



House of Commons
CANADA

Standing Committee on Access to Information, Privacy and Ethics

ETHI • NUMBER 020 • 2nd SESSION • 39th PARLIAMENT

EVIDENCE

Tuesday, March 4, 2008

—
Chair

Mr. Paul Szabo

Also available on the Parliament of Canada Web Site at the following address:

<http://www.parl.gc.ca>

Standing Committee on Access to Information, Privacy and Ethics

Tuesday, March 4, 2008

• (1705)

[English]

The Chair (Mr. Paul Szabo (Mississauga South, Lib.)): Order, please.

We are resuming our hearing of March 4, and we are dealing with members' motions, for which I've been given proper notice of motion.

The first one is from Mr. Dhaliwal. That motion has been read to the committee and is before the committee members.

I ask now if Mr. Dhaliwal would like to speak to his motion.

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

Over three days we have been trying to ask the Prime Minister to answer very simple questions in the House. Mr. Chuck Cadman's wife, his daughter, and his son-in-law have all three consistently come out and told the media that Mr. Chuck Cadman was offered \$1 million worth of life insurance, which Mrs. Cadman considered to be a bribe. And further, if we take Mr. Zytaruk's tape recording—

Mr. David Tilson (Dufferin—Caledon, CPC): A point of order, Mr. Chairman.

The Chair: A point of order, Mr. Tilson.

Mr. David Tilson: Mr. Chairman, before we went into public session you gave us a hint that you were considering comments with respect to whether or not this motion is in order. You have made rulings on this type of thing in the past. Once again, I have notes on this very issue back in my office. You have misled us into believing we were going to be debating the Afghanistan issue. However, I can wing it, the way it appears that many of us are doing.

My recollection of the Standing Order, which is strictly a recollection at this stage, is that this committee has jurisdiction over members of the House of Commons, not over officials, and this motion talks about Conservative Party officials.

You indicated you were going to proceed as to whether or not this motion was in order. You have backed off that.

As I say, it's unfortunate that this whole topic, which wasn't on the agenda for today, came on the agenda at the last minute. You've put me, personally, at a great disadvantage because I was prepared to debate whether or not these motions were in order and I can't do that because I don't have my notes here. So I'm going strictly on memory that this committee can look at members of this House, of the House of Commons, but it doesn't have jurisdiction to deal with officials, and that's what this motion is all about; it's the word "officials".

The Chair: Mr. Tilson, on your point of order, as you know, there has been a point of order raised in the House with regard to the issue of mandate creep. In this regard, the clerk has advised the committee, in some detail—

Mr. Dean Del Mastro (Peterborough, CPC): Can we get that statement read back?

The Chair: Yes, and that should be circulated to the....

Mr. David Tilson: Mr. Chairman, as I understand it, you stood on a point of order initially.

The Chair: Oh, absolutely, and it's for the—

Mr. David Tilson: Did you do that as chair of this committee?

The Chair: As a member of Parliament.

Mr. David Tilson: All right.

The Chair: I'm also the chair, but the Standing Orders issue—

Mr. David Tilson: Because you weren't authorized by this committee to do that.

The Chair: No, no, but as a member of Parliament, it's my right to get it on track.

Mr. David Tilson: That's true.

The Chair: I can advise all the members that the reason it was necessary was to get guidance from the Speaker with regard to what authority this committee has vis-à-vis its published mandate in Standing Order 108.

The motion that was adopted by the committee with regard to the Liberal Party of Canada's fundraising was one issue. It is a matter similar to a matter presently before the procedure and House affairs committee. In my view, that is one committee doing the job of another. That's problematic, generally speaking.

It also is applicable to the issue that I knew was coming before us with these three motions, and it has to do with whether or not this committee, notwithstanding the Standing Orders' specificity, could deal with a matter that in fact does not have any involvement of public office holders.

The clerk has advised that in a literal interpretation of that, he's advising the chair—and I'm not saying that's the decision, but simply his advice—that these motions would not be in order. However, depending on what the Speaker's ruling is with regard to this issue of going beyond mandate, if that's what the committee says, and if the Speaker ultimately rules that the committee has the latitude....

In the confusion of going from in camera to here, I didn't make the decision on the admissibility, because I had raised with the committee that I wanted to defer these items until the Speaker had ruled. The committee decided that should not be the case, and therefore I can't rule it out of order pending the Speaker's decision.

● (1710)

Mr. David Tilson: So you're just going to let him go ahead?

The Chair: If the Speaker rules that the matter raised goes beyond a specific mandate, then we would have to reverse any decision made here.

Mr. David Tilson: Mr. Chairman, continuing on—and I don't....

Sorry, Mr. Chairman.

