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Tuesday, October 18, 2005

—
Chair

The Honourable Don Boudria

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•(1110)

[English]

The Chair (Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.)): Order, please. I see a quorum.

Before dealing with this morning's item, I just want to inform honourable members that the minister, the Honourable Mauril Bélanger, was to have appeared this morning. However, he's had a conflict of two major issues before Parliament, the other one being amendments to the Official Languages Act, which have taken up his activity. He contacted me late last week and asked to be put on next week, because of these two very important issues going on at the same time.

Of course we have scheduled him.... Mr. Clerk, for when?

The Clerk of the Committee (Mr. Pierre Rodrigue): Next Tuesday.

The Chair: He's available next Tuesday at 11:30.

So I apologize for that information, and make honourable members aware of it.

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): Mr. Chair, there are a number of issues the minister is dealing with that relate to this committee. Obviously there's the private member's bill, which I believe was the matter he'd intended to speak on before the committee today.

The Chair: No. He's a witness, at our request, to speak to that bill. So it is that, but it's more powerful than that.

Mr. Scott Reid: I see. What I'm getting at is that when he comes here next Tuesday, it is my intention to question him on his response to the committee's 43rd report, and there may be some other matters.

I'm basically indicating now that I would be very reluctant to see our own ability to question him on all matters pertaining to the interaction of his department and this committee limited. If it looks like there's going to be any problem with that, I'd like to be informed now so we can perhaps deal with that.

The Chair: The only thing I can do is alert the minister that members have expressed their interest in raising other issues. Whether he'll be fully prepared to answer anything else, of course, I can't speak for the minister. Out of respect for our colleague, Monsieur Guimond, it would be unfortunate if we spent all of our time dealing with other things and not his bill, because it's been the subject here.

Just as a suggestion, maybe we could informally agree that we ask all the questions about the bill first, and then while the minister is

still here ask him to stick around because we have more stuff to ask him about, or some such. Maybe we could informally use that process, if that's a process. We could inform him, nonetheless, that members have other preoccupations they want to raise with him.

Mr. Scott Reid: That sounds fine to me, and I assume it will probably be agreeable to everybody else.

The Chair: In the event we don't complete we'll ask him back right away—right away meaning “Please remember that we're dealing with a question of privilege this morning, and there might be another right away before that right away, and we'll see how that works this morning”.

That being said, it is my duty to inform members that a question of privilege was raised by Mr. Obhrai, Calgary East. The Speaker ruled there was a prima facie case of privilege, whereupon Mr. Obhrai, Calgary East, seconded by Mr. Nicholson, Niagara Falls, moved:

[Translation]

That the process by which the Ethics Commissioner is conducting inquiries in relation to the Conflict of Interest Code for Members of the House of Commons, in particular the issues raised in the House by the Hon. Member from Calgary East on Monday, September 26, 2005 be referred to the Standing Committee on Procedure and House Affairs.

[English]

That question was put and a motion was agreed to.

At our last meeting we were informed only moments before that this motion had passed the committee. We immediately convened at the end of our regular meeting and requested that Mr. Obhrai make himself available to present his case to the committee this morning. I'm pleased, of course, that Mr. Obhrai is here this morning.

Mr. Obhrai, if you'll give us a brief overview of five minutes or so, pursuant to our regular rules colleagues can then ask questions about the case we have before us, namely the prima facie case of privilege ruled on by the House and referred to this committee.

Mr. Obhrai.

Mr. Deepak Obhrai (Calgary East, CPC): Thank you, Mr. Chair.

I want to thank all the members for coming today and listening to this case.

It is quite a painful factor in my life because it primarily deals with a family issue that is very hurtful and painful. Unfortunately, it has become a public issue. My request to be here today is to deal with all those issues as well.

In this instance, I would like to say that I have made a submission that has been given out to the members.

I would like to start by saying that on page 1 of 17, the Ethics Commissioner himself indicated the qualifications for this job, which does not give the members much confidence. In the report, he says that he didn't know there was such a position. He also said that he did not have a job description called "investigator". This indicates the complete lack of ability of Mr. Shapiro to do this important job. That has terrible consequences, not only for a member of Parliament but for his family and other individuals, as my submission shows.

