



House of Commons
CANADA

Standing Committee on Public Accounts

PACP • NUMBER 031 • 1st SESSION • 38th PARLIAMENT

EVIDENCE

Wednesday, April 20, 2005

—
Chair

Mr. John Williams

All parliamentary publications are available on the
"Parliamentary Internet Parlementaire" at the following address:

<http://www.parl.gc.ca>

Standing Committee on Public Accounts

Wednesday, April 20, 2005

• (1540)

[English]

The Chair (Mr. John Williams (Edmonton—St. Albert, CPC)): Good afternoon, everybody.

Orders of the day are—first of all, it's televised from 3:30 to 4 o'clock—committee business, the tenth report of the subcommittee on agenda and procedure. I've been given a couple of notices of motions. After that we will move in camera until 5:30 p.m. for consideration of the draft reports. And if we get through that, then we'll have the appropriate motions.

First of all, the committee business, the tenth report. Your subcommittee met on Tuesday, April 19, 2005, to consider the business of the committee and agreed to make the following recommendations.

One is that the Honourable Andy Scott be invited to appear before the Standing Committee on Public Accounts on Wednesday, May 4, 2005, in relation to chapter 5 of the November 2004 *Report of the Auditor General of Canada*. You may recall that this committee had passed a motion giving the department until the end of April to come up with a plan and to come back and present that to us in the month of May. The minister has asked to be here; therefore, it's appropriate that we agree with the request of the minister to come before the committee. That would be agreed.

Second is that Mr. Frank Schiller and Warren Kinsella be invited to appear before the Standing Committee on Public Accounts to discuss issues of potential witness intimidation, and that is in response to the allegations made by Mr. Kinsella before this committee last Monday, where he said he had received a call from someone. He had given that name to me, and it was a Mr. Frank Schiller. In the interest of fairness, the committee decided it was appropriate that we call Mr. Schiller before the committee and ask him to give his side. It's not appropriate that we have only one side of the story on the public record. If that is agreed, then we will proceed on that basis.

Mr. Holland.

Mr. Mark Holland (Ajax—Pickering, Lib.): This is on item two of the tenth report. I don't know what I can and can't say here, but I have two concerns.

First of all, I think the claim has proven itself to be both frivolous and vexatious. Mr. Kinsella himself, on his website—and this is a public website of blogs, I'm not relating anything out of turn here—said, "P.S. Nobody threatened me, by the way".

This is his comment, directly off his website, directly off his blog. He said that nobody has threatened him.

Now, regarding Mr. Schiller...and I'm going to have to take direction, Mr. Chairman, in terms of what I can say beyond Mr. Schiller's name. Can I speak beyond that in terms of...?

The Chair: I don't know what you're going to say.

Mr. Mark Holland: Well, this is the problem. I'll say it.

Mr. Schiller got a phone call from somebody who got a phone call from somebody, and that somebody is an unknown somebody. Supposedly that unknown somebody said they didn't agree with what Mr. Kinsella was supposedly going to say. Well, there's no intimidation. Some mysterious person, whom we don't know, may have said to somebody that they disagreed with the assertions made by Mr. Kinsella, and they shared that with another party, who then called Mr. Schiller, who then called Mr. Kinsella. Then Mr. Kinsella came in and said, well, hey, I was intimidated, and then later, in the end, he says he wasn't intimidated, and puts on his website that he wasn't intimidated.

I think he was playing the committee, Mr. Chairman. I think he thought this was a big game, that he could drop this, get a little bit of attention, and now he's wheeling back.

Are we going to allow our committee to be seized with this matter and waste our time on something that is essentially a wild goose chase? It's fun to play Columbo, but when somebody is playing you, I think it's time to move on to other business. I think this is a clear example of the committee being played. He says one thing, then he goes back and posts on his website that he wasn't intimidated. Actually, he himself says he was not intimidated. We're talking about somebody who spoke to somebody, who spoke to somebody, and this unknown, this unnamed somebody, supposedly said that they were going to disagree with Mr. Kinsella, which is in my opinion not an offence.

Mr. Tardi can correct me, but if somebody said that I'm going to disagree with what the witness has to say, and they say it to somebody that they happen to be talking to, and that somebody phones somebody, who phones somebody—

The Chair: I'm confused here, Mr. Holland. I'm getting quite confused.

Mr. Mark Holland: You should be, because it's nonsense.

The Chair: The recommendation of the committee was that we bring these people forward. The way I had thought it would likely happen is to have Mr. Kinsella and Mr. Schiller here. Mr. Kinsella has already put his point on the record. Mr. Schiller would be entitled to put his on the record. If the committee were to say there has been no intimidation, that would likely be the end of it—goodbye.

You were talking about all these somebodies, so on and so forth. I think Mr. Schiller, as I said yesterday, is entitled to put his story on the record. As far as I'm concerned, that would be it.

Mr. Murphy, Mr. Christopherson, Mr. Wrzesnewskyj, Madam Jennings. I hope we're not going to go on ad nauseam here.

Mr. Murphy.

Hon. Shawn Murphy (Charlottetown, Lib.): I don't know what to say, really. First of all, this has nothing to do with the report.

The Chair: True.

Hon. Shawn Murphy: What I'd like to see happen here, Mr. Chairman, is to ask legal counsel to look at the thing and to instruct us as a committee what we should be doing on this issue. There must be some precedent as to calls from Mr. Schiller—whoever Mr. Schiller is, as I've never heard of him before—and Mr. Kinsella. I'd like to deal with this rightly, Mr. Chairman, and have the House of Commons counsel review the facts of the case. I'd like the legal counsel to perhaps speak with Mr. Kinsella and Mr. Schiller, and come back and give us a report and some recommendations as to what we should be doing as a committee on this whole issue.

The Chair: That's quite reasonable.

As I said, I envisaged that Mr. Schiller would be able to put his two bits on the record, as Mr. Kinsella has already put his two bits on the record. If there's no intimidation, there's no privilege.

• (1545)

Hon. Shawn Murphy: Why would we allow Mr. Kinsella to come back before the committee? There's no point in that.

The Chair: Well, we don't have to call him back. We can just bring in Mr. Schiller, if the committee decides to bring in Mr. Schiller. I just thought it would be good to have balance. If Mr. Kinsella can use this committee to make these wild allegations about all kinds of phone calls, then the person who made the phone calls can refute the allegations, if that's what he wishes to do.

Hon. Shawn Murphy: Mr. Chairman, in the interests of time, I would make two suggestions. One, I think the legal counsel should look at it and come back to advise us. Second, I would be quite happy if Mr. Schiller gave us a letter on what happened. If Mr. Kinsella agrees with it, that's the end of the issue; there's nothing further to discuss, and then we don't have to waste time on it.

The Chair: Okay. As I said, I think that's quite reasonable.

I'll just hear briefly from Mr. Christopherson, Mr. Wrzesnewskyj, Madam Jennings, Mr. Lastewka, and Mr. Fitzpatrick.

Our legal counsel, Mr. Tardi, wants to say something.