The Chair: Order, Mr. Tilson.

You rose on a point of order, and I think I've explained to you that I am not going to rule on the admissibility of this matter until I've had an opportunity to get guidance from the Speaker of the House.

Mr. David Tilson: A point of order, Mr. Chairman, just so I can clarify. Does that mean you're allowing the process to continue? You're saying you're going to—

The Chair: No, that is my mistake. There should not be debate on a motion that we have not dealt with the admissibility of.

You're absolutely right, Mr. Tilson. I made a mistake.

This is very important. I think members will understand that the issue raised and the point of order with the House has to do with the Standing Orders and whether or not this committee in fact is going to have the authorization to move where it wants to move, notwithstanding what the Standing Orders say. This is a very significant issue, and therefore I think we should hear the Speaker's guidance to this committee and all committees about dealing with matters that are not specifically in your....

So that is my ruling.

Mr. Pat Martin (Winnipeg Centre, NDP): What is your ruling?

The Chair: The ruling is that I'm not going to render my decision on admissibility until we hear from the Speaker.

Mr. Pat Martin: Mr. Chair, I've been trying to get on the same point of order. You did not put this question to the Speaker. You put the question of the Liberal fundraising issue to the Speaker.

You should be conducting yourself as though it's business as usual on this motion and rule according to the guidance of your clerk, and then if the committee wishes to challenge you, they will. But there is no barrier here for you to do your job as the chair of this committee just because you put a completely separate question to the Speaker. This is really incomprehensible.

The Chair: I understand your point, and I can tell you that we've known about these three motions on the Cadman matter for some time—

Mr. Pat Martin: Yes?

The Chair: —and it's the same principle. In the case of both items, the clerk has advised that there are elements that are beyond the specific mandate.

Mr. Pat Martin: Then you should rule with the best information you have available to you now, which is the advice from your clerk.

Hon. Charles Hubbard (Miramichi, Lib.): A point of order. Mr. Chair, I would challenge the chair's right to make that motion to not receive that motion. I'm challenging your right to turn it down.

Mr. Russ Hiebert (South Surrey—White Rock—Cloverdale, CPC): Mr. Chair, we have an order for speakers.

The Chair: Hang on. I have advised the committee that I wanted to consider the guidance from the Speaker that relates to the general issue of dealing with matters at a committee that may be—

Hon. Charles Hubbard: Mr. Chair, as a member, I do not agree with your ruling. I would ask you to put that in a meeting.

An hon. member: Mr. Chair, he doesn't have the floor.

The Chair: Yes, he does. He is the next speaker.

Hon. Charles Hubbard: As a member, I do not agree with your decision. I listened this morning to Mr. Lee. I watched the Speaker, I heard the Speaker, and certainly to wait that long...there's no precedence for this sort of thing. Basically what we're saying is the committee is master of its own destiny, and I challenge your—

The Chair: The member has challenged....

An hon. member: I have a point of order. I have a point of order.

Hon. Charles Hubbard: I request therefore—

The Chair: I'm sorry, there is a challenge to that decision. It's not debatable and I have to put the question immediately.

Mr. David Tilson: Can I ask what the challenge is?

● (1715)

The Chair: It's on my decision to defer on the admissibility until the Speaker rules. That's a challenge to a decision of the chair. It is in order and it's not debatable. We have to put the question immediately.

An hon. member: A point of order.

The Chair: There are no points of order. We have to put the question immediately.

Mr. Sukh Dhaliwal: Mr. Chair, I have to defend myself. Why is it in order?

The Chair: They're saying the chair will have to decide on the admissibility now.

Mr. Hubbard has challenged the chair. Effectively, he would like to have the motion debated now and not wait for the Speaker.

I'm going to put the question.

All those who are in favour of Mr. Hubbard's challenge, that we in fact deal with that motion now, please raise your hand.

Mr. David Tilson: Mr. Chair, before you do that—

The Chair: No, I have to put the question.

Mr. David Tilson: I want to make sure I know what I'm voting on. My understanding is that Mr. Hubbard is challenging you to reserve your decision.

The Chair: That's correct, and he would like to deal with that motion now.

Mr. David Tilson: We'll have to do that Thursday, Mr. Chairman.

The Chair: I have to put the question and then we're adjourned.

Mr. David Tilson: When I hear bells, this meeting stops, and I'm not giving unanimous consent to adjourn—

The Chair: Colleagues, I have put the question.

[Ruling of the chair overturned]

The Chair: It's carried. The motion is in order, and it will be debated at the next meeting, on Thursday, after we deal with Afghanistan.

We're adjourned.

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

**Also available on the Parliament of Canada Web Site at the following address:
Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante :
<http://www.parl.gc.ca>**

The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.

Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.