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# Standing Committee on Procedure and House Affairs

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**Thursday, October 7, 2004**

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**Chair**

**The Honourable Don Boudria**

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## Standing Committee on Procedure and House Affairs

Thursday, October 7, 2004

•(1110)

[Translation]

**The Clerk of the Committee:** Honourable members, I believe we have a quorum.

[English]

Your first order of business is the election of a chair. I am prepared to receive motions to that effect.

Ms. Redman.

**Hon. Karen Redman (Kitchener Centre, Lib.):** I nominate the Honourable Don Boudria.

**Mr. John Reynolds (West Vancouver—Sunshine Coast—Sea to Sky Country, CPC):** I second that motion.

[Translation]

**The Clerk:** Is it the pleasure of the committee to adopt the motion?

(Motion agreed to)

[English]

**The Clerk:** If the committee wishes, we can now proceed to the election of the vice-chairs.

We'll do the vice-chair from the official opposition first.

Mr. Reynolds.

**Mr. John Reynolds:** I nominate Dale Johnston.

**Ms. Françoise Boivin (Gatineau, Lib.):** I thought you'd nominate yourself.

**Mr. Yvon Godin (Acadie—Bathurst, NDP):** I second the motion.

**The Clerk:** Are there any other nominations for the vice-chair from the official opposition?

The motion is that Dale Johnston be elected vice-chair of the committee. Is it your pleasure to adopt the motion?

(Motion agreed to)

[Translation]

**The Clerk:** Our next item of business is the election of the Vice-Chair from the other opposition party.

Mr. Godin.

**Mr. Yvon Godin (Acadie—Bathurst, NDP):** I nominate Michel Guimond.

[English]

**Mr. Dale Johnston (Wetaskiwin, CPC):** I second the motion.

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

[Translation]

Is it your pleasure to adopt the motion?

(Motion agreed to)

[English]

**The Clerk:** I'll now invite Mr. Boudria to take the chair.

[Translation]

**The Chair (Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.)):** My dear colleagues, first of all, I would like to thank you for your support and for electing me Chair of this committee. I had the opportunity of speaking to most, if not all, of you over the telephone to solicit your support. Some members, even some on the opposition side, pressed me to seek this office. I also wish to thank them for placing their trust in me.

We have some important work ahead of us. Of course, that's true always, given the matters brought to our attention, whether they involve ethics, parliamentary law and privilege or the budgetary estimates of certain offices with ties to Parliament. I'm thinking here in particular about the office of the Chief Electoral Officer. I hope that we can focus our attention on an agenda very shortly so that we can move forward on these issues. Since we are in some respects the guardians of parliamentary privilege, the work of this committee will be extremely important, in my estimation.

[English]

The first item for your attention is the following: that the committee retain the services of one or more analysts from the Library of Parliament as needed to assist the committee in its work at the discretion of the chair.

Does anyone wish to move that we have such an initiative?

**Mr. Dale Johnston:** I so move.

**An hon. member:** Jamie.

[Translation]

**Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ):** Most assuredly.

(Motion agreed to)

**The Chair:** Our second item of business is the adoption of the following motion: That the Subcommittee on Agenda and Procedure be composed of the Chair, the two Vice-Chairs and a member of the other opposition party.

Is it the pleasure of the committee to adopt the motion?

**Mr. Michel Guimond:** I have a question. Are we deciding right here and now on the name of the member of the other opposition party, or are we adopting the motion so that...

**The Chair:** You're asking if the motion should be amended so as to read the Chair, the two Vice-Chairs and Mr. or Ms. so and so. Correct?

**Mr. Michel Guimond:** That's right.

**The Chair:** What does the Clerk advise us to do?

**The Clerk:** In the past, a motion specifically naming members was adopted, but this does pose a problem. If either the Whip or the Vice-Chair changes, then the committee must pass a new motion to amend the composition of the subcommittee. If the motion simply refers to the "two vice-chairs and one member", then even if changes do occur, there is no need to adopt a new motion.

• (1115)

**The Chair:** Is it also not a fact, sir, that if we go the other route, each time a member of a party, for example, this party, was unavailable, then it would be impossible to bring in a substitute for a meeting?

**The Clerk:** No, not necessarily. Once members are appointed, regardless of how that was done, substitutes can be brought in.

**The Chair:** So, in that respect, it wouldn't make any difference. What would the committee prefer to do?

Mr. Guimond.

**Mr. Michel Guimond:** I'm fully satisfied with the Clerk's explanation. In this particular instance, the reference to a member from another opposition party is necessarily a reference to an NDP member. That's fine.

