motion agreed to)

**The Clerk:** I declare the motion carried

[Translation]

and Mr. Marceau duly elected Vice-Chair of the committee.

[English]

I invite Mr. DeVillers to take the chair.

[Translation]

**The Chair (Hon. Paul DeVillers (Simcoe North, Lib.)):** Thank you very much, Madam Clerk.

[English]

Thank you, colleagues, for your vote of confidence. I think this is going to be a very interesting journey we're going to take together in this committee with a minority situation—and I think for the first time in all of our experience. We will have to work together in a spirit of cooperation, and I'm sure we can do that.

[Translation]

It's not easy to work when there is a minority government in office, but Canadians expect us to make sound decisions and I'm confident that together, we'll be able to do that.

[English]

First we need to do routine motions.

We need a motion to deal with our analysts, for services from the Library of Parliament. The analysts who are here are Phil Rosen, who is known to many of us who have served on the committee in the past, and his colleague, Robin MacKay. We need a motion to adopt them to be the analysts to assist this committee.

• (1540)

**Hon. Roy Cullen (Etobicoke North, Lib.):** I so move.

**The Chair:** Are there any objections or is the motion carried?

(Motion agreed to)

**The Chair:** I will ask Mr. Rosen and Mr. MacKay to join us at the table, and I will ask them if they have any words of wisdom for us before we carry on.

**A voice:** Fasten your seat belts.

[Translation]

**The Chair:** We need to adopt a motion establishing the Subcommittee on Agenda and Procedure. Madam Clerk has just indicated to me that we have a choice. There is a motion that the committee adopted when it had 18 members in total. However, since there are now fewer members on the committee, we have an alternate motion to consider: that the Subcommittee on Agenda and Procedure be composed of the Chair, the two Vice-Chairs, the Parliamentary Secretary to the Justice Minister, the Parliamentary Secretary to the Minister of Public Safety and Emergency Preparedness and one member from the other opposition party.

Are there any comments on the alternate motion or do you prefer to adopt the existing motion?

Mr. Marceau.

**Mr. Richard Marceau (Charlesbourg—Haute-Saint-Charles, BQ):** Just so that I understand clearly, the second motion reads as follows: that the Subcommittee on Agenda and Procedure be composed of the Chair, who is a Liberal member, the two Vice-Chairs, the Parliamentary Secretary to the Justice Minister... That makes three Liberal members. I'm curious as to the breakdown by party. There would be three Liberals, one Conservative member, one BQ member and one NDP member. Correct?

**The Chair:** That's correct. I believe the other member would be from the NDP, since the two Vice-Chairs represent the BQ and the Conservative party respectively. All parties will be represented.

**Mr. Richard Marceau:** Mr. Chairman, I strongly object to having the same number of opposition and government members. I assume that we are under no obligation to adopt the motions as worded. We can formulate our own...

**The Chair:** That's right. This alternate motion has been presented so that members can discuss the wording.

**Mr. Richard Marceau:** If I might make a suggestion, Mr. Chairman, I move that the Subcommittee on Agenda and Procedure be composed of the Chair, the two Vice-Chairs and one member of the other opposition party, in this case, the NDP.

**The Chair:** Should we delete the reference to the parliamentary secretaries?

**Mr. Richard Marceau:** Yes, I think so.

**The Chair:** Are there any further comments?

[English]

Mr. Breitkreuz.

**Mr. Garry Breitkreuz (Yorkton—Melville, CPC):** Just following up on what my Bloc colleague was saying, I don't see that we need the parliamentary secretaries here. This is just like a steering committee. They're just going to be dealing with the proposed agenda of the committee. It would be better if the parliamentary secretaries to the justice minister and for public safety and emergency preparedness weren't here. The committee would then be more at arm's length from the government and freer to deal with a lot of these issues. I think it would be better if there were a third option where they would not be included. That's not here right now.

• (1545)

**The Chair:** Maybe we should review the first option and the existing situation first, where they had the chair, the two vice-chairs, and in that case they had the two parliamentary secretaries and then they had three other members of the opposition. That would accomplish what Mr. Marceau was concerned about, right?

[Translation]

That would put the opposition in a majority position. Correct?

[English]

**Mr. Garry Breitkreuz:** But that doesn't address my concern that the parliamentary secretaries are here.

**The Chair:** Subject to comments from other members of the committee, as the chair, I would think there are times, without being partisan, to have the input of where the government thinks it wants to go. That doesn't mean the committee needs to acquiesce and go along with it. That would be worthwhile input, it would strike me.

