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Chair

Mr. Paul Szabo

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• (1530)

[English]

The Chair (Mr. Paul Szabo (Mississauga South, Lib.)): Good afternoon, colleagues.

This is the 37th meeting of the Standing Committee on Access to Information, Privacy and Ethics. Our orders for the day are committee business.

We will be addressing two motions for which proper notice has been given, and they will be dealt with in the order in which they were submitted. The first is a notice of motion from Mr. Martin. I believe it was circulated to all members. I have reviewed the motion, which was duly submitted with proper notice, and rule that it is in order.

Mr. Martin, if you are ready, I'm prepared to entertain a motion to move that particular motion.

Mr. Pat Martin (Winnipeg Centre, NDP): Yes, I am, Mr. Chairman. It would be my intention to proceed and move the motion I gave notice for.

I'd like to read it into the record and introduce some of the rationale why I think it's important. I can proceed with that right now.

Due to the absence of any action by the government to establish and begin the public commission of inquiry into the Mulroney-Schreiber affair, I move that the Standing Committee on Access to Information, Privacy and Ethics recall Brian Mulroney to appear before the committee to answer supplementary questions and provide further details in relation to the fifth report of the committee presented to the House on April 2, 2008, and the study undertaken by the committee giving rise to the report.

The Chair: Thank you.

Mr. Martin, please continue.

Mr. Pat Martin: Mr. Chairman, the reason I move this motion today is that I don't think the Prime Minister has any intention of creating the full commission of inquiry that he promised Canadians. Perhaps the Conservative government is hoping that Canadians have short attention spans and that they'll forget all about the commitment, in fact the broken promise, to commence a full commission of inquiry into this affair. They are hoping they can once again sweep this whole thing under the carpet.

There has been no evidence that the government is taking any concrete steps whatsoever to get the full public inquiry up and

running, appoint the commissioner, rent the space, hire the staff, etc. I have lost confidence that they have any intention to proceed.

I remind committee members that it was the wish of the committee to recall Mr. Mulroney at the end of our list of witnesses in the study we undertook. It was our intention to call him back, for two reasons: to give him the opportunity to respond to some of the testimony that was subsequent to the evidence he gave, and so we could ask some supplementary questions to flesh out the explanation we were told regarding the work he says he did for Mr. Schreiber to earn the cash payments he received in these secret hotel meetings.

As committee members will remember, we invited Mr. Mulroney to come back a second time, and he declined to take us up on that invitation. He refused to attend, as it were. All committee members know that we had the authority and the ability to compel him to attend and we chose not to, as a committee.

The reason the NDP didn't push the point and summons Mr. Mulroney is that we believed the full public inquiry would be up and running shortly and that those outstanding questions would be addressed by the inquiry, perhaps with better resources and ability than our committee had to dig deeper into some of the unanswered questions. That never happened, so my position has changed.

This is why I am compelled to bring this forward today. I believe we have a finite window of opportunity to ever get some of these questions answered. I also believe that Karlheinz Schreiber will not be in this country forever.

If the government is not going to live up to its word and begin the inquiry, then I believe it is up to this committee. It's within our authority and our mandate to revisit the fifth report we made to Parliament and put supplementary questions stemming from that report. That's why the motion is worded as it is, and that's why, Mr. Chairman, I appreciate your deeming it to be in order.

I'm not going to talk at length. I won't even go through the questions we might have for Mr. Mulroney. There will be plenty of time for that after we go to a vote.

I appeal to members not to block this motion. It is in the public interest that we conclude our work on the Mulroney-Schreiber affair, if in no other area than the narrow scope of trying to add substance, flesh on the bones, to what I believe is the cock-and-bull story that Mr. Mulroney gave us regarding what he did for the money, which I believe to be nothing at all. If there is any evidence or documentation to verify that he actually did travel the world trying to sell tanks to foreign countries, I don't think it should be that hard to prove. I think it is our committee's role to dig deeper on that.

I urge the support of committee members for this motion.

Thank you.

•(1535)

The Chair: Thank you, Mr. Martin.

Mr. Wallace, please.

Mr. Mike Wallace (Burlington, CPC): Thank you, Mr. Chair.

I look forward to the vote happening today on this particular motion. However, I will not be supporting the motion and I want to give some detail on why I know that I'm not. I'm hoping to convince my colleagues also not to support the motion.

The mover of the motion has read the motion. Let me start with the first part of the sentence that's in the motion: "Due to the absence of any action by the government...".

Mr. Chair, I think this is absolutely inaccurate, and that is one of the reasons I'm not supporting this motion. Let us be clear that when the issue first came to be, the leader of the opposition got up in the House and challenged, I would say, the Prime Minister of Canada to call a public inquiry. What was the Prime Minister's response? Immediately it was that he was going to call a public inquiry—so, to begin with, the wording referring to absence of action is completely inaccurate. We took immediate action on the request, on the understanding that a public inquiry is what we felt and what the Prime Minister felt was needed in this case to deal with the issue.

