



House of Commons  
CANADA

**Subcommittee on Public Safety and National  
Security of the Standing Committee on Justice,  
Human Rights, Public Safety and Emergency  
Preparedness**

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SNSN • NUMBER 001 • 1st SESSION • 38th PARLIAMENT

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EVIDENCE

**Tuesday, December 7, 2004**

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**Chair**

Mr. Paul Zed

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Tuesday, December 7, 2004

•(1600)

[*Translation*]

**The Clerk of the Committee:** Welcome everyone. Honourable members of the committee, I see that we have a quorum. We can therefore proceed to elect the Chair of this subcommittee.

[*English*]

Once the election is completed, I will invite the newly elected chair to preside over the meeting.

I would like to point out that the motion adopted by the Standing Committee on Justice creating this new subcommittee specified that the chair must be a member from the government.

Are there any nominations for the position of chair?

**Mr. Kevin Sorenson (Crowfoot, CPC):** I nominate Tom Wappel.

[*Translation*]

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

[*English*]

**Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ):** I nominate Paul Zed.

[*Translation*]

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

[*English*]

Are there any other nominations?

Nominations are now closed.

[*Translation*]

Since we have more than one nomination, pursuant to Standing Order 106, I will proceed to hold a secret ballot vote. Let me explain to you briefly how this works. I will make my way up and down each side of the table with my colleague, who is also a procedural clerk, and distribute ballots to members.

[*English*]

After members have made their choices on the ballots and deposited them in the box on the table, I will count the votes and announce the successful candidate. If no member receives a majority of ballots cast, I will conduct another ballot.

Are there any questions?

[*Translation*]

Are there any questions?

Mr. Tom Wappel and Mr. Paul Zed are the two candidates for the position.

[*English*]

The candidates are Tom Wappel and Paul Zed.

**Mr. Kevin Sorenson:** This is bad. We have to choose one Liberal over another.

- \_\_\_\_\_ (Pause) \_\_\_\_\_
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**The Clerk:** We have a winner. It's Mr. Paul Zed. Congratulations.

I invite Mr. Zed to preside over the meeting.

**The Chair (Mr. Paul Zed (Saint John, Lib.)):** Thank you. Merci.

I believe we have a number of routine motions that we need to address. You have received copies of those motions, which are before you. How do you wish to proceed? Is it the pleasure of the meeting to proceed with the routine motions?

**Some hon. members:** Agreed.

**The Chair:** Yes.

**Mr. Tom Wappel (Scarborough Southwest, Lib.):** Mr. Chairman, are there no vice-chairs on this subcommittee?

**The Chair:** The clerk advises that it's the pleasure of the committee to make that decision.

**Mr. Gary Lunn (Saanich—Gulf Islands, CPC):** I move that this committee elect at least one vice-chair.

•(1605)

**Mr. Kevin Sorenson:** I think we should have two. It's a subcommittee. Everyone is serving on other committees. If our chair can't be here or has to take leave, it's a good idea to have a vice-chair.

**The Chair:** I will withdraw from the chair and let the clerk take over.

**The Clerk:** For the first vice-chair on the opposition side...?

**Mr. Gary Lunn:** I nominate Kevin Sorenson, please.

**The Clerk:** Okay.

Do we have any other nominations?

Mr. Cullen

**Hon. Roy Cullen (Etobicoke North, Lib.):** I nominate Tom Wappel.

**Mr. Tom Wappel:** No, thank you.

If I may address the committee, I think the format should be the same as for a main committee; that the government chair the committee, and there be two opposition vice-chairs. That's exactly how it's done on the main committees.

**Mr. Kevin Sorenson:** I nominate Serge Ménard.

**The Clerk:** For the second one?

**Mr. Kevin Sorenson:** For the second one.

Are we going to do one and then the other? I was just going to move nominations closed—and there we have our two.

**The Clerk:** So we have Mr. Sorenson as the first vice-chair of the committee.

**Some hon. members:** Agreed.

**The Clerk:** For the second vice-chair we have a nomination for Mr. Ménard.

**Some hon. members:** Agreed.

**The Clerk:** Thanks very much.

**The Chair:** I'm back in the chair. Welcome to the vice-chairs.

If it's the pleasure of the group, I propose that we move to routine motions. You have those motions before you. I propose we entertain these on a point-by-point basis, as they have been presented.

**Hon. Roy Cullen:** I'll move the first one, Mr. Chairman.

**The Chair:** It's so moved by Mr. Cullen.

Yes, Mr. Comartin.

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Under the heading it says that this order of reference was passed at the standing committee on November 22. I don't remember all of this being passed.

**The Chair:** It was passed in its entirety on November 22, according to the clerk.

At this moment we're discussing the very routine motions of things like retaining the Library of Parliament, language, that they be....

We'll go to your point in due course.

**Mr. Joe Comartin:** Thank you.

**The Chair:** At this point we would like to deal with some very mundane motions, if that's okay.

Mr. Clerk, I'm looking for some direction on how you wish to proceed with this from a procedural perspective.