The Ethics Commissioner is supposed to investigate the ethics code. In this case, I submit to the committee that he breached subsections 27(4) and 27(7) of the ethics code.

Subsection 27(4) of the ethics code, which is on page 4 of the 17 pages that I submitted, states:

The Ethics Commissioner may, on his or her own initiative, and on giving the Member concerned reasonable written notice, conduct an inquiry to determine whether the Member has complied with his or her obligations under this Code.

Subsequently, as what I have given out will indicate, I was not informed of this inquiry until 103 days after he had started conducting the inquiry, which is in complete breach of this.

As a matter of fact, I also want to say this. The gentleman who supposedly had written this allegation was interviewed before I, as a member of Parliament, was given the right to respond. As you will see from the dates that I have written here, during my correspondence with the Ethics Commissioner, he never informed me of this.

Not only that, but what is disturbing about the correspondence that he has given and that is coming out is that he was already conducting an inquiry, going around and asking questions, despite the fact that he was given all the documents to indicate this was a false allegation, including transcripts from the gentleman who had made this allegation saying that he did not make those allegations, and including the fact that those were false documents. However, I was totally ignorant of this. So subsection 27(4) indicates where I feel that he violated the conduct by not keeping me informed.

The only time that I was informed was when I called him, and I said that I would come and meet him. Then, lo and behold, the next day I got a phone call from a reporter saying that I was under investigation. I asked him how he knew, and he said that the Ethics Commissioner had told him.

Mr. Speaker, that goes to subsection 27(7), on page 6 of 17, which says the Ethics Commissioner is to conduct an inquiry in private. All of a sudden, I have this whole thing coming from the reporter who said that he knew all about it. The next thing I know, stories were written right across the nation. Several newspapers ran it, accusing me of having done something wrong.

What really disturbs me is that the Ethics Commissioner then went on to say that he had some documents that showed an impropriety

had taken place. He said that in public. Through holding such an important office, when the Ethics Commissioner makes these comments, he gives legitimacy to these comments. That is what happened. The next thing I know, I am on the defensive.

What documents were they, Mr. Speaker? They were documents we had provided to him, documents that had given him proof that all this was wrong. By going public in this inquiry, I say he has breached subsection 27(7).

• (1115)

Now, what also gives me cause for concern—and on which the Speaker has ruled, asking this committee to look at this picture—is how did he conduct this inquiry? He was given all the facts prior to his going out to the public. He was given a taped transcript that said these were false affidavits. He met with the woman who was at the centre of this controversy. She said these were false and gave her story, that this was a blackmail attempt by this husband to get her to go back to India, that he was using me to blackmail her.

All of these things—including a report from the Calgary police, including the restraining order, including a report that says he went to a psychiatric hospital, including where he told Calgary police that he had threatened to kill this woman—were given in advance to the Ethics Commissioner, which he chose to ignore. He chose to ignore the testimony of the woman, and yet he felt he needed to go to India, hire a lawyer, to go and talk to this man who, by the Canadian system, is under a cloud. He has a police report against him, a psychiatric hospital visit, all these things, and yet the Ethics Commissioner felt that man had more legitimacy than me, as a member of Parliament, to talk to him, or this woman, when even the Calgary police said she had received threats that she was going to die. This causes me serious concerns as to how the Ethics Commissioner was doing this investigation.

This takes me to the consequences of his actions. By doing this, by sending a lawyer out there, he has actually destroyed my sister-in-law's family relations with her son. In his actions, he totally ignored the third party involved.

Because he went public, I am under a cloud, and I am requesting this of the committee: I want an independent investigation of these allegations to clear my name. I don't see how Mr. Shapiro has the legitimacy to carry on doing the investigation on this thing considering what his action has been. Most disturbingly, even after my rising on a question of privilege, he phoned my supporter, who has nothing to do with this case, in Calgary, saying he wanted to come and interview my supporter on some allegations that he was not even investigating. That said, I am looking for an independent investigation against these allegations made to me, and not by Mr. Shapiro, because I don't believe that office has any legitimacy. He is under a cloud of suspicion.