We also have dealt with this issue extensively at this committee. We spent months and months and months discussing the issue, bringing witnesses, and talking to witnesses. We brought some witnesses back two or three times. I think Mr. Martin clearly indicated that we also invited Mr. Mulroney back after he'd been here once, and former Prime Minister Mulroney indicated that he had provided the information that he was able to and had nothing further to add.

So we have been very active. Our committee met, and then during the committee meetings there was a discussion all of a sudden that we should be proceeding—but how do you proceed, as a government, with an inquiry when we have an active standing committee looking at the issue? I felt it was inappropriate. We either have the public inquiry or we have the committee meetings looking at it, but to do it at the same time I think was inappropriate.

The decision was made—and I agree with the decision—that we would complete the work that we have done at this committee to look at the evidence that we and the opposition wanted to see. I want to remind you, Mr. Chair, that in fact this side of the committee room did not call any witnesses; all witnesses were asked for by opposition

members, and we dutifully saw those witnesses and asked them questions. We worked our schedules around those dates and times to make sure that witnesses could be here and provide the information that opposition members wanted to hear.

As we were proceeding through the committee, the government, I think rightly, waited. They wanted to wait to hear what this committee's conclusions would be. That conclusion came through the report that I think is mentioned here in this motion: "the fifth report of the committee, presented to the House on April 2...". I remind you that was just April 2, 2008. We waited to hear back. The government waited to hear back from this committee on the work it had done.

One of the recommendations in that report was to proceed with an inquiry. Did the government delay? No. Did the government indicate that they weren't going to do that? No; the indication was that we would proceed with the inquiry now that we had this report. Part of that process was to ask Dr. Johnston to report back, looking at the report that we did after months and months of activity at this committee—seeing witnesses, asking questions, and doing follow-up. Some opposition members had lunch or dinner with some of the witnesses to get even further detail.

•(1540)

We looked at that evidence. Dr. Johnston was asked to look extensively at that evidence and to give a report to the government on what the scope of an inquiry should be.

Mr. Chair, that action was taken immediately. There was no absence of any action by the government. We had to give Dr. Johnston some time to report, of course. He had to read our report and look at some of the testimony he had heard from the meetings we had had. He looked at other evidence that he had in front of him. I'm just surmising that he looked at how public inquiries have worked on other topics in other areas and what would be efficient and effective as a public inquiry for this particular item. Dr. Johnston did report back on that item. From that item the government has proceeded to try to begin the process of setting up the inquiry.

I want to remind the committee that the report was just accepted in the House on April 2, 2008. This is mid-May. I was in municipal government for 13 years before being here for the last two and a half, and I can tell you that municipal government is slow. The federal government is even slower.

An hon. member: Did you say it's mid-May?

Mr. Mike Wallace: Sorry if I said mid-May. My apologies—it is the end of May.

Things take time to happen, but that doesn't mean that things aren't happening. That's one of the reasons we're supporting this.

The Prime Minister has promised publicly to bring an inquiry on this item. He has not indicated, nor has anyone else in this government, that the commitment is not going to be met. We are following the process that has been set out. We all knew well before we started along this road that there would be a process put in place to have a properly constituted inquiry, with the proper framework and the proper principles to be looked at. Decisions would be made about how and where that would take place and the timing of it.

In my view, it will take time to find the right individual to be the commissioner of this inquiry. This is going to be a very difficult issue. Politics are involved in it. Some expertise will be needed from whoever is chosen as the commissioner to do this job so that we will be looking at this in an appropriate way.

The mover of the motion talked about public interest. I would say there's no greater public interest than there is in doing this right. I think Mr. Martin probably agrees with that. Doing it right, thoroughly, and properly is in the public interest. The public interest is not in trying to do something for political reasons or in doing it in a way that would not give confidence to the public.

I have to be perfectly frank with you. During our review of the study we did, I got a number of calls and e-mails from my constituents saying things like "I saw you on TV last night, Mike. I liked what you were wearing. I liked what you said...". There were lots of those kinds of things, like "I can't believe what one of the witnesses had to say", or "don't trust that person", or "are you sure?", or "ask this question". I have had a tremendous amount of response to that.

Since the report has been done, since we concluded our work, I have had exactly zero calls and zero e-mails, and no one that I can recall has come to me in person. I've had probably three public meetings since then. One of them was on taxes, but two of them were open sessions in which people could ask me about anything the government is doing, or what I'm doing. Mr. Chair, do you know how many questions I got about the Mulroney-Schreiber study that this committee did? Absolutely none.

• (1545)

The issue is not of the huge public interest that the mover likes to dramatically.... And he's very good at the drama. Perhaps Mr. Martin should try acting after he's done with this career.

An hon. member: Don't overdo it.

Mr. Mike Wallace: Well, you never know. I didn't say what kinds of movies they would be.

