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# **Standing Committee on Access to Information, Privacy and Ethics**

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**EVIDENCE**

**Thursday, November 22, 2007**

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**Chair**

**Mr. Paul Szabo**

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## Standing Committee on Access to Information, Privacy and Ethics

Thursday, November 22, 2007

•(1105)

[English]

**The Chair (Mr. Paul Szabo (Mississauga South, Lib.)):** Order. I'm now prepared to rule on the admissibility of motions submitted to—

**Mr. David Tilson (Dufferin—Caledon, CPC):** I have a point of order, Mr. Chairman. I have put you on notice that I was going to raise this point of order. It has to do with some comments that were made by Mr. Martin at the end of the last meeting that were most inappropriate. You, sir, have an obligation to keep order in this meeting. You have an obligation to maintain the integrity of this committee.

Mr. Martin, whom I have sat with on other committees, is normally an excellent member of committees, and he normally isn't subject to those outbursts. I hope it was something that he simply lost control of for a few moments. I believe he should apologize not only to you, sir, because the remarks were directed toward you as the chair... I could go into the rules of order of the House that talks about that, but I'm not going to do that. Most of you are all aware of that. Certainly his comments were most inappropriate, and considering that this is the ethics committee—this is the ethics committee—and we have members making derogatory comments to the chair of the committee on at least two occasions, once from his chair and once from up here, I hope we'll give him a chance to speak. Hopefully he will withdraw or apologize profusely, because of all the committees, this is the committee in which you don't act in that fashion.

**The Chair:** Thank you.

**An hon. member:** A point of order, Mr. Chair.

**The Chair:** I have a point of order.

**Mr. David Tilson:** Mr. Chairman, I'm still on my point of order. You listened to me and now you're moving on. Are you not going to rule on my point of order?

**The Chair:** I apologize. I thought you had completed your comment, sir.

Carry on.

**Mr. David Tilson:** Do you want me to go on? If you're not going to say anything, I'll go on and we'll make a speech.

**The Chair:** Mr. Martin and I have met and we spoke last night and again today. He has apologized to me and I accepted his apology.

**Mr. David Tilson:** Sir, I believe he should apologize to the committee.

**The Chair:** Mr. Martin, would you care to address the committee?

**Mr. Pat Martin (Winnipeg Centre, NDP):** Thank you, Mr. Chair. I will speak to the point of order. I did plan, when I got the floor later in the meeting, to preface my remarks with a statement something like the following. I do sincerely regret my outburst from yesterday. I apologize to anyone within earshot. Whether it was within the meeting or not, I believe the gavel had probably banged. But that doesn't matter. Vulgar words were used, and I regret that and apologize for using that language.

**The Chair:** Good. Thank you. You're a good member.

**Some hon. members:** Hear, hear!

**The Chair:** Thank you.

I'm now prepared to rule on the admissibility of motions submitted to our committee that relate to the Mulroney Airbus settlement and the ethical standards of public office holders.

At our November 20 meeting I advised the committee that our clerk, in consultation with the acting principal clerk of committees, had concerns with respect to the admissibility of motions submitted to our committee that relate to the Mulroney Airbus settlement. Substantively, the concerns brought into question were whether these motions were within the mandate of the committee.

The members will know that the general mandate of all standing committees is laid out in section 108 of the Standing Orders of the House of Commons. The more specific mandate of our committee is presented in paragraph 108(3)(h), items (i) to (vi).

Having reviewed the Standing Orders, I can see no disagreement that items (i) through (v) are not applicable to the question of admissibility of the motions for which concerns have been expressed.

Item (vi), in relation to ethics matters only, effectively reads that the mandate of our committee shall include:

the proposing, promoting, monitoring and assessing of initiatives which relate to...[the] ethical standards relating to public office holders

The concerns expressed to me as chair relate to the term "initiatives", which is not defined in the Standing Orders.

If the paragraph is read to assume that “initiatives” refers only to the initiatives of this committee or the Ethics Commissioner, the paragraph is restrictive. If, however, the paragraph is read to assume that “initiatives” includes initiatives of entities other than this committee or the Ethics Commissioner, the scope of our mandate is substantially enhanced.

This committee was created to take a principal role in the areas of access to information, privacy, and ethics; therefore, to restrict its scope in these areas would also restrict its ability to discharge its responsibilities.

The Government of Canada has called for a public inquiry into the Mulroney-Schreiber affair, which resulted in a \$2.1 million settlement from taxpayers to cover Mr. Mulroney's defamation lawsuit. This initiative—and I stress “this initiative”—by the Government of Canada was prompted by new evidence and allegations that may—and I stress “may”—involve ethical violations by public office holders.

Having consulted with procedural officials and legal counsel, it is my ruling that the motions related to the Mulroney Airbus settlement are admissible within the mandate of this committee.

I invite Mr. Martin to move his motion.

•(1110)

**Mr. Dean Del Mastro (Peterborough, CPC):** A point of order.

**The Chair:** There is a point of order from Mr. Del Mastro.

**Mr. Dean Del Mastro:** Thank you, Mr. Chair.

I have spent considerable time reviewing the mandate of this committee. I strongly suggest to you.... I did hear what you had to say, but in light of the efforts I've made in reviewing the very tight guidelines with which this committee was established—because this committee was established specifically to ensure ethics in the House of Commons—the only way this committee could entertain any of these motions, with the exception of the one that's been put forward by the parliamentary secretary, is by reference from the House of Commons.

There is a specific.... It says “and any other matter the House shall from time to time”—

**The Chair:** Please answer the question. Is the point of order to challenge the decision of the chair?

**Mr. Dean Del Mastro:** No, my point of order is to suggest that in the last meeting you were entertaining arguments as to why they should be admissible—any of those motions. We have not heard those arguments as to why they should be admissible.

I heard you suggest why you feel they may be admissible, or why you feel they are admissible. My feeling is that they are not admissible under the Standing Orders that have been established.

This committee was established with very tight parameters as to what it is to be working on. This committee could be doing some very good work. I don't believe it's in the interest of Parliament and I don't believe it's in the interest of Canadians that this committee chase off on a witch hunt. I suggest, if I may, that if the committee is to entertain these motions, it needs to do so via a reference from the House of Commons.

**The Chair:** Thank you.

Mr. Del Mastro, I do not believe that is a point of order.

Order, please.

Now I have a point of order from Madame Lavallée.

*Vous avez la parole.*

[Translation]

**Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ):** Mr. Chair, I would like to interrupt my colleague Mr. Del Mastro because according to the Standing Orders, a ruling of the chair cannot be debated. You can challenge it or uphold it, but you cannot debate it. I am asking Mr. Del Mastro to stop debating your ruling.

**The Chair:** You are right, madam.

[English]

Mr. Martin, would you please move your—

**Mr. David Tilson:** A point of order, Mr. Chairman.

I don't mean to annoy you. These are important issues that I believe we're raising. I sense you are being annoyed and I don't mean to do that.

The issue I wish to speak on involves Mr. Thibault. Mr. Martin is going to make a motion and you have now ruled it is in order to make that motion. Ultimately, we're going to vote and debate that matter. Mr. Thibault will be in a position to correct me if I'm wrong. I believe he's an honourable fellow. I've sat with him on committees and I've observed him. But it's my understanding that this topic, this whole issue, involves Mr. Schreiber and Mr. Mulroney, and as I understand it, Mr. Mulroney has a lawsuit against Mr. Thibault.

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

•(1115)

**The Chair:** Order, please.

I would simply ask Mr. Tilson to specifically state the rationale for a point of order.

**Mr. David Tilson:** The point of order, Mr. Chairman, is that I believe Mr. Thibault should recuse himself from this committee. He cannot use this committee as an examination for discovery—or a question, as it is now known in the legal field—to further his personal action. Justice must appear to be done, whether it's in the courts or whether it's in this committee.

With all due respect to Mr. Thibault, and you, sir, I don't even know whether you have the jurisdiction to recuse him. You probably don't.

I'm going to rely on his honour, because I don't think he should participate in this debate. I don't think he should participate in any voting on any of these matters, because he is personally involved. If this were a municipal council, he'd be out of here. He'd be gone. He would have to recuse himself. Otherwise he would be sued.

I believe that because of his conflict of interest in these proceedings, Mr. Chairman—and the clerk may have to assist you; I don't know whether you have the authority to recuse him. You may not. If you don't, I'm going to rely on his honour to recuse himself. If he doesn't recuse himself, I will guarantee you that further action will be taken.

**The Chair:** Thank you.

Mr. Tilson, on the questions you have raised with regard to a potential conflict of interest of a member who is sitting before this committee and participating as a full member, I take your point. I understand it clearly. I'm going to reserve my decision on that, and we'll get back to you and to the committee.

**Mr. David Tilson:** Mr. Chairman, I appreciate that it's probably an unusual question. I don't know how many times it has been asked in this place, but because we are now on the verge of debate, Mr. Martin is going to make his motion. Presumably, we're going to get into debate on that discussion and ultimately we're going to vote on that discussion, and I believe your decision should be made before any debate and before any vote.

I would suggest that you adjourn and consult with the clerk and consult with whoever you wish to consult with, but this matter should be resolved before Mr. Martin proceeds with his debate and certainly before this matter is voted on.

**The Chair:** Thank you.

I take the point. I'm going to reserve my decision. I understand that Mr. Thibault is not going to be.... On the same point of order, I believe Mr. Thibault has asked to speak to that point.

Would you like to yield on that?

**Hon. Robert Thibault (West Nova, Lib.):** No.

Madame Lavallée asked before I did.

