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# Standing Committee on Public Safety and National Security

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EVIDENCE

**Monday, May 1, 2006**

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**Chair**

**Mr. Garry Breitkreuz**

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## Standing Committee on Public Safety and National Security

Monday, May 1, 2006

• (1540)

[English]

**The Clerk of the Committee (Ms. Louise Hayes):** Honourable members of the committee, my name is Louise Hayes.

[Translation]

I am the clerk of the committee.

[English]

I see a quorum. We can now proceed to the election of the chair. I am ready to receive motions to that effect.

**Mr. Laurie Hawn (Edmonton Centre, CPC):** I nominate Garry Breitkreuz.

**The Clerk:** It is moved by Laurie Hawn that Garry Breitkreuz be elected chair of the committee.

Are there any further nominations?

**Hon. Judy Sgro (York West, Lib.):** I move that nominations be closed.

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

(Motion agreed to)

**The Clerk:** I declare the motion carried and Garry Breitkreuz duly elected chair of the committee.

Before we invite the chair to take the chair, we will now proceed to the election of vice-chairs.

[Translation]

I am now ready to receive nominations for the position of first vice-chair.

[English]

Pursuant to Standing Order 106(2), the first vice-chair must be a member of the official opposition.

**Hon. Judy Sgro:** I nominate Susan Kadis.

**The Clerk:** It has been moved by Judy Sgro that Susan Kadis be elected first vice-chair of the committee.

**Mr. Garry Breitkreuz (Yorkton—Melville, CPC):** Just as a point of clarification, has she been contacted? Is this all right with her?

**Hon. Judy Sgro:** Yes. She would be here, but she has a medical emergency.

**Mr. Garry Breitkreuz:** Okay.

[Translation]

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

[English]

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

[Translation]

(Motion agreed to)

**The Clerk:** I declare the motion carried and Susan Kadis duly elected first vice-chair of the committee.

[English]

I am now prepared to receive motions for the second vice-chair. Pursuant to Standing Order 106(2), the second vice-chair must be a member of an opposition party other than the official opposition.

[Translation]

**Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ):** I would like to nominate Mr. Joe Comartin, member for Windsor—Tecumseh.

**The Clerk:** Are there any other motions? Do the members of the committee wish to adopt this motion?

[English]

(Motion agreed to)

**The Clerk:** I declare the motion carried and Joe Comartin duly elected second vice-chair of the committee.

I now invite the chair to take the chair.

**The Chair:** Thank you very much, colleagues. I'm honoured to have been selected as your chair. I hope I can fulfill your expectations. I look forward to working with all of you. If any of you ever have concerns, please come and see me. I'm open, and I want to be fair. I want to make sure this committee works. So thank you very much for the faith you have shown in me.

I also want to congratulate the vice-chairs. I look forward to working with them as well.

We don't have to go to any more business today, I guess, but we could agree on the routine motions. You should have a copy of those. We can adopt those before we adjourn and maybe also have a little discussion on what we might do in the future. I think on Wednesday there is an informal item of business that we could deal with.

Are we prepared to go ahead with adoption of these routine motions? These are the ones the committee operated under when we dissolved Parliament. I think they've been working quite well generally.

Does anybody have any comments or concerns, or wish to make a motion that these be adopted?

• (1545)

**Hon. Irwin Cotler (Mount Royal, Lib.):** So moved....

**The Chair:** Should we go through them one at a time, or are you willing to simply go through the whole group?

**Hon. Judy Sgro:** Let's go through them one at a time.

**The Chair:** Okay. Let's take a look at motion number 1, services of analysts from the Library of Parliament.

**An hon. member:** I so move.

(Motion agreed to)

**The Chair:** I will now ask Mr. Rosen to come to the table. He has given tremendous support to the justice committee in the past. He has done a lot of work and is an invaluable resource to this committee. I appreciate his giving us that support again.

Number 2 concerns the subcommittee on agenda and procedure, that the subcommittee be composed of a chair, two vice-chairs, and a member of the other opposition party.