Some. hon. members: Oh, oh!

Mr. Mike Wallace: I mean quality of movies.

The public interest in the inquiry is that we do it right. There is no absence of action based on what this government has done, what this government and this Prime Minister have said they were going to do. We are following the procedure that was laid out for us all and clearly told to us by the Prime Minister. That's my first point.

My second point on this item is to ask the purpose of having former Prime Minister Mulroney back. Over and over again witnesses were asked whether there was any wrongdoing in this particular study, by any of the witnesses, any of those officials, the government, or anyone involved. Over and over again we heard evidence from a variety of witnesses that they could not identify any wrongdoing. Now, let's be honest. Many of you and some of us, including me, maybe didn't like what was happening and some of the answers, but they could not give us evidence that they were doing anything illegal, unethical, or anything that you could identify as wrong.

I'm not supporting this motion, because to what advantage is it for this committee, when we're doing very good work on the Privacy Act, when we have other issues that are facing us dealing with actual legislation in front of Parliament? I hear lots about access to information. Madam Lavallée and I have chatted before, and I am not opposed to studying the issue. I think there are issues with access to information. But we have only so much time as committee members to deal with these issues. We are doing a very good job, in my view, of reviewing the issues surrounding the Privacy Act at this committee. We've spent a lot of time already—in my view, relatively unproductive time in terms of moving the issues of what's important to Canadians in terms of legislation and the Privacy Act, access to information, and identity theft. There have been a number of issues we could have been dealing with, but we spent time on the Mulroney-Schreiber issue, and we did the study, and it's over.

During that study we could not find any evidence that would implicate further study on this issue.

We have committed to an inquiry. We're going to go to an inquiry when it's ready to be up and running. It may be taking longer than Mr. Martin would appreciate or like, but we need to do it right or it will not have the authority and the substance that are required.

Let's be honest: when we deal with this around this table, we do not have the resources. I believe Mr. Martin mentioned in his opening statement that an inquiry would be better resourced than the committee would be. I absolutely agree with him that an inquiry has that ability. You can have staff involved in research in a technical way that is not readily available to us as members of Parliament. You can have a very professional inquiry based on the experience and knowledge of legal staff. I myself am not a lawyer. An inquiry would allow for that, and for what I would view as a much more professional approach.

● (1550)

The approach that we had taken around this table during those long months of that inquiry did not produce any evidence of wrongdoing. Our parliamentary secretary, Mr. Hiebert, asked that question consistently of every single witness. Why did he? It was to have it officially on the record in the report that we were not able to find any wrongdoing.

Mr. Hiebert had other questions, but of course he wanted to make sure we all understood that, to be consistent and to be fair to all witnesses that were in front of us, those were the types of questions.... And those were the answers that the public—if you want to talk about public interest—really wanted. Was there any wrongdoing? Was there any evidence of wrongdoing? Were you able to discover any wrongdoing?

Over and over again, week after week, Mr. Hiebert asked the questions, and others asked the questions, and based on the testimony that we heard from folks and on the code of conduct, there was no evidence of it.

So having Mr. Mulroney come back to say I'm not sure what, and why that would be of importance.... That piece of evidence was there.

We could inquire further, but I want to say a couple of other things before I talk about Mr. Mulroney's testimony in front of the committee.

I think it's a dangerous precedent—and I think Mr. Martin alluded to that in his opening statement—to be calling and recalling former prime ministers of Canada to standing committees of the House of Commons.

The Liberals have more former prime ministers available to be called and recalled on a variety of issues. I believe Prime Minister Chrétien and Prime Minister Martin are still available to us if we really want to see them on a number of issues.

An hon. member: Joe Clark?

Mr. Mike Wallace: Joe Clark is available. I'm just saying that there are prime ministers.

I think we've gone down a bit of a slippery slope here in recalling former prime ministers to talk about what happened during their governments.

Mr. Mulroney, respectfully, through his lawyers, declined to come. He came the first time, which I think we expected. We as a committee asked him to come again, and he respectfully declined, through his lawyers, to come again.

I'm a bit concerned that from a political point of view, and let's be frank about it, the harassment of former prime ministers could become not just a bad precedent but a bad habit at the committee and at the House of Commons. You know, not all of us see the glory of each prime minister that others may see, or the policies they promoted or implemented, or some of the actions they may have taken while they were in office or shortly thereafter or shortly before. But there is, I think, for me, specifically—and I'm assuming for the

rest of us—a general respect for someone, man or woman, who makes it to the office of prime minister.

As you know, being parliamentarians, it's not a very easy job, no matter what side of the House you're on and which party you belong to. Leadership takes a significant toll on us individually and personally and is a 24/7 opportunity. And I'm talking leadership of all parties, not just those who become fortunate enough to lead this great country for the short period of time that they all do. But we all respect that, and I think we should continue to respect that after they have left office.