**The Clerk:** You just have to get a mover for each motion and then we'll get them adopted.

**The Chair:** The first motion has been moved by Mr. Cullen.

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

**The Chair:** The second motion—

**Mr. Tom Wappel:** I'll move that, Mr. Chairman, with one amendment. I'd like to see that no document from a witness be distributed without the chairman's approval, not the clerk's approval.

**The Chair:** Is that agreeable?

[*Translation*]

**Mr. Serge Ménard:** I didn't quite understand.

**The Chair:** The difference is that the words “without the clerk's approval” are being replaced by “without the Chair's approval”, since the chair, not the clerk, presides over the committee.

**Mr. Serge Ménard:** So then, the word “chair” is being substituted for the word “clerk”. Is that correct?

**The Chair:** That's correct.

**Mr. Serge Ménard:** I concur with that.

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

[*English*]

**The Chair:** The next is with regard to meetings without a quorum: the chair would be authorized to hold meetings to receive and publish evidence when a quorum is not present, provided that at least “blank” members are present.

Do you have a suggestion for this committee, Mr. Clerk?

•(1610)

**The Clerk:** Three or two, I guess.

**Hon. Roy Cullen:** Does that include the chair when you say three? No?

**Mr. Kevin Sorenson:** No, it doesn't include the chair.

**The Clerk:** No, it includes the chair. You have someone who will preside over the meeting.

**The Chair:** It includes the chair, so three including the chair. Is that what you're asking?

**Mr. Kevin Sorenson:** So if we have one on each side plus the chair, we can still go with the meeting.

**Hon. Roy Cullen:** Yes, for witnesses.

**Mr. Tom Wappel:** Or you can have two on that side and the chair and still go with a meeting. What you can't do is have two on this side and the chair and go with the meeting. You have to have at least one over there—that's the general idea.

**Mr. Gary Lunn:** I would argue you should have it just one opposition, one government, and the chair so that both sides of the House are always represented. So it couldn't just be one side or either side. It's only a suggestion.

**Hon. Roy Cullen:** But the problem is that with a small committee like this, we don't want to have witnesses here and not be able to get the meeting going. That's the only problem.

**Mr. Gary Lunn:** It was just a suggestion.

**Mr. Kevin Sorenson:** I'll tell you.... This committee is in camera, right? Are we meeting in camera or not?

**An hon. member:** No.

**The Chair:** Why? Would there be anything wrong, then, if we could just say “three, including one member of the opposition”? That way there is one member of the opposition at least, as a minimum, required for quorum. Would that be agreeable?

**Hon. Roy Cullen:** It's our job to get ourselves here.

**The Chair:** Okay, is that agreeable? So may I have a mover for that?

Monsieur Ménard.

[*Translation*]

**Mr. Serge Ménard:** The only problem I see is that it all depends on the notice given of such meeting. How would people be notified that such a meeting was to take place?

[*English*]

**The Chair:** The clerk may want to speak to that.

[*Translation*]

**The Clerk:** The notice of meeting sent on behalf of the chair to officially convene the meeting will specify that witnesses will be appearing. In that case, a quorum will be needed in order for the committee to hear from these witnesses. When no witnesses are scheduled to appear, it will be a regular meeting. In such instances, the majority of subcommittee members, or four of the seven members, constitute a quorum. Therefore, if you receive a notice of meeting of this subcommittee and you note that witnesses are scheduled to appear, we'll be able to start the meeting with three members, including one member of the opposition. That's how it works.

**Mr. Serge Ménard:** That's not exactly my question. However, judging from what you're saying, I would image all subcommittee members will be formally notified in advance of any subcommittee meeting. Can you confirm this?

**The Clerk:** Yes, that's correct.

**Mr. Serge Ménard:** Therefore, all subcommittee members will be notified that a meeting will possibly be held in the absence of a quorum.

[*English*]

**The Chair:** Sure, absolutely. There would have to be a notice of the meeting given, of course.

It is moved by Mr. Ménard that the chair be authorized to hold meetings provided that at least three members are present, including a member of the opposition.

**Hon. Roy Cullen:** Three members, and that includes the chair.

**The Chair:** Including the chair.

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

**The Chair:** The next motion, colleagues, is time for opening remarks and questioning of witnesses. As it's presently envisioned, it's that the witnesses be given 10 minutes to make an opening statement, and at the discretion of the chair, during the questioning of witnesses there be an allocation of seven minutes to the first questioner of each party—so that's obviously referencing party—and starting with the opposition parties, and that thereafter three minutes be allocated to each subsequent questioner. Does that sound fair?

Yes, Mr. Lunn.

**Mr. Gary Lunn:** I have a proposition, and we do this in aboriginal affairs. If it's seven minutes, it's to each member present. So you would start going through one Conservative, one Bloc, one Liberal, one NDP, or whatever your order, and then if there are other members here, they get a slot too. So each round includes each member present.

Especially in a small committee like this, what you're doing is rewarding those members who attend. If both Liberals attend, why shouldn't they both get a questioning slot in each round? If the chairs are vacant, they don't get the slot.

I think so often we see so many empty chairs at committees and I think if the people come, each person present should get a slot in each round.