**The Chair:** Is everyone alright with that?

**Mr. Michel Guimond:** I move...

[*English*]

**The Chair:** I believe Madam Longfield had moved this motion.

**Hon. Judi Longfield (Whitby—Oshawa, Lib.):** Yes, I had.

[*Translation*]

**The Chair:** Seconded by Mr. Guimond.

(Motion agreed to)

[*English*]

**The Chair:** The next motion refers to the striking committee. I'm sure we're all anxious to have that one through, for the obvious reason of the appointments in other committees. It is as follows: that the four whips be delegated the duty to act as a striking committee pursuant to Standing Orders 104, 113 and 114, and that they be authorized to present directly to the chair, in a report signed by all four whips, their unanimous recommendations for presentation to the House on behalf of the committee.

For members who are not familiar with it, the purpose of this is so that the whips can appoint members to committee, substitute them with others as needed, and so on. This is a traditional motion that we've always had.

Is it the pleasure of the committee to adopt this motion?

[*Translation*]

Do you so move, Mr. Godin?

[*English*]

**Mr. Yvon Godin:** I so move.

**The Chair:** Madam Redman seconds it.

[*Translation*]

(Motion agreed to)

**The Chair:** The next motion concerns the Subcommittee on Private Members' Business: That, subject to the adoption by the House of a list of associate members of the Committee, the Subcommittee on Private Members' Business be composed of one member from each opposition party and three members from the government party.

Now then, we need to decide by way of a motion the subcommittee chair. Perhaps we could adopt these motions separately, Mr. Clerk.

**The Clerk:** Absolutely.

**The Chair:** Is that your recommendation then? Do you want us to indicate a name immediately, and to adopt everything at the same time?

Let me read the rest of the motion: That the Subcommittee be granted all of the powers of the Committee pursuant to Standing Order 108(1)(a), except the power to report directly to the House.

Mr. Reynold.

[*English*]

**Mr. John Reynolds:** Thank you, Mr. Chairman.

I think this should read, based on the numbers in the Houses, that this is to be comprised of one member from each opposition party and two members from the government party.

[*Translation*]

**The Chair:** Mr. Clerk.

[*English*]

**The Clerk:** Of the provisional standing orders that were adopted by the House for private members' business, Standing Order 91.1 establishes the number of members. It's one member from each opposition party, two members from the government party, and a chair from the government party. The number of members is established by the provisional standing orders, so unless we change the standing orders, we're bound by that.

**The Chair:** So we can't change the standing orders in this committee this morning, but if there is a desire to change that in the future, maybe we could keep it in our back pocket and look at it when we're reviewing other things.

In the meantime, is there a name to be put in that column? I'm inviting the chief whip to see if there is a name to be proposed for that, and then perhaps to carry the motion.

Madam Chief Whip.

**Hon. Karen Redman:** Mr. Chairman, we've had some changes due to people going into the chair as Deputy Speaker. I'm wondering if we could come back to you with a name.

**The Clerk:** We don't have to appoint a chairperson—

**Mr. John Reynolds:** Does it have to be somebody from the government?

**The Clerk:** It does, according to the provisional standing orders.

**The Chair:** Yes, it's in the standing orders.

Do you want to appoint somebody and substitute it later?

**The Clerk:** We could deal with the motion at a later date.

**The Chair:** We'll put the entire motion aside, then, for the time being. At the meeting next week, which I think we'll have, hopefully, we can then adopt this.

[*Translation*]

Mr. Godin.

**Mr. Yvon Godin:** I don't think it will make much of a difference, but I understand that a draw is being held today.

**The Chair:** I believe that once the draw is held, we have two weeks to attend to procedural matters.

**The Clerk:** That's correct. A certain number of days must elapse once the draw is held. There is no need for us to decide right now the composition of the Subcommittee on Private Members' Business. We can get to that shortly, but it doesn't necessarily have to happen today.

**The Chair:** Mr. Godin, you're right to say that we shouldn't put this off. We could meet later next week to finish up with other business and also to consider this matter. Thank you.

• (1120)

[*English*]

Next is a motion to receive and publish evidence in the absence of a quorum. Regrettably, from time to time members have more than one meeting, and sometimes we do listen to witnesses without a full quorum. We sometimes call that a mini-quorum, in the jargon that we use around here.

A draft motion has been submitted to us 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.

Do I have a mover for this motion? Monsieur LeBlanc.

Before we do anything else with the motion, Mr. Johnston.

**Mr. Dale Johnston:** Thank you, Mr. Chair.

I want to speak to the motion briefly. For my clarification, does this mean that no notices of motion can be put and no motions can be voted on in this mini-quorum?

**The Chair:** Certainly no motions can be passed. On the other, I defer to our clerk.

**The Clerk:** The way it is worded, it is to receive and publish evidence, so it is solely for the purpose of hearing witnesses. People giving notices of motion where there is a requirement for notice... There has never really been a requirement for notice in this committee, although if somebody desires to create one, they can do so. The notice doesn't necessarily have to be given at a meeting; it can be given to the clerk directly outside the meeting.

**Mr. Dale Johnston:** I realize that.

**The Chair:** Mr. Johnston, maybe this would help. I'm informed by our researcher that historically there has never been a requirement for notice in this committee, in any case, so it would seem to be moot.