Yes, Mr. Cullen.

**Hon. Roy Cullen:** Thank you, Mr. Chair.

What I'm going to say may sound somewhat self-serving, but I think the parliamentary secretaries can do precisely that: give some insight in terms of some of the government priorities and maybe some insight into what is ready and what isn't, in terms of scheduling of work, what is the logical sequence, which the committee may decide to accept or not accept. The parliamentary secretaries on the committee would add to the planning and setting or at least assisting in formalizing the agenda.

[*Translation*]

**The Chair:** Ms. Bourgeois.

**Ms. Diane Bourgeois:** Mr. Chairman, unless I misunderstood, the composition of the Subcommittee on Agenda and Procedure would be virtually the same as that of the steering committee. Why then do we even need to have a subcommittee?

**The Chair:** That's another option.

**Ms. Diane Bourgeois:** The subcommittee must dispense with its business quickly. I think it would have far too many members.

[*English*]

**The Chair:** Mr. Cullen.

**Hon. Roy Cullen:** I think that is an excellent point, because with the smaller number on the committees, some committees actually have their steering committee as the whole committee. It seems to me in a case like this it might make more sense to have the main committee deal with the priorities and procedures as the full committee.

**The Chair:** Is there any objection to proceeding without bothering with a procedural committee?

**Mr. Garry Breitkreuz:** Mr. Chair, that would be very cumbersome. I think we'll be so tied up and would spend a lot of time on this. I would like to see a very small committee of three or four members, one from each of the parties, proposing things. Then that will come to the whole committee and we'll discuss it there.

I still register my concern that the parliamentary secretaries are there. You might as well have the whole committee if everybody's going to be here. That will be very cumbersome, and I don't think we should go there, but I guess I'm with whatever the committee says.

**Mr. Myron Thompson:** Mr. Chairman, I'm wondering if it wouldn't be beneficial, particularly for new members who are on the committee for the first time, to clearly understand what the purpose of the subcommittee is. I know when I first got here I was sure in the dark. Maybe we should clarify that so they could all be included in the debate.

**The Chair:** Basically, the purpose of the subcommittee, as Mr. Breitkreuz indicated, is to set out the agenda of the committee: which bills and in which order they would be reviewed. We're somewhat restricted by the rules of the House: private members' bills have to be done within a certain period of time, and there are other rules and guides. But basically the committee is the master of its own destiny, in the sense that it determines the order of business.

Yes, Mr. Breitkreuz.

• (1550)

**Mr. Garry Breitkreuz:** I have one addition to that. They simply recommend to the committee the agenda they would like to see. It's

not that they set the agenda, as you suggested; they recommend the agenda to the whole committee. It will still come back to everybody.

[*Translation*]

**The Chair:** Go ahead, Ms. Desjarlais.

[*English*]

**Mrs. Bev Desjarlais (Churchill, NDP):** With regard to the steering committee, I agree, it would end up being cumbersome to try to gather everybody together in a timely way to get things going. I think it would end up being more cumbersome.

[*Translation*]

**The Chair:** Ms. Bourgeois.

**Ms. Diane Bourgeois:** Mr. Chairman, this is my first Justice Committee meeting. At the risk of sounding very naive, I have to say that as our name implies, we are a committee where justice should prevail and the NDP does not seem to be well represented. To honour our name, shouldn't we make room for one NDP member?

[*English*]

**The Chair:** Thank you.

Mr. Forseth.

**Mr. Paul Forseth (New Westminster—Coquitlam, CPC):** I'm proposing that we look at our document here. We have the top one, and then it says "or". I'm suggesting that the subcommittee on agenda and procedure be composed of the chair and the two vice-chairs, and include the other opposition party, meaning the NDP. We would strike the other four lines in there. This would just give representatives of all the parties the ability to cycle on the telephone, to be able to make quick recommendations.

So the wording would read: that the subcommittee on agenda and procedure be composed of the chair, the two vice-chairs, and one of the other opposition party. That's it.

It looks like I'm getting some agreement on that.

**The Chair:** Any comment from the government side?

John Maloney.

**Mr. John Maloney:** I was just going to comment that option two, I think, is eminently fair. If Mr. Forseth hadn't moved his motion—I don't know where it was—I would have been prepared to move that we accept option two. We've had a lot of discussion here on different options. Let's get down and decide which one it's going to be. Perhaps we can do it by a process of elimination.

