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Thursday, May 10, 2007

—
Chair

Mr. Gary Goodyear

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•(1105)

[English]

The Chair (Mr. Gary Goodyear (Cambridge, CPC)): Ladies and gentlemen, let's call our meeting to order, please.

Colleagues, I want to remind everybody that this meeting today is being held in public.

We have three separate items today, and I've been asked by Monsieur Guimond if we could get the unanimous consent of the committee to switch the agenda a little bit and offer Monsieur Guimond time up front versus afterwards.

Is there unanimous consent to let Mr. Guimond go first?

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): It's just to explain my motion.

The Chair: Yes, I think there is.

Monsieur Guimond, please, you have the floor.

Mr. Michel Guimond: Thanks a lot, Mr. Chair.

[Translation]

I clearly remember the four whips having a preliminary discussion during our meeting on Monday. For that reason, my whip colleagues will not be surprised by the wording of this motion.

I want to quickly explain the reason for this proposed amendment to the Standing Orders. Currently, I disagree with the Speaker on a number of issues concerning the rights of independent members.

•(1110)

Currently, there are three independent members of Parliament, Mr. Arthur, Mr. Comuzzi and Ms. Thibault. The Speaker is of the opinion that if an independent member does not use his right to speak and to ask questions in the House... According to the Speaker, the independents constitute a group. Consequently, based on his calculations, instead of calculating 1 independent member out of 181 opposition members, he calculates 3 independent members out of 181, which entitles them to 2 questions per week. I unequivocally disagree on this point. I met with the Speaker, and he told me that, since the Speaker always complies with the Standing Orders of the House, if the Standing Orders were amended, the Speaker would comply, as he always does.

I talked with my whip colleagues. You will see that based on the wording before you, it is possible to consider a party recognized by Elections Canada with less than 12 members and not recognized, therefore, by the House as a group of parliamentarians. Consequently, the leader of this party could be entitled to more than

one question per week. My colleague Jay Hill raised this point in order to foster democracy. An independent member who is not affiliated with a recognized party will be considered to be an entity in and of itself. It's a matter of looking at the definitions of word "independent".

This is the amendment to the Standing Orders that you now have. The first case covers statements pursuant to Standing Order 31. An independent member may be recognized to one statement per week. The second case covers question period. An independent member may ask one question per week, without impairing the Speaker's discretionary power to look at the clock to see if there is any time remaining at the end of question period. If there is more activity during question period and there is no time remaining, the independent member might not have the right to ask a question. This is the purpose of the amendment I am submitting.

[English]

The Chair: Monsieur Guimond, you have offered a motion discussing changing the Standing Orders for independent members to ask questions in the House.

Colleagues, I have distributed a paper discussing independent members' ability to ask questions during a committee meeting. I suspect that's just a slight error. Is that—

Mr. Michel Guimond: No. It's another subject. I bring up this matter about independents' speech rights in committee, and it's another matter. My notice of motion concerns another matter.

I suspect the clerk will give us information about the speech of independents in committee.

The Chair: Thank you for that clarification. And so we have that before us as well. Thank you very much, Mr. Guimond.

Did you want to make a comment on that, Mr. Godin? I wasn't prepared to get into a discussion on this. I just offered the floor for explanation.

[Translation]

Mr. Yvon Godin (Acadie—Bathurst, NDP): It is okay, Mr. Chairman, I agree to revisit this matter later.

[English]

The Chair: Thank you.

Did we want further comment on this? It's just an introduction and explanation of a potential motion. We'll put it on the agenda to discuss it at a future date. Is that acceptable?

Hon. Karen Redman (Kitchener Centre, Lib.): I think my comment would be relevant, if I could ask the committee's indulgence.

Michel's quite right, we have dealt with this at a side meeting among the whips. I am certainly sympathetic to the cause. I think all whips were. I am just wondering if, rather than dealing with this and in this milieu....

I'm just suggesting something, Michel, and I wouldn't presume to ask you to withdraw this as a notice of motion, but I'm wondering if the four whips perhaps could go to the Speaker about this before we dealt with it in an effort to change the Standing Orders. I would just observe that the rotation of speakers is something that's agreed to, and I'm wondering if the four of us going and trying to work that out with the Speaker may be a way to deal with this that doesn't demand the changing of the Standing Orders.

If you look at question period, clearly the government gets, what, two or three questions?

Hon. Jay Hill (Prince George—Peace River, CPC): Three singles.

Hon. Karen Redman: Three. So if it were based purely on how many people elected us or what our affiliation was, from that perspective the government would get far more questions than just three out of the rotation.

There's an expression in English: if the only tool you have is a hammer, every problem looks like a nail. I'm just wondering if there's another way to deal with this besides changing the Standing Orders.

I'm just putting forward that maybe we could leave this notice of motion before procedure and House affairs and perhaps parallel to this the whips could go and speak to the Speaker to see if it could be resolved amicably, to everybody's satisfaction, that way.

The Chair: I have Mr. Hill up first, and then we'll come back to you, and then I'd like to make a comment.

Mr. Hill.

•(1115)

Hon. Jay Hill: I'd certainly be open to that, although there have been discussions. I'd be interested to hear our witnesses, Mr. Chair, at some point on this, just as clarification as to how we collectively work on this issue to try to move it forward in one form or another.

As Madam Redman indicated, the four whips did have a meeting where we met on a number of issues, one of which was this, which was raised as a concern by the Bloc.

The problem I identified there, which the Bloc has tried to address, is a problem that the Speaker himself raised with me—I've had a discussion with him about this already—and it is that he views the independents as a group. This came about because of a situation a number of parliaments ago when both the New Democratic Party and the Progressive Conservative Party at the time had insufficient members to be recognized parties in the House of Commons. All of us are aware that you have to have a minimum of 12 members to be recognized as a party and have all the benefits—I'll call them that—that flow from that recognition. They were both under the 12.

In order to pool their limited questions in question period, in the sense that if you addressed those people as complete independents.... For argument's sake, let's say you had nine people and you had three questions in question period, and you wanted on a given day to have the leader of your party have all three questions. Obviously if the Speaker didn't view you as a group, even though you weren't a recognized party, you wouldn't have the ability to pool your questions and basically assign them to only one member, because as an independent member, as the motion stands and as the argument is made, you might be entitled to one question per week.

That's the issue the Speaker raised with me. We don't have that situation currently, but presumably it could repeat itself at some point in the future, maybe with the Green Party or something, where they wouldn't have 12 members. They might have three or four members and they might want to pool their limited questions and only have their leader ask the questions. So then what does the Speaker do if, for parliamentary purposes, they're viewed three or four independents? That's the issue he's grappling with.

So what he has done, through extension of that argument, is say, okay, we have currently three independents in the House of Commons and they're entitled to x number of questions, so if two of the three don't choose to ask any questions, then the other independent can get effectively get their slots, for lack of a better term.

That's my understanding of the problem, if it indeed is a problem. The Bloc believes that it is a problem. The other three whips have certainly indicated we're willing to address it.

I think what Monsieur Guimond has done is try to address that in his motion by stating: "For the purposes of Standing Order 31.1(1), members of political parties not officially recognized in the House are not considered independent members."

What he is trying to do is address that issue, so that if that were to manifest itself in a future Parliament, even though they might not be a recognized party, if they wanted to be grouped together, a group of MPs from a party, even if it wasn't an officially recognized party in the House of Commons, could group their questions and assign them to one person.

Is that right, Michel?

Mr. Michel Guimond: Yes. I changed my initial wording due to what you said at our meeting. I think this wording gives this possibility.

Hon. Jay Hill: It's by way of a background of our discussion and where we're going in the discussion.