**Mr. Dale Johnston:** I don't like to be nitpicky about it, but I would like clarification. For instance, if I wanted to put notice of motion, would that be considered information that I could put?

**The Chair:** It seems that you can do that even if we're not meeting. It would be difficult to imagine having less power when we're meeting than when we're not.

**Mr. Dale Johnston:** That's true. Very good. Thank you.

**The Chair:** Okay. Where were we? Monsieur LeBlanc moves the motion.

(Motion agreed to)

[*Translation*]

**The Chair:** The next item of business is payment of witnesses' travel and living expenses. The draft motion for our consideration reads as follows: That, if requested, reasonable travel, accommodation and living expenses be reimbursed to witnesses, not exceeding one representative per organization; and that, in exceptional circumstances, payment for more representatives be at the discretion of the Subcommittee on Agenda and Procedure.

In other words, expenses are automatically reimbursed to witnesses invited by the committee to testify, but if we want to reimburse more than one witness per organization, then the decision whether or not to do so will rest with the subcommittee.

[*English*]

Mr. Johnston so moves.

(Motion agreed to)

**The Chair:** Now, distribution of documents with translation. The motion is 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.

[*Translation*]

**Mr. Michel Guimond:** Mr. Chairman, I'd like to move an amendment to this motion.

**The Chair:** Yes, but first we need someone to move the motion.

**Mr. Michel Guimond:** I so move.

**The Chair:** I think someone else should move the motion, otherwise we'll run into procedural problems. Ms. Boivin moves the motion.

Mr. Guimond, I understand that you wish to move an amendment.

**Mr. Michel Guimond:** That's correct. Since I just now drafted the amendment, the wording is undoubtedly not quite right. I would add the following at the end: "and that the Chair of the committee ensure that witnesses comply with this motion". Would you like me to reread the motion as amended?

**The Chair:** Go ahead.

**Mr. Michel Guimond:** The motion reads: 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, and that the Chair of the committee ensure that witnesses comply with this motion.

May I comment further on the amendment, Mr. Chairman?

• (1125)

**The Chair:** Go ahead. Perhaps you would care to explain your amendment to us.

**Mr. Michel Guimond:** I'm trying to avoid a repeat of a problem that arose several times during the Thirty-Seventh Parliament. I've been a member of this committee since 2000, and I had a number of serious run-ins with your predecessor over this matter. We need to avoid doing indirectly that which this motion prohibits us from doing directly. We must avoid that which, in law, is referred to as wilful blindness, that is a situation where a committee member claims not to be the one who distributed a document and where the witness then gets up and distributes it to a select number of members, the end result being that the other committee members find themselves at a disadvantage.

What we're saying here is that we want the committee to comply with the Official Languages Act, but we don't want the witnesses to bypass the motion indirectly. I'm confident that all of my colleague agree that it is the Chair's responsibility to see to this.

I wrote "the Chair", but I'm prepared to move a sub-amendment, if you think this responsibility should fall to the Clerk. I don't care if it's the Clerk's responsibility or the Chair's responsibility, but I do not want the witnesses to do indirectly that which the motion prohibits the Clerk and committee members from doing directly.

**The Chair:** Perhaps you could clarify something for the Chair. Since the motion refers to the Chair — at least that's one of several possibilities — I hope this doesn't mean that once the committee has adjourned and members have left the room, the witness cannot distribute a document or something else to a member in the hallway. You're talking about distributing material at an actual "committee meeting", are you not?

**Mr. Michel Guimond:** Your question has me worried, Mr. Chairman, because you mention the hallway. In other words, a witness could be standing at the door of the committee room and could distribute a unilingual document to certain committee members. The purpose of my amendment is to put a stop to people doing indirectly what the motion does not allow them to do directly. I'm not interested in adding "in the meeting room or in the hallway".

Of course I expect some unilingual members will speak to witnesses in English. I have no desire to censure speech or to launch an inquisition.

**The Chair:** I understand. Thank you for clarifying your position. I believe you've made things clearer for all members.

[*English*]

**Mr. Dale Johnston:** I certainly understand Michel's concern, but I don't know how his amendment is going to clarify it. The motion says, without the amendment, that documents will be distributed only when they exist in both official languages, and really, I think that covers his concerns.

If I were called to this committee to make a presentation and I didn't have the time or the resources or whatever... I know that the Library of Parliament would do the translation for me, but if, let's say, I didn't have time to get that done, I would have to make my presentation unilingually, and verbally, and without documents. This says that we can't distribute documents unless they're in both official languages. So really, I don't know what Michel's concern is with the amendment.

**The Chair:** Does anyone else wish to speak to the amendment?

Monsieur Godin, just until we switch parties, and then Mr. Reid.