**The Chair:** We have Mr. Forseth's suggested wording on the floor. Are you agreed, before we call the vote on the motion?

**Some hon. members:** Agreed.

(Motion agreed to)

[*Translation*]

**The Chair:** The third motion for our consideration pertains to the reception and publication of evidence in the absence of a quorum. The proposed motion reads as follows: that the Chair be authorized to hold meetings to receive and publish evidence when a quorum is not present, provided that at least three members are present, including one member of the opposition.

Are there any comments?

(Motion agreed to)

[English]

**The Chair:** The next motion is payment of witnesses' travel and living expenses: that, if requested, reasonable travel accommodations and living expenses be reimbursed to witnesses, one representative per organization, and that in exceptional circumstances payment for more representatives be at the discretion of the chair.

(Motion agreed to)

[Translation]

**The Chair:** The next motion concerns the distribution of documents with translation: that the Clerk of the Committee be authorized to distribute to the members of the Committee documents only when they exist in both official languages.

Mr. Marceau.

**Mr. Richard Marceau:** I would like to suggest that the words "and that no witness document be distributed without the authorization of the Clerk" be added after the words "in both official languages".

[English]

**Mr. Garry Breitkreuz:** Mr. Chair, I would like clarification on that.

**The Chair:** Yes, Mr. Breitkreuz.

**Mr. Garry Breitkreuz:** Sometimes we have people come to the committee with 24 hours' notice, and they will meet us at the door and give us a document. Does this restrict them from doing that?

**The Chair:** Monsieur Marceau.

[Translation]

**Mr. Richard Marceau:** It's unfortunate, but that's how it is. It's not simply a matter of wanting to be politically correct here. We often encounter situations where the document distributed is mostly in English. Those of us who don't read English end up being at a disadvantage and we'd like to avoid that. As I understand it, the Justice Committee often gives witnesses more than enough time to submit their briefs in advance for translation. Only in exceptional cases does... When that happens, members who do not speak or read English cannot follow along as well as other members and this puts us at a considerable disadvantage.

•(1555)

**The Chair:** Thank you.

Mr. Forseth.

[English]

**Mr. Paul Forseth:** I would respond by asking, what would be your solution, then, for the proper conduct of the committee? I can see that this could really bind the committee into almost non-operation. There has to be some kind of practical, reasonable way to do this. If it can't be distributed when it's in this room, then it's going to have to be distributed sometimes directly to MPs' offices. Or are they going to stand out in the hall? If they're on one side of the door, it's okay; if they're on the other side of the door, it's not okay.

I have great sympathy with your point of view. In the past, when the clerk and researchers and everybody from this committee have been in contact with groups, we've laid it on the line, saying that they've got to have simultaneous translation. But I'm certainly sure there are some groups that don't have the financial capacity. Sometimes there's a letter that the committee may want to examine. Then there's the timeliness of it. If you can't give it to committee without it being translated....

I've been down this road before, and certainly Mr. Cullen and others have. I'm begging your understanding. I think the will of the committee is to try to have everything translated, but if you add that extra, I'm afraid it will really put us into a difficulty that wasn't contemplated.

**The Chair:** Ms. Desjarlais.

**Mrs. Bev Desjarlais:** It is absolutely unacceptable that any witness would bring any material in only one language. It is absolutely unacceptable. It puts other committee members at a disadvantage, one way or the other. I would be in a really tough situation if someone came here with a purely French document.

**The Chair:** And that does happen.

**Mrs. Bev Desjarlais:** It has happened, and when it happens to you once, you realize that no one should ever be put in this situation. The position you take is that everybody gets the same from the person giving the presentation. Nothing gets given in written copy to any committee member until it's translated. That's the only way of doing it. That keeps us on a level playing field.

It is not acceptable.

[Translation]

**The Chair:** Are there any other comments before we vote on Mr. Marceau's amendment?

(Amendment agreed to)

(Motion agreed to)

•(1600)

**The Chair:** I want to assure all committee members that as Chair, I will do my utmost to see that witnesses are given sufficient advance notice, when called to testify, so that they can have their submissions translated. We have an obligation to comply with the Official Languages Act and we intend to do just that.

[English]

The next issue is the motion with regard to working meals: that the clerk of the committee be authorized to make the necessary arrangements to provide for working meals for the committee.

(Motion agreed to)

[Translation]

**The Chair:** The next motion concerns in camera meeting transcripts: that one copy of the transcript of all in camera meetings be kept in the Committee Clerk's office for consultation by members of the Committee.