● (1555)

I think prime ministers are fair game, rightly or wrongly, while they're in office. We have question period every day. To make your point, some use of the press is also available to many of us around the table. While the Prime Minister is in office, that individual has that responsibility, has that accountability. But in my view, once the Prime Minister has left office—and it's not a rule, of course—he is a Canadian citizen and a citizen like anyone else.

I think as parliamentarians, we have a responsibility to respect the office and respect the individual who has made it to that office. Having this committee set the precedent of repeatedly asking prime ministers to come back and talk about different things during the time they are in office, or in this case after they've left office, I think is very bad, not just for this committee but for the Parliament of Canada. I think we'll lose respect as parliamentarians if politics follows that individual after they've left office.

The issue for me is that we need to be very careful when starting a process of recalling the prime minister, whoever that prime minister may have been, and for how long. We were fortunate, in my view, that the previous prime minister came in this case. He did his individual duty as a Canadian, in my view, to come to this committee and talk to us. The job is tough enough while you have the job, but to be worried about it for the rest of your life I think is completely inappropriate.

I think the history books will write what they believe to be accurate about a prime minister after they've left. They'll look at their legacy. They'll look at their policy. They'll look at their actions, and history will decide, based on writing and documentaries, what the general view of the prime minister has been. It's not the responsibility of the House of Commons or of parliamentarians to continuously ask to try to reframe or frame the legacy or the work of a particular prime minister.

That is why this motion, which I'm not supporting, when it recalls—

An hon. member: You're not supporting it?

● (1600)

Mr. Mike Wallace: You'll know by the time I'm done that I'm not supporting this motion, but we'll be voting on it today. I won't be supporting it when we finally get to the actual vote.

A second appearance of a prime minister is a very difficult thing for me to agree to. In fact, I believe Mr. Martin agreed with that approach at one time when we first thought about it as a committee, when the item was still in front of us about recalling the former prime minister. We got the letter back saying no, and we accepted that no at that particular time. I think that was right.

My issue is I'm not sure what we're going to gain from this. What I brought with me, which I know Mr. Hubbard is interested in, are the minutes....

The Chair: Order.

Could you respect members when they have the floor, please, all members?

Mr. Mike Wallace: I have the minutes of the meeting attended by Mr. Mulroney. I'm not sure if Mr. Murphy was here that day, but I believe he was. We extended some special time to make sure Mr. Mulroney could be here for an extended period of time. Instead of coming over two meetings, we had it all in one, and we all had an opportunity to ask Mr. Mulroney questions. We had a number of rounds of discussion.

For the record—it seems to be forgotten—I want to go over some of the testimony that Mr. Mulroney had brought to us, and ask why we would ask him back if this is what we already know. That is why I'd like to review some of his testimony.

He did have an opening statement, which he gave to us, in which he talked—

The Chair: Order, please.

Mr. Wallace, I have spent a little time looking at the Standing Orders and looking for references. I have been noting down each and every point that you've made and the number of times you've made it. There is quite a long list here already. I am not convinced that reading or reminding us of testimony of witnesses meets the test of relevance to the motion before us.

At this point I simply want to encourage you to do the best you can to stay relevant to the matter presently before the committee. There are a couple of references here about members reading letters into the record and the like. I have a reference, and I won't give it to you right now, but I don't believe that is going to be helpful.

I wanted to raise that with members. I'm going to try to follow our rules on repetition and relevance in our debate of this motion.

I'm going to turn the floor back to Mr. Wallace.

Mr. Mike Wallace: Can I respond to your relevance issue briefly, since you moved the point of order? I didn't know if the chair did that.

The Chair: I called for order because I wanted to alert all honourable members that should we not be making a proper argument with regard to the motion before us—

An hon. member: Mr. Chairman, on that call—

The Chair: Order. Let me finish off here.

I simply want to advise the committee of that.

I also want to remind the committee that the only time members will speak here is when they are given the floor by the chair or on a point of order. Jumping in and having a conversation is not going to be helpful to our process.

I'm going to give the floor back to Mr. Wallace.

● (1605)

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

The Chair: Point of order.

Mr. David Tilson: Thank you.

Mr. Wallace has indicated that he may be doing a number of things, and you've interrupted him—

The Chair: Mr. Tilson, what is in the standing order? Is it a matter of relevance, repetition...?

Mr. David Tilson: Well, sir, that's exactly what I'm going to ask of you. I'd like you to read the authority to interrupt Mr. Wallace.

The Chair: No, you're out of order, Mr. Tilson.

Mr. Tilson, I am not going to have a discussion with you about this. You know the rules.

So I'm going to give the floor back to Mr. Wallace.

Mr. Tilson, I'm not hearing you at this point. You have not been recognized, and you have not come up with a point of order.

Mr. Wallace, you have the floor.

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

I have just a very brief response. I will make it relevant to what we're talking about, by answering what the motion calls for, Mr. Chair: to recall Brian Mulroney to appear before the committee to answer supplementary questions and provide details in relation to the fifth report.