I also want the committee to investigate how he conducted this investigation, because there is a serious impact here not only for members of Parliament but also for members' families when you're not looking. When I brought this subject to Mr. Shapiro, he chose to ignore it. His words were that what my sister-in-law did was none of his business. Sorry, but we don't live in a vacuum, we live in families, and our families get hurt when you do these kinds of things.

As another point, in his letter to Democracy Watch, he said he cannot be sued. This leaves him thinking that he has such enormous powers on us that we do not have recourse. As you will see in the Speaker's ruling, he is looking for a way that members of Parliament do have recourse when investigations get hijacked. So I am asking the committee to look at that factor as well.

The most important thing I am asking the committee to look at is that when an ethics commissioner is going to do an investigation, he must take into account the other factors, such as the Privacy Act and other acts, that impact other people.

Mr. Chair, that ends my submission.

• (1120)

The Chair: Thank you very much, Mr. Obhrai. I'm sure members will have questions.

I just want to caution members about one thing. This committee has the ability, of course, to make a report to the House. I notice that one of the things Mr. Obhrai is looking for is for this committee to appoint an independent investigator. We may or may not want to recommend that to the House, but we certainly cannot appoint an investigator ourselves. That's beyond, I believe, the limitations we have. Of course, we are free to recommend anything to the House, and hopefully the appropriate thing, to deal with the complaint our colleague has brought before us.

I'm just expressing that note of caution, if that's what it is, to our colleagues.

Who would like to go first? Mr. Reid.

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

Mr. Obhrai, I thought I might start just by reviewing exactly the objectives you have here and making sure that I understand you correctly.

First, you talked about the committee making a recommendation of an independent investigation. Is it by the RCMP or is it by some other body you'd be looking for the independent investigation of the allegations against you to be made? What is the specific request?

Mr. Deepak Obhrai: I have been calling for an RCMP investigation for a long time. As a matter of fact, I had written to the Ethics Commissioner himself, telling him to call in the RCMP, to call in a competent authority to look into this investigation. But of course, he has chosen to ignore that.

What I'm looking for is whether the RCMP will conduct this investigation or anybody else, I am fine with that, but I do not believe that the Ethics Commissioner himself is not biased and that I will get fair treatment from him. So I do want an independent investigation. I will leave that up to the committee. Call in the RCMP, or call in anybody; I'm fine with that.

Mr. Scott Reid: That would entail, then, the conclusion or termination of the investigation by Mr. Shapiro and his office?

Mr. Deepak Obhrai: I would recommend that the committee put a stop right now and decide on this issue, give the recommendation, and when the House approves, then go ahead and do that.

• (1125)

Mr. Scott Reid: Okay.

Secondly, I think you're recommending that the committee recommend to the House either a reprimand or a censure of Mr. Shapiro for having violated his mandate under the Conflict of Interest Code.

I've been able to identify one section where it appears to me this could be the specific violation that could have taken place—and I'm going to ask in a moment if you have any others that you would want drawn to our attention. The one that I'm noting here is subsection 27(4), which says,

The Ethics Commissioner may, on his or her own initiative, and on giving the Member concerned

—that is, the member under investigation, in this case yourself—reasonable written notice, conduct an inquiry to determine whether the Member has complied with his or her obligations under this Code.

That's subsection 27(4) and presumably indicates that the commissioner cannot conduct an inquiry until reasonable written notice has occurred. I'm assuming that's one of the sections. Are there any other sections, specifically from the code, to which you would draw our attention?

Mr. Deepak Obhrai: That's a very important section, because it took him 103 days afterwards to tell me that he had actually started the investigation. And as my letters will show, after challenging him on many occasions, because he tried to put the blame on the Minister of Immigration, when I challenged him, he changed his tune. And as you will see, he was flip-flopping, going all over the place.

The other section is subsection 27(7), which says the inquiry must be conducted in secret, not going out to the public and talking to the newspapers and saying that I am under investigation, and not only that, but also saying that he has documents that say I've done something inappropriate. He's going out there and making these allegations already and holding this thing, which is a very, very serious breach, because it has now made me a guilty person out in the public without even a fair investigation.