Mr. Gregory Tardi (Senior Legal Counsel, Legal Services, House of Commons): Mr. Chairman, I'm just trying to understand the instructions of the committee properly.

The Chair: You haven't gotten them, yet.

Mr. Gregory Tardi: Do I understand that I'm supposed to look into this matter in place of having these two witnesses called?

The Chair: Well, as I said, we haven't given you instruction at this point in time. It's only a suggestion by Mr. Murphy, but it would be along those lines.

Mr. Christopherson, Mr. Wrzesnewskyj, Madam Jennings, Mr. Lastewka, and Mr. Fitzpatrick. Perhaps everybody can be brief, please.

Mr. David Christopherson (Hamilton Centre, NDP): I'll do my best.

Let me just say at the outset that I have great sympathy for, and listen carefully to, Mr. Murphy when he speaks, because I believe that among all of us he tries as much as possible to be non-partisan.

I have to tell you that I'm a little upset, too, at the possibility that Mr. Kinsella has indeed, at the very least, left us with mixed messages. I'd like these cleared up, because depending on how you read the material that we had at the subcommittee, something doesn't add up. I'd like to give him an opportunity to clarify that. In the absence of being able to do that, we need to determine how we feel about that and what we may say or do about that as a result.

So it's not just Mr. Schiller, but again—and I only have the benefit of the material in front of me—if you take a look at all of the statements that were made, including what we had in front of us yesterday in camera, it's very confusing. I think we have every right, given that the confusion is on the one side.... There was quite an alarm raised: the potential of a witness being intimidated is huge—huge. I don't want to let this go because there's ambiguity.

There's an allegation by one member of the committee that it was deliberate. That may or may not be so, but I am not happy just hearing from Mr. Schiller; I want Mr. Kinsella to come back and be very clear about whether or not he believes there was intimidation. If there was, I'd like to hear more of the story; if there wasn't, I'd like to know from him why he said the things he said.

So in the interest of fairness, I think we need to have them both back here.

The Chair: Okay.

Mr. Wrzesnewskyj, Madam Jennings, Mr. Lastewka, and Mr. Fitzpatrick.

Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.): I don't know Mr. Kinsella, but his reputation is such that I don't think he's a person who would be intimidated. He's made it clear in his statement that there was no threat in this. Bringing Mr. Kinsella in, etc., is all very entertaining, but we're not here to entertain; we're here to work on the Auditor General's reports.

Mr. Chair, you've called the allegations that we're chasing after “wild allegations”.

Mr. Christopherson, you're talking about “mixed messages”.

Why are we chasing after wild allegations and mixed messages? We're not here to entertain, but we're here to deal with the Auditor General's reports, so let's get back to the Auditor General's reports and do what the Canadian public expects us to do.

The Chair: Thank you very much, Mr. Wrzesnewskyj.

The feeling of the subcommittee was that as Mr. Kinsella had put his side on the public record, Mr. Schiller should be afforded, in the interest of fairness, an equal opportunity to put his side on the public record. As I said at the beginning, Mr. Kinsella has been quite open about the fact that he was not, in the final analysis, intimidated. It is a matter of privilege if it were to be found that way, but if he says he was not intimidated, then as the chair, I would ask some questions of Mr. Schiller. Mr. Kinsella can only answer if he's asked, and he wouldn't be asked. Therefore, if it is as simple as Mr. Holland was saying—this, this, and this—then we would say that parliamentary privilege is not involved. Therefore the matter would be dismissed.

I thought it would be a fairly simple, short procedure, but in the interest of fairness, they should be here. Anyway, that was the intention.

Madam Jennings, Mr. Lastewka, Mr. Fitzpatrick, Mr. Sauvageau, Mr. Kramp, and Mr. Wrzesnewskyj again.

Madam Jennings.

• (1550)

[*Translation*]

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Thank you, Mr. Chairman. I did not have the privilege of attending the committee meeting at which Mr. Kinsella testified, but I did follow the debates in the House, most notably during Question Period, as well as the ensuing media coverage. I think I have a pretty good idea of what Mr. Kinsella said.

I'm also aware of his statement to the effect that he did receive a call and so on. I subsequently read his on-line account in which he claims not to have been intimidated.

I was a member of this committee for a number of years. Quite frankly, I find it rather odd that the committee is spending time discussing whether or not to recall Mr. Kinsella, or to summon the other individual whose name was mentioned, to ascertain whether or not any intimidation occurred. The alleged victim maintains that there was no intimidation. As far as I'm concerned, that should be the end of the story.

Should Mr. Frank Schiller ever feel that his rights have been violated, he is free to write to the committee to relate his version of the facts. However, the alleged victim denies having been intimidated. Had Mr. Kinsella stated from the outset that he had been the victim of intimidation, then committee members would have been justified in wanting to weigh the merit of his testimony and his credibility as a witness.

The main issue here is weighing Mr. Kinsella's credibility. It's not a matter of parliamentary privilege. The question is not whether parliamentary privilege was breached. Rather, it's a question of committee members judging Mr. Kinsella's credibility and the weight that should be given to his overall testimony. Thank you.

[*English*]

The Chair: Thank you, Madam Jennings.

Mr. Mark Holland: On a point of order, I have the document referring to this. I don't have it in both languages, but I will table it. This is the blog that has the statement, "Nobody threatened me, by the way".

The Chair: It's no problem having that on the record. As Madam Jennings pointed out, it's on the blog.

Mr. Mark Holland: This is a copy of the blog.

The Chair: If it's not in two official languages, you're not going to table it.

Mr. Mark Holland: No, no, I'm giving it to be translated and distributed to the committee.

The Chair: Oh, okay. That's fine. That will be distributed after it's translated.

Mr. Fitzpatrick, Mr. Sauvageau, Mr. Kramp, Mr. Wrzesnewskyj, and Mr. Christopherson. This is getting to be a long list for something that I thought was fairly routine, which I thought we would just spend a couple of minutes on, in having Mr. Schiller here and resolving the issue. It doesn't seem to be a major issue that we give him, in the interest of fairness, a few minutes of the committee, and then that would be it.

Mr. Lastewka, please.

Hon. Walt Lastewka (St. Catharines, Lib.): Thank you, Mr. Chair. I heard your words about being simple and short, and I think you're in the wrong committee. Nothing is simple and short on this committee anymore.

I noticed that when Mr. Kinsella spoke he chose his words very carefully, that he had received phone calls. We can see now on the web exactly what he said, and it goes along the lines that nobody threatened him or anybody else. I guess people will take him for what he is, because he did choose his words very carefully.

We are spending a lot of time. You know, I know, and I'll take bets on it that if we're going to have a simple and short meeting with Mr. Schiller saying one thing and Mr. Kinsella saying something else it will be something else, because this has now become a very political committee, and very much a circus committee.

We have 41 chapters from the Auditor General and we've only done nine. This committee has failed to keep current with the Auditor General and her chapters. In fact, I was hoping that as the committee chair you would pick a priority on the sections, and at least hit one or two of the priority items so we could answer back on the Auditor General's comments.