I don't want to quote the Speaker. But in the off-line discussion I had with the Speaker, one of his concerns was what would happen in the future, if a similar situation arose with a party that wasn't recognized as a party in the House, with regard to the grouping or pooling of limited questions. Perhaps the clerk would want to respond to that particular concern.

It might thus be Madam Redmond's suggestion that we could solve this through the four whips' having a conversation with the Speaker, and obviously including the Clerk in that discussion, or perhaps we would need something more formal to address the issue.

•(1120)

The Chair: I don't want to get into a discussion on this right now.

Monsieur Guimond, I'm going to give you the floor right now.

Mr. Michel Guimond: I know Karen is taking a French course. I must explain, but I will use her language to give a better understanding, if you understand my English.

I had a discussion with the Speaker and the Clerk, and they counted the number of opposition members: 100 Liberals, plus 49 Bloc, plus 29 NDP, plus 3 independents. It's a total of 181. They made a proposition: three divided by 181 gives 1.69 questions, and that is the reason the Speaker gave two questions per week.

I had a discussion with the Speaker. He said he wanted to continue this pattern, but if we change the standing order, he will respect the new standing order.

[*Translation*]

The clerk was a witness to all these discussions, at Jay's request. If you don't believe what I'm saying, she can provide confirmation. That is how I see things. I don't know how meeting with the Speaker would move things forward.

[*English*]

The Chair: May I interject? I think we're moving forward into a discussion here. It wasn't the purpose of the chair giving the floor for the introduction of the motion.

I almost sense a consensus here among the whips. Perhaps Madam O'Brien wants a little time to consider the issue.

It sounds like the whips want to get together and talk to the Speaker, and I think it's the best way to do it. However, the motion's on the floor, and it will stay on our agenda until it's removed because it's been dealt with by a separate meeting or we deal with it at the committee.

But right now I'd like to move on, if I can. I'm going to take one more comment, because Monsieur Godin hasn't had a chance to talk. But my preference is to drop this conversation and see if it can be solved, or put it on the agenda for another time.

Monsieur Godin.

Mr. Yvon Godin: You know I don't want to give my chance away.

The Chair: You have one and a half minutes.

[*Translation*]

Mr. Yvon Godin: I don't want to interpret what the Speaker said. Perhaps he considered that political parties, the NDP and the Conservatives, had suggested that one person might ask more questions.

I don't think that in this case the independent members sat together and got one question for the three of them. They are not associated. They are independent members and by definition, being independent means working alone.

I think that the Speaker himself decided, with all due respect to him, on such an interpretation, because a political party already benefits from a certain amount of recognition, even if it is not recognized as such, as Mr. Hill said. However, by definition, an

independent sits alone. So there was no need to put them together. However, that's what he did. The whips could discuss this further.

[*English*]

The Chair: *Merci beaucoup.*

Ms. O'Brien has limited time today, and we certainly have been taking a lot of her time and her team's time in the last couple of weeks. I'm going to move on now.

As I mentioned, for the record, the motion's on the floor. We will discuss it, unless it's removed by Monsieur Guimond because it's been dealt with, which I suspect will end up being the case.

We're going to move on now to Mr. Preston's motion. Colleagues, you have some information in front of you regarding this.

There is no introduction by the Clerk. We're going to go right into the discussion by members. After Mr. Preston refreshes our memory on this motion, the Clerk and her team are here to actually answer any questions that we may have as we go through the discussion.

First, there's no formality to the round of questions. I'll watch hands go up, and we'll try to keep the time limit down so that we can get everybody's questions in.

Mr. Preston, the floor is yours, please.

•(1125)

Mr. Joe Preston (Elgin—Middlesex—London, CPC): I'll start off with a bit of an introduction so we can move fairly quickly. We are talking about leaks of information from in camera sessions. We recognize that it happens, and a report generated by the researchers certainly shows cases of it.

The point isn't that it happens—we recognize that—we're trying to look for the remedy. What's the sanction against a member who chooses, knowingly, to breach a confidence of an in camera committee session?

I think we all know that there are some confidentiality requirements to the job. Committees meet in camera to discuss draft reports or information they feel shouldn't be open to the public at that time. Some members choose to then immediately leave the presence of that committee and share information that has been deemed to be confidential with the press.

We're looking for the sanctions should someone be found to have breached that confidence. But what are we looking for? I see on the list here that there's everything from the use of the guillotine to imprisonment. How do we get to that point of sanctions? Is it the job of this committee to determine how we would then prove the lack of confidentiality of a member? What sanctions would be taken by the House toward that member?

The Chair: I would remind colleagues that we have dealt with a similar matter. However, it is quite different in that we were dealing with the deliberate and voluntary decision of a committee. We were struggling with that issue with respect to in camera meetings being made public.

This is a completely and entirely different situation. I just want to remind members of that.

Are there any comments? I'll open the floor for discussion. I'm sure we're not ready for the question right now.

Madam Redman, please.

Hon. Karen Redman: I think it's a real lack of faith that breaks the collegiality and shared purpose that all Parliamentarians have. I raised this initially. I guess my problem is how you absolutely prove that person *x* is the source of the leak?

I would point to something that has been in the papers. I don't mean to press a bruise on the government, but there's that poor Environment Canada employee who was taken out in handcuffs. I think it has not been proven that this person was the leak. I keep thinking how I would have felt if someone had slapped handcuffs on me at my desk and taken me out. I think it's an incredibly humiliating experience. Clearly somebody thought there was a substantive reason to do that.

I guess, Joe, I just don't know how you.... The sanctions are almost aside from how you prove beyond a shadow of a doubt that person *X* is the leak.

Mr. Joe Preston: I'll give you two examples. The one you discussed is up to the police. That certainly is a police matter. But we're talking about members of Parliament who, for example, discuss a draft report from an in camera session.

I know Yvon is not here, but he has been pretty adamant about not releasing in camera information. If someone on the committee said, "That's not right and we need to release this", and the rest of the committee said, "No, it's an in camera situation", if that person stood outside the door and gave the information to the press, I think it's beyond proof. The person has just done it. I've given an example that has clearly happened in the past.

If that happens, then what? I'm not looking for us to be the judge and jury; I guess I'm looking for us to be more of the judge. This is about the sanctions, not about our proving it happened or didn't happen.

The Chair: Just to clarify then, Mr. Preston, you're not specifying in your motion how we go about proving or disproving, you're talking about the case where it's already—

Mr. Joe Preston: I believe those areas are already in place. This is about the sanctions.

The Chair: Okay, so we're dealing with the sanctions issue on those cases that have been proven.

I don't see any other hands going up. I'm going to just indulge the committee so we can maybe try to get discussion going.

The sanctions available to the House right now include an apology by the member, reprimands—and I'm not sure what that means—censure, suspension, and imprisonment. I'm not sure there's any evidence that that's ever been the case.

I'm still looking for hands to go up.

Seeing none, I'll just draw your attention to page 4 on the document, where there are some reasonable suggestions as to some of the ways that we can protect the private areas, such as documents being individually numbered, with each page numbered; individuals having to sign for the documents and returning the documents;

limiting the number of folks in the room at the time, meaning staff; limiting the technology in the room, meaning cellphones with pictures and recording devices. These are all ways to help protect meetings. If they're not clear, we might want to add them to whatever report we end up with.

I still see no hands going up. Colleagues, we have had discussions....

Oh, thank you very much, Madam Picard. You're certainly my favourite today. Please.