**The Chair:** Madame Lavallée, do you wish to speak on this point of order, not a new one? Okay.

[Translation]

**Mrs. Carole Lavallée:** Yes, Mr. Chair.

First, when a committee member raises a point of order, he must be allowed to speak immediately. This is the nature of a point of order. I was not asking to speak, I was raising a point of order.

That said, I think that Mr. Tilson's remarks are completely out of order. His comments are not on the agenda, and he is making them specifically to waste our time. This is another stalling tactic taken right out of the little manual they have for malicious Conservatives with something to hide.

Mr. Chair, I would like us to refrain from all these allegations against Mr. Thibault and to begin dealing right away with the motions that are on the agenda and that have been distributed for some time.

[English]

**The Chair:** Thank you.

On the same point of order, Mr. Thibault.

**Hon. Robert Thibault:** I hope the chair will take due time to consider this matter and consider it seriously. I'd like Mr. Tilson and all members to consider what they're suggesting. What's being suggested—and I know it's common practice and it's well accepted—is that if a member of any committee has a pecuniary interest in a matter that is being debated at the committee, they recuse themselves...if they have a family business interest in that thing.

As to alleged, supposed, proposed, maybe, might be legal action, personal legal action, against a member of the committee, I don't know that that would meet that test. I think if we did succumb to that, it wouldn't be very long before we would have 308 lawsuits in this House of Commons against everybody for minor matters, dilatory matters, to try to remove members of Parliament from being able to debate questions of interest where it would serve somebody out in society better to have them not participate.

So in the interest of democracy, Mr. Chairman, and of parliamentary tradition, I hope you have a serious look at this preposterous suggestion by Mr. Tilson.

The second question I ask is, how could Mr. Tilson possibly be aware of a legal action that I'm not aware of?

• (1120)

**The Chair:** Having heard the statements of the members...Mr. Thibault, I understand your point, but the member has asked an important question. It is a matter on which we should seek proper assessment by legal counsel, and I will undertake to do that immediately—have the officers arrange for the information to be provided to me and for the committee. I'm going to reserve until I have the legal opinion as to the rights, because the member has the right to move the motion. Mr. Thibault also has the right to participate, unless the case is made clearly that it is inappropriate for him to participate.

I assume that Mr. Thibault is not going to participate in debate at this time.

**Hon. Robert Thibault:** Mr. Chair, I don't know where you would get that assumption. I am sitting here as a member of committee, signed in by my party. I have the full right to participate, unless told by the Speaker of the House of Commons that I don't.

**The Chair:** Yes, absolutely. I was anticipating, since we are going to go to Mr. Martin's motion.

So I have reserved, then, and I would ask Mr. Martin to move his motion.

**Mr. David Tilson:** On the same point of order, Mr. Chairman—and I appreciate Mr. Thibault's comments—I don't even believe he should be at this table at any time when this discussion is coming up. He has tried to distinguish the issue between owning a business and a lawsuit. However, he does, with due respect to Mr. Thibault, have a pecuniary interest. He is being sued for a lot of money. That's called pecuniary interest. And it is in his personal interest that the plaintiff in that particular action look badly. I don't think he should have the right to vote in this committee, nor should he have the right to vote in Parliament.

I believe, Mr. Chairman, it would be appropriate—I understand that you want to consult with people, and there are parliamentary legal people in this room right now as we speak, because I recognize them—before Mr. Martin proceeds, that you adjourn these proceedings for a short period of time so that you can consult with the clerk and the legal people in order that you can make the appropriate decision.

**The Chair:** Mr. Tilson, I hear your arguments, and I would like to take the opportunity to do such consultation. I will reserve my decision.

Now I'm going to have another point of order.

[*Translation*]

Mrs. Lavallée, please.

**Mrs. Carole Lavallée:** A point of order, Mr. Chair.

You made a ruling and the subsequent discussion had nothing to do with that ruling. So, I suggest that we move to another stage. If your decision is upheld, we move on. I suggest that we put a stop to Mr. Tilson's flim-flam; these are not points of order, he is just wasting our time. Once more, he is delving into his little Conservative manual; it must have been on his bedside table yesterday.

I move that we now proceed with the agenda.

[*English*]

**The Chair:** Thank you.

I will call on Mr. Martin to move his motion.

**Mr. Pat Martin:** Thank you very much, Mr. Chair.

Thank you, committee, for this opportunity to put this motion. I believe I served notice of motion on the 14th. That's my understanding.

I would like to move the motion and speak briefly to it. Do I understand, Mr. Chairman, that I have the floor? I move the motion and then address the motion, or should I make some remarks first?

• (1125)

**The Chair:** Please read the motion into the record, and then we are on debate and you will debate your motion.

**Mr. Pat Martin:** Very good. Thank you, Mr. Chairman.

I, Pat Martin, move:

That the Standing Committee on Access to Information, Privacy and Ethics undertake a review of matters related to the Mulrony Airbus libel settlement; including any and all new evidence, testimony, and information not available at the time of the settlement so as to determine if there were violations of ethical and code of conduct standards by any public office holders; and to report to the House on its findings, conclusions and recommendations.

Mr. Chairman, I have some brief rationale and explanation as to why I put this motion forward. I believe Canadians deserve some straight answers to some very simple questions. I'm very concerned that a public inquiry may either never take place at all if Mr. Schreiber is sent out of Canada, or if such a public inquiry does take place, it may be so massive and cumbersome that it may in fact collapse under its own weight before Canadians get some of these straight answers to very simple questions.

I put it to you, Mr. Chairman, that the matter is properly before this committee. I won't go into that at any length because I appreciate your ruling after your investigation of the matter that we have an obligation, as the ethics committee, to ensure that the House of Commons and all public office holders are operating at the highest ethical standards and that the codes of conduct are thorough and robust enough to ensure there is in fact that appropriate action.

The last point I will make on why I think it's important for our committee to study this is that we also need to visit the regulations dealing with lobbyists on Parliament Hill, because surely at the root of the whole Schreiber kickback Airbus scandal, or the allegations associated with them, is one rogue lobbyist who is accused of lining pockets and peddling influence around Parliament Hill.

Even though we tried to address the regulation of lobbyists in the Federal Accountability Act, those regulations have never been implemented. To this day, nothing has really changed that would preclude another person from peddling influence in the same fashion as these allegations.

So if for no other reason than to make recommendations to ensure that our code of conduct is robust enough to keep public office holders to the highest ethical standards, and to revisit and perhaps amend the regulations pertaining to lobbyists, our committee should get busy and review these allegations—not in the context of guilt and innocence and accusing people, etc.; that's not our job, our expertise, and it's not our mandate. We can concentrate on, and make some real substantial progress on, the code of conduct and ethical standards of all public office holders.

The last thing I will say is that timeliness is everything here. Timeliness is of the essence, not just because we're dead up against the extradition of Karlheinz Schreiber on the first of next month, but because all of us in this room have been tainted by these allegations, by the terrible optics of the possibility of a former Prime Minister taking bags full of cash in secret hotel room meetings. That image in the public's mind stains every one of us in this room, and it also further harms the jaded perception the electorate has of politicians and their democratic institutions generally.

So for those reasons, I appeal to my fellow colleagues on the committee to support this motion to undertake this study.

Thank you.

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

I have the speakers list. I'm going to go to Mr. Hubbard, but I would like to now rule on the point of order raised by Mr. Tilson with regard to Mr. Thibault.

Coincidentally, a similar question arose in the public accounts committee this morning that was related to a conflict of interest and a question of whether a member should recuse himself from any activity of the committee.

It was the opinion of legal counsel, and I concur, that the member has rights as a full member of this committee. He is assigned to this committee at this time, and there is no requirement, obligation, or reason for him to recuse himself. That is his decision, should he become aware of a reason that would require him to recuse himself. The committee cannot force a member to recuse himself.

Thank you very much.

Mr. Hubbard, please.

• (1130)

**Hon. Charles Hubbard (Miramichi, Lib.):** Thank you, Mr. Chair.

I would like to make an amendment to Mr. Martin's motion by deleting all the words after the first word, "that", and replacing them with the following:

in order to examine whether there were violations of ethical and code of conduct standards—

**The Chair:** Where would it be amended?

**Hon. Charles Hubbard:** It would be after the first word, "That". So it would read as follows:

That in order to examine whether there were violations of ethical and code of conduct standards by any office holder, the Standing Committee on Access to Information, Privacy and Ethics review matters relating to the Mulroney Airbus settlement, including any and all new evidence, testimony, and information not available at the time of settlement and including allegations relating to the Rt. Hon. Brian Mulroney made by Karlheinz Schreiber, and in particular the handling of allegations by the present government, including the circulation of relevant correspondence in the Privy Council Office and Prime Minister's Office; that Karlheinz Schreiber be called to be a witness before the committee without delay; and that the committee report to the House its findings, conclusions, and recommendations thereon.

Mr. Chair, I believe this would further clarify to the public of Canada just how this matter has been handled. We've heard allegations in terms of correspondence being received and affidavits being presented, and I think as parliamentarians we have every right to see the trail those affidavits and correspondence have made, no matter which office holder holds them or where they were disposed of, and in particular what the result was in this particular case.

Thank you, Mr. Chair.

**The Chair:** I'll now hear from Mr. Wallace—

**Hon. Charles Hubbard:** This, I believe, is a friendly amendment. I hope Mr. Martin will agree.

**The Chair:** Mr. Martin, would you like to comment?

**Mr. Pat Martin:** Mr. Chairman, I will welcome that as a friendly amendment. Thank you.

**The Chair:** Thank you.

**Mr. Mike Wallace (Burlington, CPC):** Based on that, it's a new motion then—

**The Chair:** I believe the amendment has been circulated in both official languages to all members. Mr. Hubbard has moved this amendment. We are now in debate on the amendment, and I will recognize Mr. Wallace.