You know what happened last year on the recommendations. It took almost a year before any recommendations were made, and when the 29 recommendations finally came out of this committee under public accounts—

• (1555)

The Chair: You're getting off the subject, Mr. Lastewka.

Hon. Walt Lastewka: No, I'm not, because you mentioned very clearly that this would be simple and short, and it's not going to be simple and short, Mr. Chair. I think you're losing control of the meeting. It's becoming totally political, a total circus, and of no value to the Canadian people.

The Chair: Okay. I said I hoped that when Mr. Schiller appeared the committee would just allow the chairman to let Mr. Schiller put his remarks on the table, and if there were no questions addressed to Mr. Kinsella he would not have the opportunity to speak. But everybody wants to have the choice to speak. This is a free speech society, and if you all have to speak, then it's my responsibility to recognize you. I can't shut you down. I can't deny people the right to speak, so if you want to speak ad nauseam that is your privilege. I'm only here to keep order.

Hon. Walt Lastewka: On a point of order, Mr. Chair, you are the chair and you are supposed to keep this on topic.

The Chair: I just asked you to stay on topic.

Hon. Walt Lastewka: Yes, you did, but when we have witnesses and so forth, we get right off the topic.

The Chair: That's your point of order, Mr. Lastewka. I don't consider it to be a point of order.

Next is Mr. Fitzpatrick, followed by Mr. Sauvageau, Mr. Kramp, Mr. Wrzesnewskyj, Mr. Christopherson, and Mr. Holland.

Mr. Fitzpatrick, please.

Mr. Brian Fitzpatrick (Prince Albert, CPC): I've heard a whole lot of people here today condemn Mr. Kinsella and say he's not credible. I have read Mr. Cutler's diaries, and I think Mr. Cutler supports what the testimony has said. So I just want to raise that point.

I do want to say I don't think Mr. Kinsella is the type of witness that anybody's going to easily intimidate, and I don't think he was. But the point of the whole matter is what he said. He said people told him that they were going to talk to Dingwall to make.... That's a serious matter, because if somebody's going to go after somebody else and tell him to fabricate something—

The Chair: I'm going to just cut everybody off if you start talking about who said what, and so on. The issue is whether we bring Mr. Kinsella and Mr. Schiller here or not. Do we ask the law clerk to get a report for the committee first? I want everybody to stay strictly on the issue, or I'm going to rule them right out of order. We'll be here all day.

[Translation]

Go ahead, Mr. Sauvageau.

Mr. Benoît Sauvageau (Repentigny, BQ): On several occasions, the Liberals have said that these proceedings have taken on a circus-like atmosphere. May I just say that in a circus, there are always clowns and that I know who they are. Now then, Mr. Chairman...

[English]

The Chair: Relevance to the issue, Mr. Sauvageau, please.

[Translation]

Mr. Benoît Sauvageau: But I didn't name anyone. However, if the shoe fits...

[English]

The Chair: We'll have no discussion across the floor, please. You will address your remarks to the chair. You will stay on the issue. Do we bring these gentlemen here or do we not?

[Translation]

Mr. Benoît Sauvageau: You're quite right, Mr. Chairman.

I want to stress the fact that we should hear from the two witnesses mentioned, that is from Mr. Schiller and Mr. Kinsella. I must say that I'm not surprised by the Liberals' position, since they opposed the motion calling for a review of Chapter 5 of the Auditor General's report.

[English]

The Chair: We're not into the motion, Mr. Sauvageau.

The issue is regarding this concern of potential contempt of Parliament. The issue is that and nothing else.

•(1600)

[Translation]

Mr. Benoît Sauvageau: Yes, of course.

[English]

The Chair: Okay. You want to bring them forward.

Mr. Kramp, go ahead, please.

Mr. Daryl Kramp (Prince Edward—Hastings, CPC): Thank you, Mr. Chair.

Getting right to the point, I agree with Mr. Murphy. I do believe we should have the option of looking at the legal aspects of this for interpretation and opinion. That was my first point.

On the second point, I do believe both Mr. Schiller and Mr. Kinsella should be here. The simple reason is, if there is an opposing argument, I do believe we should have the opportunity to listen to a personal face-to-face response. A lot of times we have situations in which someone will say something about somebody regarding something, which they wouldn't say to their face but which they might say around. I do believe it's essential.

The Chair: Okay, that's fine. You're saying bring them both here.

Mr. Wrzesnewskyj, go ahead, please.

Mr. Borys Wrzesnewskyj: I'm just curious about when we're going to get back to the Auditor General's reports and dealing with those issues.

The Chair: We will do that as quickly as possible, but contempt of Parliament is a serious issue as well.

As I said, I would have thought this would be long gone by now, and that we would have said, okay, as Mr. Murphy said, it was a good idea to involve the law clerk, and maybe we should bring these people in. As I said, I thought if the committee could constrain itself and allow the chair to put it on the table and dismiss them, it would be a five-minute exercise. But everybody insists on speaking. We are, as I say, a free speech society and you have to stay relevant. That's the answer. We'd like to get back to it as quickly as the committee can get to it.

Mr. Borys Wrzesnewskyj: We can't set a date, or a time, when we're going to get back to the business that we're supposed to be working on?

The Chair: Every meeting we have is largely on chapters of the Auditor General.

Last year, as I said, we spent the entire spring on two chapters, even meeting five days a week, because that was important. It was important.

We've got a report here this afternoon that we're going to deal with, which is the culmination of that investigation, and we're trying to move as quickly as possible. As I said before, we've had new members of the committee, and new members of Parliament, and it's taken a while for the committee to come together. We're working as quickly as we can. With forbearance of all the members, and relevance of all the members, we can move perhaps more quickly than we have.

Could we have Mr. Christopherson and then Mr. Holland, please?

Mr. David Christopherson: Thank you, Mr. Chair.

The arguments I would like to use to support my point of view are contained in one of the two documents tabled yesterday by you, from Mr. Kinsella.

My first question would be, are those documents going to be tabled today?

The Chair: If you would like them to be tabled today, I can have them distributed today. The intention was, again, that they were one side of the argument. Mr. Schiller didn't have the opportunity. If you want them distributed, just say so, and I'll send them out.

Mr. David Christopherson: It does contain what I think is a germane point to this discussion.

The Chair: Do you want them distributed?

Mr. David Christopherson: I would, please.

The Chair: Okay. They will be distributed right away.

Mr. David Christopherson: I'll make a quick reference to something in them, and then I'll be done.

The Chair: Okay.

The e-mail, which we have in both official languages with copies for everybody, is being distributed.

Mr. Christopherson, your point?

Mr. David Christopherson: I need the letter that's being circulated.

The Chair: You need the one that's being circulated.

Mr. David Christopherson: Yes. I need to quote something from it.

The Chair: Mr. Holland, do you want to wait until Mr. Christopherson is finished, or do you want to speak now?

Mr. Mark Holland: It's at your discretion, Mr. Chair.

