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## Standing Committee on Public Accounts

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**Wednesday, February 7, 2007**

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**Chair**

**The Honourable Shawn Murphy**

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Wednesday, February 7, 2007

• (1530)

[English]

**The Chair (Hon. Shawn Murphy (Charlottetown, Lib.)):** I'd like to call the meeting to order, and I want to welcome everyone here.

This meeting is called pursuant to the Standing Orders.

The first item of business, members, is a study on the report on discrepancies in the testimonies of certain individuals who appeared both before this committee and subsequently before the Gomery commission.

We are joined by legislative counsels Rob Walsh and Greg Tardi. I think they're very familiar with all members of the committee. They have been before the committee before. I want to welcome Mr. Walsh and Mr. Tardi.

Thank you for your assistance in this matter.

I will give a little background, if I may. Some members were not involved back when this originated. I guess it has its origins in 2004, or probably before that.

The issue was to consider discrepancies in the testimony of certain witnesses who appeared before this committee on the sponsorship hearings and those same witnesses who gave subsequent testimony before Mr. Justice Gomery. Certain members had concerns about what appeared to be apparent discrepancies, and we have to bear in mind that we were basing our concerns on what we heard before this committee and what we were reading in the media. Anyone involved in politics knows that sometimes the reports in the media are accurate and sometimes they're not accurate. So we wanted to probe the matter a little further to see if there were actual discrepancies.

On October 4, 2005, this committee passed a motion. I will, for the record, read the motion. It said:

—that the committee request the Library of Parliament to draft a comparative report on discrepancies in the testimony of those individuals who appeared before both the committee's hearings on the November 2003 *Report of the Auditor General* and the Gomery commission.

And there is also the testimony of Charles Guité on July 9, 2002, meeting number 64 of the first session of the 37th Parliament.

That basically instructed the clerk to ask the Library of Parliament to do this comparative analysis so that we were no longer relying on media reports. The Library of Parliament, through the leadership of Mr. Walsh and Mr. Tardi, have done that comparative analysis. There has been a summary circulated to all members, and I want to have a discussion on that.

I am going to turn it over to either Mr. Walsh or Mr. Tardi for their comments.

Before we do that, in a situation like this, it's certainly my advice that we're looking for materiality. There are always going to be certain discrepancies based upon the way the questions were asked. Other relevant issues—they have to be material. The discrepancies have to be deliberate. They have to be contradictory or deliberately incomplete. If we decide that those tests are met, then we would be seeking the direction and advice of legislative counsel as to our next steps.

Mr. Walsh and Mr. Tardi, the floor is yours, but just before you go ahead, Mr. Williams has a comment.

**Mr. John Williams (Edmonton—St. Albert, CPC):** I am looking through the information provided by the parliamentary information and research service that we quite often get before a meeting, but this seems to be quite a succinct summary of what exactly was transpiring, including some comments by the witnesses and so on.

Would it be appropriate, in this case, to append it to the minutes of this meeting?

• (1535)

**The Chair:** I'd prefer to listen to Mr. Walsh first. I believe, Mr. Williams, his recommendation is that he wants to talk about the broad brushes as to where we go, and then he would prefer to go in camera to talk about the specifics.

**Mr. John Williams:** Okay.

**The Chair:** I think that's the way I would like to handle it.

Mr. Walsh or Mr. Tardi, who wants to lead off?

**Mr. Rob Walsh (Law Clerk and Parliamentary Counsel, House of Commons):** Thank you, Mr. Chairman.

I am pleased to be once again before the public accounts committee. It has been a while, in my case, as law clerk and parliamentary counsel.

I have with me the senior parliamentary counsel, legal services, Greg Tardi, who has been working with Brian O'Neal of the Library of Parliament research branch, who is here today, of course, on the staff of the committee in reviewing the testimony given to the committee in the 37th Parliament.

I believe their report is what Mr. Williams was referring to a moment ago, where there is a chart setting out what are identified as possible discrepancies between what was said to this committee and what was later said to the sponsorship inquiry of Mr. Justice Gomery.

Let me first say, and I feel I want very much to say that at a certain personal level, given my experience not only with this committee in the sponsorship inquiry but also the government operations committee in the matter pertaining to the privacy commissioner and on other occasions as well, I think it is very important that committees take their role seriously and expect of witnesses that they testify fully as to the facts within their knowledge and be truthful, and it is regrettable, in my judgment, that it is too often the case that something less than that is offered by witnesses, particularly those who are knowledgeable about committees and the dynamics of committees. They in many cases understand how to appear before committees and perhaps to minimize their disclosures to the committee because of that very dynamic, which they are knowledgeable about.

I have explained to members of committees and chairs from time to time that witnesses are obliged to not simply speak truthfully but to give the whole truth and everything within their knowledge, and also not to wait for the right question but to actually give the information they know is relevant to the matter before the committee, without waiting for the right question or looking for opportunities to avoid giving full answers to the committee.

Regrettably, in the sponsorship inquiry, as in other cases as well, there were times when there were witnesses who didn't seem able to recall fully the matters that you would expect to have been within their direct knowledge, and yet later, in front of the commission of inquiry, their recollections seemed in some respects to be more complete and more attentive to detail.

First, I want to commend the committee for taking this up, because I think it's an important issue if committees are to sustain their credibility vis-à-vis the public generally and vis-à-vis their witnesses. They ought to take seriously their obligation of members to speak truthfully and to take seriously any appearance of that not happening.

However, what we're talking about here is perjury. Perjury is a tricky business. First of all, you need to know where the truth lies before you can identify that there has been any perjury. Then you need to show that the person you think has been perjurious knows what the truth is or knew what the truth was and chose to say something else, or chose to give only part of the truth and knowingly held back part of the truth, and knew or ought to have known that the committee would be misled by not having the full truth.

This, as legal charges go, so to speak, is one of the more difficult ones, because it's all in the mind of the accused as to what he did or did not know and what he did or did not intend by his answer. In many other criminal offences, there is the actual deed that is the criminal offence, and then there is the question of whether the person intended to do what quite evidently he did do. To some extent it is quite evident, in most cases, that obviously the person intended to do what they did, but in perjury, it is very subjective and it is very hard to prove it. I warn you that while I commend you for pursuing this

question, it nonetheless, legally speaking, is a very difficult matter to establish.

There are basically two routes available, the legal charge of perjury versus a report to the House with a recommendation of a citation for contempt for misleading the committee. They're quite different.