**Mr. Mike Wallace:** I want you to rule on this first, and then I'll talk to it.

Since the mover of the original motion has accepted it as a change, does that not make it then the motion and not an amendment to the motion?

[Translation]

**Mrs. Carole Lavallée:** A point of order, Mr. Chair.

[English]

**Mr. Mike Wallace:** It's just a question, Madame.

**The Chair:** Excuse me. Order, please. We do have a point of order. I must hear the point of order.

Madame Lavallée, *vous avez la parole.*

[Translation]

**Mrs. Carole Lavallée:** I very much appreciate your diligence, Mr. Chair. This is a friendly amendment. There should be no debate on whether it can be moved or not. If he wants to speak to the amendment, fine, but not on the...

[English]

**The Chair:** *S'il vous plaît*, Madame, that's debate, not a point of order. You'll have an opportunity if you'd like to be on the speakers list.

For the member to understand, the motion as presented by Mr. Hubbard was to delete all the words after the word "that" in the motion originally before the committee and to replace those words with the text that he read into the record. That text is before you. Have all members understood that?

Mr. Tilson does not have a copy of the amendment. Could we please provide copies to all members?

I will now again recognize Mr. Wallace, please.

**Mr. Mike Wallace:** Thank you, Mr. Chair.

The reason I asked that question, for my colleagues' understanding, is that I have one small amendment to the amendment, but it if were the main motion it would just be an amendment. If you read the motion carefully—and I'm sorry, I can read it in English only—it talks about including "any and all...evidence, testimony and information not available at the time of settlement and including allegations relating to the Right Hon. Brian Mulroney". The important part is where it says "all...testimony and information not available at the time of settlement".

In my understanding, that means we, as a committee, would be able to call all the witnesses we want who dealt with the actual settlement, which was a previous government's decision to be made. That means anybody who was involved in the previous government's decision on the settlement, because the motion is about the settlement. That means all the Liberal government members, privy councillors, and staffers who were involved with the Liberal government that made the decision to make the settlement. It should be our right to call them and talk to them about this.

My amendment to the amendment, Mr. Chair, is that after it says “handling of allegations by the present government”, it should also say “and past governments”. I am moving the amendment to the amendment—since it is an amendment, not a main motion, which I don't agree with. So we would add “and past governments”. My reason for that amendment is that it would allow the committee the right to call any and all witnesses to deal with the settlement, as that is what the crux of the motion is about. It is about the settlement with the Right Honourable Brian Mulroney. We had nothing to do with it. We need to find out what they knew about it in advance, so I'm asking that this committee be able to call those witnesses also.

• (1135)

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

I do have a point of order from Mr. Thibault.

**Hon. Robert Thibault:** It is not meant to debate Mr. Wallace's motion.

The only thing I am concerned about is that we had an amendment. It was accepted as a friendly amendment. We are still referring to it as an amendment, so I would think that all we have on the floor right now is an amendment. He is talking about amending an amendment, but he would be amending a motion.

**The Chair:** Order.

I think if you were to look into the Standing Orders, you would find that there is no such language as “a friendly amendment”. There is just “an amendment”.

Mr. Wallace, it would appear, is seeking to make a subamendment, and he's given that. I rule it in order. We are on debate on the subamendment.

Mr. Del Mastro has the floor.

**Mr. Dean Del Mastro:** Thank you, Mr. Chair.

I just want to make a couple of points on the entire motion and everything that's been brought before. Again, I want to register my personal opinion that this committee, as established by the rules governing this House, is beyond its scope with this motion. It is beyond its scope, and it requires a standing order.

Be that as it may, I listened to the reasons justifying why this motion has been brought, and quite frankly, I look at them and I say, well, the opposition parties have requested a public inquiry. The government has provided a public inquiry. We have an eminent Canadian, Professor Johnston, establishing the parameters of that inquiry. And I don't believe—this is my personal opinion—that Canadians are interested in a partisan witch hunt here at committee. Be that as it may, I do not believe—this is my personal opinion—that this committee can do this job adequately. I do not believe that we will come out of this with a report to the House that will be useful, and I want that on the record.

Thank you.

**The Chair:** Thank you.

We now have Mr. Hiebert, on the subamendment.

**Mr. Russ Hiebert (South Surrey—White Rock—Cloverdale, CPC):** Actually, Chair, I wanted to speak to the original amendment, but I'm happy to speak—

**The Chair:** I'll give you some latitude to talk about the issue. How's that?

**Mr. Russ Hiebert:** I appreciate that.

I just draw to the attention of all committee members that the amendment that was brought by Mr. Hubbard is actually the very same motion that he submitted to the clerk yesterday at five o'clock, and he is simply, by other means, getting around the 24-hour rule that we adopted a week ago in this committee for debate of this particular motion. I recognize that he's allowed to do that. I also recognize that he, as it appears, has cut a deal with the NDP to circumvent the normal rules of this procedure and pursue this partisan witch hunt with a vengeance.

I want to...at least show appreciation for the fact that he has respect for the 24-hour rule, and that it's not simply, as was suggested at the last meeting, a sleep, but it is a full 24 hours.

• (1140)

**The Chair:** Thank you.

We now have Madame Lavallée, *s'il vous plaît*.

[*Translation*]

**Mrs. Carole Lavallée:** I wanted to raise a point of order about Mr. Hiebert. It was not relevant to the subamendment.

I move for the vote, Mr. Chair.

[*English*]

**The Chair:** Madame, you have a point of order; please state the point of order. Then you can describe it. But first, what is the nature of the point of order? On what basis?

[*Translation*]

**Mrs. Carole Lavallée:** My point of order was that Mr. Hiebert's comment was not relevant because he was not speaking to the subamendment.

Now that I have the floor, I would like to move for the vote, Mr. Chair.

**An hon. member:** On the subamendment?

**Mrs. Carole Lavallée:** On the motion as amended.

[*English*]

**The Chair:** For the information of the committee members, the member has asked that we now go to a vote. It was not in the form of a motion.

The matter before us now, being the subamendment, is debatable, and the member is basically calling for us to have a motion that debate be stopped and we have a vote. It was not a motion.

I don't believe she does not want to hear the other members. I think she expressed her view.

But this is not a motion. You can't make a motion under a point of order, Madame, so I have to continue debate.

We now have Mr. Dhaliwal, please.



**Mr. Sukh Dhaliwal (Newton—North Delta, Lib.):** Thank you, Mr. Chair.

We have a friendly amendment and now we also have a friendly subamendment. So we should take a vote on this one as well. I'm ready to vote.

**The Chair:** You'd like to have a vote as well.

**Mr. Sukh Dhaliwal:** Correct.

**The Chair:** Okay.

I have no further speakers, so I am now going to put the question on the subamendment.

I would ask the clerk to indicate the proper words that Mr. Wallace posed as a subamendment.

**The Clerk of the Committee (Mr. Richard Rumas):** In the document that was submitted yesterday afternoon from Mr. Hubbard, perhaps members would go down to the seventh line in English. I believe it's the same in French. After the word "present", Mr. Wallace has proposed "and past", which would read "and past governments".

**The Chair:** We are calling the question on the subamendment.

(Subamendment agreed to)

**The Chair:** We are now resuming debate on the amendment as amended.

**Mr. Pat Martin:** Mr. Chairman, should it not be the motion as amended? I believe you said the amendment as amended.

**The Chair:** It actually is an amendment that has been amended, because the motion you put in includes the word "that".

So we are continuing debate.

I see no further speakers. I'm going to put the question on the amendment as amended.

**Mr. Mike Wallace:** Could I just have one point of order?

**The Chair:** Yes, you may rise on a point of order.

**Mr. Mike Wallace:** Other than Mr. Hiebert's motion that was previously circulated, there are a whole bunch of motions related to this item. As the chair, does that exclude the rest of them, and then we move to...?

**The Chair:** Okay, this is not a point of order, but I believe we will discharge those matters and we will be able to get to Mr. Hiebert's motion as well today, if that's the will of the committee.

We've passed the subamendment. Now we are going to call the question on the amendment as amended.

(Amendment agreed to)

● (1145)

**The Chair:** There being no further speakers, I am now going to put the question on the full motion as amended. Would the members like to have it read into the record again? No? Okay, we're just going to call the question.

(Motion as amended agreed to)

[*Translation*]

**Mrs. Carole Lavallée:** Mr. Chair, may I speak? This is not a point of order. I am asking to speak. May I?

[*English*]

**The Chair:** Madame, no. I believe the committee is going to have to.... Madame, order, please.

Particularly in regard to the seriousness of the matters before us, I want to indicate to you and to all members that we are going to meticulously follow the rules of procedure and order in the Standing Orders. It's not just a matter of asking if you can have the floor.

We have other motions that have precedence, and in fact your motion, of which you gave notice to the committee, is, I believe, the next item.

I now ask you, Madame Lavallée, if you are prepared to move your motion as duly submitted to the committee.

[*Translation*]

**Mrs. Carole Lavallée:** First, Mr. Chair, I have a question for you. I would like to know how we are going to apply the motion that we just voted on, because it is very important for how the committee proceeds.

For example, are we ready to establish whether we will send you our list of witnesses as early as tomorrow or during the day on Monday? Can we decide, right now, on the timelines for submitting our witness list?

[*English*]

**The Chair:** Yes, Madame Lavallée, we do have a few motions that are ahead of deciding on our work plan. That is, you're talking about matters of work plan. And you are absolutely correct that the members will be asked to provide a preliminary list of witnesses—and I stress that it is a preliminary list—and you may want to be thinking about that.