● (1130)

[*Translation*]

Ms. Pauline Picard (Drummond, BQ): In my opinion, members sitting on committees are not sufficiently aware of the importance of their comments. Often, the chairs themselves are not familiar with the Standing Orders. Some kind of information session should be held for all committees to inform members sitting on those committees the serious consequences of disclosing information or providing documents when the committee members agree to sit in camera.

I think that the members are not taking in a lot of the information. Many committee members are new members who are not familiar with the Standing Orders and procedures of the House. It takes some time, even when you sit in the House itself, to learn various Standing Orders, procedures and strategies.

I have sat on a number of committees and I noticed that the members are not familiar with the role and importance of in camera meetings. I also note what happens when witnesses are questioned. Witnesses are not appearing before a committee as if they were in court. Sometimes, members question witnesses as if they were guilty. For those sitting on committees, there is a huge lack of information on the role of members and on the Standing Orders.

[*English*]

The Chair: That's a very good point. Thank you.

Mr. Hill.

Hon. Jay Hill: Just so that I fully understand here, we're going to deal with proposals for sanctions only if someone is proven to have leaked from an in camera meeting of a committee. Is that what we're up to here?

The Chair: I'm going to be clear. The motion wants us to deal with sanctions only, but the discussion is quite clear on how we prevent it in the first place, and hopefully we'll bring it around.

I see a report, perhaps, being developed that might deal with educating members, educating chairs, restricting the in camera meetings. These are discussions that we've had all along. So I suspect the end result, Mr. Hill, will be a little bit broader than just sanctions, but I will keep the committee talking until we come up with some kind of conclusion on sanctions, if any.

Hon. Jay Hill: I would make two points, then. One point is on trying to determine who may or may not have done it, and it's always difficult, as Madam Redman was suggesting in her opening comments to this discussion.

I raised this at a previous meeting. I think we should have some procedure in place that is standard for the committees, or at least suggested to the committees. We all recognize, as soon as we get into the area of the House dictating to committees, that in that quicksand we don't want to tread too heavily. I think there is a need, because committees themselves have grappled with this issue and they've tried to look for some direction. Maybe we could help provide that.

Obviously it has to be communicated to all members well in advance so they clearly understand the gravity of the situation if they were to leak, for example, a draft committee report, which is often the case. It needs to be impressed very severely upon them what the consequences would be. That's the first thing.

Secondly, I think there should be some process. I'll just throw this out for discussion, because I know some committees have done this, but they've done it in camera and it doesn't provide any potential fear of disclosure—I'll put it that way—because then it too is subject to confidentiality. So it doesn't accomplish anything, but they've taken the step of saying, “Okay, enough members around the table are upset. We've worked damned hard on a report, and one of us obviously went out to the media and leaked it. What do we do?” So they say, “Let's swear an oath just like you would in a courtroom.” So you put your hand on the Bible and you swear an oath like when we were sworn in as members of Parliament. It's very serious, as it is in a court of law, because you know that if you perjure yourself and it's ever proven....

For example, let's say, an individual leaks a draft report, swears an oath saying that they didn't, that they're completely innocent, and then it comes forward that there's a tape recording from a journalist, for whatever reason, although journalists always try very hard to protect their sources. Obviously you get into that whole business, too, of freedom of the press.

Let's say, for argument's sake, that it was revealed later, irrefutably, that this individual not only was the culprit—if I can call them that—who leaked the report, but they had also lied under oath saying they weren't. I think we should have a process in place whereby the members know that if there's a question of something like that that's leaked, there's a majority of the members of the committee who feel it's serious enough. So you would have to have a good discussion at the committee that it's serious enough that you take a swearing of the oath in public.

Obviously if the person who leaked it was required to swear an oath, they would be reluctant to do so, just as any citizen is reluctant, I would suggest, to go on a stand in a courtroom and perjure themselves. It's very serious. I don't know why you wouldn't take that very seriously. There are serious legal consequences if you're found to have perjured yourself. We all know that. It should be no less serious here, I think, if we're going to get serious about this issue. So that's the first thing.

As to sanctions, whether a person was to admit that “Yes, it was me, I was the one who did it”, or it was proven later, as I said, that

this individual was the one who leaked something that was confidential, that he or she knew it was confidential and they knew how serious it was, I think there should be financial consequences. I would support, at the least, considering your being docked a week's pay or something like that, as a member of Parliament, and having it right in the rules, the Standing Orders, that if it's proven that you're the one who did this, there is a financial consequence to it—not only the public humiliation that should come from it, but a financial consequence as well, so that people take this seriously.

● (1135)

I think the vast majority of members of Parliament in all parties want to take this seriously. All of us have considered it a personal affront at different times when we've served on committees and this is done. If it's done accidentally, we have some empathy for a colleague, whether from another party or our own party, because we are all human; we all make mistakes. But when it's wilfully done—and many times it is wilfully done. People do this for their own agenda. It might not even be their party's agenda. Indeed, that particular individual's own leader might be as upset about it as anyone else, any other member of Parliament. As for those people who would do such a thing, I think in many cases their own caucus colleagues, their party colleagues, are more upset with them than even their opponents are.

So we need to impress on them that this is serious, that there is some mechanism whereby we will endeavour to determine who it was. I am just throwing this out: having a standard process of taking an oath that the committees can avail themselves of if they believe it's serious enough; and then secondly, that there are serious consequences, both the public humiliation that justifiably should come and the financial penalty.

● (1140)

The Chair: Colleagues, I have three names on the list, but I see where we're going with this. It looks as if we are going to have a report drafted and brought back to the committee. It will include such suggestions as the possibility of a committee, under its own authority, by a majority vote, asking for all members to take an oath as a way of proving or getting toward this issue. Then if that is proven, if members take an oath or there is other evidence, the committee would then refer it to the House for sanctions, which would then include a financial penalty. The suggestion on the floor is one week's pay.

Does that summarize what Mr. Hill said? Thank you, colleagues. Let's move on.

Mr. Lukiwski, then Madam Redman, and then Monsieur Godin.

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): Thank you, Chair. I'm not sure if I'm going to add any clarity to this discussion or just muddy the waters a little bit, but I'll make a couple of observations, perhaps.

Number one, I think there has to be a bit of a distinction. We're talking about leaked committee documents. There's also been the case from time to time where it hasn't been actually a document; someone's gone out and given a verbal description of an in camera discussion on a confidential matter. Sometimes it's been inadvertent, and we've all seen that. I think there have been examples from all parties where someone inadvertently or just through...you put the term on it...has gone out and done a media report or interview and inadvertently leaked something, said something that occurred in an in camera discussion. So I think we have to distinguish that. In other words, the level of sanction should be commensurate with the level of the offence.

As far as process is concerned, I think it would probably always be a good idea that if it has been proven that one committee member, either verbally or by giving a written document, has breached confidentiality, the first step should be that the member should be brought back before the committee—at a public presentation, not in camera, I totally agree with Jay there—to explain his or her actions to the committee. Now again, this is only if the commission of a breach of confidentiality has been established. They should have the right to tell a committee, of which they were a member, why they did what they did. Sometimes it might be just, “Look, I screwed up. I did an interview with a local radio reporter. I forgot it was in camera. It was my mistake. There was no malice intended, and I throw myself on the mercy of the committee.” Or they may be, frankly, unable to explain their actions because they were quite guilty of committing a fairly serious offence.

I think your comment, Chair, when you were saying maybe it goes back to the House for sanction.... You know, I don't want to get too bureaucratic about this or anything, but I think maybe the committee should be the one to determine whether this is considered a minor, moderate, or severe offence, depending on how that committee member explains himself or herself, trying to justify, in some cases, his or her actions. And then sanctions can be put in place.