Mr. Scott Reid: Specifically, subsection 27(7) has more than one mandate for the Ethics Commissioner. I just want to confirm whether it's one violation or two that it appears the Ethics Commissioner may have made. It reads as follows:

The Ethics Commissioner is to conduct an inquiry in private

—that's one thing you've made reference to—

and with due dispatch, provided that at all appropriate stages throughout the inquiry the Ethics Commissioner shall give the Member reasonable opportunity to be present and to make representations to the Ethics Commissioner in writing or in person by counsel or by any other representative.

So is it just the first part, dealing with privacy, that you're concerned about there, or are there any further problems?

Mr. Deepak Obhrai: It's this whole section, because subsection 27(4) also says I need to be informed prior, and subsection 27(7) says I need to be kept informed of what is happening. In this particular case I did not even know this man was going to hire a lawyer in India to go to my family out there and talk out there. The whole subsection 27(7) says I need to be kept informed.

I'm getting a feeling out of this whole thing that I was kept in the dark. I was like some guilty fellow already. In his mind I'm guilty, done, period. He didn't have to do anything like that, you see. His subsequent comments when he went public also indicate that, and that is why I'm asking for an independent investigation from him.

I now also feel, after he called my friend, my supporter, after a question of privilege was raised in the House, that because I raised this question of privilege and everything, I'm not going to get a fair hearing from him. He is looking for something to stick on me, and it does not matter what happens. As you will see in the documentation, where I ask him where, how, and why he was investigating me, he clearly stated what he was...and then subsequently he went on another piece of documentation. What is he doing? Is he digging something up there to stick on me?

That is why I, like any other Canadian, am entitled to a fair...and the charter gives me the right. I am innocent. Where are my rights? Just because he's an ethics commissioner, he feels he cannot be sued or anything, but he just can't go on a frivolous hunt on all these things.

Mr. Scott Reid: Thank you very much.

[Translation]

The Chair: Mr. Guimond.

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Thank you, Mr. Chairman.

I'd like to begin by commenting on this matter in general. My colleagues will appreciate that we are dealing with new parliamentary rights. The Office of Ethics Commissioner was created and a Code of Ethics was incorporated into our Standing Orders. Therefore, there are no legal precedents, so to speak, that the Commissioner can invoke when applying the code. Speaker Milliken confirmed this in his ruling.

I refer my colleagues to the third to last paragraph of Speaker Milliken's ruling, and I quote:

Since, as I stated earlier, the code is still relatively new, I believe it would be beneficial both for the office of the Ethics Commissioner and for the House if the committee considered this matter. This would afford the Ethics Commissioner an opportunity to explain the process by which inquiries are conducted and give hon. members a chance to raise any concerns. The Chair hopes that such a dialogue between the committee and the Ethics Commissioner will clarify matters for all involved.

We're dealing with a new office, namely that of the Ethics Commissioner, and with new parliamentary rights. I want my colleague from Calgary East to know that this is a very serious matter. The Speaker referred the matter to our committee because he found at first glance that there was a *prima facie* case of privilege. No one is disputing what happened: the Ethics Commissioner apparently made certain statements to reporters.

Regarding the testimony of our colleague, the Member for Calgary East, I would simply like to say to him this morning that I'm disturbed by the events that transpired. I firmly believe — and we'll draw up a list of witnesses — that the Ethics Commissioner should be called before our committee as soon as possible to explain his actions and to tell us whether, given his mandate, such behaviour is appropriate. Perhaps he will acknowledge that his actions or statements were inappropriate. Regardless, we need to hear his side of the story.

That's pretty much all I wanted to say on the subject this morning. In my view, the Standing Committee on Procedure and House Affairs is the appropriate body to debate such matters and ultimately to clarify procedure for the benefit of all 308 members.

Thank you, Mr. Chairman.

• (1130)

The Chair: Thank you for your comments, Mr. Guimond.

[English]

Mr. Obhrai, do you want to add something briefly to what Mr. Guimond said?

Mr. Deepak Obhrai: I thank my colleague from the Bloc. As you know, I quoted that portion of the ruling of the Speaker, and I actually have absolutely no problem with the Ethics Commissioner. One of my questions to you is to study the whole thing. Of course you cannot just study what I'm presenting to you; in fairness, you also have to listen to what the Ethics Commissioner himself is doing. I'm very keen to listen to what he is doing, because aside from the fact this is impacting me, it's also impacting all members of Parliament and will have an impact in the future on other members of Parliament—not only them, but on future ethics commissioners who will come to see how much they have.