Right now, as we follow the matters that were duly submitted, I have to deal with the motions that were given notice and that we dealt with at the last meeting but didn't get to. The next motion is the motion you submitted to the committee, having given proper notice.

The question now is whether you are moving that motion. Or have you decided that you will not move the motion?

[*Translation*]

**Mrs. Carole Lavallée:** Mr. Chair, my motion asked us to:

study the circulation of correspondence from the Privy Council Office to the Prime Minister's Office, with particular emphasis on the correspondence sent by Karlheinz Schreiber to the Prime Minister, in order to determine whether Prime Minister Stephen Harper is right to claim that he was never made aware of the letter.

Since the intent of this motion is included in the one we have just passed, I think I should withdraw it.

[*English*]

**The Chair:** Thank you kindly.

The next item we have in the order of the motions giving notice was actually from Mr. Hiebert. As I had indicated, we will deal with these motions in the date and time order they were submitted to the clerk.

The third item is Mr. Hiebert's motion:

That this committee commence a study that would have as its purpose a comprehensive review of the Privacy Act.

Mr. Hiebert, would you care to move that motion?

**Mr. Russ Hiebert:** Yes, Mr. Chair.

But before I speak to that motion, a moment ago you addressed the subject of witnesses before this committee with respect to Mr. Martin's motion. I would just add to that comment you made that if we're going to investigate this matter, we do so in an orderly and safe evaluation.

We believe that Mr. Johnston should be called before this committee as the first witness.

**The Chair:** Order, please.

Mr. Hiebert, I will certainly take the representations when we deal with this matter, after we discharge the motions that are in fact ahead of that discussion. I want to follow the rules we agreed upon. How we do it is not my decision. It will be the committee's decision as to how it will proceed with its work plans on all items we've agreed to deal with.

You are moving your motion with regard to the study of the Privacy Act?

• (1150)

**Mr. Russ Hiebert:** I am moving my motion. I just thought I'd make that comment in light of the comment you made a moment ago.

Yes, Mr. Chair, there's little doubt that a review of the Privacy Act is desperately long overdue. The Privacy Act hasn't been significantly revised since before the dawn of computers, and certainly well before the explosion of the Internet. The Privacy Commissioner indicated to this committee at our last meeting the urgency with which we need to address these issues. There have been a number of high-profile issues such as identity theft, no-fly lists, the sharing of data across the border, and RFID technologies, just to name a few of the challenges we're facing to personal privacy.

I therefore move my motion asking that this committee examine these issues. We've looked at the private sector with PIPEDA, but we have not looked at the public sector Privacy Act in quite some time. There's an urgent nature for us to investigate these matters. I hope all members will support this motion to investigate the Privacy Act in light of the implications this has for our constituents. People are calling our constituency offices complaining about identity theft and access to flights. We're looking at technology that would track the motion of consumers in shopping malls and throughout communities. These are all very concerning to constituents because their privacy is at stake. There's an urgent nature to this. The technology is moving so quickly that if we don't get our hands on it, it's going to get completely out of control.

So I would ask all members to support this motion to address the Privacy Act.

**The Chair:** Thank you, Mr. Hiebert, for that. It's very important....

**An hon. member:** [*Inaudible—Editor*]

**The Chair:** Yes, this is a motion. It is debatable.

I have Mr. Hubbard first on the list, and then, Madame Lavallée, you will be second.

Oh, I'm sorry, the name was not on the list, but I'm told that your hand, Mr. Martin, was up before Madame Lavallée's.

So we'll have Mr. Hubbard, then Mr. Martin, and then Madame Lavallée on Mr. Hiebert's motion.

Please, Mr. Hubbard.

**Hon. Charles Hubbard:** Very briefly, Mr. Chair, we certainly would support this motion. It's my understanding that after this morning's meeting the steering committee will organize the activities of the committee. With that, we would justify that we'll be in good hands, and we would certainly support the study of the Privacy Act. It's been a long time in its being, and it's time for it to be reviewed.

**The Chair:** Thank you.

Mr. Martin, please.

**Mr. Pat Martin:** Thank you, Chair.

Mr. Hiebert raises some very good points about the necessary work that should be done to review the Privacy Act. There was a bill introduced yesterday on identity theft, which may in fact end up at this committee. We don't know. We're not sure who's going to deal with it. My only reservation is that if we do support Mr. Hiebert's motion, it would be with the codicil that we would be opening the Privacy Act perhaps after the Mulroney-Schreiber affair, perhaps after other choices we make as well. I know I have a motion in to study the Access to Information Act, which I believe needs work even before the Privacy Act.

I don't know how we would move an amendment, but I would ask Mr. Hiebert if he would consider an amendment to his motion, which I haven't seen, actually, circulated. I don't know exactly what it says. If you would consider an amendment that if we do vote in favour of Mr. Hiebert's motion, we undertake this study after the Mulroney-Schreiber affair, and possibly after other priorities as well....

The subcommittee can set that out, but I don't want Mr. Hiebert to misunderstand my voting for his motion, that I think it should be the first order of business.

**The Chair:** Thank you for your input.

We now have Madame Lavallée.

[*Translation*]

You have the floor.

**Mrs. Carole Lavallée:** I agree that the review of the Privacy Act is of great importance. Last year, we reviewed the Personal Information Protection and Electronic Documents Act, and we gave it all the intention it deserved. It was a very interesting exercise, in fact.

We have several things on the go at the moment, starting with the very important motion that we have just passed. We also have a meeting scheduled with people from the Department of Justice. We must consider the request made to the minister about a new Access to Information Act. At the steering committee meeting this week, we made a list of all our active files. This committee began a report on the torture of Afghan detainees, but did not finish it. It seems to me that, immediately after finishing the study of the motion that we have just passed, we could finish that report. I am not going to go through the whole list that we made at the steering committee, but we can come back to it. It would be an excellent idea to add this study to the list. We can decide on the priority to give it later.

I would like to move an amendment. I do not know exactly what wording would be acceptable, but the amended motion could read like this:

That eventually this committee commence a study that would have as its purpose a comprehensive review of the Privacy Act.

The amendment is simply to add the word “eventually” to the motion.

• (1155)

[English]

**The Chair:** That's probably a truism, isn't it?

Thank you for your input.

Now we have Mr. Hiebert on the list of speakers.

**Mr. Russ Hiebert:** Thank you, Mr. Chair.

I simply want to respond to Mr. Martin's comments.

Let me be clear. The motion I'm moving is that this committee commence a study that would have as its purpose a comprehensive review of the Privacy Act, period.

The legislation that was introduced yesterday dealing with identity theft deals with the criminal aspects of identity theft. In my understanding, that particular legislation will be going before the justice committee. But there are other aspects to identity theft, to no-fly lists, to the sharing of cross-border personal information, to RFID technology, that fall within the Privacy Act and are of an urgent nature.

Technology is moving very quickly. We heard from the commissioner earlier this week about the urgency of addressing these issues because of the impact they're having on our culture and on our values.

There's clearly an impetus to investigate these matters. I appreciate the support that's been offered by Mr. Hubbard and the Liberals. I think there is an urgent nature to this. I would ask all members to support it, and we'll leave it to the steering committee to decide in what order we deal with these issues.

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

We have—it's being circulated to you now—the report of the steering committee, which met between noon and one o'clock on Tuesday after our initial meeting on this matter. Mr. Hiebert will be pleased to know that one of the areas of priority is undertaking a review of the Privacy Act.

I have no further speakers. I'm going to put the question on Mr. Hiebert's motion:

That this committee commence a study that would have as its purpose a comprehensive review of the Privacy Act.

All those in favour...?

I'm sorry?

[Translation]

**Mrs. Carole Lavallée:** I moved an amendment to add the word “eventually” to the motion.

[English]

**The Chair:** Order, Madame.

I had no speakers on the list. I'm prepared to hear an amendment if you wish, but so that we do it in order, please get the attention of the chair or the clerk to get the floor to make a motion and we'll put you on the list. I have great respect for you. I don't want to frustrate your right to put motions.

If it's okay with Mr. Hiebert, I'm going to entertain Madame Lavallée to pose an amendment to your motion.

It is your right.

[Translation]

**Mrs. Carole Lavallée:** Mr. Chair, perhaps you did not hear, but earlier, I moved an amendment to add the word “eventually” to the motion. It is an adverb. I suggest adding the adverb “eventually” so that the motion reads:

That eventually this committee commence a study that would have as its purpose a comprehensive review of the Privacy Act.

[English]

**The Chair:** I apologize to you, Madame. I recall your saying that. I didn't understand that you were posing it in fact as an amendment, but it certainly is in order.

There being no debate, I will call—

**Mr. Russ Hiebert:** I would speak to the amendment, Mr. Chair.

Ms. Lavallée is simply trying to stall the efforts of this committee to address this matter. By adding the word “eventually”, she's adding a tone or suggestion that this should take place at some point in the distant future, and I don't think that's how Canadians expect us to deal with these matters.

The legislation in question has been in place for a very long time. It has not been amended in nearly 21 years. It's urgently needed. These things are changing very quickly. The technology is not even at our doorsteps; it's being implemented and applied to our society. It's changing our culture and our values, as was stated by the Privacy Commissioner. I do not understand why she doesn't recognize the urgency with which this needs to be addressed.

• (1200)

**The Chair:** Thank you.

I now have Mr. Thibault on the list, followed by Mr. Asselin.

[Translation]

**Hon. Robert Thibault:** Thank you, Mr. Chair.

If I understand correctly, this committee's normal procedure is to make motions on the matters under study, as Mr. Hiebert has done. The steering committee puts all the studies and motions in priority order. We have two to discuss today. Decisions of that kind of decision are made by the steering committee.