So there may be a sort of sliding scale, if you will, of penalties or sanctions, because I think from time to time you're going to find that a member makes a mistake, an honest mistake—not with any malice intended, but just an honest mistake.

I could think of the example of when there's a confidential document. We all see them from time to time. We take them; we're supposed to protect them, file them in our office or whatever. But perhaps the committee member inadvertently leaves it on a table, a member of the media picks it up and does a story on it, and right away the committee member knows, “Oops, that was mine. But I didn't do it purposely; it was a mistake. I want to explain myself to the committee.” It's a serious offence, a serious breach of conduct, but it wasn't done deliberately. I think the committee should have an opportunity to review that, to listen to the member, and say, “Okay, I believe you. It's still serious. Make sure you don't do it again.” We're going to sanction the member, but the level of sanction is down on the minor level because it was an honest mistake as opposed to somebody who deliberately goes out there with a confidential document, hands it to the media, and says, “Report this.”

So I think there has to be something the committee does to determine the level of offence.

Thank you, Chair.

• (1145)

The Chair: Thank you, Mr. Lukiwski.

Just to remind the committee, if my understanding is correct, committees do not have the authority to sanction members. But I suspect that you're recommending a particular sanction from the list that's available in the report that would go to the House.

Thank you, Mr. Lukiwski.

Madam Redman, please.

Hon. Karen Redman: I think we work from a premise that all members are honourable. I'd like to pick up on Madame Picard's point, which goes back to the awareness level.

I really like some of the things the Senate does, as listed on page 4, to help reconfirm and remind everybody in the meeting that this should be taken very seriously. I really like the numbering of the report. I like the fact that there's a number assigned to each individual, and I like the fact that they may sign for them. I think all of that is worthwhile putting into practice as a good reminder to all of us that this is not something to be taken lightly.

To answer Mr. Lukiwski's point about someone saying, “Oh, I forgot it was in camera” or “I didn't know”, one can plead ignorance, but it doesn't ameliorate the damage. I'd be interested in hearing from Ms. O'Brien on whether the Senate does it. I'm wondering what costs would be associated with that and if that would be particularly onerous.

But I have to tell you that we're also becoming judge and jury here in ascribing motive, because anyone can come in and say, “Gee, you know, I just lost my head.” As I said, I think we all assume that we are honourable members, but let's face it, from time to time people do things very politically, but I would underscore that it's not just leaking documents—a point that's already been made. Regarding a subcommittee of this committee, I've heard from individuals, from non-government people, that they know exactly how everybody on that committee voted. I tell you, I find that highly damaging. I find that disrespectful of that subcommittee. I'm not about to point fingers, but that action was clearly motivated by politics, and I find that incredibly egregious.

None of this is going to cover that off. They're not going to tell me who told them that, but they know who raised their hand and what arguments were made in that in camera subcommittee meeting. I find that a real affront to this place, to this establishment.

I question how anything could happen automatically, and maybe that's been clarified by the chair. It would seem to me that any sanctions or menu of sanctions would really have to be dealt with by the House as opposed to just by a committee. I would be interested in hearing from Audrey about some of the things suggested at the Senate.

Do you have any idea if that would be onerous or a financial burden in any way?

The Chair: Go ahead, please, Madame O'Brien.

Ms. Audrey O'Brien (Clerk of the House of Commons, House of Commons): Mr. Chair, through you to Mrs. Redman, thank you.

Some of those measures outlined there are already in place. For example, if a draft report is sent around to members' offices, we ask for a signature so that there's proof that the document actually reached there. The business of numbering the copies wouldn't be difficult, so it wouldn't really create an administrative burden.

I think more problematic for the enforcement of the regime that's being discussed is, first of all, attributing guilt with some degree of certainty as to who has done this, because in some cases you have a blurring, where clear positions have been taken in the public sessions in which witnesses were heard and no doubt those public positions also manifested themselves in the in camera hearing. So it becomes a judgment call as to whether you're divulging what went on in camera or whether you're talking about something that is already on the record in some other form.

Committees themselves, I think, have a very good sense of that. They have a good sense of when they've basically been betrayed. The terrible thing with all of this is that it really does rest on the notion that one's word of honour means something.

I agree with Madam Picard. I think there's been a trivializing of the notion of confidential documents, perhaps partly because things are stamped "confidential" when it really makes no sense; it's just a proliferation, and nobody takes it too seriously. But I think we need an aggressive education campaign of members to say this is something we take seriously and this is basically the linchpin on which everything depends, because if we can't depend on one another's word, then where are we?

That's my little *cri de coeur* there.

With regard to the question of sanctions and the earlier discussion that this committee had about the whole question of how to handle parliamentary language and unparliamentary carryings on in the chamber, I worked with the advisory committee to Mr. Fraser many years ago, and in that context we had recommended that there be sanctions. They were basically financial penalties. That never really got anywhere, but maybe it's something you might want to revive.

Right now, really, in all of the precedents we have, the apology of the member in question is taken. A member is taken at his word. A very laudable example of a situation in which someone made a mistake and the committee was prepared to accept that person's word occurred last October, when there was a problem with the subcommittee on the review of the Anti-Terrorism Act. A member raised it on the floor of the House, and then the other member came in later to say that, yes indeed, he had been responsible and it was completely inadvertent, and he apologized unreservedly. That seemed to me a best example of what might happen and how it could be dealt with.

The difficulty occurs, of course, in the case that somebody has deliberately leaked the information. With the 24-hour-a-day media circus, whoever gets out there and gets the message out first is thought to have some kind of advantage. When I looked at the newspapers today, there was a discussion of a government bill as though it was absolute fact; it's on notice today. This is common coin in the media.

There is trivialization of discussing these matters. I think people perceive themselves, in a sense, if they really do respect the rules, as

ultimately being penalized in the larger political gamesmanship that's going on, so you look for every advantage and you do whatever it takes. That's always, I think, particularly unfortunate. But it does seem to me that the culture of each committee very much belongs to the committee, and the committee itself can, I think, demand a certain level of behaviour or of integrity from its members. If the integrity isn't there, then the committee should be able to call someone to task on it and report back to the House.

● (1150)

The only thing the House really does now, in the two instances we found in terms of our precedents recently, is censure by the Speaker. Those were two incidents involving the mace. The trouble with the incidents is that, because it involves the mace, it is highly symbolic. It almost seems like a bit of a circus. Nobody takes it too seriously, and it all looks very arcane and peculiar to the viewing public. You then wonder whether someone being called to the bar of the House or whether someone having to stand in place to receive an open censure from the Speaker is something that would be a sufficiently shaming situation in order to be a deterrent to this kind of action.

But you would be better placed than I to know whether it might work.

● (1155)

The Chair: Thank you very much.

Monsieur Godin, Monsieur Proulx, and then Mr. Hill.

Mr. Yvon Godin: I missed the first part of it. Is there evidence that this is happening a lot?

Mr. Joe Preston: It's only anecdotal.

[*Translation*]

Mr. Yvon Godin: Mr. Owen may remember this. A journalist came to interview me on an issue that the Standing Committee on Procedure and House Affairs was considering in camera. He seemed to know everything about what we were doing. I asked Mr. Owen if this individual had gone to see him and I told him that this individual seemed to know a lot of things. Mr. Owen reminded me that it was something that had occurred almost a year earlier and that this individual had perhaps consulted the committee minutes to see what had happened a year prior in committee and had more or less guessed what we were discussing. This individual seemed to have a lot of information, but it had nothing to do with our in camera meeting.

Quite frankly, I very nearly slipped up. I started to say things and I had to ask myself whether we had sat in camera or not. Sometimes, we can no longer remember. We know that we sat in camera for such and such a Bill or report. But since we sit in camera nearly twice a day, it is extremely difficult to remember which meetings were in camera. We discuss really serious issues in camera and sometimes a member no longer remembers which end is up.