**Hon. Judy Sgro:** I move approval.

**The Chair:** Thank you.

(Motion agreed to)

**The Chair:** Number 3 concerns reduced quorum: that the chair be authorized to hold meetings to receive evidence and to have that evidence printed when a quorum is not present, provided that at least three members are present, including one member of the opposition. That's for special subcommittees.

**Hon. Larry Bagnell (Yukon, Lib.):** And for witnesses.

**The Chair:** And witnesses, yes.

**Hon. Judy Sgro:** I move approval.

(Motion agreed to)

**The Chair:** Thank you.

The next motion concerns the distribution of documents: that the clerk of the committee be authorized to distribute to the members of the committee only the documents that are available in both official languages.

I believe that's standard for all committees. Are there any questions on that?

**Hon. Judy Sgro:** I so move.

(Motion agreed to)

**The Chair:** The fourth motion concerns working meals: that the clerk of the committee be authorized to make the necessary arrangements to provide for working meals for the committee and its subcommittees. I think there's a limit to how many we can have, but that is something that is usually—

**Hon. Judy Sgro:** I move approval.

(Motion agreed to)

**The Chair:** Number 6 deals with time limits for witnesses, statements and questioning.

David.

**Mr. Dave MacKenzie (Oxford, CPC):** I'm wondering if we would be advised to list the rotation of the speakers.

**The Chair:** And include that in the motion?

**Mr. Dave MacKenzie:** Yes.

**The Chair:** Perhaps you can give us an idea of what your suggestion is there.

**Mr. Dave MacKenzie:** I'd suggest we say that, in the first round, the Liberal Party goes first, then the Bloc, the NDP, and the Conservatives; in the second round, the Liberals, the Conservatives, the Bloc, and the Conservatives; and in the third round, the Liberals, the Conservatives, the Liberals, the Conservatives, and, if there's additional time, the Bloc and the NDP.

**The Chair:** That's because of the division of parties in this Parliament, so that all members would have a chance to get a question in?

**Mr. Dave MacKenzie:** That's right. I know in the last parliament the NDP sometimes didn't get a chance to speak if we got short of time. This way the rotation would be there.

**The Chair:** Yes, Mr. Ménard.

[Translation]

**Mr. Serge Ménard:** Have we finished dealing with the matter raised by Mr. MacKenzie?

[English]

**The Chair:** We're still discussing motion 6.

[Translation]

**Mr. Serge Ménard:** My comment is on another topic, but one which is still related to motion no. 6.

• (1550)

[English]

**The Chair:** Go ahead.

[Translation]

**Mr. Serge Ménard:** I would like to see the time set aside for the questioning of witnesses reduced by half, that is to say, I suggest that we give three and half minutes to the first speaker and two and half minutes to the next ones, but that we only count the time spent asking questions.

That suggestion is based on my experience, which is short, but which is confirmed by the experience of the members who have been sitting on this committee far longer than I have. I remember that at a briefing given to new members during the last session, one of the wise advisors who had been assigned to us pointed out the same thing, which was that we would be hearing — especially in the area of public safety and security — experienced witnesses who would be very well aware of the rules and limits to our interrogations. They have learned to take a very long time to answer questions. During a seven-minute period, we can ask one or two questions, but the witness can choose not to answer the question precisely and use up all of the available time.

I know that tactic was used when the Standing Committee on Public Accounts was examining everything related to sponsorships. A newspaper reported that one of the witnesses from the Prime Minister's Office had coached the other witnesses on what they had to do: They needed to use up the five to seven minutes available replying to the first question.

This might also teach us to ask succinct and precise questions, which would allow us to obtain more information from witnesses. It would not be a bad thing.

When I made this suggestion at the briefing given to new members the House of Commons advisors who were present replied that this would be a positive thing.

I am making this suggestion because it would really give us time to ask questions. If a witness is attempting to avoid answering a question, we can get him to address the topic of the question by asking him short and well-thought out questions.