[*Translation*]

**Mr. Yvon Godin:** Mr. Chairman, I don't believe the issue here is committee members making presentations, but rather the witnesses who testify before the committee. If there is to be compliance with this motion, assuming it's adopted, it's important for the Clerk to explain the rule clearly to the witnesses when they are contacted. The witness mustn't be caught off guard and be allowed to assume, in the absence of knowing the rule, that he can distribute documents freely without having to have them translated. It could also be suggested to the witness — and I believe this has been done in the past — that if he represents a small organization and cannot afford to have his document translated — that he submit the document early to the House so that it can be translated. It's important for the Clerk to mention this to each witness invited to testify and to give them the opportunity to have their document translated. We do not want to block the flow of information. Quite the opposite.

I won't get into the specifics, but I placed a call to a departmental office yesterday and the woman who answered the telephone, in English only, informed me that French was the second language. This is not what we want to hear. Both French and English are our first languages.

• (1130)

**The Chair:** Mr. Reid.

**Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC):** Thank you, Mr. Chairman. I will act as my party's spokesperson.

First of all, we have certain obligations to our witnesses. Moreover, pursuant to the Constitution and to the Charter of Rights and Freedoms, Canada's Parliament also has certain obligations to witnesses.

[English]

I'm in the unique position of having been a member of this committee and also having come here as a witness to make a presentation. I did so in February 2000. At that time I made a presentation that included detailed notes and photocopies of newspaper articles, among other things. I was not informed at that time that I needed to provide these documents in both official languages. Had I known that, I would have been happy to make an effort, and obviously the more timely the notice, the better the effort I could have made to ensure that the documents I presented were in both official languages.

I submitted a number of copies to the clerk, who did not distribute them. My presentation included references to various tabs in the written presentation. This was not distributed. At the end of the presentation Bill Blaikie said "The witness kept on referring to tabs in some presentation." In fact, the entire presentation had largely been made useless by the fact that I hadn't been told ahead of time.

Obviously, as a courtesy to our witnesses we ought to make every effort—and I must say, this is something that habitually committees do not do in Parliament—to contact them in advance to ensure they can provide their documentation in both official languages.

I also think we should be clear. For example, if someone attaches newspaper articles taken from one of the national newspapers in either French or English, do we expect that to be translated as well or do we merely expect the main body...? We may be talking about many, many pages of supporting documentation. We need to be clear on that if we're going to try to respect this. What exactly do we mean? Do we mean to stop members of Parliament from going up to the clerk, as I have done as a member of other committees, and saying they would like to see a copy of a document that has been distributed? We had one from the Association des gens de l'air that was in French only. I wanted to see a copy of it and I went and looked at it. The clerk was not violating the rules by showing it to me. Are we going to stop that?

That's one side of the whole thing. We should make every effort. If we do that, I think we can assure there will be very few presentations that are not presented in one language.

**The Chair:** Perhaps it would assist the committee, Mr. Reid, if the clerk explained to us how the rule is administered right now. I believe a number of questions you asked were in reference to what we're doing now. I think what Mr. Guimond is referring to doesn't change much what the practice is now. Maybe we can listen to what that is now. If you want to change the existing practice, that's a different issue.

**Mr. Scott Reid:** I do have a second issue to raise, if you don't mind.

The second thing is that section 17 of the Constitution Act, 1982—that is part of the Charter of Rights and Freedoms—gives everyone the right to use either English or French in their dealings with Parliament. We all understand that means a witness can come here and speak either in French or in English. I question whether we have the right, under the Constitution of Canada, to deny a person making a written submission in either French or English. One could argue, well, they are making a presentation, it's just that we don't get

access to it. But that in effect obviates their ability to make that presentation. We have to ask very seriously whether or not this amendment would in fact be a violation of section 17 of the Charter of Rights and Freedoms.

I recognize that the spirit of it is one that's intended to ensure better respect for official languages. It is the right of Canadians to use the language they are familiar with, and we can't simply change the Constitution here in this committee. I think we have to worry about that.

**The Chair:** Let's listen to our clerk explain how the process works now.

Mr. Reid, I believe most of the things you've raised have little to do with Mr. Guimond's motion. They have to do with the process we already have in place where documents are only circulated to MPs when they're bilingual.

Let's have the clerk explain the whole thing for a minute and then we'll continue with questions. Maybe that would assist honourable members on that point.

Monsieur le greffier.

• (1135)

**The Clerk:** Thank you, Mr. Chairman.

Whenever I as a clerk contact a witness, they are told that any documentation that is to be provided to the committee has to be provided in both official languages. We offer the services of the translation bureau to witnesses who are not able to get the documents translated themselves. I'm talking about private individuals, since government departments and government agencies are, of course, expected to bring things in both languages.

When the witness is confirmed by me, we send them a fax confirmation or an e-mail confirmation clearly specifying that any document must be in both official languages before it will be distributed to members of the committee, if the committee has adopted a motion such as that. However, there are times when a committee decides it wants to hear a witness on Thursday and it makes this decision on Tuesday. It makes it very difficult at times for some witnesses to get documents translated in time, and they will bring those documents to the meeting.