As I said, Mr. Tardi has worked on this with Mr. O'Neal. I would ask Mr. Tardi, if you would permit, Mr. Chair, to summarize in greater detail the legal requirements on perjury and what we find in the testimony.

• (1540)

Just before he begins, let me assure you that in my own review of the material as we have it from the Library of Parliament, there are discrepancies. There's no question, there are discrepancies, and with regard to some witnesses, the discrepancies beg for an explanation, but is it perjury? Is it, in the first instance, a false answer knowingly given as a false answer by the witness? Is the discrepancy explained at a later date by a memory improvement in a bona fide fashion and a more extensive answer is provided? These things can happen. You know, Mr. Chairman, as a lawyer yourself, that people's memories can improve over time once they are implicated in the whole matter and brought to refreshing their memory. More information comes back to them. Details can return.

When they were before this committee at the earlier part of the process, at that point some of those details may not have come to them. That's a forgiving view on these discrepancies. You can be more cynical and say "I don't buy it. They knew what they were saying in the first instance and they knew what they were saying in the second instance, and they ought to be held accountable." That's a decision for the committee.

I would only suggest, before Mr. Tardi starts, that if you get down to looking at the particulars of who said what and when and where, and who ought to have said more and who ought to have said something differently, you're getting into some very sensitive issues relative to the particular individuals, and you might find it's something you'd discuss more effectively in an in camera meeting. Not only would you have a better discussion among yourselves as to who you think was deceiving the committee, but you also would be avoiding a disagreeable situation: if that discussion were held in public and you had the intention of calling some of these witnesses before the committee to explain themselves, you would have signalled your concerns in full detail to those witnesses, and they could, of course, if they are deceiving persons, prepare themselves to deceive the committee once again. You don't want to sit around and talk in public about how you found some witnesses to be deceiving you. I think you'd want to address that in your own minds in private, with specific reference to specific witnesses. Short of that, there might be a helpful discussion we can offer you today relative to the legal requirements as they relate to perjury or contempt.

Mr. Chairman, if there's no objection on your part, I would ask Mr. Tardi if he wants to brief the committee.

**The Chair:** Please go ahead, Mr. Tardi.

**Mr. Gregory Tardi (Senior Parliamentary Counsel (Legal), House of Commons):** *Merci, monsieur le président.*

I'd like to start with two very preliminary comments.

You kindly mentioned my role in the background preparation of this document. In fact, I worked very closely with Mr. O'Neal of the library on this; essentially I took the work that had been prepared under his tutelage and worked with that. I did not draft this particular document. That's the first matter.

The second is to set the parameters of this discussion. What we're looking at today and what is being compared in this document prepared by the library are the testimonies given before the public accounts committee during the 37th Parliament and before the Gomery inquiry. In fact, I want to signal to the committee that there is more, in the sense that there were several court actions—in particular the criminal prosecution of Mr. Guité—in which testimony was also given, so in that sense this document is perhaps the entire encyclopedia of what was said on this issue.

That being said, with your permission, what I should do is to set out the different avenues that the committee may wish to pursue. I'd like to start with the one that comes most readily to mind, which is the issue of perjury, as Mr. Walsh said.

[Translation]

So that's false testimony.

[English]

Of all the possible options, this is probably the one where the path is perhaps a little bit tortuous.

We start off with section 12 of the Parliament of Canada Act, which says "Any person examined under this Part who wilfully gives false evidence is liable to such punishment as may be imposed for perjury." My colleagues and I in legal services interpret this provision as being a door opening onto the Criminal Code, where perjury is defined and where the specific criteria required for a charge and a conviction of perjury are set out.

Rather than read the Criminal Code provision, what I'd like to do is give you a logical sequence of the criteria required for a charge and eventually a conviction of perjury.

The first one is that a false statement has to have been made.

The second is that the statement was made under oath or solemn affirmation. The significance of that is that in order to start proceedings for perjury, we would have to go back—Mr. O'Neal, perhaps, and myself—throughout the testimony given before the public accounts committee in the 37th Parliament to see who was sworn in and who was not.

The third criterion is that the testimony should have been given before a person authorized by law to permit the statement to be made before him. That of course is the committee and the previous chair, and that certainly does apply.

The fourth criterion is that there be knowledge that the statement made is false—knowledge on the part of the witness, of course—and finally, that the witness have intent to mislead the person or body to whom the testimony is being given.

There is one other criterion that's of significance to this recounting. That is that the relevant provision of the Criminal Code

assimilates affidavits and declarations and depositions to false statements, so in whatever manner the statement is made or the testimony is given comes under the provision of the Criminal Code.

For the information of the committee, I'd like to point out that in case a charge of perjury under the Criminal Code is made and substantiated and in case there is a conviction, the maximum punishment is 14 years in prison. So we're talking about a serious matter here.

The next step along the path is, if this is the avenue that the committee decides to pursue, what are the steps along the way? Considering that neither the committee itself nor Parliament is a prosecutorial body, we have to refer to section 92.14 of the Constitution Act of 1867 and hand the matter over to the appropriate provincial attorney general. In most likelihood, that would be the Attorney General of Ontario. The Ministry of the Attorney General Act of the Province of Ontario has all the parameters to enable the AG to undertake a prosecution if that's what is decided.

However, once the committee or the House decides to hand over the file and to request that perjury proceedings be commenced, the Attorney General's prosecutorial discretion comes into play. In a sense, whatever the wish of the committee or the House, it's the objective or subjective assessment of the Attorney General that comes into play and the criteria the Attorney General would apply in deciding whether to prosecute or not: the seriousness of the offence, the availability of evidence, the importance of this particular prosecution vis-à-vis other potential prosecutions, a reasonable chance of conviction, and ultimately the public interest at large.

● (1545)

So this is not an easy matter to undertake. Rest assured that the other steps along the path are perhaps a little bit easier to pursue, and with the committee's permission, I'd like to enumerate them as well.

It's always open to the committee to decide completely outside the parameters of section 12 of the Parliament of Canada Act that it can deem what appears to be untrue testimony to be a contempt of Parliament. The way to use that idea is that the committee can then report to the House that it believes XY has committed contempt of Parliament, and then ask the House to undertake contempt proceedings.

Perhaps a less severe variation on that would be for the committee simply to write a report to the House pointing out that it thinks discrepancies have appeared in the testimony of one or more individuals. Similarly, the committee can, if that is its wish, bring back witnesses for further questioning, or the committee can simply write to the witnesses and ask them to clarify their testimony or to clarify the differences between various testimonies they gave.