[English]

**The Chair:** I don't know if anybody has a response to that.

My concern would be how you can put that on paper, and how can you enforce that kind of thing? Sometimes there is a series of questions. Would you time each one individually? That might be a very difficult thing to try to implement.

[Translation]

**Mr. Serge Ménard:** First of all, Mr. Chairman, I think there are, and have been for a long time, all kinds of timekeeping systems on the market. It would be a good thing if the clerk kept an eye on things and informed you of the fact that a given member of the committee has spoken for two and a half minutes and that he has one minute remaining. For instance, we could grant three and a half minutes to the first speaker from each party and two and a half minutes to the other speakers. The clerk could inform you that the member's time has expired.

Of course, the time allocated would not always be the same. Since I sat on committees with you before, I am convinced that you are sufficiently impartial to do this. You might have to interrupt a witness who appears to be—since we always have to give the benefit of the doubt to the witness—avoiding answering the question or is continuing to speak without really addressing the topic of the question that was put to him. In my opinion, this procedure would require that the chair intervene a little more often. However, we elected you because we know that you can chair with impartiality.

How do we keep track? It is simple: as soon as the committee member begins to put his question, the clerk pushes the button and starts the chronometer; when the member has finished asking his question, the clerk presses the button to stop the chronometer. He does the same thing all over again as soon as the member starts to ask another question. The House will have to purchase a few chronometers, but they are easy to find on the market.

• (1555)

[English]

**The Chair:** Dave.

**Mr. Dave MacKenzie:** I understand the problem, but I don't know if that's the real solution. You're going to limit the time of the

questioner, but I don't know how you're going to limit the time of the witnesses, because you may want to hear them for more than a short period of time. I think the member is absolutely right, there are those people who are pretty astute in running out the time on you, but they are witnesses before the committee, and I don't know how you can get them to speed up what you want to hear from them or to address only those issues you want to hear.

**The Chair:** I'm very sympathetic to what you're trying to do. I'm just trying to understand how, as a chair, in trying to be fair, I can actually enforce that. That, to me, would be a concern.

[Translation]

**Mr. Serge Ménard:** Mr. Chairman, you may not have to intervene at all. Of course, the witness has all the time he or she feels is needed to reply to the question.

Under the current system, when a witness is encroaching on a member's speaking time, he can only take it so far, but he prevents the other members of the committee from asking questions. If a witness is obviously talking about something else besides the topic raised by the question, I am sure that you will be able to intervene in an impartial and fair manner in order to direct the witness to address the questions that are being put to him.

I do not think that this poses a problem for the witness, since there is no time limit set on answering questions.

[English]

**Hon. Judy Sgro:** In trying to sort it out, because it does tend to be a problem sometimes, and it is difficult for you to control it... But given that it is an issue we all would like to see resolved a bit, is it possible for you to tell each witness to please be specific, to the point, and to try to keep their answers to within two minutes—something along those lines?

It's not easy for you to do that, though, because you're going to have to remind them continually to try to keep their answers to two minutes, and there are times when they're going to have to exceed that, which would be the exception.

**The Chair:** Yes, you make a good point, Ms. Sgro.

I tend to be a servant of the committee. If you see this happening... Very often a member will say, "On a point of order, would the chair please ask the witness to answer the question?" I would almost throw the onus back on you to keep things on track. If I come down with a heavy hammer all the time, some members of the committee will say I'm playing favourites. Sometimes the onus should be on the members to help me ensure that witnesses do stay on topic. Very often, they simply do that through points of order.

Could the problem be solved, Monsieur Ménard, with members of the committee saying, "On a point of order, would the chair please ask the witness to reflect on this aspect of what I've asked about?" Do you think we could leave it at that? I think it would be very difficult to put this into a standing order that would be enforceable.