How many investigations will we need to do? We can take this seriously and draft new Standing Orders, but we would completely paralyze our work by conducting all these investigations. We might as well build prisons next door and lock people up. We're going to impose \$9,000 or \$10,000 fines; France even talked about a \$15,000-fine and one year in prison!

If we adopt a Standing Order, we must comply with it. Otherwise, people will laugh at us. If someone violates a Standing Order and we do nothing, we will have adopted all these Standing Orders and sanctions for nothing.

To what extent are we serious when people disclose information related to in camera deliberations? I do not disagree with what you are saying, I simply want us to think about it. If an issue is important enough to be presented to the committee, to Parliament and to the public, perhaps people would think twice before doing it again.

The Chair: Thank you.

Mr. Yvon Godin: Those were my comments.

[*English*]

The Chair: *Merci*. I appreciate the comment.

Monsieur Proulx, and then Mr. Hill.

[*Translation*]

Mr. Marcel Proulx (Hull—Aylmer, Lib.): Thank you, Mr. Chairman.

I find it difficult to believe that we are going to implement a system that would enable us to conduct investigations, issue convictions and apply sanctions. It is already difficult for us to enforce the Standing Orders of the House through the Speaker. By this, I do not mean to say that I blame him. Nevertheless, members make inadmissible statements in the House, but never lose their right to speak. I find it difficult to see how we could implement a system and apply it judicially.

However, we all took an oath of office and of allegiance when we were elected. When members are re-elected, they must take this oath again. I think that we should remind members of this oath of allegiance. We should instead rely on new or refreshed education methods. Often, documents are distributed during a committee meeting and members, as Mr. Godin mentioned, forget that the meeting was in camera.

As Ms. O'Brien said, it is so frequent that we no longer pay attention, when we get documents from the House concerning changes to the Standing Orders or to our expense account rates, since all these documents are marked for members only or confidential. The notion of confidentiality or privileged information is lost. I think that instead we should make recommendations to the House, so that these terms are used with a great deal more diligence and care.

Mr. Lukiwski said earlier that there was a difference between those situations where someone accidentally made a mistake and where somebody deliberately did something. A sin confessed is half forgiven, as they say. Does this mean that we would impose a \$5,000 fine to those who do not admit their mistake, but we would reduce this penalty to \$2,500 for those who do admit it, as if the confession made the transgression less serious?

We risk finding ourselves in an impossible administrative maze with a system like that. I don't see how we could avoid paralyzing the work of our committee and other committees. We would have to apply the system to all committees. I don't think other committees have the necessary abilities to enforce such a Standing Order or sanctions. This would ultimately become the responsibility of the

Standing Committee on Procedure. I think that we're wasting our time and that this system would lead to problems.

However, I insist on the fact that there should be, both for new elected members and other members, a training or education period. Special attention should be paid to identifying truly confidential documents. I am not talking here about the agenda or the document index, but rather an indication about the whole document, even if it is repeated on every page. There are now electronic tools for this. All members should also be reminded of their oath of office and of allegiance.

• (1200)

[*English*]

The Chair: Mr. Hill, for a final comment, by the looks of it.

Hon. Jay Hill: Never say "final".

I listened to my colleague's comments and, I guess, this is almost starting to remind me of the different debates we've had on the floor of the chamber about our justice system in Canada, in the sense that if we could just educate people and do a better job of informing them of what's right and wrong, somehow that's going to solve the problem and they won't do anything wrong from now on.

With all due respect to Mr. Proulx, yes, I believe that's part of it—I have no problem with that—that members should be reminded, and be reminded with the sternest method possible, that this is serious and they should take the oath of confidentiality seriously. I have no problem with that.

But I still maintain, having been here now for nearly 14 years, that if there aren't some sorts of consequences, some of us will not take it seriously. That's certainly been my observation over the past 14 years. I think the vast majority of members of Parliament take their oath extremely seriously, and there are others, unfortunately, who don't. I do believe that some sanctions could potentially provide some deterrence to that behaviour. Yes, it's not easy to arrive at how guilt is proven; I agree that's extremely difficult.

In light of the conversation we've had around the table over the last half an hour or so, I would agree with Mr. Lukiwski and Monsieur Godin that all of us—and we have to be honest about this—could be guilty of inadvertently disclosing something that should have been an in camera or confidential conversation or discussion, with no malice at all. It happens, as others have said. That's why, in my earlier comments, I was dealing with draft reports or something in writing, or something on which there's no debate, such as, "Oh, I forgot this, and it just happened to be picked up by someone from the *Toronto Star* or the *The Globe and Mail*." I'm talking about where people just completely flaunt the fact that they have an oath of office, and they don't have any interest in trying to maintain confidentiality with their colleagues, and they purposely leak documents.

That's not the same as a number of discussions of ours at committee, where we've been in camera and in public, and some reporter asks us about it six months later and we try to remember, "Okay, was it confidential, for example, when Yvon had said XYZ on that particular day? Was that while we were in camera, or am I free to mention that Yvon said something I disagreed with?"

That's legitimate. All of us are in a position where, even with the best of intentions, our memories can play tricks on us. There's a world of difference between that and when we're dealing with a confidential draft report that might be very sensitive, as it perhaps contains some stuff that, later on, before the final report is released publicly, we may all agree collectively to take out, such as some reference to witnesses' testimony, or whatever, given in camera. So it's still under discussion, it's still under development, and one of our colleagues decides, "Oh no, I'm upset enough about something that was said in camera, when so-and-so said something, and I'm going to get even with them and leak this damn report; I'm going to make a big issue of it on the front page of the paper."

And there's no sanction for that. It does go on; we know it goes on. I think all of us, or certainly the majority of us, from all parties are upset about this.

Monsieur Proulx could be quite correct; maybe this discussion will just be a waste of time. And just as other committees have grappled with this over the years, it is not anything new. Maybe it's getting worse. Maybe it's getting better. Maybe it's staying the same.

• (1205)

Madam Clerk referred to her involvement, obviously, in a study of this very issue in a previous Parliament under Speaker Fraser. I'm sure if we went back and looked at precedents, Monsieur Proulx would be correct in the sense that parliamentarians before us have grappled with this problem.

I think Madam Clerk alluded to this, but at some point in time, if we discuss it, debate it, and in the end say nothing can be done about it, then nothing will change. The definition of insanity is doing the same thing over and over again, expecting a different result.

In my estimation, we won't get a different result, especially for deliberate leaks of documents, unless we find some other way. People can't come here to throw themselves at the mercy of the committee and say they forgot they were talking to a reporter, they forgot something was confidential, and they gave the reporter a draft report. What kind of nonsense is that? The person is guilty, and there should be some punishment.

The Chair: Thank you, Mr. Hill.

We have Mr. Owen, and then Monsieur Proulx.

Hon. Stephen Owen (Vancouver Quadra, Lib.): Thank you, Chair and colleagues. I find this a very interesting discussion.

We seem to be dealing with at least three different dimensions. One is the dimension of what's in camera and what's not in camera, and are we slipping into in camera proceedings unnecessarily in some areas. I must say sometimes in the course of a two-hour meeting, we'll be in and out of in camera proceedings two or three times, and that brings up Yvon's problem of your memory of what was in and what wasn't. That's more our conversation rather than decisions that are taken or reports that are before us, and there can be some confusion.

In a certain way, that can be tightened up by making it clear why we're going in camera—when we are and when we're not and why we are. Maybe we go in camera more often than we need to. But we should understand that when we're doing it, it's for a very specific

reason and we have a very specific responsibility when we do, and that's not to pass on the information.