Finally, perhaps the two simplest and quickest ways of dealing with this issue are, first of all, to take this document that's been prepared by the library and to render it public, and perhaps distribute it with explanations or comment. Finally, of course, the last avenue open to the committee is to determine, perhaps in the next hour, that it will move on to other business.

So in a sense, those are the options that I see open before you. Of course, I'm ready to answer whatever questions you may have.

• (1550)

**The Chair:** Mr. Christopherson.

**Mr. David Christopherson (Hamilton Centre, NDP):** Thank you, Mr. Chair. And for your wisdom of having me hold off the first question I had, to get it answered, thank you.

The second one is more a comment. When I read through the report I was surprised that we were perhaps going to engage in some discussion publicly, because the whole essence of our discussion is whether there are discrepancies and what we believe the motivation of the person giving the answers was. Were they trying to hide? Were they trying to withhold? If we're going to make those kinds of accusations, have a conversation amongst ourselves.

Whether anybody's done anything wrong or not, that'll be dealt with elsewhere. They still have rights as Canadian citizens, and we ought not to be bantering around somebody's reputation here in a public domain until such time as we're prepared to back it up with action and a reference to the broader House, if that's where we're at. So as much as I'm always reluctant to go in camera, I think this is one of those times when we're serving the public well by doing that.

Thank you.

**The Chair:** Yes, I agree, Mr. Christopherson. Should we get into specific details in our deliberations as to what course we're going to take, I think we actually should have those discussions in camera.

But the purpose of this session right now is to get the broad brush —

**Mr. David Christopherson:** Procedure, yes.

**The Chair:** —from the counsel, and I think that's more appropriate in a public meeting.

I have a couple of questions, Mr. Tardi or Mr. Walsh, whoever wants to answer them. You've identified two basic procedures—well, there were basically three or four, including just to do nothing. But one would be a reference to the Office of the Attorney General or the Director of Public Prosecutions of the Province of Ontario, and of course you laid out the tests, which—At that point in time, it's outside our hands; it's his or her office.

But then the other test is to make a report to the House, with the possibility that the person be found in contempt of the House. In terms of the test for perjury, are we talking about the legal test of whether or not perjury has been committed? Is the test the same?

**Mr. Rob Walsh:** Mr. Chair, the simple answer to that, without being simplistic, is the old adage about beauty is in the beholder. Perjury is what the House considers in its judgment to be perjury.

Having said that, it would want its judgment to be respected, so it ought to adhere to conventional understandings of what perjury is, without necessarily addressing all the legal tests that are required in a court of law for a criminal conviction. Nonetheless, the House ought to adhere to the fundamental principles, mainly that the person failed to tell the truth to the committee when he or she was able to do so and, perhaps for reasons the committee can't explain, didn't do so.

That is the gist of any recommendation to the House that I think this committee would make. This person didn't speak truthfully to this committee when he or she could have done so, and as a result

the committee was deprived of the fullness of the information that it ought to have had. You may also then recommend—or you may not—that this person be found in contempt of the House in its proceedings.

But that's the judgment for the House to make as an institution. It's like a court. It's able to defend itself against contempts made upon it in defence of its proceedings. A court can do it; the House of Commons can do it.

For a conviction within the House of Commons, that's for the members of Parliament to determine.

• (1555)

**The Chair:** I have a couple of other questions, Mr. Walsh. Contrary to my understanding, you mentioned—or it might have been Mr. Tardi—a distinction concerning whether or not a witness was sworn in before this committee. It is my understanding that a witness who testifies before this committee is deemed to be giving testimony under oath, and that there really isn't much difference whether or not some member asks the witness to be sworn in.

But when you talked, I had the impression that I'm not right in my thinking. Can you explain that further?

**Mr. Rob Walsh:** My view is that yes, there is no need for the witness to be swearing on a Bible before he or she gives testimony. They are obliged to speak truthfully to a parliamentary committee.

However, if you walk over and seek remedies under the Criminal Code, then the rules of the Criminal Code may be brought to bear. As Mr. Tardi pointed out, the Criminal Code clearly requires that the person alleged to have been perjurious was giving a statement under a sworn oath.

Now whether the court would accept that there is a legal obligation to speak truthfully to a parliamentary committee and that this applies even in the absence of the swearing of an oath, I can't be sure. But the Criminal Code seems to require the swearing of an oath for any charge of perjury to be laid against someone regarding a false statement.

**The Chair:** But if your statement is correct, would it not be wise for every committee of the House to have every witness sworn in? If what you're saying is correct and the argument has merit, then there might be a possibility that we would never be successful in seeking a criminal court perjury charge.

**Mr. Rob Walsh:** Let me offer this in that regard. Technically and logically speaking, you're quite right. If you ever want to prosecute under the Criminal Code, perhaps that has to be there.

But go to the dynamics of each meeting. I can remember many meetings where if the witness was already very nervous and apprehensive about the event and you then put a Bible in front of them—this might be enough to put them over the edge in some cases.

But you have to ask yourself, what are the realistic prospects that you're ever going to seek a criminal prosecution for perjury? My view is in 99% of the cases where there might be a basis for false testimony, you're going to report to the House and go that route, as opposed to asking the Attorney General to use his or her discretion to prosecute and perhaps involve members of the committee as witnesses in a criminal prosecution. I don't see that.

So my short answer, Mr. Chair, is yes, you should swear in every witness, just in case you get one person against whom you want to lay charges for perjury. But weigh this against the formalism it would bring into the process.

In parliamentary terms, common law terms, every witness is obliged to speak the truth and all the truth to a parliamentary committee, failing which the House can hold them in contempt. The House has its own remedies for this, although it has rarely happened.

**The Chair:** Mr. Walsh, as my last question, in the history of this institution, I don't recall an instance when we had an issue of a perjury report to Parliament. When was the most recent one?

**Mr. Rob Walsh:** I don't recall that there was one.

Frankly, the idea of a perjury prosecution or a holding for contempt in the House is like hanging a dead person, if you'll pardon the expression or the metaphor. By that point, with the damage done to the individual from the scrutiny given to his or her testimony, comments by the committee, a report to the House, and the House perhaps concurring in the report, what's left to be done with regard to that person?

In formal terms, yes, the House could well undertake a motion of contempt and go through the step of, in theory, imprisoning the person for some period of time, until the end of the session, but I think we'd all acknowledge that's getting a little far fetched. I really think committees ought to show themselves to be ready to respond in terms of calling upon witnesses to explain themselves when there are discrepancies in testimony.