The Chair: We'll let you finish.

Mr. Christopherson, you've got the floor.

Mr. David Christopherson: For the record, there are two pieces of paper to be tabled, correct? There's also the slip of paper, because it didn't have just a name; it had narrative on it.

The Chair: Okay. The clerk actually didn't have it translated.

Mr. David Christopherson: That's okay. I don't need it for my comments. I just wanted to ensure it also gets tabled.

The Chair: Yes, it will be tabled.

Mr. David Christopherson: Very good, thank you, Chair.

I would draw the attention of the chair and members of the committee to the fourth paragraph, last sentence. I'm raising this to refute the argument that it's been said that there's nothing at all, no one was intimidating. You'll see that Mr. Kinsella has said to us, through this letter to the chair, in brackets in the fourth paragraph, "I doubt Mr. Dingwall was the one seeking to intimidate, as well".

Clearly, the inference is that there is someone seeking to intimidate. That clause is to say, from the point of view of Mr. Kinsella, that it wasn't Mr. Dingwall.

So as one member of this committee, I do not consider it resolved that, no, there was no intimidation intended, there was no victim, there was absolutely nothing wrong. When I see something like that, it says to me that there's still an issue of intimidation, and we still don't know the source of it.

Now, if Mr. Kinsella wants to come in and say that it was a poor choice of words, there's absolutely no intimidation anywhere, I regret I raised it, and I take it all back, then fine. But until he does that, Chair, it seems to me, as one member of this committee, that we have an outstanding issue of who was trying to intimidate whom.

● (1605)

The Chair: Yes, okay. And that's why I said I felt it was appropriate that Mr. Schiller be given the opportunity to come here.

I'm going to have a final word from Mr. Holland. He's the last on my list. I'm not taking any more. Then I'm going to go to Mr. Murphy, who had a recommendation, and we'll see if that flies.

Mr. Holland.

Mr. Mark Holland: I have a couple of questions, Mr. Chairman, and then a statement that I think is pertinent to this whole process. My question is for legal counsel.

Mr. Tardi, what we have in front of us is someone who now says in their blog, "P.S. Nobody threatened me, by the way". But in their e-mail they say that somebody called them who didn't threaten them, who talked to somebody else who didn't threaten them, and that person talked to somebody who I guess was going to disagree with Mr. Kinsella, or talk about disagreeing, or...and this person is mysterious. According to Mr. Kinsella, nobody contacted him, and nobody had somebody contact Mr. Kinsella, for the purpose of threatening him.

What constitutes a threat? If somebody out there somewhere were to talk about me and disagree with my position, and made no attempt to contact me or to send a proxy to talk to me, which certainly isn't being talked about here, is that intimidation? Is the fact that somebody somewhere might disagree with my position, and never have anybody try to find a way to contact me, intimidation? Could that in any way be construed as intimidation?

The Chair: Do you have any response, Mr. Tardi? If you don't have a fulsome answer, you don't have to give one, but if you have anything to say or anything to contribute, feel free.

Mr. Gregory Tardi: Mr. Chairman, like everyone else around the table, I am lacking facts. It is possible to conceive of the chain of contact that we spoke about yesterday as intimidation by person C against person D in the chain. It is also possible to see this, in a more global context, as an attempt to interfere with or to influence in some manner the proceedings of the committee, cast in a more general light.

Mr. Mark Holland: Then let me ask you this directly: what constitutes intimidation? If somebody tries to influence a witness, do they not have to try to make some attempt to contact the individual in order to do this? Because what's being alleged here is that somebody talked to somebody, who talked to somebody, who then talked to Warren Kinsella, at nobody's direction.

If you choose not to answer, I have another comment that I think is pertinent.

The Chair: We're not going to have a—

Mr. Mark Holland: But this is important, Mr. Chairman.

The Chair: I know it's important, and I'm giving you every opportunity to get your answer.

Mr. Tardi.

Mr. Gregory Tardi: In a sense, Mr. Chairman, I'm bound to say that everything depends on the testimony that may be tabled or on the process of investigation that may be conducted.

I find the question a little bit theoretical.

Mr. Mark Holland: Let me say this, then—

The Chair: Final point.

Mr. Mark Holland: Mr. Chairman, there are several things I'm very concerned about.

The Chair: I know you're very concerned about many things—

Mr. Mark Holland: Mr. Chairman, I appreciate the opportunity—

The Chair: Just a minute. But we spent over half an hour on this issue—

Mr. Mark Holland: Here is the reason why, Mr. Chairman.

The Chair: —which everybody agrees is a fairly minor issue.

Mr. Mark Holland: No, it's not, Mr. Chairman, and I'll tell you why it's not. The reason it's not—

The Chair: Order, Mr. Holland. You have to realize that when the chair is speaking, you will listen to the chair. Now, you're not going to overrule and you're not going to shout the chair down.

Mr. Mark Holland: I'm asking for an opportunity to finish speaking, Mr. Chair.

The Chair: Well, you'll wait until I finish speaking, and then I will give you an opportunity to speak.

You and most people on this committee have said this is a fairly minor issue. Now you're trying to say it's not a minor issue. All the steering committee wanted to do was give Mr. Schiller an opportunity to present his side of the argument. Now we're trying to second-guess, before we have the facts, what the legal answer should be.

I just want to have a decision by the committee: do we bring these people in or do we not?

Mr. Mark Holland: Can I have an opportunity to make an intervention, then?

The Chair: That's where we are going, and we are going there very quickly to make that decision, so you have one final, short intervention.

Mr. Mark Holland: I'm asking for the opportunity to make an uninterrupted intervention for a moment.

The Chair: A short one.

Mr. Mark Holland: Well, Mr. Chairman, this is my concern. My concern is that the committee is going to go and invite in these two individuals, in my opinion, for absolutely ridiculous reasons: that somebody talked to somebody, who talked to somebody. Mr. Kinsella then says, well, it was intimidation.

And what does it do? It blasts apart our schedule. The notion there are going to be some fast dealings with this issue is absolutely absurd. What's going to happen is that it's going to then be—

• (1610)

The Chair: You don't know what's going to happen, Mr. Holland.

Mr. Mark Holland: Well, I know because this is exactly what's happened here, and it's going to happen again. It's exactly what happened on Monday; it's a continuation of the circus.

What is happening is that this committee's agenda, the work of this committee, is being usurped by partisan politics, and I'm sick of it. I have the right to be angry about it, to express that and—

The Chair: You're out of order.

Mr. Mark Holland: —to say this is absolutely absurd. We're going on wild goose chases instead of dealing with all of the outstanding matters that are before this committee that deserve to be dealt with by the Auditor General. I, sir, will not stand for it. That is not why I'm a member of this committee.

The Chair: And you're out of order, Mr. Holland.

Thank you very much.

Mr. Mark Holland: This committee is out of order.

Mr. Dean Allison (Niagara West—Glanbrook, CPC): You're a lapdog.

The Chair: You be careful, Mr. Holland, or you may find yourself back in contempt of Parliament too.