My view is that I am not supporting this because there is no need for supplementary questions, given the testimony that we have already heard.

So I am not reading the phone book, as you indicated, but I am actually reading and taking excerpts out of the minutes of this committee that were part of the report back to the House of Commons.

I think I'm completely in order in questioning whether supplementary questions are needed, and I am using for evidence—for lack of a better word—in my position on this what we have already discussed or debated and the questions already asked, and I'm asking why we need supplementary questions.

So thank you, Mr. Chair. I just wanted to respond to that.

The Right Honourable Brian Mulroney did come here. It was on December 13, and he did have an opening statement. In his opening statement he said:

My second-biggest mistake in life, for which I have no one to blame but myself, is having accepted payments in cash from Karlheinz Schreiber for a mandate he gave me after I left office. I will tell you today how that came about.

My first point here is that I don't know what the supplementary question could be, based on the fact that in the first part of his opening statement he admits that it was a mistake. Are you going to ask him again if it was a mistake? I think he clearly answered that question, Mr. Chair.

The Chair: Mr. Wallace, it would appear to me that your approach is to go through item by item what has been questioned, but not to suggest or even to look at the work that was done by the committee to consider that. In fact, it's clear that there are questions that were not answered, and that is a prima facie issue, because this committee issued a summons to Mr. Mulroney with regard to his trips to these various countries, asking him for the dates, the locations, and the names of those he met with and those who attended with him.

Mr. Wallace, you also asked about GST information you wanted from Mr. Mulroney. If we pull out the letter, the summons lays out a number of pieces of information this committee asked for. This committee decided not to act on the summons, although Mr. Mulroney did not respond to those questions. It's very clear that there are at least a dozen points of fact that the members had asked for, which this committee approved, and which were served on Mr. Mulroney and Mr. Pratte, and they were not responded to. Our invitation for him to come back to do that was turned down. So with regard to going through the testimony and suggesting there's no supplementary question on this item or that item, that is not going to make the case that there are no supplementary questions that could possibly be answered. We have on the record and filed with Mr. Mulroney questions to be answered.

So the issue about whether or not there are any supplementary questions is prima facie yes, there are. So move on with the rest of your considerations. You can carry on, but to make any argument—

Mr. David Tilson: Mr. Chairman, you can't argue these—

The Chair: Mr. Tilson, please. We're not going to go there.

It's a clear case. Having all this time to go through Mr. Mulroney's testimony to reach conclusions that there are no supplementary questions is not relevant to the question before us because it flies in the face of the facts.

I will give the floor back to you if you want to carry on with other arguments on the motion before the House.

• (1610)

Mr. Mike Wallace: Mr. Chair, I'm sorry, but in my view chairing the meeting is running the meeting. If you want to rule me out of order because I'm not following some procedure, that's fine. But to make arguments that you believe there are supplementary questions when I don't, and that I'm wrong because I believe there aren't—

The Chair: Mr. Wallace, I'm not giving my own opinion. I am reminding the members about facts before this committee. A legal document filed with Mr. Mulroney containing supplementary questions that we asked is not a matter of my opinion. Therefore, all discussion about whether or not there are any possible—

Mr. David Tilson: Whose opinion is it?

The Chair: Mr. Tilson, please. You'll get the floor if you're recognized or if you rise on a point of order, but we're in the middle of a point of order.

Mr. Wallace, as you can understand, with due respect, there are questions that can be and should have been asked, to which we did not get the answers. It is a ruling of the chair that we are not going to debate whether or not supplementary questions exist. That's a ruling of this chair. It is not just a personal opinion. It is a matter of fact.

So carry on.

Mr. Mike Wallace: Okay, I appreciate that.

I think you would need to look at if a question is asked but not answered to your satisfaction, or there's refusal to answer, that makes it a supplementary question. Or is it a fact that you didn't get an answer, and does it make it not answered because you didn't get the answer you wanted?

I'm not sure, based on your logic, whether I can even speak, because I didn't like all of his answers. There's no doubt about it. I didn't like all of Mr. Mulroney's answers. I didn't like a lot of Mr. Schreiber's answers. I didn't like answers of other witnesses we had. But I think if we're going to have a motion that will call Mr. Mulroney back and we're expecting him to answer supplementary questions, it is important for this committee to understand what questions were already asked and answered, whether you like the answer or not. And I think I have the right, as a member of the committee who sat through those long meetings, to make that point. You may not agree with me, and I don't really care, but I think I have the right to make that point as a committee member.

And there are other committee members here today who were not at those hearings and have no idea, when they make their decision on voting on this motion, whether there are other supplementary questions or not. So I think it's vitally important for us to understand what was asked and what was said when the Right Honourable Brian Mulroney was here in front of us.