Mr. Chair, in view of the recent passing of Bill C-2, I think many members would agree that we now have a regime where there's greater accountability on the part of public government officials to Parliament.

It may well be that in keeping with that, a report by this committee to the House could say here's an example where there was not sufficient accounting, with specific reference to testimony that might be incomplete or evasive in some cases. It may be that a useful role the committee can play now is to give a sample of bad accounting, if you like, to a parliamentary committee, by reference to a particular piece of evidence, without looking to nail anyone to a cross in particular.

It could be an example where we studied the testimony and, in our view, the committee was not spoken to truthfully or as truthfully as it should have been. In the future, the committee would expect the witnesses would govern themselves accordingly.

• (1600)

**The Chair:** It's a remedy available to us, to report that.

Mr. Williams.

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

This could be the first time the Parliament of Canada has ever dealt with an issue of perjury such as this.

**Mr. Rob Walsh:** I can only say, Mr. Williams, I'm not aware of it going the full distance, where someone has actually been taken before the bar and found in contempt. There may have been debates like we're having now in Parliament, on a number of occasions, about some witnesses. But I'm not aware of it actually getting to where someone is summoned in front of the bar in the House for contempt.

**Mr. John Williams:** Like the other members, I'm apprehensive about doing our business in private. These are public statements that anybody can determine. They were made before this committee and televised across the country. They were made before the Gomery commission and televised across the country. We're not dealing with some secret information that can't be made public, Mr. Chairman.

As Mr. Walsh has pointed out, while we may not be able to go all the way to a successful prosecution, the very fact that we have debated the statements here in public may be a serious warning to others who value their reputation that they should be more careful when there appear to be discrepancies.

I'm not sure we should do this in private, Mr. Chair, for that particular reason.

The bar is very high for us to report to Parliament, for Parliament to concur, for the prosecutor to concur and go to trial, and for the judge to concur, before you ever have any sanction. The only sanction would be the public notoriety of having your name on this particular issue. Since these statements were made voluntarily in public and televised, I think we should do it in public.

**The Chair:** Is there a response?

**Mr. Rob Walsh:** The only problem with that, Mr. Chairman, is that Mr. Williams might want to hold off the public discussion until you've had an opportunity, if you choose to do this, to hear from the witnesses about the discrepancies.

If you publicly point out the discrepancies and how you find the discrepancies to be worrisome, you're simply offering an opportunity to the witness to rehearse subsequent testimony in a way to avoid any accountability. You might want to hear what the explanation is for the discrepancy, and then you might have a public discussion later about the acceptability of this divergence in the testimony.

**The Chair:** Another point is that if we consider it seriously, we can put it in a report and of course the report would be public for all to see.

I only want a clarification before I go to Mr. Laforest, and I have a question for Mr. Williams on something that I'm not totally clear on.

If we decide to refer the matter to the Office of the Attorney General of Ontario, do we have to go to the House or can we do it through a motion from this committee?

**Mr. Rob Walsh:** I don't know that the Attorney General is necessarily that concerned in what form the information reaches him or her. Once the information is there, he has a duty in the public interest to prosecute where a criminal offence has taken place or to not prosecute, along the lines that Mr. Tardi—

**The Chair:** In the House we can go directly to the—

**Mr. Rob Walsh:** As far as the Attorney General is concerned, I don't believe he could insist that you go to the House. However, that might be the Attorney General's preference and it might be the House's preference that you do that.

**The Chair:** Mr. Laforest.

**Mr. John Williams:** Mr. Chairman, if I can—

**The Chair:** Go ahead, Mr. Laforest.

[Translation]

**Mr. Jean-Yves Laforest:** Mr. Tardi, you said that, in the process that the committee could adopt, what ultimately counted—this is the most important sentence that I retained—was the public interest. That's what should guide the decisions and orientations that the committee takes. What led the committee to request a study on discrepancies in testimony is that people testified before the committee before going to the Gomery Commission and there were fairly significant discrepancies. We read that. It is indeed the public interest that led the committee to wonder whether a committee of the House had been abused.

The new federal Accountability Act that was passed provides for penalties for the future, but the public wants to know whether there has been any misconduct and whether it will be punished. You say that the credibility of democracy depends on this decision. Many people are expecting potential effects in various areas. Some people have been prosecuted in court, but there were discrepancies, and the public realized it. People said things here and the contrary in the other place, with some minor differences, as you noted.

Like Mr. Williams, I believe that the committee should hold public hearings, but first it should hold an in camera meeting to determine how to proceed and the direction it should take.

Is what I've just said consistent with what you said about the public interest?

•(1605)

**Mr. Rob Walsh:** I believe so.

**Mr. Gregory Tardi:** It's essentially consistent. Committee members should consider reviewing this report and come to their own conclusions as to whether witnesses should be recalled or each person asked to justify himself once again. Is that worth the trouble? Does that become repetitive at one point?

**Mr. Jean-Yves Laforest:** That's the question we should ask ourselves.

**The Chair:** Thank you very much, Mr. Laforest.

[English]

Mr. Wrzesnewskyj, and then Mr. Williams.

**Mr. David Christopherson:** Did you say Mr. Williams?

**The Chair:** Yes.

**Mr. David Christopherson:** He is speaking twice to the issue. I'd like to speak once. I'm on your list.

**The Chair:** Do you want to go back on the list?

**Mr. David Christopherson:** I want to respond to the question, the point you raised, Mr. Chairman. That's all.

**The Chair:** Okay. We're reasonably flexible here, but I would like to try to clean up within the hour.

**Mr. David Christopherson:** Then put me back on your list, Chair.

**The Chair:** Mr. Wrzesnewskyj.

**Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.):** Thank you, Chair.

Are there ongoing criminal investigations with regard to this matter?

**Mr. Rob Walsh:** What do you mean by “this matter”?

**Mr. Borys Wrzesnewskyj:** The sponsorship.

**Mr. Rob Walsh:** I don't know. The RCMP doesn't share with me as to whether or not their investigations are continuing. I don't know, Mr. Wrzesnewskyj.

**Mr. Borys Wrzesnewskyj:** I had read some press that there was the potential of some ongoing. So you're not aware of any?