I do not know if Mrs. Lavallée's motion is necessary. All parties are represented at this committee, after all. A priority order can be set. Otherwise, each time we make a motion on a study or on any other project, we run the risk of bypassing all the others.

[English]

**The Chair:** Mr. Asselin, *s'il vous plaît*.

[Translation]

**Mr. Gérard Asselin (Manicouagan, BQ):** Mr. Chair, Mrs. Lavallée's amendment to Mr. Hiebert's motion is relevant. We feel that Mr. Hiebert's motion is interesting, but it is not a priority. Our priority today is to debate the duly presented motions on which we have already voted. Those motions are first in line.

Mrs. Lavallée added the word "eventually", and Mr. Hiebert's motion can certainly be eventually placed in the list of priorities for the committee's future work. But I am sure that you will agree, Mr. Chair, that motions that have been duly presented and voted on this morning are the committee's priority.

[English]

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

We now have Mr. Wallace on the amendment.

**Mr. Mike Wallace:** I fundamentally disagree with the Bloc approach on this. We've set up a process of having the steering committee look at the priorities. If Madame Lavallée's motion said this was a priority or we should look at it immediately, that would change the motion.

Her amendment is irrelevant because it doesn't have any effect on the motion itself. Saying "some time" or "eventually"—that's what all motions are until the steering committee reports back here and we decide. That is why I'm not voting for it.

I don't know how the chair can even rule it in order. It's not even in order. But if it passes it will have no effect on how things are going to be done here in this committee. If they want amendments in English to have relevance, they have to have a purpose, and this one doesn't have a purpose.

**The Chair:** Thank you, Mr. Wallace. I did rule the motion in order, the member made it in good faith, and the committee will decide.

I'm going to put the question now on the amendment of Madame Lavallée that the word "eventually" be included at the very end of the motion that was submitted and circulated to all.

(Amendment agreed to)

**The Chair:** Now I'll put the question on the motion of Mr. Hiebert, as amended.

(Motion as amended agreed to)

**The Chair:** The next motion we have was submitted by Mr. Hubbard.

Mr. Hubbard, is it your pleasure to move that motion?

**Hon. Charles Hubbard:** I'm going to withdraw that motion, Mr. Chair.

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

The next one is a notice of motion that was submitted by Mr. Martin.

Are you familiar with that one submitted after Mr. Hubbard's?

Are you prepared to move that motion?

**Mr. Pat Martin:** Yes, I am, Mr. Chairman.

**The Chair:** Mr. Martin, could you read that motion?

**Mr. Pat Martin:** Yes, Mr. Chairman. It was the date.

**The Chair:** I have November 19 at the top right of my paper.

**Mr. Mike Wallace:** I have to be honest, Mr. Chair, I do not have a copy of this motion, and I don't recall getting it electronically either.

• (1205)

**The Chair:** I received it.

In any event, notice was properly given, and it was calendarized in accordance with the convention we've established. It is the next motion that the committee must deal with to discharge it off our paper in whatever fashion the committee wishes.

Mr. Martin, will you read your motion and debate?

**Mr. Pat Martin:** Thank you, Mr. Chair. I move:

That the Standing Committee...calls Karlheinz Schreiber to appear before the committee on Thursday November 22nd, Tuesday November 27th, and Thursday November 29th; and Brian Mulroney on Tuesday December 4th, Thursday December 6th, and Tuesday December 11th; to answer questions pertaining to a potential Ethics committee investigation.

If I could speak to it briefly, Mr. Chairman, I will explain my rationale.

This motion was submitted quite a few days ago when I was still optimistic that there would be cooperation amongst the committee and even believed we could have had Karlheinz Schreiber appearing before the committee today. That's no longer possible, and I would be interested in an amendment to the motion to correct that, but I also believe there's some urgency to getting Mr. Schreiber here on Tuesday, the 27th and Thursday, the 29th, because the deportation date, as it stands currently, is still the first of next month.

I also believe that after those brief preliminary meetings with Mr. Schreiber we should immediately hear from Mr. Mulroney, because he indicated he was interested in telling Canadians his side of the story. While it's fresh in people's minds what the testimony was from Schreiber, we should hear from the former Prime Minister as well.

This is the reasoning behind the motion, Mr. Chairman.

**The Chair:** I have a speakers list, and it is Mr. Hiebert, followed by Mr. Wallace, Mr. Dhaliwal, and Mr. Thibault.

Mr. Hiebert, please.

**Mr. Russ Hiebert:** Thank you, Mr. Chair.

I simply want to make the point I was trying to make a few minutes ago, that if this committee is going to investigate this matter, I do not want to see it turn into a circus, as it seemed to begin to do last Tuesday. We'd prefer that we investigate this matter in an orderly and reasonable fashion.

I think to do so we need the advice of Professor Johnston, who is currently setting the terms for the public inquiry that the government has chosen to proceed with. He's reviewing the volumes of documents relating to this matter as we speak, and I believe he would be in the best position to provide advice to this committee as to how to approach this subject.

He has a deadline of January 11, but there's certainly the possibility that he could be completing his work well before that date—in fact, even possibly in short order. If that's the case, what better way is there to approach this matter than to have the individual who's most aware of all the issues at stake come before this committee and provide us with his advice and his guidance as to how we should approach this?

Therefore, it would be my recommendation, moving forward, that this committee adopt the procedure of having Mr. Johnston speak first before any other witnesses come before the committee.

**The Chair:** Thank you.

We'll move to Mr. Wallace, please.

**Mr. Mike Wallace:** Yes, a clarification for me, Mr. Chair, so I understand what we're doing here. The dates that are listed here—obviously, one is today, so that's no good. There's an “and” between all the dates. Is the mover of the motion indicating that those individuals will be here for three days in a row, or is this an “or”? I don't know what the expectation is. Is that six hours of testimony or is that two hours of testimony? I wonder if you could clarify that.

Secondly, I think Mr. Schreiber is actually in jail. Do we have the right to call somebody out of jail to come here? I'd like to know what that process is.

**An hon. member:** That's a good point.

**The Chair:** As the chair, I don't participate in debate, but if the member is asking a procedural question, if he checks the Standing Orders under section 108, it does in fact prescribe that the committee can call for persons, papers, etc., unless otherwise expressly ruled by the House itself.

We're resuming debate, and—

• (1210)

**Mr. Mike Wallace:** The question on “and”—could you ask the mover, because I can't ask the mover directly?

**The Chair:** Well, we don't have question and comment on debate, unfortunately—

**Mr. Mike Wallace:** I'm debating the.... There's a motion in front of me, and I want to know, before I vote on the motion, whether we are expecting the individual to come on all three dates, or does “and” mean “or”? I don't understand, and I should be able to have an understanding before I vote on the motion.

**The Chair:** Possibly the mover of the motion may want to get on the speakers list and clarify, if he wishes. If not, the members will have to go on what they presume.

I'm going to move now to Mr. Dhaliwal, please.

**Mr. Sukh Dhaliwal:** Thank you, Mr. Chair.

I see it is Thursday, November 22, so we're going to open up that door and I'm sure Karlheinz Schreiber is going to walk in right now.

Mr. Chair, I'm going to speak in favour of this motion, even though there might be a few changes to make. That is up to the presenter here. This issue is before the committee, and Canadians want to know the truth, because it is the PMO's office and integrity that are at risk right now as well. In fact, we—all members—were painted in the same way when political donations were taken by the previous Prime Minister, in bags, in cash. I think this is a priority issue, because Karlheinz Schreiber can be deported at any time.

So I would love to support this motion presented by Pat Martin.

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

Mr. Thibault, *s'il vous plaît*.

**Hon. Robert Thibault:** I find it a little unfortunate that this motion is presented in the way it is. When we discussed and made the motion that was an amendment to the NDP motion, we specifically named Mr. Schreiber in that motion because there is that possibility, ever present, of him being deported, and we wanted to invoke the ability of the House of Commons to compel him to remain and force the government to keep him in the country so that he can make a presentation.

I want to hear from these two individuals, I want to hear everything they have to say at the committee, and I want them to participate in the inquiry. But when we look at our timeframe, and if we're going to make a logical study of the inquiry, is it the smartest way to use our time and our energies to hear from these two individuals at the beginning without having heard from other witnesses for those periods? This brings us pretty well to the break when we leave for Christmas and we will have heard from only two individuals. We will not have heard from individuals at PCO. We will not have heard from individuals at PMO. Mr. Wallace indicated he was interested—was it Mr. Del Mastro or Mr. Wallace who said they were interested?—in the way the matter was dealt with that led to the original \$2.1 million. We will not be able to hear those individuals. We are slotting all those spots away.

It's unfortunate that it's going that way. I have a hard time voting against it because I want both those individuals to appear, and I probably will end up voting for it, but I will be hoping that the committee has some sober second thought that if we are going to do a serious study of this matter, we do it in a serious way, and not just because two individuals attract a lot of camera light and a lot of things that they necessarily will be the first to appear at the committee for that long. I find it quite distressful that we are bringing this motion at this time.

The reason the amendment we proposed named only one witnesses—there may be 100 witnesses to appear, but we named one because he's at risk of extradition. That's the reason we named him. We didn't name anybody in the justice department, any of the RCMP, anyone from the former minister's office from one government or the other, or Mr. Mulroney himself, because they are in the country; they're not at risk of extradition.

With that, I may vote for it, but I'll certainly be trying to encourage my colleagues to have sober second thought on how we go through with this study.