So I have absolutely no problems with that issue, and I've already asked for the committee to look into the whole investigation—and that would require him to be here, and I'm okay with that.

[Translation]

The Chair: Fine, we'll come back to this.

Mr. Godin.

Mr. Yvon Godin (Acadie—Bathurst, NDP): Thank you, Mr. Chairman.

I agree with the comments of my colleague, Mr. Guimond, as I believe you do as well. We listened to what you had to say on this subject. Now it's our job to hear from Mr. Shapiro.

The office of Ethics Commissioner is new and there are no legal precedents that apply to this entity. However, some provinces have an ethics commissioner. In fact, the pertinent rules governing this office are based on those adopted by certain other provinces.

There was a general consensus in Parliament to appoint an ethics commissioner. We want the ethics commissioner to be effective, but that doesn't necessarily mean he can breach the rules. In my view, if a person is unfairly accused of something, his life may be ruined. As well, people may have different lifestyles.

The *National Post* or the *Globe and Mail* are not interested in reporting on the actions of ordinary citizens. However, MPs are public, national figures and certain accusations can be made in the course of an inquiry. The Ethics Commissioner can be asked to assume his responsibilities, as mandated by Parliament, but it is critically important, to my mind, that he proceed according to the rules in place. Therefore, we'll invite the Ethics Commissioner to appear and then decide which witnesses to call.

Some provinces may have set down some legal precedents. In fact, our bill was similar to some provincial pieces of legislation. In my opinion, this will be important in terms of guiding our actions. Of course, we can't render a decision, but ultimately, if we find that the rules were broken, perhaps we'll have to recommend that Parliament conduct an independent inquiry into the Member's actions, to resolve the problem.

Personally, if things are not done properly and if the person in question isn't guilty, I wouldn't want to be in that position and be judged by someone who has failed to follow the rules. The position entails certain responsibilities and the incumbent must have the proper qualifications. I'm not saying that Mr. Shapiro isn't qualified for the job, but if that were the case, our colleague should not have to bear the consequences of a commissioner going through the learning process.

Therefore, I agree that we should review the situation and make the appropriate recommendations.

• (1135)

The Chair: Thank you, Mr. Godin.

[English]

Is there anything else, Mr. Obhrai?

Mr. Deepak Obhrai: I'll do a submission of a minute or two when I'm at the end of the—

The Chair: At the end we can ask you to react.

Thank you.

[Translation]

Would someone from the government side care to comment?

Mr. Simard.

Hon. Raymond Simard (Saint Boniface, Lib.): Thank you, Mr. Chairman. I totally agree with Mr. Godin. I think we need to hear both sides of this story.

[English]

You make a very compelling case, and we could all be in that position, so I think we have a very serious responsibility here to ensure that this new position, as Mr. Guimond is saying, is done in a proper way and that the Ethics Commissioner does his investigations in a proper fashion. I think we have an opportunity here to guide this early on in the process.

I just have a quick question. Did the Ethics Commissioner admit to you or tell you that he had spoken to the reporter, or could it have been somebody else, for instance?

Mr. Deepak Obhrai: No. What happened was that I called the Ethics Commissioner after talking to the House lawyers. When he

said that these were the things he was going to investigate, I said, "Well, I'm going to come and show it to you that all these are frivolous because I have all this documentary proof." He said, "Fine, we will meet", and I agreed to meet him the following week.

Then, all of a sudden, the next day I get a call from Jack Aubry of the *Ottawa Citizen* saying that I was under investigation and asking if I'd like to comment on it. I asked him what he was talking about, and he said, "Well, I was talking to Mr. Shapiro, and this is what Mr. Shapiro told me."

Hon. Raymond Simard: But you did not hear that from Mr. Shapiro?

Mr. Deepak Obhrai: No.

Hon. Raymond Simard: Okay.

Mr. Deepak Obhrai: The next day the stories were all over the paper.

Hon. Raymond Simard: Listen, I think we're pretty well all on the same wavelength that we have to deal with this to ensure that our colleagues are treated fairly when it comes to the Ethics Commissioner.