I know the problem of which Mr. Guimond speaks. There are times when witnesses, of their own volition, distribute documents. It's a way of getting around the intent of the motion, and that is what Mr. Guimond's amendment would seek to prevent.

Of course, I as clerk am bound by this motion. If the committee instructs me not to distribute documents until they are received in both languages, then I will abide by the decision of the committee. From what I understand, if Mr. Guimond's subamendment carries, it would prevent witnesses themselves from subverting the intent of the motion by distributing documents in one language only.

**The Chair:** In the committee room.

**The Clerk:** In the committee room.

**The Chair:** Thank you.

So at least we understand what it is we have and what new condition the amendment would create. Maybe this is helpful to members.

Monsieur Guimond.

[*Translation*]

**Mr. Michel Guimond:** I want to make it clear that this is not an attempt to deprive member of their right to express themselves in their preferred language or to deny a witness his constitutional right to do likewise. Let me be very clear about that.

I want to recount an incident that occurred. If Peter Adams were here, he could tell you all about it because I'm certain he's relived many times the fit I threw. The committee was considering the bill on the financing of political parties and a representative of a major accounting firm — I can't recall if it was Ernst&Young or Grant Thornton — not of a association comprised of three or four volunteers, arrived to testify and asked the clerk to distribute his document. The Clerk realized that the document was unilingual English and informed the witness that he could not distribute it because it was in English only. The witness then proceeded to place copies of his paper on the table and members helped themselves.

As a francophone, when a witness acts in this manner...That's why the Clerk should be authorized to distribute documents. Obviously, the motion stipulates that every document distributed by the Clerk must be in both languages. I don't have a problem with that stipulation. However, we mustn't allow a unilingual witness, whether francophone or anglophone — and I want to make that clear — to arrive at a meeting with a unilingual document in hand, leave it in a corner somewhere and inform member that despite its unilingual status, they may help themselves to a copy. As a unilingual member of Parliament, I can't possibly do my job effectively under these circumstances. I would be at a disadvantage. By the way, let me just say that Mr. Reid understands French quite well, but some colleagues here at the table would have a hard time understanding a unilingual document explaining the finer points of legislation governing the financing of political parties.

Therefore, I want to avoid a situation where witnesses arrive for a meeting with a unilingual document in hand. I can't stop a member from approaching a witness after the meeting and requesting a copy of his paper. That's not our intention. We're not trying to vilify one language, but rather to give all members of the committee an equal opportunity to do their job well.

**The Chair:** Thank you. I have a question for you, and then we can continue with the business at hand. I'd like you to give the matter some thought.

What would you say to wording the motion as follows: "and that no document submitted by a witness be distributed without the authorization of the Clerk"? In other words, a person could not enter the committee room and unbeknownst to the Clerk, distribute a document without the latter's authorization. Not just anyone should be authorized to distribute documents, in my view. It's the Clerk's job, as our senior staff member, to do that. He can distribute only those documents that are in both languages. If the Clerk doesn't distribute them, then no one else on the committee is authorized to do so. I think that would solve the problem. I don't know if this

wording makes the motion more palatable, but I invite you to think about it.

I will now turn the floor over to Mr. Leblanc, who signaled to me some time ago that he wanted to speak to this motion.

• (1140)

**Hon. Dominic LeBlanc (Beauséjour, Lib.):** Mr. Chairman, Michel's comments are entirely a *apropos*. I've often seen it happen in the Public Accounts committee. Last spring, everyone was in a rush and people were producing lots of documents. I'm not talking about government officials, although even representatives of our own government departments occasionally arrived with documents... I know it's not the fault of the clerks.

I agree with the wording you've suggested. Colleagues may prefer something different, but I think it's a good idea to make this clear stipulation. I'm also pleased that the Clerk will continue to stress this point when holding discussions with the witnesses. Our translation services are available and government bodies will be required...Too often we see corners being cut.

**The Chair:** Ms. Longfield.

[*English*]

**Hon. Judi Longfield:** I don't think it's ever appropriate that we allow documents in one language to be distributed within the committee room. If the intent of Monsieur Guimond's motion is that the clerk not permit any documentation to be distributed within the committee room, then that is something I can support. We run into difficulty....

I mean, if someone is prepared to stand outside and do it, I think they should be chastised, but I don't think we have any control over anything that happens outside. I understand the case that you're referring to. It's happened in other committees. We tend to turn a blind eye; you know, it's over there, if you walk over and pick it up... So there is that implicit permission to go and get it. We're just not doing it officially.

If the clerk can say, to anybody who brings in that kind of documentation, that he cannot distribute it or allow someone to pick it up in the committee room, then that's...absolutely.