• (1615)

**The Chair:** Thank you.

Mr. Cullen.

**Hon. Roy Cullen:** I think Gary makes a good suggestion, especially for a committee this size. The only real reason for limiting the time is time constraints, but for a committee this size it seems to me that to give everybody a seven-minute slot on the first round will take up a maximum of half an hour.

**Mr. Gary Lunn:** But you would still go to one per party and then come back to the remaining members to make sure that at every round every member gets a slot, if they're present. If a member is absent, then obviously that slot is forgiven. You can't give it to the one person that's here.

**The Chair:** Mr. Comartin.

**Mr. Joe Comartin:** I just want to be clear as well that the rotation should be one Conservative, one Bloc, one NDP, one Liberal, one Conservative, one Liberal. It should be that rotation, and then I would support the seven minutes for all members.

**The Chair:** So then, if that's the understanding, colleagues, we would then take out the word “party” and substitute it for “member”.

**Mr. Gary Lunn:** And the rotation as described, and I also would put “for members present”.

**The Chair:** “For each member present”. Instead of “party”, then, we'll put the word “member present”.

**Hon. Roy Cullen:** In other words, if someone sends in a substitute, will the substitute get the seven minutes?

**Mr. Gary Lunn:** Yes. The substitute is still a member.

**Hon. Roy Cullen:** You have to be present to ask the question anyway.

**Mr. Gary Lunn:** Yes, well, sometimes if you only have one person, then the member will say, “I'll take the party slot”—the same person—but you can't do that.

**The Chair:** Does that respect Mr. Martin's understanding, adding the word “each member present, starting with the opposition party, and that thereafter, three minutes...”? Yes, I think it does.

**Mr. Gary Lunn:** And subsequent rounds would follow the same rotation. You might want to go for three minutes or five minutes depending how much time is left, if you have enough for five minutes for everybody, at the discretion of the chair.

**The Chair:** Is that a motion of yours, Mr. Lunn?

**Mr. Gary Lunn:** Sure.

**Hon. Roy Cullen:** Excuse me, Mr. Chair, let me just make sure. Let's say Gary wasn't here at our meeting. It would go seven minutes to Kevin, seven to Serge, seven to Joe, seven to either Tom or me—

**Mr. Gary Lunn:** And then to each one of you.

**The Chair:** No, you would go there for three, but then they get seven.

**Hon. Roy Cullen:** If there's only one, then it would come back to you—if Gary wasn't here, right?

**Mr. Gary Lunn:** It would go one, two, three, four, five, and then start the second round.

**Mr. Tom Wappel:** Not according to Joe.

**Mr. Gary Lunn:** It would go one, two, three, four, five, six, seven, but if I'm not here I lose it.

**The Chair:** But what if you're substituted?

**Mr. Gary Lunn:** That's fine. The substitute gets it.

**The Chair:** Okay.

**Hon. Roy Cullen:** If you're substituted, the substitute gets it.

**The Chair:** But if Gary or the substitute wasn't here, that's what I was thinking—

**Mr. Kevin Sorenson:** What Joe was saying is that if we go the first round, come back, you aren't here, then does it go to the Bloc?

**Mr. Gary Lunn:** No. The first round would be one, two—the first round is going to go to Conservative, Bloc—

**The Chair:** Guys, it's difficult for interpretation, so if we could just stick with one person at a time, please.

**Mr. Gary Lunn:** The first round would be Conservative, Bloc, NDP, Liberal, Conservative, Liberal, for those that are present. If they're not present, you just skip them.

The second round would be exactly the same: Conservative, Bloc, NDP, Liberal, Conservative, Liberal.

**Hon. Roy Cullen:** That's the way it works at the justice committee, and it works very well.

**The Chair:** I think it looks like, from the nodding, there is an agreement to Mr. Lunn's motion. Are you ready for the question?

**Hon. Roy Cullen:** Could you please read it again?

**The Chair:** That witnesses be given 10 minutes to make their opening statement and that, at the discretion of the chair, during the questioning of witnesses, there be allocated seven minutes to the first questioner of each member present, starting with the opposition parties, and that thereafter, three minutes be allocated to each subsequent questioner.

**Mr. Gary Lunn:** I want to change “three minutes” to “the discretion of the chair”, depending on how much time is left. If he's got lots of time left, he may want to change that to five for each

member in the second round. So let's give the chair some discretion on the second round.

**The Chair:** Each subsequent questioner “at the discretion of the chair”?

**Mr. Gary Lunn:** Yes, and he can try to make it so he can get a full round in.

**The Chair:** Good.

Mr. Ménard.

[*Translation*]

**Mr. Serge Ménard:** In any case, it's possible to continue questioning witnesses, provided committee members agree. In my view, it's best to leave this to the chair who, depending on the circumstances and with the consent of the members present, will come to a decision, rather than adopt an overly rigid provision at the outset. I'm warning you that I intend to move a motion that will be slightly more restrictive, but possibly more useful to everyone at the same time.

• (1620)

[*English*]

**The Chair:** Having chaired several committees in the past, I subscribe to the view that if you allow the chair some flexibility.... I agree with Mr. Ménard that if we create too many rules in a box, it sometimes makes it too difficult.