I don't think I'm out of order on that. I have the right to do that. I can re-question what was said. I have it further down here, but you brought up a good example. I did ask Mr. Mulroney for his GST number, and his answer was that he had no idea whether he would need a GST number, because, as many of you know, you need to make a certain amount of revenue a year before you actually require a GST number. He said he wasn't sure that he was going to make that amount of money and require a GST number.

Mr. Chair, do I need to ask him again? Do I need to recall him to ask him again? No. I got the answer he gave me. Did I like the answer? Did I think it was off the top of his head? Absolutely. But that doesn't mean it wasn't an answer. That doesn't mean my question wasn't legitimate. Do I need to call him back to another meeting to ask him a supplementary question, to say, "Remember, Mr. Mulroney, I asked you about your GST number and you told me you weren't getting one. Why not?"

I'm telling you I'm not voting for this motion because I don't need that information. I don't think it's that important, based on all the other evidence I've heard and on the inquiry that's already been announced and is in the process of being set up by the Prime Minister.

So to tell me that I can't go through the minutes to look at what has been asked, not just by me, Mr. Chair, but by our opposition members, by Mr. Martin.... Is this in Mr. Martin's motion? I should have the right to look at what Mr. Martin asked and what the response was—Mr. Martin probably didn't like the answer, or maybe he did like the answer—and based on that answer, to put to my fellow committee members what supplementary questions could be asked from that.

•(1615)

The Chair: Order.

Mr. Wallace, this is the final time that I will ask you to move on. I made a ruling with regard to whether or not there exist supplementary questions, and it's *prima facie*: they are in the subpoena served on Mr. Mulroney and Mr. Pratt. All of you have those. There are questions that have not been answered; therefore, we know with 100% certainty that there are supplementary questions or other questions that exist.

Any further debate on that constitutes a challenge to the ruling of the chair. If you wish to make a challenge, you may.

An hon. member: We don't want to make a challenge.

The Chair: I understand, but I've ruled that there are supplementary questions, so any further discussion about whether or not supplementary questions exist or whether a particular question constitutes a supplementary question would be contrary to the ruling of the chair.

Order, please.

Mr. Wallace, if you persist, I'm going to give the floor to another member on that matter on supplementary questions.

Mr. Mike Wallace: Before I start up again, to meet the criteria you have outlined to me, you were indicating that because there is a letter that has supplementary questions in it, which I don't have here in front of me—maybe you can provide that—there might not be any other supplementary questions. So Mr. Chair, I'm going to go through the minutes and look at what was asked, and look at what else—

The Chair: Order.

Sorry, Mr. Wallace. Thank you. Order means that the chair has the floor.

Mr. Hiebert, you as well, sir. Order.

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

The Chair: I'm in the middle of something. I'll get to your point of order immediately when we conclude this matter.

Mr. Wallace, on three occasions I have addressed the issue that it's not my personal opinion that I've given. It is a matter of fact before the committee. I've asked you three times. I've been very patient, but you have refused, Mr. Wallace, to accept the decision of the chair. As a consequence—and you repeated your argument three times—as is permitted by the—

•(1620)

Mr. David Tilson: Three times? He hasn't had one.

The Chair: I understand that, but we can't go there further. I've given you three chances already to move on to your next point. There's no discussion once a decision is made. So I am going to move now to Mr. Murphy, please.

Some hon. members: No!

Mr. Mike Wallace: I still have the floor. You ruled me out of order on supplementary questions.

Some hon. members: No!

An hon. member: Mr. Chair, I have a friendly amendment.

The Chair: Mr. Murphy has the floor.

Mr. Mike Wallace: Give me a break. I still have the floor, Mr. Chair. You can rule that I'm not following—

An hon. member: It's unbelievable. It's a question of fairness.

The Chair: Order.

Mr. Poilievre had asked for a point of order during my discussion with Mr. Wallace. Now that that's completed, and before we go to Mr. Murphy, I'm going to hear Mr. Poilievre's point of order.

Mr. Pierre Poilievre (Nepean—Carleton, CPC): Thank you, Chair.

I understand that the discussion is getting heated. I'm wondering if it would perhaps be wise for us to take five minutes just to cool down.

The Chair: That's not a point of order.

Mr. Murphy, please.

Mr. Russ Hiebert (South Surrey—White Rock—Cloverdale, CPC): Point of privilege.

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): I have always known Mr. Poilievre to be the voice of reason and calm. Notwithstanding that, Mr. Chair, I have a friendly amendment to make on the motion that's been made by Mr. Martin.

Mr. Russ Hiebert: Am I going to be recognized, Mr. Chairman?

Mr. Brian Murphy: I thought I had the floor, Mr. Chairman. Do I have the floor?

The Chair: Mr. Murphy, just carry on.

An hon. member: Is there no such thing as a point of privilege?

Mr. Brian Murphy: Well, there's a difference between de jure having the floor, which I do, and de facto having the floor—which I don't, Mr. Chairman.

The Chair: Excuse me, Mr. Murphy.