(Motion agreed to)

[English]

**The Chair:** On staff attending in camera meetings, the motion reads: that, unless otherwise ordered, each committee member be allowed to have one staff person present at in camera meetings.

(Motion agreed to)

[Translation]

**The Chair:** The next motion for our consideration concerns time limits for witness statements and questioning. The proposed motion, which is identical to one adopted in the last Parliament, reads as follows: that witnesses be given 10 minutes for their opening statement; that, at the discretion of the Chair, during the questioning of witnesses, there be allocated 7 minutes for the first questioner of each party; and that thereafter, 3 minutes be allocated to each questioner, alternating between Government and Opposition parties.

Mr. Marceau.

**Mr. Richard Marceau:** The speaking order isn't clear, either in the French or in the English version. The second part of the motion refers to questioning alternating between members. However, there is no mention of this in the first part of the motion. You mentioned that we should adopt the same approach as was taken in the past, because it worked well for Justice Committee members. John was there. Normally, questioning alternated between the Conservatives, the Bloc, the NDP and the Liberals, then back to the Conservatives, the Liberals, the Bloc and then the Liberals. Perhaps we should add the words "and that there be allocated 7 minutes for the first questioner of each party, beginning with the opposition parties". That would be clearer. In the proposed wording, the speaking order for the first round of questioning isn't clear.

**The Chair:** We could do that. Is everyone agreed?

[English]

Yes, Mr. Forseth.

**Mr. Paul Forseth:** I was just getting your attention for my colleague.

**The Chair:** Mr. Breitzkreuz.

**Mr. Garry Breitzkreuz:** I think we should work something out here that will work a little better. There are not as many government members now. I think we should work out a different system from having it alternate between the opposition and the government, as in the last part, "alternating between government and opposition parties". I haven't thought through what would be fair. What do government members suggest so that this will be a little bit more fair?

**The Chair:** Yes, Mr. Cullen.

**Hon. Roy Cullen:** If we try to define it too carefully, we won't get very far. There are times when the opposition members are not ready. We've all done that. They will say, "Ask the Liberal member to proceed first." Second is the number of members that would be at the committee at any point in time. If you try to regulate it too closely, you might find there is no one available to ask a question.

We need to leave some discretion with the chair. If we narrow it down so precisely, I think we'll end up in a box just by following our own rules.

**The Chair:** Ms. Neville.

**Ms. Anita Neville:** The amendment says "beginning with the opposition parties". Where does the government party fit in?

**The Chair:** Fourth. For the first round, all three opposition parties get their seven minutes. Then it's seven minutes to the government.

**Hon. Roy Cullen:** But the witnesses might not all be here.

**The Chair:** No.

To answer Mr. Breitzkreuz's concern, if you're not the lead questioner on the government side, that means there will be six rounds before a second person gets a three-minute round, and that is a very long time. There are the same number of opposition parties, even though there are fewer government members. Personally speaking, that was the frustration in sitting as a government member in committee. If you didn't get the lead question for your party, by the time they came to you, the room was empty. People did their ten minutes and three minutes and then often walked out.

Mr. Forseth.

**Mr. Paul Forseth:** It would be the same for the Conservative side. It would be the fourth round before our fourth person had a chance to ask questions.

I'm suggesting that we strike out "alternating between government and opposition parties". That would leave it to the discretion of the chair as to who is here and what the flow of the situation is. The committee can always revisit that. I've been in this situation a number of times, and I think that might do it.

**The Chair:** Mr. Breitzkreuz.

**Mr. Garry Breitzkreuz:** I don't think what you just said is correct, because it doesn't say here that the fourth questioner will be from the government side. It could be the first questioner of each party.

**The Chair:** Mr. Marceau's amendment says "beginning with the opposition parties".

**Mr. Garry Breitzkreuz:** Oh, I didn't hear your amendment. Sorry.

**The Chair:** Mr. Breitzkreuz, that has been the way the committee has functioned. It goes down the opposition side. In other words, there are three seven-minute rounds before the government gets one seven-minute round. Then we go back and forth.

**Mr. Garry Breitzkreuz:** Let me clarify. His amendment means beginning with the three opposition parties.

**The Chair:** Right.

**Mr. Garry Breitzkreuz:** That's not in here.

**The Chair:** That is his suggested amendment, and that is the procedure that has been followed in the past.

Are you suggesting that one begin here and then—

**Mr. Garry Breitkreuz:** No, I'm not suggesting anything. I'm just saying that it's already pretty onerous for the government members, and I'm hearing comments to the effect that we're trying to make it more onerous for them. It's already difficult being a government member, and we understand the reason for that. Government members presumably can provide direct input to the minister in caucus, etc. So that's fine.