I think the purpose of this committee ultimately is going to be to have as much information in as timely a fashion as possible. So if it's agreeable, I think the implication is that it's at the discretion of the chair, and if we find that things aren't working, we'll just have a meeting and change it.

Is that agreeable?

**Some hon. members:** Agreed.

**The Chair:** All right. So there is a motion as read by Mr. Lunn that would just....

Mr. Clerk, maybe for confusion's sake, you should clarify again what we agreed on.

**The Clerk:** What I have is that witnesses be given 10 minutes to make their opening statements, and that during the questioning of witnesses there be allocated 7 minutes to each member present, starting with the opposition parties, following this rotation: P.C., Bloc, NDP, Liberal, P.C., Liberal—

**An hon. member:** It's not P.C.; it's Conservative.

**The Clerk:**—and that thereafter, three minutes be allocated to each subsequent questioner at the discretion of the chair.

**Mr. Gary Lunn:** The second round would follow the same rotation, at the discretion of the chair and the amount of time, or something, just so he's not stuck to the three minutes.

**The Chair:** Mr. Ménard.

[*Translation*]

**Mr. Serge Ménard:** I thought it was up to the committee, not to the Chair, to decide this. I'm talking about the second round, not the first.

[*English*]

**The Chair:** I think the implication is that the chair has that discretion. The clerk seems to agree with me.

[*Translation*]

**The Clerk:** I've informed the Chair that one of his duties is to divide the speaking time among subcommittee members, which means that he does exercise a certain amount of discretion.

**Mr. Serge Ménard:** I'm prepared to accept that. However, once we've settled this matter, I'd like to make another suggestion of greater import.

[*English*]

**The Chair:** Mr. Ménard, if we find after a couple of meetings that things aren't working very well, then I'd be happy to take suggestions from members as to how to improve it.

I think having some general ground rules is helpful, but they're really meant as a guide to try to get us through a meeting.

[*Translation*]

**Mr. Serge Ménard:** At this time, I'd like to move an amendment to the motion on the table. I move that when a witness is answering questions, the elapsed time does not count against the seven minutes or less allotted to the member to ask questions.

Some witnesses are mindful of the fact that the time allotted for questions is limited, and to avoid having to field a question that they do not want to answer, they natter on and on. When we try to bring them back to the question at hand, they don't give a direct answer. I see this happen all the time. I'm a lawyer and I conducted thousand of cross-examinations during my days in the court room where there are no time restrictions. We were fortunate not to be on the clock, but I observed that the best and most relevant questions were often the shortest. A person attempting to argue a point intelligently may well be wasting his time if a witness doesn't want to answer a question. I'm not exaggerating. I'll give you two examples of cases where we saw witnesses systematically resort to this tactic when testifying before the Public Accounts Committee in connection with the sponsorship scandal. Not only did they resort to this tactic, they boasted about it afterwards. I'm talking about Mr. Pelletier and one of his associates.

New members were called in to a meeting where the workings of committees was explained to them. Several new MPs were on hand. When I made this suggestion, almost everyone agreed with me. We had invited a person with vast committee experience to give a talk. I wasn't expecting to talk about this today, otherwise I would have checked my notes to get the person's name, although I do remember that he spoke to us about Pickersgill. When he heard my suggestion, he said even he agreed with me.

I wouldn't even object to allotting fewer than seven minutes to Members if only the time used to put the questions was counted. Questioning witnesses is an important part of our work, but a number of people don't know how to ask questions or take the

opportunity to make speeches. They finally get around to asking their question after broaching seven or eight different subjects. That should happen when they are concluding their statement. Then their time should be limited. The committee would operate much more effectively this way.

Secondly, we should adopt this approach because the witnesses that we will be calling to appear before the Subcommittee on Public and National Security all have considerable experience. We're going to be putting questions to individuals who keep secrets for a living. I'm not criticizing them for that, but they are professionals when it comes to remaining tight-lipped. I'm certain that when these experienced individuals testify before the subcommittee, they will employ this tactic when they don't want to answer a question. They will give long, but totally irrelevant answers to the questions. Members who will be trying to wrest information from them won't have time for more than two questions.

I believe that this approach would be to the advantage of all committee members. It would compel them to ask more succinct questions and they might learn more than they do under the current method.

● (1625)

[*English*]

**The Chair:** We have a quick speaking list, and I'd ask members to keep this short.

Mr. Cullen, and then Mr. Sorenson.

[*Translation*]

**Hon. Roy Cullen:** Thank you very much, Mr. Chairman.

I do understand what Mr. Ménard is saying. However, I have several problems with his suggestion. Some members take six or seven minutes to put their own questions. Mr. Ménard's suggestion would work if members' speaking time was limited to two minutes. Some members use up all of their time asking their questions and don't allow the witnesses any time to respond.

**Mr. Serge Ménard:** However, when a member asks a question, he's using up his own time. If he takes too long, he won't be able to ask another question.