Mr. Hiebert has asked for a point of order.

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

I'm seeking clarification on this concept of the ability—

The Chair: That's not a point of order.

Mr. Murphy.

Mr. Russ Hiebert: You didn't even hear what I had to say. My point of order has to do with the privilege of a member to speak to this committee.

The Chair: Mr. Murphy, please.

Mr. Russ Hiebert: I'd like a ruling from the clerk then.

Can you explain whether or not I can bring a point of order that relates to privilege?

The Chair: Brian.

Mr. Brian Murphy: Mr. Chair, I'm pleased to have the floor, de jure and de facto now, I think. De facto for a while I didn't.

I am proposing a friendly amendment to Mr. Martin's able motion. If there were no supplementary questions, there wouldn't be fodder for the inquiry that is the subject matter of what we're discussing. The nonsensical argument that there could not be any supplementary questions would in fact negate the need for the inquiry that the government still believes is necessary.

The question is not whether there are supplementary questions. The question is not whether a commission of inquiry should be established. The question is whether that commission of inquiry is going to be established, and when.

The friendly amendment therefore seeks to take the substance of Mr. Martin's motion and tweak it to a deadline that will make sure the government acts in a propitious matter and calls the commission of inquiry together by naming the chief commissioner, which they should have no problem fulfilling their function for.

So the amendment in the English version would add, in the fourth line after "Ethics recall Brian Mulroney to appear before the committee", the words "no later than June 12, 2008".

•(1625)

The Chair: The amendment is in order. Is there any debate?

Mr. Brian Murphy: In support of the amendment, Mr. Martin spoke eloquently to the reason for the motion. We agree with his reasoning.

On the June 12 deadline, this should cause no fear to the government, because if they are working as assiduously as they say they are in finding a chief commissioner, this will cause no harm. If they find that chief commissioner, if they find a credible judge willing to take such a narrow inquiry, then this motion will be *functus*. We will watch the commission of inquiry proceed, and will more than likely stand down this motion, because the inquiry—

which we all want, some more earnestly than others—will have started its work and we will have the summer off.

That's my amendment in a nutshell.

The Chair: Mr. Hiebert is next.

Mr. Russ Hiebert: Mr. Murphy talks about the timing the amendment relates to. I question the need for this amendment. Basically the motion as it is written is pretty clear. I think one has to question why any amendment needs to be taken when it's as clear as it is. Obviously Mr. Martin wants to bring Mr. Mulroney back. We've heard a variety of reasons as to why he wants Mr. Mulroney to come back, and I think it should be left as it is.

We've had an opportunity to debate, in part, despite the fact that the chair seems insistent upon cutting off members' rights to freedom of expression in this committee. We've had a partial debate on the nature of the motion in and of itself. I want to more specifically address the timing of the amendment. It states "no later than June 12, 2008". What is that—maybe two weeks from today? Is it a Thursday or is it a Tuesday? It's a Thursday.

Everybody has busy schedules. We have scheduled witnesses to come before this committee. We've been working very hard to have people complete our study on the privacy matter. We, as a committee, at least on this side of the House, have submitted the names of more than 20 people to come and provide testimony to us. I'm not sure if that would conflict with the witness schedule we currently have. It would appear to me to show a little bit of disrespect to those members who have been called before this committee, who are making preparations to appear before us. Certainly their time is worth something as well, and with respect to their preparations and the reviewing of the ten amendments to the Privacy Act that the commissioner has put forward to us and any possible additional amendments that they might make, I think we should give them a chance to put their hard work to use and pass this information along to us.

Many of us on this side of the committee—and it was said at the time that some members on the opposite side were interested in the Privacy Act—wanted to finish this particular debate. I've been talking about it for months. Those of you on the committee—Ms. Lavallée and Mr. Hubbard, and even Mr. Martin—would probably acknowledge that going back to....

Let me finish my comment, Ms. Lavallée. You can't disagree with me before you've heard what I've said. You're not the chair. It's only the chair who has the tendency to disagree with people before he has a chance to hear what they have to say. But I would say even you, in good humour, would suggest that I have in fact been calling for a study on the Privacy Act for many months, since long before the whole issue of the Mulroney-Schreiber matter came before this committee.

I can remember back to that first meeting. I think it was last September, or October, because the House had prorogued for a period of weeks. It was one of our very first meetings in the Railway Committee Room, and I put forward a motion to review the Privacy Act as our first order of business.

• (1630)

The Chair: Order, Mr. Hiebert. Can we move it back to the amendment, please?

The point that we have witnesses and we're studying the Privacy Act has been made by you three times now, so let's see if we can move on to something else.

Mr. Russ Hiebert: Oh, my goodness, Mr. Chair. I can't believe you're acting like such a dictator in this little committee.

The Chair: Order. I have the floor.

We really have to do this. I want to share with the members the importance of dealing with the issues of repetition and relevance in debate, particularly where we understand that there is some disagreement among members. I refer you to Marleau and Montpetit, page 527.