Mr. Murphy, do you have a reasonable recommendation?

Hon. Shawn Murphy: Yes, Mr. Chairman.

I find this whole...well, I won't use strong language, but I do find it very troubling, Mr. Chairman. We're dealing with an issue here where now Mr. Kinsella is saying Schiller didn't intimidate him. In fact, he goes on to say Mr. Schiller was quite helpful and Mr. Dingwall did not intimidate anyone. It's a situation where there could be intimidation by some unidentified third party against some other party, and I have difficulty with this committee being hijacked by this issue.

What I would recommend, Mr. Chairman, is that the matter be taken up by legal counsel of the House of Commons and that an investigation be made through you, Mr. Chairman. I'd like you to be involved in this investigation with the legal counsel; you would meet with the legal counsel. With the ability to sit down and think about it and with the benefit of counsel, asking for advice and guidance, ask yourself if we should be doing this. Then come back to the committee, perhaps with a recommendation and with direction to the committee as to how we should proceed on this particular issue.

The Chair: That's very reasonable, Mr. Murphy. We're not getting into debate here. If I hear you, it's that I sit down with legal counsel, and I would meet with Mr. Schiller, I presume—

Hon. Shawn Murphy: And you can talk to Mr. Kinsella.

The Chair: —and I can talk to Mr. Kinsella. I come back with counsel and make a clear recommendation to this committee, saying this is how we should go forward.

[Translation]

Mr. Benoît Sauvageau: May I...

[English]

The Chair: Just a minute.

You must think about what Mr. Murphy has said. The recommendation may be that we have these two people here before the committee, so basically you can't say Mr. Murphy's proposal is unreasonable. Think about that.

Mr. David Christopherson: It doesn't mean we have to support it.

The Chair: It doesn't mean you have to support it.

Mr. David Christopherson: So let's vote.

Hon. Shawn Murphy: They don't have to support the recommendation I just spoke to.

The Chair: As I said, I think what Mr. Murphy is proposing is eminently reasonable. I would ask the committee to think about it and support Mr. Murphy.

Mr. David Christopherson: I don't understand. Why do we need legal advice to call in two people to ask them a couple of quick questions? It may or may not go any further, depending on those answers. Why do we need legal advice to do that?

We had legal discussions yesterday in camera. Nothing came of it in terms of stopping us from making this recommendation here today. I think we ought to get on with the vote and get on with the work.

The Chair: I thought, again, that Mr. Murphy's recommendation was reasonable. As you can see, the temperature is a little high in the committee these days. The last thing I wanted was for what I consider to be a little investigation to become a circus of any kind, which is why in the past we've actually allowed the chair to be the only person to ask the question.

All we want is for Mr. Schiller to put his statement on the record, and I didn't think that was a big deal. It obviously is a big deal because here we are; we've spent 40 minutes now talking about the issue. Mr. Murphy is saying okay, let's get some facts, bring it to the committee, and say here it is. As some people have suggested, it's so minor, so trivial, that we wouldn't even want to bring these people in. But with the advice of counsel, I would make a recommendation one way or the other.

We'll have Mr. Sauvageau and Mr. Lastewka, and that's it.

[Translation]

Mr. Benoît Sauvageau: Mr. Chairman, as you know, I believe in consensus and as Mr. Holland so aptly stated, partisanship must be set aside. I think it's possible to support both motions.

We can extend an invitation to Frank Schiller and to Warren Kinsella, but since Parliament is scheduled to break for one week, you could meet with Mr. Tardi then.

I move that we adopt recommendation 2 which calls for inviting Frank Schiller and Warren Kinsella to appear before the committee on either May 2, 4 or 6. We can choose a date later. In the meantime, there's nothing stopping you from speaking with other individuals.

I move that we adopt Mr. Murphy's motion and recommendation 2. One does not exclude the other.

•(1615)

[English]

The Chair: Mr. Lastewka, a final word.

Hon. Walt Lastewka: Mr. Chairman, I wanted to support you on the procedure we have had in the past when we got into some ticklish items for which we needed to have some legal advice, when we would rely on you and our legal counsel to meet with the individuals, and then you would report back to the committee. I think that's a very proper way of trying to get through things and moving on to other things. I want to support you in having the procedure where, in some cases, you and the legal counsel meet with those individuals, and sometimes you choose to have your two vice-chairs with you because of other circumstances. I want to support you in that decision.

The Chair: Thank you, Mr. Lastewka. I do appreciate that very much.

There are two issues at hand: the first from Mr. Murphy, and the second from Mr. Sauvageau. Mr. Sauvageau has two points; one was supporting Mr. Murphy, but we would call the two witnesses anyway.

[Translation]

Mr. Benoît Sauvageau: I'm prepared to support Mr. Murphy if, and only if, we amend recommendation 2 and specify that we're inviting the two witnesses. In the meantime, you'll meet with counsel, or...

[English]

The Chair: I understand, Mr. Sauvageau.

What I was going to propose, based on Mr. Murphy's recommendation, was that I and the law counsel meet with Mr. Schiller and Kinsella if it was so desired, through a telephone call or whatever it may be, and I come back here with a recommendation. That seems to be the stand-alone, can be done, not a problem solution. In addition, bring the two witnesses in, which seems to be your second point. I don't want to amalgamate them both; therefore, I would treat them, in essence, as two motions. One is Mr. Murphy's motion that I meet with these people and consult with the legal counsel and make a report to this committee....

I would think you may wish to hold your second motion in abeyance, Mr. Sauvageau, but I can't tell you what to do. If you want my recommendation, I'd ask you to hold the second motion in abeyance until such time as I report, at which point in time you can move that we bring them in. But as I say, I can't tell you what to do, and if you want to make that motion now, then you may do so.

But first I will deal with the motion by Mr. Murphy that the chair and the legal counsel meet with Mr. Schiller and Mr. Kinsella by telephone, if required, and report back to this committee.

Hon. Shawn Murphy: I would propose a slight amendment, if I may, Mr. Chairman: to tighten it up to see that the thing moves along, report back to this committee no later than Monday, May 2.

The Chair: Monday, May 2. That's good.

Do you all understand what's being proposed?

(Motion agreed to)

The Chair: I understand that you're not going to postpone, Mr. Sauvageau. You have another motion.

[Translation]

Mr. Benoît Sauvageau: You've read my mind, Mr. Chairman. I hope that's not an everyday occurrence.

I move that we immediately adopt recommendation 2, that is that we invite Mr. Schiller and Mr. Kinsella to appear before the committee.

[English]

The Chair: I'm going to make a minor editorial change, because the motion would be to adopt the report. And adopting the tenth report as it reads would mean that these people would come in.

[Translation]

Mr. Benoît Sauvageau: That's fine.

[English]

The Chair: Mr. Sauvageau is actually moving adoption of the tenth report as it reads.

Madam Jennings.

• (1620)

Hon. Marlene Jennings: The problem with that, and he knows... When I look at the proposed tenth report, I have no problem with paragraph 1; it's paragraph 2. I would prefer that Mr. Sauvageau do a separate motion on paragraph 2. If it's adopted, then obviously it remains in the report.