Thank you.

The Chair: Thank you very much.

Mr. Johnston.

Mr. Dale Johnston (Wetaskiwin, CPC): Thank you, Mr. Chairman.

I think what I'm about to say probably would be best said to the Ethics Commissioner. Let me just say that when it became apparent that we would all have to reveal our obligations and our holdings and so forth to the Ethics Commissioner, there was some concern raised by individuals, as was evidenced by the fact that there were so many who didn't submit right away and held off and held off, and that is the matter of confidence in the Ethics Commissioner to keep everything in confidence. In the act, under subsection 72.8(5), it says

The Ethics Commissioner, and every person acting on behalf and under the direction of the Ethics Commissioner, shall not disclose any information that comes to their knowledge in the performance of their duties and functions under this section....

I think this is a tremendous undermining of the office of the Ethics Commissioner, and we should have him here as soon as possible to tell his side of this story. I'm extremely concerned that now perhaps the information that I've given to the Ethics Commissioner is not secure and confidential, and I'd like to ask him those questions.

Therefore, I would like to move a two-part motion, actually: (1) that we ask the Ethics Commissioner to come before this committee at the earliest possible convenience; and (2) that we write a letter to the Ethics Commissioner asking him to cease all investigations into this matter until after we've made our report to Parliament.

• (1140)

The Chair: Okay.

What is the wish of the committee? You'll have to recognize that it was not this committee who appointed the Ethics Commissioner; it was the House. In that regard, the second part of the motion—I'll just caution members—about ceasing any investigation, our committee, I guess, is free to say what it likes, but I don't think that it binds the commissioner. The commissioner does not work for the committee; he works for Parliament.

Do you want to separate the motion into two and get each one done separately, Mr. Johnston?

Mr. Dale Johnston: I would be willing to do that, Mr. Chairman. I'm certainly aware of the legal restraints on the committee, but I think that if the motion were unanimous to ask the Ethics Commissioner to cease the investigation until after this matter has been cleared up—

The Chair: Do you want to change it to “suspend”, perhaps?

Mr. Dale Johnston: Sure, “suspend” would be better, sure.

The Chair: Okay.

On the first motion, then, by Mr. Johnston that Mr. Bernard Shapiro be invited to this committee at the earliest opportunity—I understand, actually, that he's available on Thursday—does anyone want to speak to this?

(Motion agreed to)

The Chair: Okay, on the second part, that we ask him to suspend the investigation until we have completed our work, does anyone want to speak to that, or do you want to vote on it now?

Mr. Reid.

Mr. Scott Reid: My understanding of the accusation against Mr. Obhrai is that, effectively, he was looking to take a bribe, more or less. What the Conflict of Interest Code says in paragraph 29(1)(a) is that

29.(1) The Ethics Commissioner shall immediately suspend the inquiry into a matter if

(a) there are reasonable grounds to believe that the Member has committed an offence under an Act of Parliament, in which case the Ethics Commissioner shall refer the matter to the proper authorities.

Now, I'm not saying there are reasonable grounds to believe that Mr. Obhrai did this, but either he committed an offence under an act of Parliament, or he didn't commit it. In either case, Mr. Shapiro has no business being involved in this.

I think we should say that he should simply stop his investigation—forget about suspending it; he should stop it.

The Chair: The difficulty the chair is having here is that this committee is not a court of appeal for the Ethics Commissioner, so I just caution us again. I'm trying to be prudent in every aspect with this and am not trying to restrain anybody in their work, of course, but I just caution us.

Mr. Hill.

Mr. Jay Hill (Prince George—Peace River, CPC): As you know, Mr. Chairman, many times in the past, especially when we've had unanimity on something serious, the committee has recommended to the chair that he write letters on behalf of all the members, and I guess by extension we represent all our colleagues in the

House of Commons in that sense. It's completely within the purview of you as chair, when you see unanimity on something this serious, to write a letter advising him to do so. I just throw that out.

I recognize the constraints we're under: he is an officer of the House, not of this committee; he's answerable to the House and not to our committee in that sense. But we're certainly within our rights, especially if we have unanimity, to advise him that, given the seriousness, he should suspend his investigation until we get this cleared up and make our report back to the House.