Another dimension is the dimension of inadvertent guilt or innocence, and I think of Monsieur Proulx's comments on the importance of reminding ourselves that we did take an oath of office. And I must admit that until he mentioned it, I'd forgotten I had. I may have taken all sorts of oaths over time. But I think that type of reminder—and that includes this type of responsibility—is good education, and a regular revisiting of those responsibilities is a good idea.

Then there's the issue of where someone has clearly done something deliberate, as Mr. Hill mentions, and there's no question that it's damaging and it's something that's meant not to be done. There needs to be a sanction, because it's important and it's dangerous. To deal with that, I think we all should be going back to the education process.

If there's a document—and that's where I think it really comes out—the danger of a draft document being exposed to the public when it's not supposed to be is that people will assume it's a determined, final thing. So certainly in any event, whatever we do about sanctions or non-sanctions, we should have clearly marked on those documents that they're confidential, not for distribution. That's to remind us that this is a draft document, this is not the final decision of this committee, or whatever. It can be briefer than that, but something to say to the person in the media or whoever may get a copy that this is, if not worthless to them, certainly not worth a great deal because it's a work in progress.

But then, at the end of the day, where we have clear rules that make sense, and they relate to potentially highly prejudicial or damaging releases, then I don't have a problem with saying there should be some real sanction and bite, whether it's being shamed by the Speaker in the House or whether it's a monetary fine. Frankly, I'd rather pay a fine than get shamed in a way that reflects on your character and your professionalism.

But I think what we want to do in this committee is try to make the rules and understandings around those three dimensions sufficiently clear that we don't sit as a court on a regular basis trying to figure out if it's inadvertent or innocent or egregious. So in that sense, the more we can make it a strict liability offence, so that it's clear, there's no discussion of this, that as Mr. Hill says, it's obvious what's going on.... I think if we're going to get into sanctions, we should make them as crisp as possible so we're not sitting as a court trying to figure out and then perhaps getting into the politics of voting against each other or against someone on a political basis.

• (1210)

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

I'll make some comments after Monsieur Proulx.

Mr. Marcel Proulx: Thank you, Mr. Chair.

As I've said before, I hesitate to make this committee or other committees into courtrooms. Mr. Hill is absolutely right; I think there'll never be any end to this. Was it done purposely? Was it not done purposely? Was it done almost purposely, or maybe a little purposely? I mean, there is no end to this.

However, Mr. Hill is absolutely right when we're talking of documents. If we are really serious about clamping down on this.... I don't want to show lack of respect, but we are about a thousand years behind the times here in the House of Commons as far as handling documents in a secure way is concerned. There are all kinds of electronic ways of marking documents, of identifying documents. There are all kinds of different types of papers that can be used. However, it involves time—by this I mean staff time—and it involves money, because it's more expensive and we'd have to do it the right way. But if that were one of the recommendations, I'd have no problem at all voting in favour of that, because I come from the claims investigations part of the insurance industry, and there are ways that have existed for years—and in recent years I am sure there have been huge improvements—of tracking down missing documents.

As it now is here on the Hill, we make photocopies of documents. We probably always make a couple of extra copies in case the photocopier stops in the middle of the job, then we're stuck. We're supposedly recycling enough paper on the Hill to enable us to build another building on my side of the river, and that would be nice.

Seriously, I think we can take means, we can take advice, we can take ways of making sure that documents.... Of course, whether documents are protected, whether you have disclaimers on them, whether you have markings on them, any document can be given to somebody. There is no doubt about that. But it could be one heck of a deterrent if people knew these documents were traceable.

So I have to agree with Mr. Hill that it is a problem, but we can probably solve it by having consultants or experts tell us how we could do it through a new way of handling documents or using different papers.

Thank you.

•(1215)

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

Madam O'Brien is running short of time, so I'll take a short comment from Mr. Godin.

Please, Monsieur Godin.

[*Translation*]

Mr. Yvon Godin: Thank you, Mr. Chairman.

A while back, I had a good idea: we should enforce discipline and issue sanctions to those who do not respect the House of Commons. But the majority decided that this wasn't proper. However, I discussed this issue with guests from another country who came to meet with us. They told me that, in their country, there were sanctions for members who were impolite, who yelled in Parliament, etc., and that there was complete silence in their House of Commons. Here, we decided not to follow that path.

Let us come back to the case before us. Earlier, we were talking about educating and training people. I sit on various committees. I think that, at the beginning of each in camera meeting, the chair should read a document explaining the importance of sitting in camera. This is not yet being done. We have been here for years — even if some of us have just arrived — and it seems that the term "in camera" does not mean anything.

Perhaps this is a separate matter, but, in each in camera meeting, the chair read a document saying that the committee is sitting in camera, explaining why this is important and reminding members to be careful with documents that we take home in the evening to work on and not to forget that the meeting was in camera.

I think that when people understand this, we will no longer have to demonstrate the importance of being in camera.

[*English*]

The Chair: Thank you.

I will allow one more speaker.

Monsieur Laforest, you haven't had an opportunity, so please....

[*Translation*]

Mr. Jean-Yves Laforest (Saint-Maurice—Champlain, BQ): Thank you, Mr. Chairman.

I agree with what Mr. Godin just said. Earlier, you talked about new members or at least about training on the procedure to be followed, which new members need. I have been here for just over a year, as has my colleague.

You talked about respecting procedure and the need to ensure clear Standing Orders. In fact, not everything is always very clear with regard to procedure. As a new member, I sit on a committee and I replace colleagues on other committees, as I'm doing here today. I have noted that, quite often, the chairs of each committee do not apply the procedure in the same way.

Mr. Godin suggested that, at the start of each in camera meeting, the chair read a letter reminding members to respect the confidential nature of the meeting. But other than that, there are other things to consider, such as how chairs preside over meetings or the terms used. There isn't necessarily any consistency or uniformity in the way that things are said.

Earlier, an example was given regarding the terms "draft" and "final report". Each committee chair may use different terminology. Add to this the fact that each interpreter can say things differently, without necessarily changing the meaning. I think that before we consider imposing sanctions, we should first ensure uniformity among the committees. I imagine that this should come from this committee.

•(1220)

[*English*]

The Chair: Thank you very much, colleagues. I think we'll wrap up the discussion.

If I may make a suggestion, we've had a number of very healthy conversations and a number of good ideas. I think we've reached consensus on a number of them, and yet not on some of them. I think the way to go now is to have our researchers and analysts go ahead and itemize the discussion from today, put it down on paper, and bring it back for another meeting, where we can go through it and say yes, we agree to this one; no, we don't agree with that one; or we do, but we're going to massage it up a little bit; and then we end up with a report of some nature.

I see a great consensus about—

Mr. Yvon Godin: Is that going to be done in camera?

The Chair: We'll make that decision, but I do see a great discussion around restricting in camera meetings and chairs being educated. I see a lot of discussion around members of Parliament being educated. I see discussions around potential sanctions. I see all kinds of things, all good ideas. Let's get them down on paper in summary format and bring them back to the committee, and we'll finish the discussion at that point.

Madam O'Brien, did you have anything further you wanted to add to that discussion for our benefit? Otherwise, I'm happy to dismiss you at this time.

Ms. Audrey O'Brien: No, Mr. Chair. I think it has been a very enlightening discussion. I feel the pain of the members who were talking about the frustrations of there being miscreants about, who will simply not respect the work of their colleagues and the work that they're doing in the committee and who go off on their own agenda. We're certainly in the hands of the committee in any way that we can assist.

The Chair: Thank you very much.