The Chair: We actually had adopted that the minister come in. That part has been dealt with and adopted. If we did not adopt the report, the minister is still coming in. We're not going to deny a minister the right to come to a committee; that is for sure.

Hon. Marlene Jennings: Good. He's a nice guy.

The Chair: So the first paragraph, regarding the minister coming in, has already been dealt with. The minister will be invited to appear before the committee on Wednesday, May 4. To adopt the full report would also mean that we invite these two gentlemen to come forward.

Okay, there being no further debate, I will call the question on the adoption.

Hon. Walt Lastewka: What's the question?

The Chair: The question is on the adoption of the tenth report, which includes—

Mr. Mark Holland: I think there's a motion by Mr. Sauvageau, isn't there?

The Chair: Okay, Mr. Murphy.

Hon. Shawn Murphy: I'd like to move to table this until May 2.

The Chair: Okay, the motion is to table.

The motion to table is not debatable. I will call the question on the motion to table the tenth report.

(Motion negated)

Mr. David Christopherson: I move the report.

The Chair: Moved is the adoption of the tenth report.

(Motion agreed to)

The Chair: Okay. It has been adopted.

Now, there was a motion by Mr. Sauvageau.

Mr. Sauvageau, *s'il vous plaît*. You have a motion that was tabled on Monday. You have an amended motion for it, which is in essence the same motion, but it's been tightened up a little bit.

Mr. Sauvageau, your motion, please.

[Translation]

Mr. Benoît Sauvageau: Before I speak to my motion, I would like to explain our momentary hesitation. I thought the English expression "table the report" meant that we were agreeing to this today. That's why we hesitated and we apologize for that.

Mr. Chairman, last Monday's testimony, and in particular, the tabling of the document by Mr. Kinsella compels us to move the following motion:

Due to the serious matter discussed in today's meeting, that another meeting be scheduled with these same witnesses, or a list to be determined, within five sitting days of the passing of this motion.

The Chair: Could you please read your motion?

Mr. Benoît Sauvageau: I just did.

As requested, this motion was signed by five members of the committee representing...

The Chair: Could you please read your motion to the committee?

Mr. Benoît Sauvageau: I'm sorry, Mr. Chairman, but that's what I've been doing.

[English]

The Chair: Okay. Well, my apologies. I have it here in English.

[Translation]

Mr. Benoît Sauvageau: We're even, because I wasn't following you either a while ago. However, it's of no consequence.

The motion calls for another meeting to be scheduled with these same witnesses, or a list of witnesses to be determined, within five days of receipt of this motion by the clerk. However, if we go along with the Standing Orders, that would mean scheduling a committee meeting for next Monday, the first day into the one-week recess. I'm fairly certain that my colleagues, regardless of their party affiliation, won't be any too pleased with that arrangement. The same would hold true for the many committee staff members working with us.

Accordingly, I move that this meeting not be scheduled within five days of receipt of the motion by the Clerk, but rather for Monday May 2, when we are scheduled to hold our first meeting after the break.

• (1625)

[English]

The Chair: We have a motion by Mr. Sauvageau that there be a second meeting.

Unfortunately, you said "witnesses to be determined". It was tabled on Monday. I know, for example, I mentioned a Mr. Daniel—

[Translation]

Mr. Benoît Sauvageau: I'm sorry for interrupting, Mr. Chairman, but I have a point of order. Our staff informs us that there is no need to pass a motion because the Standing Orders provide for a situation like this one. Therefore, there is no need to vote and the motion cannot be debated, according to Standing Order 106(4).

[English]

The Chair: There are two things, Mr. Sauvageau.

Number one, the standing order we discussed yesterday—I believe it was Standing Order 106(4)—says the motion is within "five days". Your motion says "five sitting days"; therefore, this motion is not under Standing Order 106(4).

The motion is here. Because you gave notice of it on Monday, I believe it is properly before the committee. I can call the vote, but

the effect is different from being required by Standing Order 106(4) —

[Translation]

Mr. Benoît Sauvageau: One moment, Mr. Chairman. We have a serious problem here. This morning, Ms. Kingston called me — and she can confirm that — to ask if she could amend the motion tabled yesterday, in deference to the spirit in which it was tabled. The motion tabled yesterday referred to five days and to Standing Order 106(4). With all due respect, Mr. Chairman, if the motion amended by the Clerk is deemed to be out of order, then I hope you will not hold me responsible.

[English]

The Chair: There are two situations here, Mr. Sauvageau.

If you're using Standing Order 106(4), it says that I am required, by virtue of these signatures—Mr. Fitzpatrick, Mr. Allison, Mr. Sauvageau, and Mr. Christopherson.... The Standing Orders say that if four people of the committee have signed a request to the chair, he "shall" call a meeting within "five days", which means I'd have to call it next week, because I have to give 48 hours' notice, and 48 hours notice from now would be Friday at 4:30 in the afternoon.

So I'm required to have the meeting next week. You prefer to have the meeting on May 2. If you want to have the meeting on May 2, you cannot use Standing Order 106(4). The choice is, if you're going to use Standing Order 106(4), the meeting will be next week. If you want to present this motion and have a vote, you can have it on May 2. There are two choices.

Mr. Sauvageau.

[Translation]

Mr. Benoît Sauvageau: I see. So then, if I understand correctly, if the question were called on the motion as it now stands — we agreed to this with Ms. Kingston — these five sitting days would bring us to May 2. I'm aiming for a meeting on May 2.

[English]

The Chair: You want to have a meeting on May 2. The motion you have given to me here is in order, provided it is carried by the committee.

Mr. Benoît Sauvageau: No problem; everything is okay.

The Chair: I have to give people direction. I have a motion here that is not in accordance with Standing Order 106(4), but it is properly before the committee. If there's no debate, I'm prepared to put the question.

But there is debate. Madam Jennings.

Hon. Marlene Jennings: I have a point of order.

If I understand the explanation you've given on the two standing orders; if in fact it's five sitting days—

The Chair: No, it's five days. The motion says "five sitting days".

Hon. Marlene Jennings: —it's not next week. It's "within five sitting days of the passing of this motion". Say, theoretically, the motion is adopted today. If we count today, then we have Thursday and Friday...

Let me do my scenario, please.

If we counted today, then today is the first day, Thursday is the second, Friday is the third, then Monday, May 2, when we come back would be the fourth, and Tuesday would be the fifth sitting day.

On the other hand, if we do not count today, assuming this was adopted today the first day would begin tomorrow, Thursday. The second day would be Friday. In the week of the second of May, May 2 would be the third sitting day, Tuesday, May 3, would be the fourth sitting day, and the fifth and last possible date for such a hearing would be Wednesday, May 4.

Am I correct?

• (1630)

[Translation]

Is that correct, Mr. Sauvageau?

[English]

The Chair: Remember, the motion says “within five days”, which means no later than Tuesday or Wednesday, May 3 or May 4.