[Translation]

**Mr. Serge Ménard:** What I am suggesting is much easier, both for the chairman and for the witness. The latter has all the time he feels is needed to answer questions, and the chairman only has to intervene in the most exceptional cases, since he knows that the witness is not misusing the time he has. Under the current system, if you have to intervene, you do so when there is little time left, whereas with the other system, you would not intervene, because you'd always give the witness the benefit of the doubt. You can give the witness a little more time and only intervene in the most extreme cases.

I am convinced that my method would be extremely fair to witnesses and that it would be much more efficient for the members of the committee, who have prepared serious questions they would like the witness to answer. This is new, and perhaps the novelty of it is frightening to people. I am convinced that the method you are trying to adopt has already been tested and does not work. I assure you that in the case of an experienced witness, the chairman can intervene three or four times. The fourth time, the allocated time has already expired, the member who asked the questions is disappointed, as well as the other members of the committee, and the witness has attained his objective, which was to not answer questions.

• (1600)

[English]

**The Chair:** If there's no further discussion, may I suggest the following: that you submit a proposal in writing that we could discuss at a future meeting or maybe bring up at a steering committee.

Mr. MacKenzie has also made a proposal here for the speaking order. Do you want to bring up both of these? We can adopt motion number 6 as it is now, and yours would be in addition to that, a clarification, or we could postpone motion number 6.

[Translation]

**Mr. Serge Ménard:** I think it would be preferable to postpone that study. We could also agree on a common suggestion.

[English]

**The Chair:** Well, I'm suggesting a way to proceed. If you think there's another suggestion as to where we can go from here, just let me know.

Yes, Mr. Bagnell.

**Hon. Larry Bagnell:** I agree with the chair's suggestion. I think if you put it in writing, because some of the committee members.... I understand what you're saying and I don't have a problem with it, but I think some of the committee members may not understand it.

If Mr. MacKenzie puts his proposal in writing, I'd also like it if the clerks could, adjacent to Mr. MacKenzie's proposal, put the rotation that we used last time on this committee so we could have a comparison.

**The Chair:** I think that rotation is number 6. Okay, that's a good suggestion.

Okay, let's move on to motion number 7, witnesses' expenses: that if requested, reasonable travel, accommodation, and living expenses

be reimbursed to witnesses, not exceeding one representative per organization; and that in exceptional circumstances payment for more representatives be at the discretion of the chair.

**Mr. Dave MacKenzie:** So moved.

(Motion agreed to)

**The Chair:** Motion number 8, staff at in camera meetings: that unless otherwise ordered, each committee member be allowed to be accompanied by one staff at an in camera meeting.

Yes.

[Translation]

**Mr. Jean-Yves Roy (Haute-Gaspésie—La Mitis—Matane—Matapédia, BQ):** Thank you, Mr. Chairman.

I have a minor amendment to propose. The motion refers to one staff member. This means one member of the MP's staff, and that is not necessarily the case. It could be a member of his party's staff, but not necessarily a member of his own staff. I would like the motion to be amended in this way: that unless otherwise ordered, each committee member be allowed to be accompanied by a party staff member at an in camera meeting. It could be someone from the research service; the person present is not necessarily one of the member's assistants.

[English]

**The Chair:** Let me have a clarification on that. What you're suggesting doesn't contradict this, does it? If you have a staff person accompanying you, it's up to you who that staff person is.

[Translation]

**Mr. Jean-Yves Roy:** Yes. However, according to the French wording, this refers exclusively to a member of the member's staff. However, that is not necessarily the case.

**Mr. Serge Ménard:** In my opinion, something has obviously been added to the translation.

[English]

**The Chair:** Okay, we can correct that in the French. Apparently that is what it is.

Is there any other discussion on that?

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

• (1605)

**The Chair:** Last is private members' business: that when a private members' business bill is referred to the committee it be placed on the agenda, and that a sponsor be invited to appear before the committee.

Is there any discussion on that one?

**An hon. member:** I so move.

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

**The Chair:** We have two more.

Motion number 10 is that one copy of the transcript of each in camera meeting be kept in the committee clerk's office for consultation by members of the committee.