Ms. Audrey O'Brien: Actually, I should say as well, given that we're also responsible for the orientation of new members, that this has given me all kinds of food for thought for graduate seminars on accountability.

The Chair: Thank you very much, and to your team as well. You're dismissed.

Colleagues, we're going to stay in public to discuss a couple of things.

I would like to draw to your attention that Monsieur Guimond had to leave but was kind enough to give to the clerk—and I believe you have it in your packages—two issues that he wishes to raise: notes on appealing decisions of the committee chairs, and the right of independent members to ask questions during a committee meeting. We're not going to deal with that right now, as Monsieur Guimond is not here to discuss it, but it's there for you to read for some future meeting.

Mr. Reid, you had brought some indication. Do you have anything to add to today's meeting?

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): Yes, I do.

The Chair: Thank you.

Is it in both official languages?

Mr. Scott Reid: No, I don't have it in both official languages. Therefore, perhaps I can give it to the clerk and ask for a translation.

The Chair: Can we do that and we'll bring it up at the next meeting?

• (1225)

Mr. Scott Reid: Yes.

The Chair: That would be fine. Thank you.

Colleagues, in your packages is a letter as well. We can stay in public for this. We're sending this letter to the Chief Electoral Officer, Monsieur Mayrand. I'm hoping members have had an

opportunity to read it. I need approval to send it off. It's in regard to the “bingo sheet”, and it has been circulated.

I'm going to give members a few seconds to find it. I'll then ask if it's okay that I send it.

There have been lots of papers lately. We're going to distribute another copy.

Could those colleagues who have read the letter perhaps give me an indication if they're okay with it?

Mr. Proulx, do you have a comment?

Mr. Marcel Proulx: Yes, I have a question in regard to the translation, Mr. Chair.

Point number one starts in English with: Could you provide us with an explanation of Elections Canada's plan for implementing this provision, should the bill pass and this provision is implemented?

In the French version, it's:

[Translation]

Pourriez-vous nous expliquer comment Élections Canada entend mettre en œuvre cette disposition si le projet de loi est adopté et cette disposition, modifiée?

[English]

I don't know where “modifiée” comes from, because “modifiée” means modified or changed. I don't see it in the English version.

Mr. Scott Reid: Mr. Chair, as this is a fairly informal discussion, I wonder if I might comment on the same point.

Mr. Proulx has a good point. I was looking at the English version, and I had a problem with the way it ended. It makes me think they were perhaps trying to say, in the French version, “if the bill passes with this section unamended”.

It's what it should say in the English version as well: Could you provide us with an explanation of Elections Canada's plan for implementing this provision, should the bill pass with clause 28 unamended?

Mr. Marcel Proulx: Yes, as is.

Mr. Scott Reid: It isn't what it says in the English either.

The Chair: Do you want to change the French version, colleagues?

Hon. Jay Hill: The French version is actually more accurate. Is that what you're saying?

Mr. Marcel Proulx: No, not in this case. It's absolutely not. It throws in a word. It's the same, if you were to use the English version, “should the bill pass and this provision, modified”. I mean, it doesn't make sense.

The Chair: All right, colleagues.

Mr. Marcel Proulx: You need to change one in the sense that you need to make it and then get a proper translation.

The Chair: On that note alone, I'm not going to ask for approval on this letter, because we're not going to get it. We're going to check to make sure this is exactly correct in the way it should read in both official languages, and we'll bring it back.

On any other issues with this, Madam Redman, and then Monsieur Proulx.

Hon. Karen Redman: I realize it may have felt like an election was more imminent when we discussed sending this letter than it is now, but I am looking for clarification. Why wouldn't we wait until it received royal assent and it went to the Senate?

Mr. Joe Preston: Can you predict how fast it would go?

Hon. Karen Redman: No. It says "before the Senate".

Mr. Scott Reid: I'm not sure where it is in the Senate.

Hon. Karen Redman: But I don't think it's very controversial.

The Chair: Jamie has a comment on where it is.

Mr. James Robertson (Committee Researcher): The bill has received second reading. It has been referred to the Standing Committee on Legal and Constitutional Affairs. I believe it has started its hearings, but I'm not sure exactly when those hearings will be completed.

The Chair: Is there any objection to sending it out early, regardless?

Hon. Karen Redman: I was just looking for a clarification. I don't feel really strongly one way or the other. We're assuming it's coming back unamended. I guess it was the fact that this clause would come back unamended. I don't have any inside information. I'm just wondering.

The Chair: Thank you very much.

Monsieur Proulx, and then Mr. Hill.

Mr. Marcel Proulx: To start with, we're talking of divulging the identity of the elector who's exercised his or her right to vote. Indirectly or directly, that's what it does. They'll be giving us the number of the voter, the number that reflects that particular voter on the list.

In point number two we're saying, "Could you provide the Committee with a draft of what section 28(i.1) of Bill C-31 describes as 'the prescribed form'...?" Maybe we should say, "provide the Committee with a draft of the form or the described form mentioned in...". We don't need a section on what clause 28 is. We need a draft, or maybe an example of what the prescribed form is.

•(1230)

Hon. Jay Hill: That's what they're asking for. That's what it says, the way I read it.

You're probably looking at the French version. Maybe there's a problem with translation again, but in the English version, I think, Marcel, it's pretty clear: "Could you provide the Committee with a draft...?"

Mr. Marcel Proulx: What clause 28 in the bill describes as the... Okay.

Mr. Tom Lukiwski: He wants to see what their prescribed form looks like. He wants a draft of it.

Mr. Marcel Proulx: Yes.

Hon. Jay Hill: And whether it's similar to the bingo sheet is the next point.

Mr. Marcel Proulx: No, I agree.

Hon. Jay Hill: Maybe the wording could be tightened up a bit, but it's pretty clear in the English version anyway, I think, what we're asking for.

The Chair: We'll look at that as well. That seems to be a bit of an issue, so we'll look at that as well.

I would remind members that we're in public.

Mr. Hill had one comment, please.

Hon. Jay Hill: In response, I suppose, to Madam Redman's concern, I really don't think there's a problem with sending these, even though it's a bit presumptive, I guess. Our side has expressed concerns about this, but both the Bloc and Monsieur Proulx—I'm not sure about Monsieur Godin, but I know the Bloc, in particular, and Monsieur Proulx.... Let's put it this way. Members of Parliament, maybe from all parties, who are from Quebec, who are familiar with this, have raised this as a concern. If an election were to happen quickly, would Elections Canada be able to implement this provision? I think that's the concern.

So I don't think it hurts us to have this on record, just expressing that we would like to know what the timeline is, that we would like to know what the form would look like, so that perhaps at least those who are familiar with it, from Quebec, could offer some constructive suggestions as to ways to improve it. We could also hear, if Mr. Mayrand is expecting any delay, whether that is a reasonable delay, in our opinion.

So I don't see any harm in sending this, I guess, is what I'm saying.

The Chair: Thank you.

Okay, colleagues, I think what we're going to do is just get the letter massaged a little, redrafted a bit, and we'll bring it before the committee again.

My apologies on the translation again. I certainly don't like doing things three times, let alone twice, but we'll get that corrected.

Colleagues, the next item on the agenda here is that I do need some direction from committee members on whether we want to hear witnesses with respect to the heritage and finance committees' letter to us regarding Internet postings. We all recall that discussion from the last time.

Mr. Hill, do you recall that? This is the issue of public meetings being posted on the Internet, whereby broadcasting licensing by the House of Commons is not granted so generally. I am looking for witnesses.