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

**Mr. David Tilson:** I don't understand what Mr. Thibault said, quite frankly. He's either for it or against it, and I still continue to say that by his participating in this debate and voting on these matters, which he's indicated he's going to do, he is tainting the proceedings and is bringing this committee into disrepute on this particular matter.

With respect to the motion, Mr. Chairman, I have trouble with it, and I'll be voting against it because I interpret the motion—and maybe Mr. Martin is on the list after I speak and he will clarify this, and I hope I'm not interpreting it this way, but that's the way the motion seems to be written and submitted—that he's saying he only wants these two people to come. He doesn't want Mr. Johnston. He doesn't want anybody else. He just wants these two people to come and that's all he wants. For that reason—he's shaking his head that he doesn't intend that. Well, I suggest he reword the motion because that's what the motion says. The motions says that we just want these two people to come. We want Mr. Schreiber and Mr. Mulroney to come and let's have a free-for-all, a circus.

•(1215)

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

Next on my list is Mr. Martin, *s'il vous plaît*.

**Mr. Pat Martin:** Thanks for the opportunity to maybe clear up some misunderstandings.

First of all, nothing in this motion precludes other witnesses being called—many, many witnesses—but let me explain again the timeliness.

We're up against the wall not just for the extradition date of Mr. Schreiber, but we're also up against a federal election that's likely to happen, could happen, in February. So this is my thought process, Mr. Chairman.

The fact is, the public wants to, and I argue needs to, hear both sides of this story to satisfy straight answers to very simple questions. We don't need to replicate the complexity of the public inquiry around this table, so therefore, Mr. Chairman, my motivation here is to make sure that at least these two principals get two days each—three days each, I originally planned, but one day is shot already—to tell their side of the story very briefly, to answer some of these simple questions, to lay the foundation for the work we need to do. That's why the language was “to answer questions pertaining” to the “Ethics committee investigation”.

With all due respect, I'm a little suspect of my Liberal colleague's motivation for not being interested in this. They say that villainy

wears many masks and none so treacherous as the mask of virtue. Sometimes all is not as it appears around here. It may be that there are people who would like to have us only talking to technocrats and never get Karlheinz Schreiber and Brian Mulroney before this committee before a general election is called.

I'm of the opposite point of view, and I think it's in the interests of my Conservative colleagues to have these two respectful meetings with these two principal actors in this whole drama. So that's my motivation. It was an insurance policy, if you will, and by no means was it to preclude hearing an expansive witness list of other people whom you want to hear from.

**The Chair:** Mr. Hiebert, please, on debate.

**Mr. Russ Hiebert:** Thank you, Mr. Chair.

I understand the passion, which was on display last Tuesday, from Mr. Martin, and the urgency with which he wants to investigate these matters, but the scattershot approach he's taking is simply not aiding our committee whatsoever.

I look at this motion and I think to myself, it must be out of order, because it says that this committee should call a witness today. We can't call a witness today. It's simply not possible to fulfill the motion as it's stated, so it's irreparably flawed. I don't think, Mr. Chair, that we should be allowed to vote on this motion.

To further that, the motion that was just passed by this committee, with only the assistance of the opposition party, was that Mr. Karlheinz Schreiber be called as a witness before this committee without delay. Does that not in fact accomplish the very thing Mr. Martin is trying to achieve with one of his many motions, the one that's currently up for debate?

Could you rule on whether or not this motion is in order, Mr. Chair?

**The Chair:** It is in order, Mr. Hiebert.

**Mr. Russ Hiebert:** Despite the fact that it calls for a witness today?

**The Chair:** There is a motion that is technically flawed but not in violation of any of the rules under the Standing Orders or procedure. The members always have recourse in terms of their vote.

Mr. Wallace.

**Mr. Mike Wallace:** Thank you, Mr. Chair.

If you're paying attention, I will just move a motion to amend the motion that's in front of us.

I move that all the “ands” between the 27th and the 29th...and then he has “on Tuesday December 4th, Thursday December 6th, and Tuesday December 11th”. I would like to put the word “or” instead of “and” in there. I will even go with “and/or”. Let me do that; I'll move “and/or”.

That gives this committee some flexibility, that if we had the answers we want from the individuals in front of us, whatever the date is, we're not having a witness here for three meetings in a row, if it's useless, if it's a roundabout way of doing things, for show and not for action.

So for me to even consider this motion, I need at least “or” so that we can decide whether it's a two-hour meeting or a four-hour meeting, and not six hours, without any flexibility.

Thank you.

•(1220)

**The Chair:** I would like the clerk to just clarify his understanding of your amendment to Mr. Martin's motion. The amendments are going to have to do with replacing the word “and” with the words “and/or”. The clerk could maybe read it out as it would be with the changes there.

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

After “Karlheinz Schreiber before the committee”, Mr. Wallace, I believe, is proposing that.... Today is not in the equation because Mr. Schreiber is in Toronto, so the next one would be “Tuesday November 27th and/or Thursday November 29th; and/or Brian Mulroney on Tuesday December 4th”—

**A voice:** It's not “and/or” there.

**The Clerk:** —I'm sorry. And then “Thursday December 6th and/or Tuesday December 11” . I believe that's correct.

**The Chair:** Just a clarification, because “and/or” was read in just before “Brian Mulroney”. I don't believe that's correct. It should be “and”; that “and” stays. Is that understood by all?

“Thursday November 22nd” stays there, even though it's moot, unless you also want to delete—

**Mr. Mike Wallace:** I'll move the deletion of that and include it in my amendment, if that makes it cleaner.

**The Chair:** Was that the intent?

**Mr. Mike Wallace:** Sure, absolutely.

**The Chair:** Will members accept that this was the intent of the amendment posed by Mr. Wallace? Today's date, obviously, is not possible—it would have to be deleted from this motion—and the “and/or”s would be put in the appropriate spots.

Is everyone clear on the amendment? I'm going to put the question on the amendment of Mr. Wallace.

(Amendment agreed to)

(Motion as amended agreed to)

**The Chair:** We now have the next motion, a motion by Madame Lavallée, dated November 22, 2007.

Madame Lavallée, is it your pleasure to move this motion, or would you like to withdraw it?

[*Translation*]

**Mrs. Carole Lavallée:** I withdraw it, Mr. Chair.

•(1225)

[*English*]

**The Chair:** The motion is withdrawn.

The first report of the steering committee has been circulated to all honourable members. I believe the members have viewed the items from the steering committee, which met after the second meeting of this committee just this past Tuesday. As you will note, we have

identified areas for study that we believe are a priority for recommendation to the committee.

What we have not done, because of the outstanding matter with regard to the motions before the committee that weren't discharged, is we have not calendarized these.

So this committee is presented with the report.

I'm going to see if there's a motion that the committee's report as presented be adopted. Is there a mover for that motion?

**Mr. Pat Martin:** I so move.

**The Chair:** Is there any debate?

I call the question then. Mr. Martin's motion is that the first report of the subcommittee on agenda and procedure of the Standing Committee on Access to Information, Privacy and Ethics be adopted.

Is everybody clear on the question?

(Motion agreed to)

**The Chair:** Now we'll go to future business.

If I may, Mr. Martin is asking for the floor and I will recognize him. We have some time left in the meeting.

We have adopted a motion. Mr. Hubbard's amendment amended Mr. Martin's initial motion. It does call for the calling of witnesses, and it says specifically that Karlheinz Schreiber be called to be a witness before the committee without delay. That has been adopted by the committee, and therefore I indicate to the committee that we will take all necessary steps to make that happen, and we'll use all the resources of the committee and of the House to make that happen as expeditiously as possible. Is that acceptable to the committee?

**Some hon. members:** Agreed.

**The Chair:** Mr. Martin, I'll recognize you.

**Mr. Pat Martin:** My only point, Mr. Chair, was to make sure that this committee authorized you to use whatever tools or resources may be necessary to bring that about, to crack Mr. Schreiber out of jail and get him down here before the committee.

It may be that the chair needs some extraordinary authorization, and if he does, I think the committee should give it to him today. Perhaps the clerk can clarify whether the chair has all the authority he needs or whether this committee needs to vest him with further authority to direct him to make Mr. Schreiber appear here on Tuesday.

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

Pursuant to the Standing Orders and the practices of the House, subcommittees do in fact have the tools and resources themselves, or through the House or the Speaker, to call for persons or papers.

The clerk raises a good point. As you know, there has been some discussion about what instrument might be used. Speakers' warrants, I understand....

One of our colleagues, the honourable Derek Lee, has written a book on the power of parliamentary houses to send for persons, papers, or records. Indeed, it's been very helpful to understand.... I believe that it probably would be helpful if the committee would authorize the chair to issue a summons or a subpoena or another instrument to effect the wish of the committee in the motion passed.

Can I have a motion for that?

Go ahead, Mr. Hubbard.

**Hon. Charles Hubbard:** I know it's a complicated procedure, but the most important part of his appearing before this committee would be his preparing to come here. It's very important that he not simply be moved from point X to point Z, point Z being here, but that he be given time to put together his papers so he is able to present. We at the committee would indicate to him some of the questions we might want to ask.

**The Chair:** Yes. Thank you, Mr. Hubbard.

I'm aware that it has been represented by Mr. Schreiber through the media that in order to appear he would require access to his papers and some time to read them. I think we will certainly accommodate that reasonable accommodation. We will give notice to all parties required that the call for the appearance of Mr. Schreiber has in fact been made and requested by this committee.

Madame Lavallée, go ahead.

• (1230)

[*Translation*]

**Mrs. Carole Lavallée:** Mr. Chair, I would like to come back to a matter that I raised earlier, the witness list. We voted on a list as a matter of urgency, if I may say so, and the urgency was clear. Could we agree on the time by which we have to provide you with a list of witnesses to call?