Hon. Marlene Jennings: Depending on whether the motion is adopted today, then we determine...are we counting today as the first sitting day? No, I don't think so.

[Translation]

Mr. Benoît Sauvageau: Within, not after, five days.

[English]

The Chair: Mr. Sauvageau, we're not going to have discussions across the floor.

Mr. Benoît Sauvageau: I'm sorry.

Hon. Marlene Jennings: I would leave it to the good judgment of the chair and our clerk to determine when the deadline would be.

The Chair: I think that was Mr. Sauvageau's intention, anyway.

A point of order, Mr. Christopherson.

Mr. David Christopherson: It's very short. Will a majority vote determine the result?

The Chair: A majority vote carries this.

Mr. David Christopherson: Thank you.

The Chair: Okay, there being no further discussion, are you prepared for the question?

Hon. Shawn Murphy: On a point of order, what are we voting on? This is a motion—

The Chair: You're voting on a motion that says, as I have it here: “Mr. Chair, due to the serious matter discussed”—this was given to me, by the way, on Monday—“in today's meeting”, which was on Monday, “we would like to request another meeting with these same witnesses, or a list to be determined, within five sitting days of the passing of this motion.” As Madam Jennings pointed out, that'll either be Tuesday, May 3, or Wednesday, May 4, depending on when the days start.

Hon. Marlene Jennings: And if the motion is adopted.

The Chair: Yes, if the motion is adopted.

Mr. Murphy.

Hon. Shawn Murphy: Mr. Chair, wasn't there an agreement reached that we would have one meeting on this, and the agreement contemplated that instead of sitting for two hours we would sit for three hours? That was the basis of the agreement. Was that your understanding?

The Chair: I said to the committee on a number of occasions that I felt one meeting would be sufficient, unless something explosive came out of the meeting. But I am at the disposal of the committee, as you know, Mr. Murphy. You can recall from last year, I can't discern these things.

Personally, if you had asked me, I would have said fine. I did not want it to drag on interminably.

Hon. Shawn Murphy: Well, one thing you can rule, Mr. Chairman, if you're prepared to rule on it, is to say to the committee members—and I think I know where you'd like to go, but you're having difficulty—if this thing comes back before the committee, we are going to restrict totally. There were only three questions asked in Monday's session on chapter 5—only three. We went on for three hours and we got three questions, and they were all addressed to the Auditor General. It's that you are going to be brutally restrictive on the question we're....

The purpose of the meeting is chapter 5, and you know yourself that's not why this circus is going to go on.

The Chair: I will do my best, Mr. Murphy, to keep the members' interventions relevant to the issues at hand, which...[Inaudible]...in chapter 5. As we know, it seems to be that the temperature rises in the springtime. This is not the first time the temperature in this committee has gone up in the springtime. I would like to be able to constrain everybody on that basis.

Your point is well taken, but it applies to all members. It's not to any particular member that you're addressing it.

Hon. Shawn Murphy: I agree with that.

The Chair: I will do my best to constrain the people.

Mr. Holland, and Mr. Lastewka.

Mr. Mark Holland: Mr. Chairman, I spoke, I got very frustrated, and probably went a little too far in that frustration. But I am extremely frustrated.

There are a couple of things I want to touch upon. First, so that I understand how we're dealing with this, the motion before us originally was intended to invoke, I guess, this Standing Order 106 (4), which is “within five days” of receipt. Subsequently, that motion has been amended—I don't know at what point that occurred—so that we could deal with it as a motion.

By the way, it's a process I much prefer, because I think the notion of just having four votes taking over a meeting isn't a good one.

That being said, when did the 48 hours' notice kick in? When was this motion changed in order to have that 48 hours' notice kick in?

•(1635)

The Chair: The motion was tabled on Monday. The intent of the motion has not changed. The grammar and the wording have changed. Subsection 106(4) says that if I call a meeting under 106(4) I will give you 48 hours' notice and I will call the meeting sometime within five days.

Mr. Sauvageau has editorially changed the motion, which is still to call the same people on the same issue; therefore, it's not a new motion per se. But he is not using Standing Order 106(4). He just wants the committee to make a decision. Since the 48 hours' notice of the motion was given on Monday, the clerk advises me that this motion is properly before the committee today.

Mr. Mark Holland: Have we determined what we're doing, then, with deliberations of—excuse me if I'm recalling the number incorrectly—Bill C-277, Mr. Sauvageau's bill?

The Chair: Mr. Sauvageau said yesterday, and has repeated again today, that he is prepared to postpone the deliberation of Bill C-277 to another time.

Mr. Mark Holland: We haven't established when that time would be or when we would deal with it?

The Chair: No, we haven't established another date for that.

Mr. Mark Holland: My ongoing concern is that we've spent a lot of time and energy on something I don't think is very positive.

The Chair: Your comments are noted, Mr. Holland.

Mr. Lastewka.

Hon. Walt Lastewka: I just have one comment, Mr. Chair, and it's a follow-up to what Mr. Murphy has said.

When we first scheduled the meeting with the witnesses who appeared here on Monday, it was going to be two hours. On this side, we agreed to extend it to three hours, with the understanding it would be that one meeting. I don't know where Mr. Sauvageau is going, but I'm at the point of not being able to trust people when we make an agreement that we are going to have it for one day, and then we extend the hours. I believe there should be at least some trust in this committee, with the members present. I understand we have some new members and they get a little excited, but you, as the chair of this committee.... We made an agreement. We made an agreement to meet for one day, and we made an agreement to extend the hours. That trust has been broken.

As Mr. Murphy said, we went all over the place other than to chapter 5. We're now making this a complete circus, as far as I'm concerned, and we'll be into other motions and other amendments. We might as well say the public accounts committee is not productive. We're not following what we had agreed to.

The Chair: Thank you, Mr. Lastewka.

It seems to me that, as I said, temperatures rise in the springtime, because this seems to be a rerun of what happened last year, when we had motions, and counter motions, and changes of plans and witnesses, and all of that ongoing all spring—as I said, déjà vu.

Okay, that's enough for the debate.

Mr. Mark Holland: One problem I have is that it says “due to the serious matter”, and that serious matter isn't defined. Also, we're

going to have this meeting as soon as we come back on Monday, but it says “list to be determined”, so we don't know who the witnesses are either.

An hon. member: [*Inaudible*]

Mr. Mark Holland: The steering committee won't be sitting, because the steering committee isn't going to meet in this intervening period of time.

The Chair: The steering committee meets at the call of the chair.

Mr. Mark Holland: Okay, but we're not sitting next week, correct?

The Chair: Tomorrow?

Mr. Mark Holland: Tomorrow? My only point is that we're going to have to come to some kind of determination of the scope of what we're dealing with and who the witnesses are, so when people come on Monday we have some clue as to who we're talking to and what we're dealing with.