**Mr. Rob Walsh:** I'm not aware of any, no.

**Mr. Borys Wrzesnewskyj:** It was mentioned that it is very difficult to establish perjury—we ran through some of the difficulties—and that this is quite incomplete. To have the entire encyclopedia, we'd have to go through the criminal investigations that have taken place and take a look at the testimony there.

What sort of timeframe would that require of the limited resources this committee has at its disposal?

**Mr. Rob Walsh:** As Mr. Tardi indicated earlier, there are other proceedings where testimony has been given under oath that may give further indication of how the testimony given here was false or untruthful. I suppose in a sense the advantage you have is that the committee was the first step, so all the other stuff came later and makes the comparisons easier.

Mr. O'Neal of the library might better estimate how much time this would take, depending on how far you want to stretch your inquiry, whether you want to include the testimony in these other venues or whether you want to limit it to a contrast between the committee and the Gomery inquiry. But it could take some time, admittedly.

•(1610)

**Mr. Borys Wrzesnewskyj:** Considering that this has never taken place in the past, and considering what the intention seems to be, we would probably want to have as fulsome material as possible. I understand there was a great amount of evidence presented during the various criminal trials and investigations.

Mr. O'Neal, can you give us any guesstimate of how much of your time this would entail?



**Mr. Brian O'Neal (Committee Researcher):** Mr. Chairman, I'm reluctant to give an exact estimate, but I can tell the committee that it took approximately five of us about three months to go through just the Gomery transcripts and this committee's transcripts, so it's quite a labour-intensive piece of work. Not only do we have to consider whether or not there's the discrepancy between the answers, but we have to make sure that the witnesses are being asked approximately the same question. So it is quite a bit of work and it would take awhile.

**Mr. Borys Wrzesnewskyj:** So there's a good chance we'd chew through a lot of the human resources we have at our disposal at this committee going through a process of, as Mr. Walsh referred to it, hanging a dead man. I'm not quite sure that it's the best use of our resources. There's a full public record of what transpired. Criminal cases have concluded.

Perhaps something that might help us before we potentially go down this, as it was also referred to, tortuous path is we could check the record to see how many people were actually sworn in, so that we at least know that that particular requirement was met. I think that would be helpful.

And then, just looking at what's already been presented, and with all respect—

**The Chair:** Perhaps we could get you to wrap up quickly, Mr. Wrzesnewskyj.

**Mr. Borys Wrzesnewskyj:** Have I used up my full time?

**The Chair:** Pretty well.

**Mr. Borys Wrzesnewskyj:** With all respect to the amount of time that five staffers spent on this, on the very first page I notice that there are errors on this particular table. On the fourth point we seem to be missing the final column. When we're referring to this—and I guess this refers back to the comments of our legal staff here—just to look at a couple of examples, and the witness in question, Jean-Marc Bard, where we look at—

**Mr. John Williams:** On a point of order.

**The Chair:** We're not going to get into that, Mr. Wrzesnewskyj. Perhaps we'll conclude it there.

I want to tell you, in regard to one inquiry you made on the question of the swearing in of witnesses, I can answer that. They were all sworn in after Mr. Ouellet, so most of them were—

**Mr. John Williams:** Including Ouellet.

**The Chair:** Including Ouellet and everyone after that. So I think that's the answer to your question.

Mr. Williams, you have a brief point.

**Mr. John Williams:** Yes, I have a couple of points, Mr. Chair.

One is on your question about whether we go right to the Attorney General of Ontario. My opinion would be absolutely no. You ruled in the same way last week, on Mr. Wrzesnewskyj's motion that we report to the RCMP on something. Committees of the House can only report to the House; we can't report to other jurisdictions. We can receive information, papers and so on, but I think anything we do has to go to the House. It is for the House to make that decision.

The testimony has been a comparison between the public accounts committee, which was information gathering to understand the issue, the same as Gomery, which was information gathering to find out what was going on, but the criminal proceedings were a prosecution and defence on specific charges. As you know, the investigations of the public accounts committee and at Gomery were wide ranging: what do you know about this, tell me about that, answer this question, and so on—which is quite a different process than the prosecution. I don't see any reason why these prosecutions were decided by the courts. There have been no allegations that there was perjury before the courts.

I don't think we need to do another comparison, with more testimony and so on. I think we have what we have in front of us. We should limit our debate to the Gomery inquiry and the public accounts committee testimonies and decide where we're going from here.

● (1615)

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

Mr. Christopherson.

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

I would agree with Mr. Williams on the last point. I still disagree, though, with the notion of the debate being in public, although I'm still listening.

This is the decision before us right now: do we go in camera to talk about what's in this report, or do we start right into it here? My concern is that inasmuch as we have an obligation to find the guilty, we have at least an equal obligation to protect the innocent. I'm not worried about the guilty being overwrought about having their name bandied about here. I am very concerned about someone who we take no action against and who therefore under the law is innocent when we've made comments about their motivation, their truthfulness, and their character. To me, we've wronged the citizen.

There is a method by which we can avoid that, and again, I'd be interested to hear a legal opinion. It seems to me that our responsibilities lie with us talking about these things in camera. Then everything we decide to act on—if anything—will be made public. It will all be there in the open. And for those who are deemed to have not violated anything—enough that we're going to take action—those discussions die inside the committee room, as they should.

**The Chair:** Any response, Mr. Walsh or Mr. Tardi?

**Mr. Rob Walsh:** I guess the legal response is to say the committee is not obliged, legally, to go the route Mr. Christopherson is describing. Morally, however, it might be the case that some weight should be given to what Mr. Christopherson is saying.

**The Chair:** Mr. Poilievre.

**Mr. Pierre Poilievre (Nepean—Carleton, CPC):** With respect to the offence of perjury, none of it exists under federal law, or is it in the Criminal Code?

**Mr. Rob Walsh:** The Criminal Code.

**Mr. Pierre Poilievre:** I guess, then, there is no hope that it could be federally prosecuted.

The concern I have about doing nothing is that it sends the message that the truth isn't important before a committee such as this. If there is literally no response because it is too hard or it is too cumbersome and because that happened yesterday, then the forward-looking message we send to future witnesses is that the truth is optional before this and therefore other committees.

I am not sure which option is the best for us, as a committee, to pursue. Maybe having studied these matters you could share your insights as to whether you agree that a consequence-free response from this committee might signal to future witnesses that the truth is not a requisite when they're in the witness chair.