[*English*]

**The Chair:** Do I have a recommendation from the committee? I might suggest that it perhaps be to the clerk's office, next Monday at 5 p.m. That would be a suggestion. Maybe we would like to discuss it at the next committee meeting, so I'd like to have it in their hands in advance.

We'll go to Mr. Martin, please.

**Mr. Pat Martin:** Mr. Chairman, would it be worthwhile if the chair called a special subcommittee meeting so that one representative from each of the parties could talk about the order we're going to follow when Mr. Schreiber is here and some kind of etiquette or protocol associated with this? Given the interest in this public meeting, there might be some special planning necessary to accommodate the public interest.

I'm not recommending that we change the order of speaking. I think it should stay as per the routine motions we passed at our planning committee. Given the level of interest, and so on, I think we should have a planning committee meeting so that the various parties can share their concerns or views.

**The Chair:** Mr. Del Mastro.

**Mr. Dean Del Mastro:** Thank you, Mr. Chair.

I just want to understand if Mr. Hubbard has specifically requested that a gentleman who is being held in the Metropolitan Toronto West Detention Centre, and who is wanted by a foreign government on charges of bribery, tax evasion, fraud—

**Mr. Pat Martin:** And forgery.

**Mr. Dean Del Mastro:** —and forgery, thank you, Mr. Martin—be granted bail and basically be set free. Would you like to put him up at the Westin as well, Mr. Hubbard, so that he's comfortable while he's here?

I think there is a procedure set for somebody who is incarcerated, and I think the justice system should determine exactly how he is brought to witness before this committee. I think Canadians should be rightly outraged with the suggestion you've made.

**An hon. member:** May I respond?

**The Chair:** Order.

I'm going to ask committee members to be judicious and ensure that we don't speak in a manner that is potentially unparliamentary and negative about another honourable member. We are in debate; this is not question and comment.

Mr. Del Mastro, you've made your points. Thank you very kindly.

The next speaker is Mr. Thibault, and then I have Mr. Hubbard.

**Hon. Robert Thibault:** Mr. Chair, I would move that the chair of the committee take all appropriate action in seeking a warrant—a Speaker's warrant, a subpoena, or whatever instrument is best in this instance—to ensure the presence of Mr. Karlheinz Schreiber before the committee, as per previous motions.

**The Chair:** I thought that's what Mr. Hubbard had moved and that we were debating it; we are in the middle of debate, and I recognized you as a speaker on debate of that motion.

**Hon. Robert Thibault:** Would you read the motion we have? I ask to hear the motion.

**The Chair:** All right.

Could I ask the clerk to read the motion that is presently before the committee?

**The Clerk:** Mr. Hubbard has moved essentially that the committee issue a summons to Mr. Schreiber. Whatever the committee decides, it has to be done as a committee.

That's where we are at.

• (1235)

**The Chair:** Okay. There is not very much detail there, but it is in order.

**The Clerk:** It reads:

That the committee issue a summons that Mr. Karlheinz Schreiber appear before this committee.

Sometimes we may include the date and the time, but it is difficult now, in the sense that Mr. Schreiber is in detention in Toronto and we're not sure when we could have him appear before the committee.

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



**Hon. Charles Hubbard:** I think, Mr. Chair, the wording for that was prefaced and that your request as chair was to have somebody make that motion. When I spoke on it, I indicated that subject to the regulations of the House, you as chair would be able to proceed with it.

Second, regarding Mr. Del Mastro's assertions in terms of escorts, and so forth, I had no intent that we'd be restricting what the laws of this country are. But I know that even the worst prisoner in our country can be escorted from place to place. I merely indicated that he should have access to his records and should not be moved from point X to Z but should be given time to prepare his presentation to this committee.

**The Chair:** Thank you, Mr. Hubbard. That was my understanding of your motion, that although it is brief, it should be read and understood in the context of your remarks not to be restrictive but to authorize the chair to take those steps to do it properly. That was my understanding.

Okay. We now have Mr. Asselin, *s'il vous plaît*.

[Translation]

**Mr. Gérard Asselin:** Mr. Chair, when we change the speaking order like this, we end up jumping all over the place. We really do not have time to go into a question when the Conservative asks one, then the Liberals. Everything gets out of order.

Mrs. Lavallée asked a question, but there has been no confirmation of the answer. If a motion is needed for that to happen, I will make one. I move the following: That the parties represented on the committee must submit a list of witnesses by Monday, 26 November.

That is the first draft, but I also move that the list of witness that we would like to hear from remain open.

[English]

**The Chair:** Mr. Asselin, we have a motion already on the floor with regard to calling Mr. Schreiber and taking all necessary steps, and to authorize the chair to do it taking into account the need to do papers, etc. That is the motion before us.

Are there any more speakers on that motion? Then I'm going to hear Mr. Asselin's motion on getting a preliminary list of witnesses.

Mr. Martin.

**Mr. Pat Martin:** I wonder what this does to the motion I moved, which has been passed as amended by Mike, that says that the committee call Karlheinz Schreiber to appear before the committee on Tuesday, November 27 and/or Thursday, November 29.

We've already done all this. My only reason for raising it is to make sure you had all the authority you needed to fulfill the direction of this motion. But now we have subsequent motions coming up that say virtually the same thing.

Does one override the last one? We're just going around in circles.

**The Chair:** You raise a very good point.

The initial motion we passed, as amended by Mr. Hubbard, was that Karlheinz Schreiber be called to be a witness before this committee "without delay". It did not give dates, because it's

somewhat indeterminate. This is the original motion that we dealt with first, and the committee is being asked to authorize the chair to take all necessary steps to call him.

The motion that was also passed—your motion, with the specific dates.... This is November 22. The first possible date would be Tuesday, November 27, for Mr. Schreiber.

If Mr. Schreiber needs two or three days to do that, and we need some days, if it turns out that we have to go through the House.... I'm still going to use whatever tools are available, but in terms of logistics or real time, I don't know whether or not it'll be November 27. It could be that November 28 would be the first date. Under the first motion we passed, it's basically at the "earliest" date. So it might be one of the dates in between yours—for instance, November 28.

I think the member probably doesn't have a problem. But we have to respect that the committee has indicated that we are going to deal with Mr. Schreiber on or before November 29.

• (1240)

**Mr. Pat Martin:** Okay. As a point of additional clarification, when you talk about my motion, the motion that passed, which Mr. Hubbard put the amendment to, is in fact the motion I submitted. It's my motion, and this motion with the specific dates is my motion. You seem to have shifted the focus to where you're now talking about the first motion we passed as Mr. Hubbard's motion. If you look at the record, that's not the case.

**The Chair:** Thank you, Mr. Martin. You are absolutely right. The record will show that the motion as amended was Mr. Martin's. It's very clear on the record that you were the mover of the motion, Mr. Hubbard was the amender of the motion, and Mr. Wallace, I believe, was the subamender of the motion. So please all take credit for it.

Now, Madame Lavallée wants to move a motion with regard to—

[Translation]

**Mrs. Carole Lavallée:** It is OK...

[English]

**The Chair:** Are we resolved?

**A voice:** No, we have to resolve on the summons motion.

**The Chair:** I apologize. I thought everybody was nodding.

Mr. Hubbard has basically made the motion that the chair be authorized to execute the will of the committee with regard to calling Mr. Schreiber without delay, taking into account Mr. Martin's second motion with regard to those specific dates—by, on, or before November 29 is what it has there with regard to Mr. Schreiber—and that the chair do this without delay but certainly take into account the need for Mr. Schreiber to be able to prepare to come before us to have a fulsome discussion with this committee.

The members understand the motion and the intent of the motion. I'm going to put the question now.

All those in favour?

It's unanimous.

**The Clerk:** They voted against it.

**The Chair:** Did you? Oh, I'm sorry.

**An hon. member:** It was five and five.

**The Chair:** I'm sorry.

Do I understand, Mr. Martin, that you did not put your hand up?

**Mr. Pat Martin:** I need further clarification, Mr. Chair.

**The Chair:** I've put the question. The clerk advises that the vote resulted in a tie. In the case of a tie, the chairman has a vote to break the tie. The chair will vote in favour of the motion.

(Motion agreed to: yeas 6; nays 5)

•(1245)

**The Chair:** We have authorization for the chair to execute the subpoena or calling for persons and whatever tools are necessary to make that happen on or before November 29.

Madame Lavallée has given notice that she wants to make a motion on the preliminary witness list. Are we okay there?

Mr. Asselin.

[Translation]

**Mr. Gérard Asselin:** Mr. Chair, in the matter of Mr. Mulroney and Mr. Schreiber, I think that the committee should submit the list of witnesses that it wants to hear from to the clerk's office before 5:00 p.m. on Monday, 26 November. The list will be preliminary, of course, and committee members should be able to add the names of other witnesses, through the clerk. Let us submit a draft list of witnesses that we want to hear from to the clerk's office before 5:00 p.m. on Monday, 26 November. I so move. I am asking that each party be asked to prepare its list by Monday, 26 November.

[English]

**The Chair:** Mr. Asselin has moved a motion, and it's in order, that the members submit their suggestions for a preliminary list of witnesses in this matter of Mr. Schreiber and Mr. Mulroney by Monday at 5 p.m. in the clerk's office. That is the motion.

Is there any further debate?

Mr. Thibault.