[*English*]

**The Chair:** Mr. Sorenson, please.

**Mr. Kevin Sorenson:** I understand the frustration of my colleague Mr. Ménard, although I think I respectfully disagree with him. There may be three or four witnesses sitting here. When we bring witnesses, our job is to listen to what they have to say. If in the first round I take seven minutes to ask a question, and then the chair gives—and I think he should—equal time for them to answer the question, we're looking at 15 to 20 minutes on the first question.

I think we have to discipline ourselves, as members, and realize... If I ask one short little question, there are some who will go on for the full seven minutes. There are times when I've had to say, as someone who's questioning, excuse me, sir, answer the question or I will pose three questions...and try to do it. Usually we have had a little bit of leeway, with the chair recognizing this. Depending on how many witnesses there are, he may extend the testimony of those who witness. Otherwise it could take forever.

**The Chair:** Mr. Comartin.

• (1630)

**Mr. Joe Comartin:** This only works if you do it the way Serge is suggesting and set a maximum time for comments—which I suggest be a minute—a maximum time for questions, and a maximum time for answers. So the question would be 30 to 60 seconds, and the answer would have to be within the same time limit.

I know Gary is shaking his head. I agree with Gary it's not a manageable one. The alternative is the Senate approach, which doesn't at all limit the time the member has, but this committee can't function that way.

**The Chair:** Respectfully, at the risk of jumping in, the reality is that while I have great respect for your point of view, Mr. Ménard, my concern is exactly the one Mr. Sorenson has expressed. I think the meeting would go on too long. If you'll try me out as your chair and see how I do by intervening a little bit, to try to proactively, as Mr. Sorenson suggested.... If in the middle of his own questioning the member finds that the witness is filibustering or going on and on.... You and I both come from the same profession, so we can smell when a witness wants to rag the puck. It seems to me that either the questioner or your chairman would then jump in and say, excuse me, you may not be germane to the point.

I'd like to wrap this discussion up, but if you want to have a quick rebuttal to that, Mr. Ménard, I'm happy to hear it.

**Mr. Serge Ménard:** I'll say it in English, because I have the impression I am not being well understood. I don't know if it's a problem with the translation.

My proposition is that we limit to less than seven minutes the time allowed to ask questions. If I understand the solution we have here, it's not seven minutes to question and seven minutes to answer; it is seven minutes in total for questions and answers.

**The Chair:** That's right.

**Mr. Serge Ménard:** My idea is to prohibit a witness from taking the entire seven minutes and leaving very little time for the member. If a member wants to use all his seven minutes to make a speech, he's not going to get an answer. Then another member can very well ask the questions he thinks should have been asked of this witness.

Certainly if we reduce it from seven minutes to four minutes or three and a half minutes it won't go on forever. The length of the answer will lengthen the time of the interrogation per se, but that's if a witness wants to answer a lot. On the contrary, if the member asks a long question, the total time of the interrogation will be shorter.

You say that will double the time, but I don't think that will double the time at all. You'll see, when you get somebody like the director of the secret service who has been questioned so many times by committee, how long he can answer on a topic he doesn't want to touch.

**Mr. Kevin Sorenson:** That's where we need to say, my first question is such and such, my second question is this, my third question is....

**The Chair:** It sounds like the room is very sympathetic to the tactic that witnesses you and I may have prepared for questioning... before they answer. We're aware of it, but can we just try this and see

how it goes? If there are problems with it, my suggestion is that's what this is about: flexibility.

**Mr. Gary Lunn:** The point's been made and the chair's aware of it.

**Mr. Kevin Sorenson:** I think we need to say, Mr. Zed, that we look to a chairman to keep this thing moving. When you sense someone is dragging their testimony....

**The Chair:** That's what I'd like to do right now.

I hear consensus on this—

**Hon. Roy Cullen:** Mr. Chairman, I have just a final comment.

Sometimes members of a committee will load a question so it's so complicated—they might even double- or triple-barrel it—then you give someone 30 seconds to respond, or even two and a half minutes. We have to be careful about our choice of questioning. If we're going to have one complicated question, make it short and sweet, and give the witness time to answer.

• (1635)

**Mr. Serge Ménard:** That's the present situation. I hear members asking six-and-a-half-minute questions because it's the total.

**The Chair:** Not with me as chair—how's that? I'll try to be as vigilant as possible.

We have a motion from Mr. Lunn. Are you ready for the question? All those in favour? Contrary-minded? Carried.

[*Translation*]

**Mr. Serge Ménard:** [*Editor's note: inaudible*]

[*English*]

**The Chair:** On division.

On witnesses' expenses, could I have a mover?

**Hon. Roy Cullen:** I so move.

[*Translation*]

**Mr. Serge Ménard:** I thought we were voting on my amendment motion. No? I see that it was rejected on division. Despite that, I'm prepared to vote in favour of the resolution.

[*English*]

**The Chair:** Okay, let's have a re-vote for clarity.

I'm sorry. That's the chair's fault. There was an amendment Mr. Ménard had suggested. The amendment failed on division.

Now we'll vote on the main question. We have a motion of Mr. Lunn's, as read.

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

**The Chair:** Thank you. I apologize.

Witness expenses: we have a motion on that. It's been seconded.