**Mr. Rob Walsh:** Mr. Chairman, I think Mr. Poilievre's comments are very valid and ought to cause the committee some considerable reflection. Because obviously, as I said earlier, the credibility of every committee, to some degree, in my view, depends on its ability to insist on being told the truth, particularly by local witnesses, that is, people who have seen committees and how they operate and come here with some fairly sophisticated awareness of the dynamics of committees.

You can rag the puck for the five or six minutes you need, and then the questions start all over again with the next line of questions. Witnesses can leave and the committee has gained nothing from the time they've spent. People should not think that they can do that as a sport, as it were, and that committees can't do anything about it. However, it is the case that it is not easy to do something about it in any effective legal sense. I do believe, however, that this committee could have some impact on some of the individuals here.

I've been through this report. There are some times when I, as a lawyer, am looking at two statements and I'm saying, hey, at the very least this begs an explanation. Whether the explanation will be sufficient to explain the discrepancy and the matter goes away, or whether the explanation doesn't do that and the person is in deeper doo-doo, I don't know. But there are times, with some witnesses, when the discrepancy begs explanation. To some extent, this committee owes it to itself, arguably, to seek that explanation and for others to see that they can be called back to explain why it is they told the committee this one day and told somebody else, under oath, something else. Why couldn't they have told the committee the full story when they were first here? That alone, I would suggest, would be a sobering experience, not just for the witnesses in question but for those others who might one day foresee themselves being witnesses. They can see that you are prepared, as it were, to flex your muscles.

No, you don't have prosecutorial powers. You don't have jailing powers, as such, or other penal powers, but you do have the moral authority of a body that represents your constituents, your public, and you expect to be told the truth. And when you don't get the truth, you're going to ask for some explanation. You're going to ask for some accounting.

That's accountability, arguably, of a kind this committee can effect.

• (1620)

**Mr. Pierre Poilievre:** I agree with you, and I'm not exactly sure what we should do, but as I read through—You travel down these two roads at the same time. You look out one window and you see one thing and you look out another and you see something totally different. Some of the contradictions are spectacular. I'm not going to read them out because that wouldn't be appropriate at this time.

In many cases, these contradictions are patent and irreconcilable, to my eyes. There has to be some mechanism by which this committee can deal accountability to those who would speak falsehoods. As our lawyer, which is your job, in a sense, what would you recommend to us, as your client?

**Mr. Rob Walsh:** As I said a moment ago, I don't believe the legal recourse to the Attorney General is realistic for a number of reasons. I think you might choose to do one of two things, essentially. One is to form an opinion based on the material you have here and report to the House on your concerns and lessons learned—that sort of thing—for future reference. Or you might do that after you've called some witnesses back and asked for some explanations. Again, they are lessons learned by a larger process, which might drive the point home.

Some witnesses, don't forget, might exonerate themselves from any discrepancies. Others might not. But that's basically your choice, it seems to me, not the legal route to the Attorney General. In theory, it's there. I don't think it's realistic.

**The Chair:** We'll go to Mr. Wrzesnewskyj.

**Mr. Borys Wrzesnewskyj:** Earlier this week I had a motion before this committee requesting information reports, and Mr. Williams invoked a very similar argument to Mr. Christopherson's argument today, in stating that we should be very careful and not necessarily name individuals, especially if there's potential criminality involved. Consequently, he suggested quite different amendments from what Mr. Christopherson was suggesting. Mr. Christopherson suggested that we go in camera to protect the innocent.

Mr. Williams made what he called friendly amendments to not even table reports dealing with pretty serious malfeasance, and potential malfeasance as well. So I think we should follow the logic Mr. Williams presented to this committee somewhat earlier this week, just a couple of days ago, and the suggestions of Mr. Christopherson that this particular report be discussed. As you said, perhaps we're not compelled to do so, but morally it would seem to be the right thing to do.

I just thought I'd make these comments and refresh Mr. Williams' memory of comments he made just two days past.

**The Chair:** Mr. Williams.

• (1625)

**Mr. John Williams:** Thank you.

In reference to Mr. Wrzesnewskyj's comments, of course, I was referring to a criminal investigation file that was never made public. Perhaps the parties named were never even aware of the names in there and what was said about them, and to make that a public document would not be appropriate if they were not to be charged. I understand they weren't going to be charged because the time ran out.

But this is different. First of all, I'd say Parliament is an institution of accountability, Mr. Chairman, not an institution of management. I've said this many times in a different vein: we are an institution of accountability.

I understand Mr. Christopherson's concern about using people's reputations in public when they are innocent. But we have been given public statements they made under oath here and there, and if there's a discrepancy between them, it's not as if they're being caught unaware; they made these statements in public. We're asking them to say, if you said black today and white yesterday, why is there a difference?

Mr. Chairman, I've thought about this and I think perhaps we should meet in camera to discuss our strategy and the comments that have been brought before this committee. As Mr. Walsh says, there's no point in handing all the evidence over to the people and then say, work out a good excuse and come here and tell us what your good excuse is. It doesn't advance accountability very far.

So I think we should have the people here in public. Another reason to meet in public, Mr. Chairman, is that if we were to table a report in the House of Commons—and I think we would certainly table a report—naming names and giving the discrepancies between what they're alleged to have said or actually did say, and they find the report coming right out of the blue, with no opportunity to defend themselves because the meeting was held in camera, it would be even worse than having the meeting in public where they could defend themselves in public.

If we do have meetings in camera, Mr. Chairman, I'd go back to the meetings we had with Mr. Tremblay and Mr. Guité in 2002, I believe, where the testimony was in camera, but there was a process by which it would be made public at a later date if, as, and when no criminal charges were laid, or after they were all obviously concluded. If we do go in camera to discuss strategy, I would suggest the same thing, that after everything is over, the meeting's minutes or blues be made public. If we are a democratic country, a democratic parliament, doing our business in public, as we ought to, then to do things in secret is never a good idea—never a good idea.

**The Chair:** Mr. Laforest.

[*Translation*]

**Mr. Jean-Yves Laforest:** Earlier Mr. Poilievre asked Mr. Walsh or Mr. Tardi for his opinion or advice. Mr. Walsh ultimately suggested to him that the committee table a report in the House, but after hearing witnesses. That's like what you said a little earlier. I think that's the solution.