It is so moved. Is there any discussion?

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

**The Chair:** The next one is on notices of motions: that 48 hours' notice be required for any substantive motion to be considered by the committee, unless the substantive motion relates directly to business then under consideration; and that the notice of motion be filed with the clerk of the committee and distributed to members in both official languages.

That is pretty standard.

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

**The Chair:** Thank you very much.

On Wednesday we have a delegation from the Czech Republic that would like to meet with members of this committee. They are in town only until this Wednesday, May 4. The question is, should we hold a meeting? We could arrange to meet with them informally during our regular meeting time or prior to the meeting, if you wish.

The delegation is composed of members of the permanent commission for the control of military intelligence services and permanent commission for the use of operational technique by the police in the Czech Republic. These are part of the structure of the chamber of deputies in their Parliament. They wanted to discuss topics such as the RCMP, budget monitoring, anti-drug policies, anti-terrorism, organized crime, criminal issues, and also Parliament and the activities and powers of the Security Intelligence Review Committee and various issues associated with it. There are seven members of the committee.

What is your desire in relation to that? Does anybody have any comments or want to make a motion that we meet either before or during our regular committee time on Wednesday? We do not have any other agenda items at this point that I am aware of.

**Mr. Rick Norlock (Northumberland—Quinte West, CPC):** It seems appropriate, if there are no other matters to be brought forward.

**The Chair:** Okay, is there any further comment? Does somebody want to make a motion that we meet with them in an informal manner? Is that part of your—

**Mr. Rick Norlock:** During the meeting.

**The Chair:** How long a time do we want to give them? Do you want to suggest an hour?

**Mr. Rick Norlock:** An hour seems a bit more than appropriate.

**The Chair:** Okay. If it takes less time, that's fine.

I've just been told that an hour may be cutting it a bit short, because the interpretation has to go from Czech to French to English.

**Mr. Rick Norlock:** How would it be if the motion were at the pleasure of the chair? You know what this body intends in an hour. Then take into account the translation problem.

**The Chair:** Okay, if we find out that after one hour we...

Yes.

**Hon. Irwin Cotler:** Mr. Chairman, my concern is that they are coming, I assume, to learn from us about certain matters, and we have yet to learn about these matters ourselves. I just wouldn't want it to be a meeting from which they would come away and say they

knew more about this than we did. Some of the subject matters you mentioned are correctly ones on which we ought to share our appreciation of those subjects with them, but we may not yet have that understanding.

**The Chair:** Sir, can I be assured that you will be here?

**Hon. Irwin Cotler:** I will be here.

**The Chair:** You will be here. It will facilitate the meeting greatly if I can have your assurance that you will be here.

Let's commit to an hour. Is that okay? And if at the end of an hour we see we need another half an hour, can we just allow for that flexibility? Is that okay? From 3:30 to 4:30 or, if need be, until 5 o'clock: allow that time on your schedule.

Mr. MacKenzie.

**Mr. Dave MacKenzie:** The other thing we will do then is deal with item 6.

• (1610)

**The Chair:** Yes, we'll have to do that. When will we do that? That's your question?

**Mr. Dave MacKenzie:** I'm thinking we should do it on Wednesday.

**The Chair:** On Wednesday, after our meeting with the people from the Czech Republic? Okay, if they've received the written proposal tomorrow.

Mr. Roy.

[*Translation*]

**Mr. Jean-Yves Roy:** Mr. Chairman, did you not suggest that the subcommittee meet and study the motion before submitting it to the committee? Will the subcommittee meet between today and Wednesday to study the motion that will be presented? If I am not mistaken, this is the motion that was adopted: that Mr. Ménard's request be submitted to the subcommittee, that the subcommittee examine the options and submit this request to the committee after having discussed them.

[*English*]

**The Chair:** We don't have a subcommittee struck. I just gave that as a suggestion. Do we have to have it go to the subcommittee when it's going to come back here anyway?