**The Chair:** The amendment I was offering would have done just that, say that you can't distribute anything in here without.... Only the clerk can distribute something in here. So the rules of the committee would be the only ones—

**An hon. member:** In this committee.

**The Chair:** Yes, of course.

**Hon. Judi Longfield:** Exactly. That's why I thought the clerk of the committee could be authorized to distribute only when...and not allow any distribution that would be contrary to that procedure.

[*Translation*]

**The Chair:** Ms. Boivin.



**Ms. Françoise Boivin:** We lawyers are a necessary evil. I agree entirely and I believe I understand the comment you made. In this text, the word “distribute” is a problem for me. Mr. Chair, even if your proposed amendment were passed, I'm not sure that it would prevent someone from doing precisely what the person in your example did. When someone leaves a document on the table, a member can pick it up and read it.

Mr. Guimond, I think that what you are trying to say is that this should not be taken into consideration by the committee. I very rapidly obtained some information on what this committee does. According to what I understand, we have to hear witnesses, make decisions, etc. Distributing a document is one thing. I agree with Mr. Reid that we cannot prevent a witness from expressing himself or herself. In my opinion, we need a mechanism that is sufficiently flexible to encourage people to express themselves without tripping ourselves up in procedural details. However, I also believe that it is absolutely essential that documents be distributed in both official languages. For myself as well, this will be a sine qua non condition, and I will never consider a document submitted to me in one language only, when we do ask people to arrive with documents in both languages.

It would seem much more important to me that no document be considered if it is not submitted in both official languages. Witnesses can distribute whatever they like, I have no problem with that. If they want to testify here in English, there is no problem with that whatsoever. If they want to testify in French, that is fine too. However, if Ernst & Young wants to give me an accounting document in English only, with explanations in English only, I am sorry but I will not be considering it. This allows us to let witnesses know that their document will be considered by this committee when we receive it in both languages.

• (1145)

**The Chair:** Fine. I would ask that members try to be a little more concise so that we can bring this debate to a close. It's up to you.

Mr. Godin.

**Mr. Yvon Godin:** I am not a lawyer, but I have some worries with regard to the wording that concerns taking or not taking documents into consideration. The issue here is not whether or not we take documents into consideration. It is that all members need to be given an equal opportunity to put questions to witnesses about their brief. It is not a matter of taking the document into consideration to arrive at a decision afterwards. After having heard the witness, the committee has all the time it needs to have the document translated. If the witness has not had his document translated, he or she gives it to the clerk. The document is not distributed to the committee, and we ask our questions based on the oral presentation the witness makes here. If he has not given us a document in both languages, the document will be translated afterwards; the committee will then have it and will be able to study it and to take it into consideration.

The problem we have to solve here is that one. Any document that is not in both languages must not be distributed to the committee, so that all of the members, be they English-speaking or French-speaking, have the opportunity to ask questions. We have had documents that were submitted in French only. When we don't have

a document in our language, we are at a disadvantage when it comes to putting questions to a witness.

**The Chair:** Colleagues, with your permission, we will now consider the motion we have before us, a motion that I would describe as routine. We also have the amendment, which improves, or in any case changes, the routine motion by adding to it the words I am going to read. Mr. Guimond tells us that the word “chair” should perhaps be replaced by the word “clerk”, but it will be up to him to decide. I am simply going to attempt to summarize what was said before. Mr. Guimond's amendment would read as follows: “and that the Chair of the Committee”, or the clerk, “ensure that witnesses comply with this motion.”

I had asked the committee to consider something which in my opinion may be clearer, but it will be up to you to decide. The amendment would read, rather, as follows: “and that no document submitted by a witness be distributed without the Clerk's authorization.” So if, according to the clerk, a document meets the criteria, it will be distributed. If the clerk says that it does not meet our criteria, that's the end of it, and the document will not be distributed. The witness then has to improve it, that is to say, to get it translated, and once it has been translated, the clerk can have it distributed. He will be the judge, and the process is objective: he is our officer. In any case, it is up to you to decide what you want to do.

Mr. Guimond.

**Mr. Michel Guimond:** Mr. Chair, I withdraw my amendment and fully support yours. I don't know if, procedurally speaking, you can move it yourself.

**The Chair:** Is there unanimous consent for Mr. Guimond to withdraw his amendment?

(Amendment withdrawn)

**The Chair:** Does anyone want to move anything else?

Fine. The amendment would read as follows: “and that no document submitted by a witness be distributed without the clerk's authorization.”

Does someone want to move the new amendment?

**Mr. Michel Guimond:** I so move.

**The Chair:** The amendment is moved by Mr. Guimond, seconded by Ms. Longfield. Shall the amended motion carry?

[English]

**Mr. Dale Johnston:** Can we have the motion in the other official language, please.

**The Chair:** Yes. It's oral, and I believe the simultaneous interpretation is working. It's not in writing, and it's not in any one language; it's verbal.