Right now we're wondering whether we should hear these people in public or in camera. It's clear to me that that testimony should be public. I utterly disagree with Mr. Christopherson, who feels that an in camera appearance in a way protects innocent persons. I don't

think the fact that the meeting is in camera will lead the committee to decide whether a person hasn't properly answered the questions put to him. The appearance itself and the answers given to the questions we ask will lead the committee to determine whether that person has given contradictory testimony. On the contrary, as one person said a little earlier, I think that a public appearance makes it possible to clear someone and to better understand the process. When we wonder whether we find testimony contradictory, there may be reasons why people have acted in that manner, and that will be public. As I said earlier, I think, for the public interest and for the protection of democracy, this absolutely has to be done in public and everyone must know exactly why the committee has requested a comparative study. Why has it done so? It's definitely not to conceal the facts or to discuss them in camera. It's for them to be made public.

I don't know whether this is the time to introduce a motion, but I'm ready to do so. We may do it later, but I could do it immediately.

I move that we hear the principal witnesses at a public meeting and that the committee then meet to conduct its discussion and prepare a report.

• (1630)

[*English*]

**The Chair:** Mr. Walsh.

**Mr. Rob Walsh:** If I could just clarify a point, I may have misled the committee a bit earlier in my remarks. We now have the contrast between the views expressed by Mr. Christopherson out of concern for the innocent and the concerns of Mr. Williams and others regarding the public nature of these proceedings. I think the concern of Mr. Christopherson, as I understand it, is the way you're talking about whether so and so is a liar, and that sort of thing, and that's very damning.

On the other hand, if the discussion is about where we see discrepancies that need explanation, that is not damning. We're not saying anyone is lying; we're just saying there's a discrepancy and we want to know why. I don't have a problem with specific reference to specific testimonies by identified persons as a public discussion by this committee—discrepancies that need explanations.

However, if the discussion is along the lines of, "I think so and so lied, I think so and so is a liar", that's a different kind of discussion and maybe it should happen in camera.

I just share that with you, Mr. Chairman, as there is a possibility for an open discussion here if the committee were to talk in terms of discrepancies.

**The Chair:** If I understand what you're saying, we could have the discussion in public. If we find a material discrepancy we could write the witness to get an explanation for why the apparent discrepancy occurred. When we got the explanation we could decide what steps to take.

Would that be a recommendation, or would that be just one—?

**Mr. Rob Walsh:** I think that is a viable avenue for the committee. In fairness to the witness, it would be wise to say in the letter, "This is your testimony on this date. Here's your testimony on that date. We find these inconsistent, so please explain."

**The Chair:** Mr. Fitzpatrick.

**Mr. Brian Fitzpatrick (Prince Albert, CPC):** Thank you for those comments.

I've done a quick read of these inconsistencies or discrepancies. I think the mind has a way of playing games with people over time too, not that this would ever happen in Parliament with members of Parliament, but it does happen with witnesses from time to time.

Some of the questions that do trouble me are the pretty straightforward kind of questions, where the answer is no. Then at the following hearing the answer is yes, and there's a fair amount of detail involved with it: yes, I did this and I did that. Those ones are troubling in my mind, because it's like a question about whether the sun rises in the east and sets in the west. It's a black-and-white type of thing. You either knew you did it or you didn't do it.

I can sort of speculate why the answer might have been no at a particular period of time, for whatever reason, but those kinds of answers are troubling to me.

We're going to have a lot of problems with the other ones that are long explanations involving interpretation.

I agree with your comment about hanging dead men, but I'm also worried about people riding off into the sunset, maybe waving at us or giving us a particular salute. That bothers me.

**Voices:** Oh, oh!

**Mr. Brian Fitzpatrick:** I agree with Mr. Poilievre that when people appear before this committee it's not a bad thing for them to understand that telling the truth is taken seriously here, and we don't feel like we want to get jacked around—not just by the people who were involved in the sponsorship scandal, but on a very regular basis. Quite often I get very frustrated, because I get the feeling that as a committee we're not always getting straightforward explanations for things.

Those are my comments. I have trouble with the kinds of answers where it was a no and then at the next one, oh, yes, I did do this, and then they go into detail. I have a lot of difficulty with that, because from what I can see, some of them aren't dead men hanging in the trees on these things. It's other people. I don't even want to know who they are, but I'm wondering, should they just ride off into the sunset?

• (1635)

**The Chair:** Mr. Christopherson.

**Mr. David Christopherson:** Thanks, Chair.

As a clarification, the only thing I'm talking about doing in camera is discussing whether or not we're going to take any further action, based on the table we've received.

There are  $x$  number of names in here. You know how many there are. We may or may not decide to call them all in. If we haven't reviewed the document, how do we know whether or not there are some who we believe made statements of good faith. In other words, even if there's a little discrepancy, we believe that it wasn't one of intent to lie, mislead, or withhold, and therefore by majority we decide to not follow that one up.

But at that point, there may be three or four other members who felt differently. Now we've put on the public record concerns about someone's character that are not supported by the majority. From that moment forward, when we decide we're going to bring someone in—I agree and I'd fight the other way—that has to be in public.

My only concern is the decision about who gets called in—who gets a letter, if anyone—is an issue that we should debate in private, again to protect the innocent. If we're not taking action on them, why should there be one negative thing against their name during these proceedings? Why? If it was my mom, dad, son, or daughter, as a public citizen I wouldn't want their reputations slung around.

If we decide who we're going to call in, and it may end up that we do all of them, then fair enough, we let the public know; we let the media know what we're doing, and it will all happen in public.

I'm not going to push this any further—this is my last push—but I really believe that we owe it to those who we may ultimately find innocent, to the extent that we're not going to take any further action, to have those discussions in private. Then regarding only those who by majority vote we decide need further follow-up, we immediately go out of in camera and the whole procedure takes place in public.

That's what my thinking is.

Thanks, Chair.

**The Chair:** I certainly agree with the procedure recommended by Mr. Christopherson.

Mr. Tardi.

**Mr. Gregory Tardi:** Thank you, Mr. Chair.

There was one point you raised a little while ago that got me thinking, and then the same point was raised in a different manner by a number of different members. That was on the requirement for witnesses to speak the truth before committees, whether those witnesses are sworn or not.

I'd like to give you a parallel between this idea of deeming the obligation to speak the truth versus being sworn under oath. That is, being called to a court, civil or criminal, by means of a subpoena, versus being called before a committee by means of invitation. In my mind, as a practitioner, both have equal value. In other words, an invitation to appear before a committee is still as inherently binding as a subpoena before a court. In that sense, every witness all the time has the obligation to speak the truth to a committee.

[*Translation*]

You can't refuse an invitation from a committee, and it is utterly unacceptable not to tell the truth when you appear before a committee.