The Chair: I'm reading Mr. Sauvageau's mind again. We are not going to expand the list of witnesses. I mentioned that Mr. Daniel has major responsibilities in the private sector, and therefore he asked, if not to be excused, that he be given a significant amount of lead time. If I'm reading Mr. Sauvageau's mind—my apologies—he's asking that Mr. Daniel be excused. We're not adding, we're only subtracting. But that's up to Mr. Sauvageau to say so.

•(1640)

Mr. Mark Holland: When are we determining the witnesses, and when are we determining the scope of what's being dealt with?

The Chair: If the motion passes today, I will have a steering committee tomorrow, and we'll deal with the issue. I would normally do these things with the clerk and get the job done, but as you know, the rules were changed this last month or so. I have to live with the rules being changed.

I'm going to call the motion as presented.

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

The Chair: I have been given notices of motion. These are just notices. There's no debate on these motions, because we've debated too many things for too long today.

Mr. Fitzpatrick, you have given me notice of...is it one motion or two motions?

Mr. Brian Fitzpatrick: I have another motion that I presented on Monday. It's the same problem, Mr. Chair. I didn't put in the preamble with respect to chapters 3, 4 and 5 of the AG's report of November 2003. It went on to say: I would like to put forward a notice of motion requesting all electronic and written materials of the Minister's office, including the Minister, Ms. O'Leary, Karl Littler, and others relating to the retail debt program as well as all electronic and written materials pertaining to Groupe Everest in the minister's office. This should include regional offices as well, particularly Montreal.

That was the motion I presented on Monday. There's a technical change to bring it in compliance with the rules.

The Chair: Hand me a copy, Mr. Fitzpatrick. The clerk will advise me if it's properly before the committee, with the editorial change.

Mr. Brian Fitzpatrick: Right, then I have....

The Chair: The clerk is advising me, Mr. Fitzpatrick, that chapters 3 and 4 are sponsorship. Chapter 5 is public opinion research, and you're quoting sponsorship and public opinion research. Are you talking research, or sponsorship as well?

Mr. Brian Fitzpatrick: It's directed to research.

The Chair: Research. So you mean with respect to chapter 5 of the Auditor General's report, and not before.

Hon. Shawn Murphy: Right. Okay.

The Chair: Okay. Is it proper before the committee?

The clerk advises that the motion is proper before the committee, which is a motion that with respect to chapter 5 of the Auditor General's report of November 2003, the committee request all electronic and written materials of the minister's office, including the minister, Ms. O'Leary, Karl Littler, and others, relating to the retail debt program as well as all electronic and written materials pertaining to Groupe Everest in the minister's office. This should include regional offices as well, particularly Montreal.

The motion is, according to the clerk, proper before us. You have copies of it? It was tabled on Monday and is proper before the committee.

Hon. Shawn Murphy: Did we get this...?

The Chair: Yes, at the end of the day, Mr. Fitzpatrick gave us notice of this motion.

Is there any debate?

Mr. Murphy, go ahead, please.

Hon. Shawn Murphy: Mr. Chair, first of all, the motion is contradictory. He's talking about 1993 to 2003. I assume you've amended the motion to deal with section 5 of the—

The Chair: Look on the other side of the page.

Hon. Shawn Murphy: I'll just withdraw that. I just want to read this, Mr. Chair. You can go to somebody else.

The Chair: Is there any debate? Okay.

Hon. Walt Lastewka: I don't have the same one as they do.

• (1645)

The Chair: Flip it over, Walt.

Hon. Shawn Murphy: Mr. Chair, you meant the motion was amended to deal with chapter 5. Is that what we're talking about?

The Chair: Yes. The clerk advised me that since the motion did not have a reference to the Auditor General, who is our reference for this committee, Mr. Fitzpatrick made an editorial change that said, "with respect to chapter 5 of the Auditor General report of November 2003, the committee request all electronic...."

Mr. Brian Fitzpatrick: Mr. Chair, I have a point of order.

The Chair: A point of order.

Mr. Brian Fitzpatrick: I wonder, because of the technical wording and so on, and because they may not have copies of it, if we could just make that change and then have it proceed as a notice of motion from here.

The Chair: You wanted a notice? Okay, so we'll deal with it as a notice of motion. It will come up on May 2, and you will get it done properly in accordance with everything. So we're not going to debate

this at this point in time. It's now still before you as a notice of motion, okay?

Mr. Brian Fitzpatrick: And I have another notice of motion that I would like to bring forward.

The Chair: Okay. We've dealt with all motions before the committee at this time? Yes, we have, have we?

Mr. David Christopherson: Can I place a notice of motion, Mr. Chair?

The Chair: Okay. You also gave, Mr. Fitzpatrick, on the other side of the paper....

Mr. Brian Fitzpatrick: Oh, right. The same would apply to that.

The Chair: Do you want to withdraw? We're not going to debate that now.

Mr. Brian Fitzpatrick: No.

The Chair: We'll do it on May 2. So be aware.

Mr. Brian Fitzpatrick: With the same technical change to it.

The Chair: On the same technical change, that will be debated on May 2. Notice is given today.

Mr. David Christopherson: Can I get notice of mine?

The Chair: Now we're talking about new motions. This is notices. I hope they're all in order. I suggest that you check with the clerk after you have delivered them to make sure they are in order, because these editorial changes are not very good.

Could we have Mr. Fitzpatrick first, followed by Mr. Christopherson, please?

Mr. Brian Fitzpatrick: Right. I think this one is in order, Mr. Chair, and I apologize for presenting motions that are not order correct. This is a notice of motion: that in reference to chapters 3, 4, and 5 of the November 2003 report of the Auditor General, which is brought to the attention of the Canadian public, there appears to be widespread and systematic corruption at the highest levels of the Liberal government spanning many years, and now that this has all been revealed at the Gomery commission, this committee report to the House that in its opinion, the government should immediately resign.

The Chair: Can you give that to the clerk, please? Is the motion in order? It's received as a notice of motion.

The clerk advises me that I rule it in order or otherwise when it is moved, and that we just receive it as a notice at this point in time.

Mr. Christopherson, you have a notice of motion.

Mr. David Christopherson: I do, Chair.

My notice of motion is as follows. Mr. Chair, I would like to put forward a notice of motion, in accordance with Standing Order 108 (3)(g) and chapter 5 of the November 2003 report of the Auditor General, requesting Mr. Warren Kinsella to provide a copy of the answering machine tape he referred to during his April 18, 2005, testimony.

If I might, Chair, I've added the editorial comment you made later. In light of what you just ruled now, I will provide the clerk, before the end of business today, with that clause included in both official languages.

The Chair: I suggest that both of you talk to the clerk to ensure, because she will advise me on May 2 whether these motions are in order.

Mr. David Christopherson: Yes.

The Chair: There being no further public business coming before the committee, I will suspend for five minutes and turn the cameras off. Then we will reconvene in camera.

So we're going to suspend.

[Proceedings continue in camera]

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

**Also available on the Parliamentary Internet Parlementaire at the following address:
Aussi disponible sur le réseau électronique « Parliamentary Internet Parlementaire » à l'adresse suivante :
<http://www.parl.gc.ca>**

The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.

Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.