**Hon. Robert Thibault:** I don't have huge objections.

[Translation]

This is a preliminary list. So we can add names. But Monday is coming up very soon. It is already Thursday afternoon, the weekend is fast approaching, and we have to have the list in on Monday. I do not know if we will have the time to work on it properly. In another motion, we have already decided that we will hear from Mr. Schreiber and Mr. Mulroney sometime before the Christmas break. I think that we could give ourselves a little more time, until

Thursday for example, to come up with a preliminary list. We would then be able to work on it a little better.

**Mr. Gérard Asselin:** I am ready to accept that, Mr. Chair.

Maybe the Liberal party finds it more difficult to prepare a list. The Bloc Québécois is so efficient that we could have submitted ours this afternoon. I am willing to give the Liberals a break, and to agree that we can put it back to Thursday, 29 November.

[English]

**The Chair:** Again, we don't have friendly amendments. This is marked as an amendment to a motion. Mr. Thibault has moved an amendment that the date be changed to Thursday, November 29, at 5 p.m.

(Amendment agreed to)

(Motion as amended agreed to)

**The Chair:** Mr. Hiebert.

**Mr. Russ Hiebert:** Thank you, Mr. Chair.

I move that Professor Johnston appear before this committee as the first witness on the study involving Mr. Schreiber.

**The Chair:** Order, order. Please, the chair just wants to consult here for a second.

The committee has just passed a motion by Mr. Asselin, as amended by Mr. Thibault, that a preliminary list of witnesses in this matter be submitted by Thursday, November 29. That was adopted by the committee.

Mr. Hiebert now has made a motion that we hear Dr. Johnston as the first witness, which is basically pre-empting the committee's deliberation on the order in which.... So as long as members understand, it is in order. The motion is in order, but it is contradictory to a question that the committee has already adopted. So Mr. Hiebert has moved that Dr. Johnston be the first witness to appear.

Did you specify a date, Mr. Hiebert, or just the first?

**Mr. Russ Hiebert:** Exactly.

**The Chair:** State your motion, and then you have the floor.

•(1250)

**Mr. Russ Hiebert:** Thank you very much, Mr. Chair.

My motion was simply that I move that Professor Johnston appear before this committee as the first witness on the study involving Mr. Schreiber. It is not inconsistent with any other motion that has been passed by this committee to this point. We have motions that call for Mr. Schreiber to come without delay. We have motions that set particular dates as to which he might be available. This motion does not conflict with any of those attempts to hear from Mr. Schreiber. We're simply moving a motion that would provide this committee with an opportunity to hear from the one individual who is most aware of all the issues involved with this study. It's incumbent upon us to have the advice of somebody who's in a position to give us that information. Therefore I ask that he be the first witness before this committee.

**The Chair:** Understood.

I will now hear Mr. Asselin, followed by Mr. Thibault.

Mr. Asselin, *s'il vous plaît*.

[Translation]

**Mr. Gérard Asselin:** Mr. Chair, if you declare Mr. Hiebert's motion in order, I will move an amendment that Mr. Johnston be the first witness after Mr. Schreiber and Mr. Mulroney.

[English]

**The Chair:** The motion of Mr. Hiebert is that Dr. Johnston be the first witness to appear. Mr. Asselin is moving an amendment to the motion that we add at the end of that motion "after hearing Karlheinz Schreiber". Is that correct? So he will be the first witness after the committee hears from Karlheinz Schreiber.

[Translation]

**Mr. Gérard Asselin:** After Mr. Schreiber and Mr. Mulroney.

[English]

**The Chair:** And Brian Mulroney.

Just so it's understood, because it wasn't submitted in writing so it's necessary, we are amending Mr. Hiebert's motion to add "after hearing from Mr. Schreiber and Mr. Mulroney". That motion is in order—the motion to amend.

We have a speakers list: Mr. Thibault, Mr. Wallace, Mr. Del Mastro, and then Mr. Martin.

**Hon. Robert Thibault:** Well, Mr. Chair, I suggest to members to take a step back, breathe through the nose a bit, relax, calm down. What we're doing here is getting a little bit more ridiculous all the time.

We took a motion that said we would do the study and we would call Mr. Schreiber as quickly as possible, because we know he has a chance of being deported, so we want to be able to take the actions. Then, for greater glory of another motion on the books, we have another motion that says the next six meetings will be for these witnesses.

Then we have another suggestion that Professor Johnston come. I think it's a good idea that Johnston should come, and he should come relatively quickly, because he's to finish his report on January 11, or sooner would be even better. So we have to see him; we have to hear from him and be able to give him some advice, if we have any to give, as quickly as possible.

But we're trying to manage the affairs and the witness list rather than looking at the full list and what we want to do at the end of the six-week process, or whatever time we have. We're going by motion in doing our list and not giving any latitude to the clerk or to any steering committee.

Now we have a motion that says on next Tuesday we should have Mr. Schreiber here. If he can't come, if for some reason the actions of the clerk and the House can't make him come that quickly, then shouldn't the clerk have the latitude to call in Professor Johnston? Wouldn't that be reasonable?

But do we need to try to do all these things by motion and hamstringing the chair? I don't know which motion comes first, the one that says we have Schreiber first or the one that says we have

Johnston first. Is it the first one that was voted second, or how does it work?

• (1255)

**The Chair:** Mr. Wallace.

**Mr. Mike Wallace:** Thank you, Mr. Speaker.

Mr. Thibault, if you follow your own logic—you made your point—we should not be supporting the amendment. The chances of having Mr. Schreiber here next Tuesday, when we aren't even out of here on Thursday at one o'clock, are slim to nil. Let's be realistic. The realistic time would be next Thursday that he'd be able to get here. That means we wouldn't be able to start our study based on the amendment until after that happens, but that wastes a Tuesday.

The motion that is in front of us, not the amendment—I'm voting against the amendment—is so that we can call the professor for next Tuesday if Schreiber is not available.

Pat, you may be shaking your head; you may know the penal system better than I do, but I think it's going to be hard. We can start with that first witness who's looking after the public inquiry, which all the opposition parties were asking for, which this government granted. We will have him first. Then my expectation would be that Mr. Schreiber would be available by....

We'll probably have to give the system at least a week to be able to get him here. So I would suggest that we vote against the amendment, we vote on the main motion and pass the main motion, we start the process next week, we have the two witnesses that we discussed earlier, later next week and the week after, and the very first person we'll see, if Mr. Schreiber is not available on Tuesday, which I think is very likely, will be Dr. Johnston from the University of Waterloo.

Thank you very much.

**The Chair:** That is presuming that he is prepared and able and willing before he finalizes his recommendation. There are a lot of unanswered questions here.

I'm going to go to Mr. Del Mastro, and then we have Mr. Martin and Madame Lavallée.

**Mr. Dean Del Mastro:** Very quickly, Mr. Chair, the amendment to the motion is contrary to the motion itself. The motion had very clear intent. The amendment completely changes the intent of that motion. Therefore, I think everybody should be voting against this amendment, because Professor Johnston, when he comes to this committee, will provide the committee with guidance that I believe this committee needs in moving forward.

Thank you.

**The Chair:** Thank you.

Mr. Martin.

**Mr. Pat Martin:** We are rapidly running out of time, Mr. Chairman.

**The Chair:** Yes.

**Mr. Pat Martin:** I was only going to say that I think a lot of this work really should be subject to the lists that are sent in by each party by Thursday, the 29th. Any more motions dealing with the order of witnesses will be really compounding the complexity of all this.

We've already agreed as a committee what course of action we're going to take, and if anybody wants to argue the order of witnesses after Schreiber and Mulroney, it should take place after the witness lists have been sent in by the various parties.

**The Chair:** Thank you.

We now have *Madame Lavallée, s'il vous plaît.*

[*Translation*]

**Mrs. Carole Lavallée:** Mr. Chair, I cannot vote for Mr. Hiebert's motion because we have just passed a motion saying that we would submit our witness lists next Thursday. We cannot get involved with the list of witnesses right now. If he suggests Mr. Johnston, I can just as easily suggest someone else. It will become a real circus, and no one here wants that.

Let us take things in order. Let us hear from Mr. Schreiber first, which is all very logical because he may well be extradited. Then we could hear from Mr. Mulroney, because it would be terrible not to hear his testimony immediately afterwards.

In the meantime, we can look at everyone's list of witnesses. Mr. Johnston will be on it, and we can examine Mr. Hiebert's proposal calmly.

As for Mr. Schreiber, I do not see why he would not be available next Tuesday. Given where he is now, I doubt if his schedule can be very full.

[*English*]

**The Chair:** Thank you.

We have the motion by Mr. Hiebert, which basically says to call Dr. Johnston first. Then we have an amendment by Mr. Asselin that he be called first after we hear from Schreiber and Mulroney.

We're going to call the question now on Mr. Asselin's amendment. Does everyone understand the amendment?

(Amendment negated)

• (1300)

**The Chair:** Now I will call the vote on the motion by Mr. Hiebert. Does everyone understand the motion? Good.

(Motion negated)

**Hon. Robert Thibault:** Could I seek unanimous consent from all present that should Mr. Schreiber not be present at the next meeting of the committee, the chairman be invited to ask Professor Johnston to appear?

**Some hon. members:** No.

**Hon. Robert Thibault:** Your motion was moving things away.

**The Chair:** That's a point of order, and you can't make a motion on a point of order.

I would ask for latitude from the committee, if it's their pleasure, that we do in fact have our regular meeting on Tuesday. We will make every effort to take into account the wishes of the committee. If those are unable to be fulfilled for a valid reason, I would ask that the chair be authorized to circulate the notice of meeting with agenda items from the steering committee report, which we could at least deal with in a fashion so that we don't waste the committee's time. Is that acceptable to the committee?

**Some hon. members:** Agreed.

**The Chair:** Thank you.

We're adjourned.







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