[*English*]

**The Chair:** Mr. Williams.

**Mr. John Williams:** There are a few things. I think we're getting consensus around what Mr. Christopherson and I were saying. Let's do our planning and thinking in private, but we talk to witnesses in public, and whatever goes from there, goes from there.

The other issue is on oath, as Mr. Tardi was saying, and being deemed to be under oath. If I recall, Mr. Chair, prior to Mr. Ouellet, I read out a statement from Marleau and Montpetit where it stated that you're deemed to be under oath. They were advised, if I recall, and the blues will say that or not, of course. It's not as if they didn't know. I think I read a statement to each and every one of them, telling them they were deemed to be the same as if under oath prior to that time.

Perhaps Mr. Walsh or Mr. Tardi or Mr. O'Neal can take a look at that, and if that's the case, then based on your statement, Mr. Tardi, that would seem to be in essence a legal opinion that they were obviously and knowingly under oath. Am I right in saying that?

When we come back, perhaps you can answer that question. Do you feel it would stand up in a court of law if we were to go as far as recommending perjury? Would the fact that they were advised about being before a parliamentary committee and reading that statement from Marleau and Montpetit stand up in a court of law? You can let us know.

●(1640)

**Mr. Gregory Tardi:** There are several responses to what you've just said, Mr. Williams.

Number one, my memory is the same as yours. I attended almost all of those committee meetings in the 37th Parliament. As I recall, your clerk did read out such a statement, and that constituted notice to the witnesses.

On the point of whether such a statement and such a deeming would stand up in a court of law, my hunch is that it would not. This is a political parliamentary forum and deeming is appropriate or the reading out of a statement is appropriate. The end result is the same, but it would not necessarily be recognized in a court of law.

**The Chair:** Thank you very much, Mr. Tardi.

I would like to proceed, but I take it that we're going to go in camera, because we have another item that we have to deal with, and we have to deal with it today. It's direction to the analyst on the writing of a report.

I think we've discussed this matter sufficiently. However, there is one item that I want to deal with in public right now, and it relates to a statement Mr. Tardi just made. I kind of got a kick out of it.

We have a hearing on Monday, involving the Department of Health, on chapter 8, allocating funds to regulatory programs, Health Canada. We have invited the deputy minister and the accounting officer from Health Canada to come before the committee. He told us that he doesn't want to come and that the associate deputy minister will be sufficient.

The chair would entertain a motion that if the accounting officer refuses to come by the end of business today, a subpoena should be issued for his attendance on Monday. Is somebody prepared to make that motion?

**Mr. John Williams:** Mr. Chair, I'm not sure we want to hang a subpoena over a deputy minister at this early stage of accounting officer rules. I think we should just pass a motion at the committee saying that we invite him to be here at 3:30 on Monday afternoon. Leave the subpoena part out of it at this point in time.

I would certainly support it if he wasn't here at 3:30 on Monday afternoon, but we are dealing with good faith. I argued this point before when Mr. Laforest wanted to subpoena Mr. Marshall. I said he would be here, and he did show up.

I don't think we want to get into an antagonistic relationship. I think you, as the chair, should advise the DM of his new responsibilities and that he is expected to be here, period.

**The Chair:** Monsieur Laforest.

[*Translation*]

**Mr. Jean-Yves Laforest:** I'd like to clarify one point. I never asked that Mr. Marshall be subpoenaed. We can check the "blues" if necessary.

We said once again, in the context of the discussion, that he had withdrawn. However, he told us that he was ill.

[*English*]

**The Chair:** The Marshall case was somewhat different. He was out of the city for health reasons. To my way of thinking, that was a totally different circumstance. Mr. Marshall never told anyone, at any point, that he did not want to appear before the committee.

Maybe Mr. Williams' suggestion is appropriate under the circumstances, but if it happens in two or three months' time, I think our approach may have to be different.

**Mr. John Williams:** I have no problem with the motion—

[*Translation*]

**Mr. Jean-Yves Laforest:** Mr. Chair, I've only sat on this committee for six months. I therefore can't have referred to that. We were concerned with Mr. Marshall a little before the holidays, and there had been no other events before that. Whatever the case may be, I never requested any such thing.

In the case before us, the situation is truly different. Through the clerk, we sent the Deputy Minister of Health an invitation to appear before this committee, and he answered. In my opinion, the committee will have to look into this matter. If a motion is required, that could well delay our proceedings. It's often said that that takes time. I would agree for us to issue a subpoena in this case, since the Deputy Minister of Health has already answered. That wasn't the case with Mr. Marshall.

[*English*]

**The Chair:** Mr. Wrzesnewskyj, did you have a comment?

**Mr. Borys Wrzesnewskyj:** Just for added clarity, what exactly was his excuse for saying he would not appear?

**The Chair:** The problem is that it's coming second-hand to me. I'll ask the clerk to respond to that.

●(1645)

**The Clerk:** When I phoned my counterpart in Health Canada, I was given the names of the witnesses, but the names that were given to me did not include the name of the deputy minister. I called this afternoon and requested that the deputy minister be present. I was told they were going to get back to me as soon as possible to let me know whether he was going to be there or not.

**Mr. Borys Wrzesnewskyj:** So we don't have a clear refusal; we just don't have an answer.

**Mr. Brian Fitzpatrick:** Talk to Mr. Christopherson.

**The Chair:** I'm inclined to agree with Mr. Williams that this should come by way of a motion, and I would entertain that motion. I will call the deputy minister and suggest that he be here on Monday. If he's not here on Monday—

**Mr. John Williams:** Mr. Chair, I'll move that the chair call the Deputy Minister of Health and inform him that the committee passed a motion requesting that he be here at 3:30 Monday afternoon, as the accounting officer for the department.

**The Chair:** If I can reword this, or just reverse it, the motion should read that the committee invites him to be here on Monday. I think that's all we have to do. I'll call him, but the motion from the committee should be that we invite him.

**Mr. John Williams:** Okay, then the motion will be that you inform the deputy minister that the committee has invited him, as the accounting officer, to be here at 3:30 on Monday afternoon.

**Mr. Brian Fitzpatrick:** But an invitation is usually something you can either accept or reject. This is not really an invitation. We want him here.

**Mr. Borys Wrzesnewskyj:** It's an invitation from the public accounts committee.

**The Chair:** Is there any further discussion? All in favour of the motion?

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

**The Chair:** We're going to suspend for two or three minutes, colleagues.

[*Proceedings continue in camera*]

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