**Mr. Dale Johnston:** I don't know about accepting this unwritten motion.

**The Chair:** I don't believe motions have to be circulated in writing.

**Mr. Dale Johnston:** I'm joking, of course.

**The Chair:** Okay.

(Amendment agreed to)

(Motion as amended agreed to)

[*Translation*]

**The Chair:** The next motion is the following: That the Clerk of the Committee be authorized to make the necessary arrangements to provide for working meals for the Committee and its subcommittees.

We could probably add “when necessary”, as this is not always necessary, Mr. Clerk; this is done as the need arises.

[*English*]

“As needed”, maybe? Do you want to put in those words? I don't think we should suggest that we always get—

**Mr. Dale Johnston:** It says “necessary”. It's the same thing.

**The Chair:** Okay.

Does anyone wish to so move?

**Mr. John Reynolds:** I so move.

**The Chair:** Mr. Reynolds.

[*Translation*]

Seconded by Ms. Redman.

(Motion agreed to)

• (1150)

**The Chair:** The last motion is the following: 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.

I am told that this is a traditional motion. It is moved by Mr. Johnston, seconded by Mr. Godin. Is it the pleasure of the committee to adopt the motion?

(Motion agreed to)

**The Chair:** I've just been handed a final note on the disposal of committee proceedings at the end of a session.

**The Clerk:** If I may, Mr. Chair, I would add that in camera meeting transcripts are kept secret for a period of 30 years after the end of the session. If the committee so wishes it can decide to have them destroyed at the end of a session, but normally, we encourage committees to allow the Archives to store in camera transcripts and have them kept secret for a period of 30 years so that they may later be made available for historical research. But it is up to the committee to decide. If the committee wants them to be destroyed, it can ask that this be done, but if it wants to keep them for historical purposes, it may also do that.

**The Chair:** I would like to draw your attention to the fact that there are two possibilities. I am told that the committee on modernization had chosen the opposite option. Our researcher Mr. Robertson could perhaps enlighten us as to what happened in that case.

Mr. Robertson.

[*English*]

**Mr. James Robertson (Committee Researcher):** In the case of the modernization committee, they specifically passed a motion that when the committee's final report was tabled in the House, all of its in camera transcripts would be destroyed. This would ensure that

nothing would inadvertently get out, either after the committee had ceased to operate or in fact after 30 years. If the intent is that in camera proceedings are to be kept secret for all time, the only way to ensure that is to ensure that the transcripts are destroyed. Clearly there is a research element, and 30 years after the fact it may well be that it is no longer necessary to keep them secret, but it is for the committee to make that decision.

[*Translation*]

**The Chair:** It is up to you to decide, but the historian in me is not very happy at the idea of destroying historical documents. I think it would be better for us to request that they be kept for 30 years, but it is up to you to decide which of the two possibilities you prefer.

Mr. Godin.

**Mr. Yvon Godin:** But an in camera meeting takes place in camera. There is a difference between history and what happens in camera. There are certain things we can say behind closed doors which we do not say at public meetings. I don't think that all of the members know that 30 years from now in camera meeting transcripts may be published. I think we have to think about that.

**The Chair:** Am I to understand that you are suggesting that these documents be destroyed at the end of the session?

**Mr. Yvon Godin:** What is the committee's recommendation?

**The Chair:** There is none.

**Mr. Yvon Godin:** I thought I heard you say that—

**The Chair:** The committee on modernization, insofar as its own work was concerned, destroyed its own documents at the end of the session, but the clerk tells me that other committees keep the minutes of their in camera meetings for 30 years. That is what is done with Cabinet documents.

**Mr. Yvon Godin:** I suggest that we put this aside, think about it, and come back to it later.

**The Chair:** Can we get back to this at the next meeting?

[*English*]

I would like to entertain a motion that we do now adjourn and that we—

[*Translation*]

**Mr. Yvon Godin:** No.

**The Chair:** Are there any other topics? Excuse me.

Mr. Guimond.

**Mr. Michel Guimond:** Mr. Chairman, I want to say to my colleagues and to the clerk that we can give a mandate to a legal specialist. We decided to postpone the adoption of the motion on the Sub-committee on Private Members' Business. I must tell my colleagues that we have to amend the Standing Orders, Standing Order 99.1 in particular, to reflect the new reality of the minority government. It seems that there is some incompatibility between the Standing Orders and the wording of that motion.

•(1155)

**The Chair:** I know that there was an agreement among the parliamentary leaders in this regard. We have in this room at this time at least one parliamentary leader, a whip of another party, the parliamentary secretary to the Government House Leader, and I want everyone to be aware of this because next Tuesday... So, we could say that you are giving notice of your intention to propose this change. Did I understand you correctly? If this does indeed reflect the agreement reached by the leaders, they may get together to agree to the change you just mentioned. In any case, they are apprised of the matter. You could perhaps also inform your own leader, since this is an agreement among party leaders. Of course, if the leaders have concluded an agreement and if the House has passed it — and we all know that this is the case — I think we will want to respect it. Does this go beyond that agreement or fall within its parameters? I don't know. I used to do this kind of work, but I don't at this time and I will go by what the leaders will tell us. We can discuss this further on Tuesday, if you wish.