Mr. Comartin.

**Mr. Joe Comartin:** Does the subcommittee have to go back to the committee for authorization each time, or do we have the authority to do it on our own?

**The Chair:** I don't know the answer to that.



**The Clerk:** Do you mean get a budget, invite witnesses, and...?

**Mr. Joe Comartin:** Yes.

**The Clerk:** At the moment we have no money. If we need money we will have to prepare a budget and get it adopted here. It will need to be adopted by the main committee, which is the Standing Committee on Justice, and then go to the Liaison Committee. We are a creation of the Standing Committee on Justice, so we're a little bit dependent on the people who created us.

**Mr. Joe Comartin:** I think we need some kind of preamble, subject to approval of the full justice committee.

**The Chair:** I'll tell you the reason I don't think you need that. Once we present a budget, there'll be certain moneys we will be spending as a committee. Respectfully, I don't think you need that. In other words, you've got a budget and it will be presented and approved. If we run out of money we'll have to go back.

That's my interpretation, Mr. Clerk.

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

**The Chair:** The next item on the list is working lunches.

Mr. Clerk, do you have anything to add to that? Does anybody want to add anything to the working lunches question? Is there a motion to that effect?

**Mr. Gary Lunn:** I so move.

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

**The Chair:** Next is transcripts of in camera meetings.

**Mr. Kevin Sorenson:** So moved.

**The Chair:** Are there any questions or comments on this subject?

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

**The Chair:** As for staff during in camera meetings, unless otherwise ordered, each subcommittee member will be allowed to have one staff member present at in camera meetings.

Mr. Comartin.

**Mr. Joe Comartin:** Would that order be by the chair?

**The Chair:** Yes.

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

**The Chair:** The last one is on notice of substantive motions: That, except for amendments to bills, forty-eight hours' notice be given before any substantivemotion is considered by the subcommittee and that the motion be filed with the clerk of the subcommittee and circulated to the members in both official languages.

**Mr. Gary Lunn:** My only comment is that we did it once, where we actually moved it to 24 hours, but I'm indifferent on the 48 hours. It's just that sometimes in the smaller committees it makes it easier for people to work together if they have something they actually want to get to committee, but we can also do it by unanimous consent.

• (1640)

**The Chair:** Mr. Cullen.

**Hon. Roy Cullen:** The 48 hours' notice gives the government a chance to respond in a constructive way; otherwise you get the same old pabulum.

**Mr. Gary Lunn:** Are we still allowed to bring a motion to waive this with unanimous consent?

**The Chair:** It's my understanding that you can do anything by unanimous consent. I haven't chaired a committee in seven years, but I don't think much has changed.

I hear Mr. Cullen's motion.

(Motion agreed to)

**The Chair:** Thank you, colleagues.

Mr. Cullen.

**Hon. Roy Cullen:** Could we go back to Mr. Comartin's point? I'm not sure if he was referring to the motion to strike this committee. It's his document that we're holding here, and to my recollection, that was the motion that was adopted.

**Mr. Joe Comartin:** Mr. Chair, I can go back and check my notes.

**The Chair:** Okay.

Colleagues, you have in front of you—

I apologize, Mr. Sorenson.

**Mr. Kevin Sorenson:** That's fine. I think we're going to deal with it later.

**The Chair:** Colleagues, as this is our first meeting, we have in front of us the terms of reference for the subcommittee. As you can see, it is quite fulsome in its scope. I would suggest that if there are no questions regarding that—and I believe, Joe, you're satisfied with that—we look at possible discussion points, which is another item there.

Mr. Cullen.

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

It seems to me that one of our first orders of business as a subcommittee—and it hasn't been referred yet to the justice committee—is the review of Bill C-36. That's the anti-terrorism legislation. I think we have to start that before December 18. How you start that is a moot point, but one of the propositions that I had presented to the main committee was, as a backgrounder or a contextual piece to the review of Bill C-36 and other matters of this committee, that we have a briefing on a whole range of threats and risks and the security that the department or CSIS is able to disclose, an overview of threat and risk assessment. Then there is some interesting data by a public polling firm about the attitudes of Canadians around public security and safety. That might be a way. I'll just make the suggestion.

The committee as a whole agreed that would be a useful thing to do. There was just a problem that there was not sufficient time to do it. Now that we have the subcommittee, I would make a recommendation, Mr. Chairman and colleagues, that this might be a useful way to kick off the launch of the review of Bill C-36.

What I would undertake to do, notwithstanding that, would be to see that through the House leaders' offices and a discussion of leaders—and I think there have been some preliminary discussions—to get the Bill C-36 review referred to the justice committee and then through to this committee as expeditiously as possible. We might even be able to do that at another meeting this week, or certainly early next week, and maybe the launch of that process would be a presentation by the department on some of the things I've just referred to.

**The Chair:** The chair has heard your comments.

Mr. Comartin.

**Mr. Joe Comartin:** On the reference on Bill C-36, I saw that before I came over here. It's going to House leaders today. I expect it will be in the House tomorrow. The reference should be on our desks by the end of the day tomorrow.