•(1145)

The Chair: I'll have Monsieur Guimond and then I'll revert to others too.

Please remember, what we have before us now is in fact a motion, and for lack of a better word I'll call what Mr. Reid brought to our attention an amendment, because he wants to replace the word “suspend” with “stop” or some such thing. I direct colleagues to both of those propositions.

[Translation]

Mr. Guimond, did you ask to be recognized?

Mr. Michel Guimond: I prefer to wait.

The Chair: All right then.

Mr. Godin.

Mr. Yvon Godin: I'm prepared to support the motion that the commissioner suspend his inquiry until we've completed our review. We want the same thing. We're not here to decide who is right and who is wrong. We want to hear Mr. Shapiro's side of the story. Suspending the inquiry until this matter has been clarified is in his best interest. That's really our objective. If we were to order him to stop his inquiry, we would be passing judgment, and that wouldn't be any better. Since we do want to get to the bottom of this, let's support the call for a suspension. We can make a decision later.

[English]

The Chair: Do I understand that you want to withdraw your amendment, Mr. Reid?

Mr. Scott Reid: Yes.

The Chair: So we're back on the motion that says “suspend” at the present time. Are we ready to deal with that now, or do we want to speak to it some more?

Hon. Raymond Simard: I'd like to speak to it, Mr. Chair.

I can live with the “suspend”. I believe there is a case here, and we could live with that.

My only concern is that this committee could be setting a precedent that's very dangerous in terms of people coming out here who are being investigated and asking us to suspend investigations. I think that's a very dangerous precedent. Given the fact, however, that the Speaker has indicated that there are or may be some problems here, I am prepared to support the suspend motion.

The Chair: Monsieur Casey.

Mr. Bill Casey (Cumberland—Colchester—Musquodoboit Valley, CPC): Thank you.

Perhaps the most disturbing aspect of this to me is the fact that it's not only Mr. Obhrai who's being affected. I don't know if everybody got these e-mails, but here's an e-mail to the Ethics Commissioner's office from the wife of the man who's accused of giving them a bribe. This is a woman who's an immigrant and shouldn't be involved in this, and she says to the Ethics Commissioner:

Where is my privacy? When I met you in Ottawa I gave you all the detail. At that time you said you were only concerned with allegations of my husband in giving a bribe. Already my life has been exposed in the media and you are disturbing my life. I feel you are investigating me. ...my son is already having a hard time in school. Please respect my privacy and do not ask any more questions.

She goes on to say: "I fail to understand why you are investigating me. Please leave me alone. I wish to move forward. I am scared."

I think this is a good reason to stop the investigation until we find out what the bounds of this office's authority are. I don't want this to happen to my sisters-in-law and family members. This lady is scared because she's under investigation. It's not even Mr. Obhrai; she feels she's under investigation. So I do think we have to rein this in and put some parameters on it.

The Chair: Are members ready now to vote on the motion of Mr. Johnston, that I be instructed to write a letter asking him to suspend the investigation until this committee has completed its work and has reported to the House on the prima facie case of privilege?

[*Translation*]

Do you wish to speak at this time, Mr. Guimond?

Mr. Michel Guimond: Mr. Reid was quoting paragraph 29(1) of the Conflict of Interest Code for Members of the House of Commons. Are we asking him to suspend his inquiry pursuant to this particular provision?

The Chair: A provision of the act stipulates that the committee has general authority over such matters. Perhaps we could invoke this provision in a very informal way.

Perhaps the clerk could point out the pertinent provision to me?

Section 72.05 of the Parliament of Canada Act, not of the Conflict of Interest Code for Members of the House of Commons, stipulates the following:

(3) The Ethics Commissioner shall carry out those duties and functions under the general direction of any committee of the House of Commons that may be designated or established by that House for that purpose.

Again, if you wish, I can write in the letter that pursuant to section 72.05(3) of the Parliament of Canada Act, the Chair requests, on behalf of the committee, that the inquiry be suspended. I don't want to be your spokesperson as such, but it seems this provision allows me to go ahead and write this letter, as Mr. Johnston wants, on the committee's behalf.

● (1150)

Mr. Michel Guimond: On our committee's behalf? You do recall the epic, ethical battle waged by Mr. Derek Lee.