**Mr. Michel Guimond:** I want to correct something, Mr. Chairman. When I referred to Order 99.1 of the Standing Orders I was mistaken. The order in question is Order 91.1, paragraph (1), which is to be found in the provisional orders.

**The Chair:** Very well.

**Mr. Michel Guimond:** I am going to broach the second item immediately, because you seemed in a hurry to bring the meeting to a close.

**The Chair:** Go ahead, Mr. Guimond. I was teasing you.

**Mr. Michel Guimond:** I don't want to prolong the meeting unduly, but I think that we should consider, for future business... I know that the Sub-committee on Agenda and Procedure will be meeting, but for the information of all of my colleagues I think we should as a priority meet with Professor Shapiro, the new Ethics Commissioner, to allow him to come and present the questionnaires that were prepared and to consider, before we get too far along in the process—you know that the 50-day period to produce those questionnaires started to run as of Monday the 4th— to consider, then, the possibility of modifying the content of the questionnaire. It would be modified for those who have already filled it out, through an addendum, this year if possible, as many of our colleagues have already handed them in. I suggest that we call this witness as quickly as possible before the committee. My purpose in saying this is to inform all of my colleagues, but I also intend to raise this matter before the Sub-committee on Agenda and Procedure.

**The Chair:** As this is a very timely item since the countdown has already begun, is there a general interest in this type of thing? Could we begin this work already? I see that members are indicating their interest.

[English]

Or we'll do that unless someone disagrees.

**Mr. John Reynolds:** No, Mr. Chairman, I heartily agree.

**The Chair:** Okay.

**Mr. John Reynolds:** I think at the House leaders meeting it was discussed, and I think it's going to be on our agenda tonight at the House leaders meeting. Jérôme Choquette, a former Quebec justice minister, has prepared a document for me on this whole ethics issue,

and he has a lot of questions. I distributed it to the other House leaders, and just today we got an answer back from the ethics commissioner. It's pages and pages long, too long, but I think they're agreeing with some of the concerns that he had and that we as members have. I know there is great concern over the document itself. It's an intrusion beyond what this committee wanted.

So the sooner the better.

**The Chair:** Okay.

Without going into too much detail, there seems to be no one against that idea, so why don't we put that in place right away, Mr. Clerk, possibly as early as next week if we can arrange it.

As I said, it's a time clock that's already started, pursuant to our rules. Of course, some of us have already filed under the present rules. I'm one of them. I just scratched my head, bit my tongue, and signed it.

•(1200)

**Mr. Dale Johnston:** We might have to bail you out.

**The Chair:** Yes, could be.

[Translation]

Mr. Godin, you have the floor on another topic.

**Mr. Yvon Godin:** I would like to mention to the committee that we should adopt a motion so that parliamentary committees can begin their work. The Finance Committee wants to meet, as well as the Committee on Agriculture. I think that we are all in agreement and that all of the political parties have already given in the list of their committee members. We should do this immediately because the members are ready to work. I don't know how we want to word that motion, but I would be willing to move it.

**The Chair:** Perhaps the clerk could give us some indication of where we are at. I thought we had already done that through a motion we passed a bit earlier today.

Mr. Clerk, go ahead.

**Mr. Yvon Godin:** I would like some clarification.

**The Clerk:** Indeed, Mr. Chairman, you are correct. We gave the whips the authority to sign a report if they are unanimous. I did receive a list from all of the political parties toward the end of yesterday afternoon. We have gathered those lists into a report, but because of a technical problem, I could not bring it to today's meeting. If I understood correctly, we have just received a telephone call informing us that my assistant has completed the report and that she is sending it to the committee. If the committee wants to do so, it can adopt it now. We can have the whips sign it once it gets here so that it can be submitted to the House. But in one way or another, this will be done today.

**The Chair:** So the whips have only to sign it, pursuant to the motion we passed a little earlier today which states that the committee has the mandate to act as striking committee pursuant to orders 104, 113, 114... We did that a bit earlier today. So, the whips have only to sign it and then if they want to table it today, they can take steps to ask for unanimous consent in the House later.

Mr. Reynolds.

[*English*]

**Mr. John Reynolds:** I just want to make this clear: it doesn't have to come back to this committee; the whips can sign it, and it can be done in the House today?

Perfect.

**The Clerk:** With the consent of the House.

**The Chair:** Are there any other subjects that members wish to bring to the attention of the committee? If not, I would entertain a motion that we do now adjourn.

**Mr. Dale Johnston:** I so move.

**Some hon. members:** Agreed.

[*Translation*]

**The Chair:** Thank you.

The meeting is adjourned.

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