**The Chair:** Thank you for that information.

Mr. Sorenson.

**Mr. Kevin Sorenson:** What Mr. Cullen is saying is that we need to get cracking here before the 18th. We have to have at least some witnesses called in, and one meeting at least, right?

**Mr. Joe Comartin:** Mr. Chair, is he usurping your function?

**Mr. Kevin Sorenson:** Maybe we don't have to have witnesses, just a meeting.

**The Chair:** As your chair, could I jump in and suggest the following?

First of all, we're a newly constituted committee, so there are obviously some budgetary issues that we need to have put together before we can even meet, technically. I would therefore ask if it would be agreeable with you that we ask the clerk to prepare a modest working framework budget that would get us at least to stage one of having asked for a budget.

Secondly, I'm hearing that Mr. Cullen, the parliamentary secretary, has made a good suggestion. As a preliminary matter, we could make that our first piece of business. I would ask the clerk to canvass all of you, through your offices, as to what time slots are the most convenient, because many of us have many responsibilities. I'd ask the clerk to look at what makes the most sense for the next meeting.

If your suggestion that it is imminent is correct, Mr. Comartin, then we will need to have at least one more meeting in the short term before the break. At that time, we might have the reference, the meeting, and approval of the budget at the same time, with the suggestion that Mr. Cullen has circulated.

If that's agreeable, that would be my proposed work plan for this committee at this time. Is everybody in general agreement? Can I look around the room?

Mr. Comartin.

• (1645)

**Mr. Joe Comartin:** I think we have to be very clear that because of the legal obligations we have under Bill C-36, we have to start that this year. We have to have one meeting. The notice, when it goes out, is going to have to show consideration of Bill C-36 on the agenda for that meeting.

**The Chair:** Yes, I hear that point, and I believe that in what I said I implied that it would be included in that sort of consideration, to ensure that we complied with the legality of Parliament.

Yes, Mr. Wappel.

**Mr. Tom Wappel:** Mr. Chairman, we have a very experienced researcher who is chomping at the bit to say something on this issue. I wonder if we could have the benefit of his advice.

**Mr. Philip Rosen (Committee Researcher):** If I may, Chair, I've done a number of these reviews before. The most relevant one is the CSIS review, which was now fifteen years ago. The important thing, in terms of legal obligations, is to get the order of reference to whichever committee is doing this. It's not necessary to precipitously get into a whole week of hearings with witnesses immediately. You may actually want to meet and plan how you actually intend to carry this out.

The briefing, I think, is an excellent idea. It's going to give you some sense of some of the issues involved. But it's important for the clerk and me to get some sense of the timing that you want, the amount of time you want to put into this, how long you think you want for this to be done, whether you want to travel or not, and how many witnesses you want to call. The earlier we know some of these things, the earlier we can start planning your meetings and soliciting briefs. If we don't have that information before you leave for the Christmas holidays, we likely won't have a meeting until some time in January, in which case we will have lost three or four weeks of time and your process will be moved back.

This will be my last point, and it is that at some point or other you have to have some discussion as to whether you want to hold all of your meetings in public or not. There may be some circumstances where you may not want to necessarily hold public hearings, and not just the report drafting stage, which is pretty standard. There may be some other types of meetings—including the briefing, but I'm not so sure—where you want to go in camera. As you know, the information you get will be different, depending on whether you're in a public or an in camera situation.

That's all my chomping, Mr. Chairman.

**The Chair:** If I could just make a comment, it seems to me that because we are a small committee, in normal circumstances there would be a steering committee that would convene, develop a work plan, and put forward some of those suggestions. If it is agreeable to you, perhaps your chair, with the clerk and the researcher, could come back to the committee with some sort of proposal. I'd be happy to send you even a draft of some suggestions before the meeting, but to be respectful of the legalities of the start time, maybe I could even scope out a work plan. But I'm in your hands, colleagues.

Mr. Cullen.

**Hon. Roy Cullen:** Thank you. That was a useful comment.

The legal requirement notwithstanding, I think a good way to start the process would be to have a briefing just to set the stage, couched within the terms that this is officially the start of the review of Bill C-36, so that we've met all legal requirements. Then, when we're out in our ridings in January, I'd feel better—and maybe we'd all feel better—saying we've actually started the process.

I agree that we do need a plan. Maybe the first step is to get everyone's ideas of the witnesses they would like to see, and then we can scope out a game plan, as you say, Mr. Chair, in terms of the timing and whatever.

I was told that the logical slot for this committee would be a Tuesday or a Thursday, or both.

• (1650)

**The Chair:** That was generally my impression. I don't want to be presumptuous, though. I think we have to look at everybody's schedules a little bit and be respectful. I know that particularly the Conservatives have made a couple of changes, and somebody had given us notice earlier that there was a problem. But maybe I made that up, I can't remember.

**Hon. Roy Cullen:** We don't have to deal with that now, but we will need to lock in so that we have regularized meeting days.