**Mr. Dave MacKenzie:** My thought is that Monsieur Ménard will bring it back, I'll give you this list, and we can deal with it right here.

**The Chair:** I think another meeting would almost be a waste of time, because it will have to be discussed at the big meeting here anyway. Is it all right with you if we simply bring it to the main committee? I think it would be a waste of time otherwise. Okay.

Are there any other issues? Mr. Ménard, did you have something?

[*Translation*]

**Mr. Serge Ménard:** I attend to draft my motion immediately, and we can discuss it. I understand English, but I don't write it well. So I will draft it in French.

[*English*]

**The Chair:** Mr. Comartin.

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Can I just get the names of the full members of this committee? I know there are people substituting today. I know Ms. Freeman is the other Bloc member. Susan Kadis is the name I have for the Liberals. I wasn't clear if Ms. Sgro was a permanent member.

**The Chair:** No.

Mr. Comartin, we can give you a copy. Mr. Raymond Chan is on the committee, Mr. Irwin Cotler, Ms. Susan Kadis, Ms. Tina Keeper, Ms. Carole Freeman, Monsieur Serge Ménard, you; and on this side the people present are those who are on the committee.

**Mr. Joe Comartin:** Except for Mr. Brown.

**The Chair:** Pardon me.

**Mr. Joe Comartin:** I know that's not Mr. Brown.

**The Chair:** Right.

There's one more item we could deal with at this point, and that is whether we would like the steering committee to suggest to us future business of the committee and have a meeting of that steering committee.

Yes, Mr. Comartin.

**Mr. Joe Comartin:** I was going to suggest, Mr. Chair, that the steering committee probably should be meeting before the end of the week, if that's at all possible, to determine what future business can be recommended to the full committee. It would be just a short half-hour meeting.

**The Chair:** Sure. I presume the steering committee consists of me, you, Ms. Kadis, and someone from the Bloc. The Bloc would have to choose somebody—you, Mr. Ménard? Okay, and there would be somebody from this side.

At what time would you suggest we meet? The suggestion is that the clerk could contact the members' offices.

Is there anything else? Yes.

•(1615)

**Mr. Joe Comartin:** As for the scheduling, Mr. Chair, I have a family funeral that I'm likely to go to on Wednesday, so I would probably not be here at the meeting or available for the subcommittee meeting either.

**The Chair:** Is there anybody you could get to fill in for you who might be knowledgeable on these subjects? It would be appreciated.

**Mr. Joe Comartin:** I cannot imagine, Mr. Chair, that anybody could fill in for me.

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

**The Chair:** Just as a courtesy to all those people who—

**Mr. Joe Comartin:** Actually, my whip has offered to fill in for me on Wednesday, so it may very well be Mr. Godin.

**The Chair:** Okay, very good.

Mr. MacKenzie.

**Mr. Dave MacKenzie:** I understood there may be one other visiting delegation.

**The Chair:** The Finnish delegation is coming on Monday. Yes, thank you for reminding me. They would like to meet with us as well. I don't see the note here regarding whether that would be an informal meeting as well.

Are we willing to meet with them on Monday? We can maybe deal with that right now. They will be in town for two days, May 8 and 9. It would be a similar routine to what we just agreed to on the visit from the Czech Republic. The Finnish parliamentary legal affairs committee is asking to meet with us. Does anybody have any feelings on that?

**Mr. Dave MacKenzie:** I so move.

**The Chair:** You move that we meet with them on Monday? Okay.

**Mr. Joe Comartin:** We're proposing to meet with them at our regular time?

**The Chair:** Yes, from 3:30 to 4:30 on Monday.

**Mr. Laurie Hawn:** The same rules of engagement?

**The Chair:** Yes, I'm suggesting that we use the same routine.

(Motion agreed to)

**The Chair:** Are there any other issues to deal with at this point?

I appreciate your cooperation. I will therefore adjourn the meeting to the call of the chair.









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