**The Chair:** Mr. Forseth.

• (1605)

**Mr. Paul Forseth:** We have two suggested amendments. First of all, there is the Bloc's extra embellishment that was added in there. I think we've all agreed to that. Now I'm suggesting a further amendment that strikes out the last words, "alternating between government and opposition parties". If it's silent, it gives the discretion to the chair, depending on what's here.

**The Chair:** Mr. Cullen.

**Hon. Roy Cullen:** I think that's a good idea. There are times when certain members of the committee have followed a certain issue closely, and other members of the committee know that. The government side might defer. It could work the other way. I'm fully confident that Mr. DeVillers will run a very fair committee, and if not, this, as you say, can always be reviewed.

[Translation]

**The Chair:** Mr. Marceau.

**Mr. Richard Marceau:** It breaks my heart to have to disagree with my Conservative colleagues. I can understand their frustration, but if we don't spell out clearly how we're going to proceed and allow the Chair too much discretion — with all due respect to you, Mr. Chairman, it's never a good idea to give a person too much discretionary authority - we'll be revisiting this issue in two weeks' time. One member will argue that he didn't get his turn, and he'll be told that he did in fact have a turn. The question will resurface periodically. I would prefer that we settle this matter once and for all, to avoid...

We want the committee to run smoothly. That has been the case in the past, including times when we were called upon to consider rather important and contentious issues such as same-sex marriage. Everything went smoothly because the basic rules were clear from the outset and a spirit of camaraderie prevailed. That's what we want to see in place once more.

[English]

**The Chair:** Mr. Cullen.

**Hon. Roy Cullen:** First of all, to say that it goes to the opposition first, that's fine. I think we probably have consensus there. But then you come back to the Liberal side. Then you go back and go through all the opposition parties again.

**The Chair:** No, he wants to go back.

**Hon. Roy Cullen:** Couldn't we say "alternating between government and opposition parties where possible"? You might go to the other side and find that the person is not ready or doesn't want to ask a question. We have to put some flexibility in the hands of the chair.

**The Chair:** Okay, Ms. Desjarlais, and next I'll call the question.

**Mrs. Bev Desjarlais:** Just for clarification, to make sure I'm understanding, in the second round it would go to the Conservatives, then to the Liberals, then to the Bloc, and then to the Liberals—

**The Chair:** Yes, and then to the NDP and then to the Liberals.

What is being suggested by Mr. Forseth's amendment is that at the second round it not necessarily alternate, that there just be rounds of three minutes at the discretion of the chair.

**Hon. Roy Cullen:** But even that, in my judgment... Because we're in a minority, you could argue that to go back to the Liberals all the time is not totally fair. So after the first round, why can't we just leave it to the discretion of the chair, and if we think the chair is not using that prerogative fairly, then we revisit it. I think we have to be a bit flexible because of different circumstances, different witnesses, different interests that committee members might have, etc.

**The Chair:** Ms. Desjarlais.

**Mrs. Bev Desjarlais:** Could you not leave it with Richard's amendment? You could leave the other part in, and then if there is a problem you could go back to it. That way, you have the assurance that the alternating is there, and if there aren't people there that day, you just go to the next one.

**The Chair:** Yes, which in practice likely will happen.

But we do have Mr. Forseth's suggested amendment. I think we've agreed on Mr. Marceau's amendment to include "starting with the opposition parties". Now we have Mr. Forseth's amendment that we remove the alternates provision.

(Amendment agreed to)

**The Chair:** So that would carry, with the understanding, of course, that it is at the discretion of the chair to make sure there is balance and that everyone has an opportunity after the first round.

Mr. Breitkreuz.

**Mr. Garry Breitkreuz:** Another concern I have is this three minutes. I have found in previous committee meetings that if you're too strict on that particular time limitation it almost makes it impossible to get a decent question and answer in.

• (1610)

**The Chair:** Sometimes the questions are six minutes.

**Mr. Garry Breitkreuz:** Yes, that's true, and it's not just from the opposition side. Could we have more flexibility there? I don't know if you want to change it to five or four or at the discretion of the chair. I have found in previous committees that that is almost too restrictive.