Colleagues, just so we don't run out of time here, I will suggest to you that we do invite the law clerk in to discuss the issue with us. I think we have a very good handle on the issue, but perhaps we could invite the chairs of the committee to come to brief us on that. Does that make sense to the members? I don't want to waste anybody's time.

Hon. Karen Redman: All the committees?

The Chair: No, I'm sorry, Madam Redman, the two committees that wrote to us regarding this issue, which are heritage and finance. But I don't want to waste people's time. That's a big issue.

And any other witnesses...I think we need some more.

Ms. Redman, please.

Hon. Karen Redman: It might be a thought, if a committee were to support it, to write a letter to all chairs asking if this has been a problem. I wouldn't want to see an unending revolving door, but maybe it could go to clerks or the head clerk as well. It would be just to ask if it is an issue that has been a concern. It may be specific to these two committees, but there may have been small irritants or infractions that we don't know about. We could send a letter and see what the response would be.

The Chair: Would it make sense to ask them what their suggestions on the issue would be? Would I have the authority of the committee to simply do that without bringing the letter back for approval—simply to ask the chairs to reflect on the issue, and to let us know if they've had experiences such as this? I could explain the issue briefly, for those who may not have had the experience, and ask them if they have any solutions or ideas for us.

How would it be if we were to do that? Okay.

Do we have any other witnesses? Is there any desire to have Internet security experts come before the committee?

Monsieur Godin.

•(1235)

[Translation]

Mr. Yvon Godin: Mr. Chairman, perhaps we might call on Internet experts. We need to determine, if this constitutes a violation of the Copyright Act, which organization is wronged. Is it CPAC? If it is Parliament, perhaps we should invite Mr. Milliken or the parliamentary legal counsel to explain this to us. I think we should start with the latter and determine whether the Act has in fact been violated. If it has, we could decide which witnesses could assist us in establishing a process to put an end to this problem.

[English]

The Chair: All right.

Mr. Hill.

Hon. Jay Hill: It gets back to the point that Monsieur Proulx was making in our earlier discussion, that I don't think any of us are averse to discussing this issue, perhaps even in some depth.

I'll just throw this on the table. As is the case for the other one, if the end result is not that there either exists now sufficient sanction or that we're going to recommend some sort of sanction, this type of thing is just going to continue to go on.

My colleague and I were just discussing the issue of the *Rick Mercer Report* and what he uses. He has been asked to desist with that. He takes pictures out of the House of Commons from question period, presumably from debates or whatever, that run on CPAC, and then he distorts them. All of our leaders have been treated this way. It's extremely disrespectful, and it's against the rules. But if there are no sanctions that go with the rules.... Mr. Mercer has not stopped doing this. He just continues to do it, and in any likelihood, if there were a fine, it would probably be CBC that would pay it, and the taxpayers would pay, and they would just ask for a bigger subsidy, I guess. I don't know.

Maybe it wouldn't solve anything in this particular case, but my point is valid, I think, in that there has to be some sort of sanction at

the end of the day. Otherwise this is just going to continue to snowball. I know that all parties, and certainly the whips, have discussed this whole issue of blogging and that kind of stuff, and of having access to certain videos, which we then see on blogs. That's the issue here. We're going to have to deal with it as a Parliament. But the end result is that if we're not prepared to say at some point that there's going to have to be some sanction to deter people from doing it, we can talk about it until the cows come home—which was Monsieur Proulx's point—and nothing is ever going to change. It'll only get worse.

The Chair: Colleagues, before I go to Monsieur Proulx, just to summarize our discussions here, I'm hearing that we should invite the Speaker of the House, the head clerk, and the law clerk as witnesses when we discuss this.

My thinking is that we're also going to send a letter to all the chairs asking them for their experiences and suggestions, so it sounds to me as though we should almost wait until we get the responses from those letters and continue this discussion. But I'm just trying to summarize it for you.

I was handed a piece of paper suggesting Dr. Michael Geist, a law professor at the University of Ottawa and Canadian research chair of Internet and e-commerce law, as a potential witness, just so we have that on the record. So far that's what I'm hearing about the discussion.

Mr. Marcel Proulx: I think our main concern is the television feed or audio feed that is taken exclusively by the House and shipped out. When we see clips on CBC, Global, or wherever, they all originate from the House systems. There are no CTV, CBC, or Global cameras taking clips in the House of Commons. It all comes through one funnel—our own services.

Could we ask our researcher to tell us what drives this? Surely to God there must be some rules and regulations when we feed these clips to networks. We approved the policy on broadcasting on the Hill the other day. I'm not a specialist in that, but there must be something in that. If there isn't, let's get something.

If this were something done in a movie house or a private company there'd be rules and regulations accompanying it. They would use the Broadcasting Act to give sanctions to whatever happens. Surely to God this must apply to us, don't you think?

•(1240)

The Chair: Colleagues, I'm going to let Jamie respond to that, and then we're going to wrap it up.

Mr. James Robertson: We will get information for you on that. I'm advised that when some committees travel across the country there are different controls when they meet outside of Ottawa. Sometimes people come into committee rooms and either plug into the sound systems or use electronic devices on the road. Because they're outside the precincts, there aren't the same security systems in place. As a result, there are times when people have surreptitiously taped proceedings and used that, particularly on the Internet.

So you're perfectly correct that on the proceedings that are televised by the House and sent out by the House there are certain security precautions in place. We will give you a briefing on that.

There are other issues that arise, particularly outside the precincts.

Mr. Marcel Proulx: I think we have to modernize our way of doing things.

The Chair: Monsieur Godin, please.

[*Translation*]

Mr. Yvon Godin: In my opinion, we must make the distinction between somebody guilty of abuse and who is changing what is happening here. We know that all parliamentary debates are televised. Radio-Canada, CBC, ATV, etc., in short I think that all the channels have signed agreements. There is a difference between the groups that want to rebroadcast these proceedings and someone who is using them for entertainment. There is a difference between the two.

[*English*]

The Chair: We should bring that up when we get into the discussion at another meeting, because that is a big part of this problem.

I just want to ask committee members for some direction. I made the statement earlier that we should wait until we get this letter out to chairs and get the responses back. Doesn't it seem that we can move forward on this at the same time? Perfect. So I'll just change that. We'll get the letter out and get it back, but we're going to start putting this on the agenda.

Jamie has kept a list of the witnesses we have so far. Mr. Geist is probably going to be on that list. We may have other ideas.

I want to briefly let you know about some future items. Mr. Silva will be appearing on Tuesday regarding his item of private member's business. I think we should allow Mr. Silva the entire meeting and

not subject him to half a meeting. However, we have a number of little items before the committee. If possible, I would like the steering committee to stick around at the end of that meeting. If things go well, it will be within the timeframe. The last half hour of that meeting I will try to set aside for the steering committee. Then we can get all these little items we have coming up into some order so we can deal with them here at the main committee.

I would also like to remind members that there are probably four bills coming our way. So we have a very busy agenda ahead of us. Hopefully at Tuesday's meeting an hour and a half will be dedicated to Mr. Silva and half an hour to the steering committee.

I see everybody nodding that this is the way to go.

Ladies and gentlemen, is there any further business?

Mr. Owen, my apologies.

Hon. Stephen Owen: I would like to put that off to the steering committee meeting this afternoon. A preliminary discussion of it there might be appropriate.

Hon. Karen Redman: It's Tuesday afternoon.

The Chair: Do you mean your steering committee on another committee?

Hon. Stephen Owen: We have a steering committee this afternoon, don't we?

●(1245)

The Chair: I'm sorry—that's the subcommittee on the code.

Hon. Stephen Owen: Yes.

The Chair: Okay, you're going to let that go until then.

If everybody's happy and there's no further business, the meeting is adjourned.

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