**The Chair:** Yes, but now that the committee is constituted, we have some pretty pedestrian issues that we have to do, like a budget. Even if it's just a preliminary budget and some preliminary, scoped work plan that we would be able to come back with, we could circulate it in advance, convene a meeting, wait for the House leaders to give birth to their request, and jar a meeting for next week. In fact, next week we may have two meetings back to back. One meeting would be like a steering committee meeting if we were a larger committee, where we would actually hash through some stuff. The second meeting would be maybe a briefing. I think that is a tall order, but I wanted to have an opportunity to convene with the clerk and the researcher to see if it's doable.

Is what I'm suggesting doable?

**Mr. Philip Rosen:** Anything's doable.

**The Chair:** We're going to get along.

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

**The Chair:** Mr. Sorenson.

**Mr. Kevin Sorenson:** As I look at this schedule or this directive from, I think, the justice committee, this thing could take us years if we want it to.

**Mr. Joe Comartin:** We'll have Bill C-36 done by the end of 2005.

**Mr. Kevin Sorenson:** Yes.

What I would like to see us do is certainly take a look at the priorities here and say that Bill C-36, the Anti-terrorism Act, is *the* priority. But if it's all legislation introduced into Parliament by the Minister of Public Safety, that could be unending.

Let's take a look at what we want to prioritize. We can have a discussion on that. Let's find out the slots that are available and how often we're meeting. I hope none of these meetings are in January. We're scheduled to come back at the end of January and in February. I know we're in a minority government and it could be any time, but I'm planning on being in my constituency in January. Do you hear what I'm saying?

The other thing is that there are a number of committees represented here, including fisheries, the justice committee, and foreign affairs and international trade. I want to be sure we aren't

going to be scheduling at the same time as our other main committees are meeting.

**The Chair:** I hear you, and I'm trying to develop a consensus. If you will allow your chair to do his work a little bit—if you agree—then as a preliminary, I think a budget and a work plan are something very doable and also respectful of Bill C-36.

Mr. Comartin.

**Mr. Joe Comartin:** Just from the time standpoint, I'm caught as well on Tuesday. Obviously I have justice Monday and Wednesday afternoons, and then I have environment periodically on Tuesday and Thursday mornings. It would have to be either 11 a.m. to 1 p.m. or 3:30 to 5:30 on Tuesdays and Thursdays. I say that just so you have it.

I'm a bit concerned about the work plan, Mr. Chair. I agree that it would quite appropriate for you and the officials to work on the budget, but on the work plan with regard to Bill C-36, I really do want to have some significant input into that work plan. I'll leave it like that, but if you're going to in fact do anything on that, I would ask that it be circulated to us with at least 24 hours' notice before the meeting is called.

**The Chair:** Absolutely. Let me be clear. All I was trying to do was to start to prepare a plan on our behalf. The plan would only go as far as needed, because we have to convene a meeting and put out a budget. But by all means, I'm certainly respectful of your wishes.

Mr. Cullen.

**Hon. Roy Cullen:** I was just going to point out, Mr. Chair, that Bill C-26, the Canadian Border Services Agency bill, is in the House. It may come up for second reading later this week or early next week. It might be referred to the committee in the next week or so.

• (1655)

**The Chair:** Thank you.

Could we talk about a meeting next Tuesday at 3:30 p.m.? Could we at least say that now and block it into our schedules? Mr. Sorenson, can you....?

**Mr. Kevin Sorenson:** Next week? I think that should be all right. The foreign affairs and international trade committee is Monday afternoon and Wednesday afternoon.

**The Chair:** At least, then, everybody has some good bit of notice.

Yes, Mr. Comartin—or would you rather we try to do this afterwards?

**Mr. Joe Comartin:** No. We're all aware, of course, of the rumours that are floating around of the possibility of the House being adjourned at the end of this week.

**The Chair:** That's a new rumour to me.

**Mr. Joe Comartin:** I agree we should do it next Tuesday, but it will require us to come back next Tuesday if that eventuality should come to pass.

**Mr. Kevin Sorenson:** Let's not wait until Tuesday. If there's any substance to that rumour, let's have some kind of meeting so we can cover the responsibilities of having a meeting. Maybe even this meeting constitutes the beginning of—

**The Chair:** No, it doesn't.

**Mr. Kevin Sorenson:** No? Then we need to do it this week, if that rumour is true, because no one's coming back after they're on the other side of the country.

**The Chair:** Okay, the chair is hearing what you're saying, and I think we have a sense of what the legal requirements will be. If there is that vague possibility, then we'll have to have a special other extraordinary meeting this week. Is that okay?

Until next Tuesday at 3:30 p.m., are we adjourned?

**Mr. Kevin Sorenson:** I'm just going to ask our chairman to check with his House leader to see if that is possible.

**The Chair:** I'm looking at the parliamentary secretary as we speak.

**Hon. Roy Cullen:** This comes up every time, but I've asked some questions specifically about the Bill C-36 review and have it on pretty good authority that we'll be all right if we do it next week. If there's anything developing in the next few days that would corroborate the idea that we might not be here next week, I'll immediately get back to the chair.

**The Chair:** I'd be very surprised. The researcher has just reminded me of when the Christmas party is, so I'd be very surprised if that were true.

The meeting is adjourned.

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