The Chair: You will recall that ultimately, the House of Commons ruled that everything having to do with reports, questions of privilege involving members and so forth, should be referred to this committee. The House of Commons was forced to clarify that one day. Some members on the other committee disagreed, but the House ruled on the matter.

Mr. Michel Guimond: I want to come back to what Mr. Reid said earlier, namely his reference to section 29(1) of the Conflict of Interest Code for Members of the House of Commons which stipulates that under certain conditions "The Commissioner shall suspend the inquiry immediately". I would say to him that this provision is not relevant in this particular case, because the Ethics Commissioner would himself be choosing to suspend the inquiry.

Would you like us to invoke section 29(1), Mr. Reid?

The Chair: Are members ready to vote at the time on Mr. Johnston's motion calling on the chair to write a letter to the commissioner, on behalf of the committee, advising him of the committee's wishes in this matter?

[*English*]

All those in favour? Can I conclude this is unanimously agreed?

(Motion agreed to)

The Chair: Mr. Hill.

Mr. Jay Hill: Just so that it's clear for the record, both those motions were unanimous.

The Chair: That is correct. It is noted now that both of the motions were unanimous.

Now, having exhausted this, is the committee prepared to maybe have a final summation from Mr. Obhrai? It would conclude this part of our meeting this morning. Do you have any other questions for Mr. Obhrai before he makes his final summation?

[*Translation*]

Mr. Michel Guimond: I particularly wish to comment on the remark he made further to Mr. Godin's remarks. I want to remind him of what he said.

I appreciate that our inquiry will be educational in that it will show us what we can do in the future. However, our attention will be focused on the question of privilege before us. We will be reviewing this question specifically. I can't presume to say what the final report will recommend, but certainly it will contain recommendations that could benefit all members. But for now, we have to deal with the matter before us, namely the question of privilege raised by the Member for Calgary East.

The Chair: Fine. We agree then.

[*English*]

Mr. Obhrai, perhaps your final summation.

Mr. Deepak Obhrai: I'm not worried about the allegations. Let me start by saying very clearly that the allegations are frivolous and the least of my problems. I need a competent authority to investigate this, which is my main question here at the outset. Whether the investigation is done by the RCMP or anybody else, it's fine; that's not the issue.

The most important issue I want to bring up here is what Bill Casey read out—my sister-in-law's appeal. A woman's rights were overshadowed by this whole investigation. While we members of Parliament can be subject to investigation and are, as Mr. Godin said, public officials, why does it have to involve somebody else who is not even connected with this, my sister-in-law in this particular case? I would like all committee members to please read her plea; it's a very, very important plea from somebody else who is not even involved in this whole thing. That is the question I don't want you to overlook when you are looking at my case. Please don't overlook or forget forget it; read her submission and my wife's submission of how it has impacted this.

I'm saying that while I agree with everybody that it is my case, I would also like it to become something bigger, so that the committee looks at it now and nobody in the future gets involved in these kinds of things and the system in the future is one where members of Parliament do have rights and do have somewhere they can go and not face closed doors, as I did, when I had to stand up on a question of privilege and come in front of you here. Nobody should have to go through this.

So you also have this opportunity look at the broader picture, as my Bloc colleague has said, so I would request that you do that as well.

• (1155)

The Chair: Thank you.

That was, of course, a final summation. I hope we're not going to go back and forth again, with more comments from Mr. Obhrai, after the final summation.

Monsieur Godin.

Mr. Yvon Godin: I think we have to be careful too, because an investigation could go very wide; that's what an investigation is all about. We're not isolated here, but we're dealing with other people. The problem in this case here is if it's made public without the right investigation being made.

If it had not been public, your sister-in-law would never have gone through that. She could have been questioned, which doesn't mean they had to go public. If something is wrong, we will happen to go public one day; if there is nothing wrong, then she will be protected. I think that's where we have to be careful.

That's all I wanted to say, Mr. Chair.

[*Translation*]

The Chair: Thank you very much.

Would someone like to move that we adjourn?

[*English*]

Mr. Johnston, you move that the committee now adjourn.

Some hon. members: Agreed.

The Chair: We're adjourned.

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