**The Chair:** Yes, that's the written word. Why don't we try it and see how it works out? We know we can always revisit these at later meetings if we find there's a problem. Agreed?

**Some hon. members:** Agreed.

**The Chair:** Thank you.

Private members' business bill: that when a private members' business bill is referred to the committee, it be placed on the agenda, and that its sponsor be invited to appear before the committee.

Yes, Mr. Forseth.

**Mr. Paul Forseth:** I would like to add an addition, and this addition is based on a lot of experience at committee and rueing the fact later that we did not do this. It is that every witness who comes here be advised, when they make an inquiry about whether they're going to be a witness, that when they come they will be asked to be sworn. It's a very simple procedure. The clerk simply reads a little thing, and they say they so swear, and they carry on. But it's a very important legal matter that the clerk swear every witness.

I think those on the Liberal side have heard those arguments. We know the problems we had at public accounts and government operations and estimates or whatever, and it can be done so quickly, especially when witnesses are advised in advance, even in the material. It will greatly enhance the ability of this committee to conduct its affairs, and I would like to add it.

The wording is that witnesses be advised that they will be sworn and that when they attend the clerk will swear them.

**The Chair:** Mr. Maloney.

**Mr. John Maloney:** Mr. Chair, I would oppose that amendment. This is a committee. We are soliciting opinions and advice from individuals who appear before this committee. I don't know what goes on at public accounts, etc.; that may be a special exception. But I think at this stage these people are operating according to their best advice, and to me, to have a person swear to that is not appropriate under the circumstances.

**The Chair:** Mr. Cullen.

**Hon. Roy Cullen:** I would agree with that, Mr. Chair. In the context of this committee, I think it's overkill. Mr. Forseth and I worked on the government operations and estimates committee when we dealt with the privacy commissioner, and it was quite appropriate there. But as my colleague says, here we're listening to people's advice and opinions, and I think it's overkill. I think it's for us to make a judgment call. People can overstate positions and understate positions. They can exaggerate. They can use statistics selectively. We all know that. It's our job to cut through that with the help of our researchers.

**The Chair:** Next is Mr. Breitzkreuz.

Then I would ask Mr. Rosen to give us the benefit of his thousand years of experience here on the Hill.

**Mr. Garry Breitzkreuz:** Let me hear Mr. Rosen's experience.

**Mr. Philip Rosen (Committee Researcher):** Thank you. It's not a thousand years.

**Mr. Garry Breitzkreuz:** Would you swear to that?

**Mr. Philip Rosen:** I've been working here since the last century, anyway.

This committee has done it from time to time in the past when it has been involved in factual inquiries, where there was some concern that they were getting less than clear information—let me put it diplomatically. The suggestion I would offer is that the committee consider the issue at the beginning of each subject matter it takes up. In most cases you probably won't want to do this because you're likely going to be dealing with policy issues or legislation, and there will be an honest difference of opinion, where people honestly have different takes or different analyses of facts or different understandings of facts.

Those are my comments.

**The Chair:** My concern would be that if there were a standing rule that a notice would be sent out automatically, when you're dealing with expert evidence and opinion, we might scare off some experts, who are going to say they find it a bit extreme.

We've heard Mr. Rosen's suggestion. Are we in agreement?

Mr. Forseth.

**Mr. Paul Forseth:** I have a closing comment. In view of the comments around the table, I'll withdraw that suggestion. However, I would say that in view of the comments, I think there's a fundamental misunderstanding of the role and power of the committee. This is a committee of record. What goes on here is much more significant in law than we think. I understand the open-door policy of wanting people to be candid and so on, but I think as parliamentarians we must be more mindful of the legal context of what we're doing here. Committees in the American Congress get all kinds of opinions, but still it's standard that everyone is sworn. I think someday we ought to get to the point where for every committee it's a matter of procedure. But that's for a larger philosophical debate on another day. Obviously, I haven't won this one, so I'll end it there.

• (1615)

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

One other item that is not on the notice of meeting is the notice of motions. I think that's an issue we should deal with.

Mr. Maloney.

**Mr. John Maloney:** I move, Mr. Chair, that 48 hours' notice be recommended.

**The Chair:** The one we had last time, which was moved by Mr. Marceau, says that except for amendments to bills, 48 hours' notice be given before any substantive motion is considered by the committee and that the motion be filed with the clerk of the committee and circulated to members in both official languages.

(Motion agreed to)

**The Chair:** Is there any other business before we adjourn?

Thank you.

The next meeting will be at the call of the chair.

We are now adjourned.









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