Madam Lavallée, please.

These are the guidelines—under the heading of “Repetition and Relevance in Debate”—for me to try to keep us moving forward.

Madam Lavallée, Mr. Plamondon, please. We're having a little trouble here.

It says the following:

The rules of relevance and repetition are intertwined and mutually reinforcing. The requirement of relevance is necessary in order that the House might exercise its right to reach a decision and to exclude from debate any discussion which does not contribute to that process.

That is, to reach a decision.

Everything we do should be contributory, additive. That's important to remember. It goes on to say the following:

The rule against repetition ensures that once all that is relevant to the debate has been presented, the question will be determined once and for all, at least during the current session. To have one rule without the other would seriously limit the ability of the House to use its time efficiently.

Or the committee, as the case may be.

Now, the rules respecting relevance and repetition can be invoked by the chair, which I have done, to prevent a member from—and this is a quote—“repeating arguments already made in the debate by other members or the same member”.

This means that if there are points made by a member, that member should not repeat those points, which was the issue with Mr. Wallace.

As we move on to other members, it says that to repeat any of the arguments, other than in passing, that another member has already made to the committee with regard to the question before the committee would constitute repetition.

• (1635)

Mr. Pierre Poilievre: Point of order, Mr. Chair.

The Chair: I'm in the middle of something. I'll deal with it when I'm finished.

The issue of repetition is not just with regard to your own presentation, it is with regard to what has been presented to the committee. The relevance is used to keep a member from straying from the question before the committee.

If you make a point that we are very busy at this committee and have other things to do, to go into how many meetings we've had on that and other things is not the main point. The main point is that the committee has other work. A point has been made. It shouldn't be made several times by a member. That's a matter of repetition. It may be relevant as a point, but it was repetitive, and that's why I raised it, Mr. Hiebert.

Let me just suggest to the committee that before us right now we have a minor amendment by Mr. Murphy, which would like to set a deadline of June 12 to have this matter dealt with. That's what we're debating now. I hope we can deal with that, with regard to whether or not a timeline is appropriate, is applicable, or has some problems with it. We'll see if we can get that, and then we can get back to the main motion.

Mr. Poilievre, on a point of order.

Mr. Pierre Poilievre: I would refer the committee's attention to page 71 of *House of Commons Procedure and Practice*. Related to the point that you've just raised, it reads the following, under the heading “Freedom of Speech”:

By far, the most important right accorded to members of the House is the exercise of freedom of speech in parliamentary proceedings. It has been described as:

“...a fundamental right without which they would be hampered in the performance of their duties. It permits them to speak in the House without inhibition, to refer to any matter or express any opinion as they see fit, to say what they feel needs to be said in the furtherance of the national interest and the aspirations of their constituents”.

Much has been written about this over the centuries—

The Chair: Order, please.

Thank you, Mr. Poilievre.

Mr. Pierre Poilievre: I'm just going to conclude.

The Chair: No, I'm sorry, you're not.

Mr. Pierre Poilievre: How can you rule on my point of order if you have not heard it?

The Chair: Mr. Poilievre, order.

Just listen.

Mr. Russ Hiebert: I am. I'm watching you, and you're acting like a dictator.

The Chair: Order.

Mr. Poilievre, I have made these rulings with regard to the repetition and the relevance, which are also in that. Free speech is wonderful, but I have made a ruling.

Mr. Pierre Poilievre: I thank you for that.

The Chair: Let me finish. I have made a ruling on these matters on the basis of repetition and relevance. You are now getting into an argument against the ruling of the chair. Therefore, if you want to disagree with my ruling on that, the appropriate action is to challenge the ruling of the chair. To challenge the chair is not debatable, and we'd have to immediately put it to a vote.

The reason I've interfered with you is that you are giving an argument about why you disagree with my ruling. That's why I've interrupted you in this point of order.

I'll give you a couple more minutes to finish it off.

Mr. Pierre Poilievre: Chair, you have said that freedom of speech is wonderful, and I agree. On page 71 of this rule book, *House of Commons Procedure and Practice*, the last paragraph reads:

In Odgers' *Australian Senate Practice*,

—which is part of the same parliamentary tradition, and therefore is in the same book we use in this House of Commons—

this privilege is expressed in broader terms as immunity of proceedings from impeachment and question in the courts. It is also stated that this is the only immunity of substance possessed by the Houses of Parliament and their Members and committees. There are two aspects to the immunity. "First, there is the immunity from civil or criminal action and examination in legal—"

The Chair: Order.

Sorry, Mr. Poilievre, I have to rule that is not a point of order. You have not stated anything to do with a point of order.

We have to move back to—

Mr. Mike Wallace: Point of order.

The Chair: Mr. Wallace, please state the nature of the point of order.

Mr. Mike Wallace: The nature of my point of order is based on the rules you've just read to us. So I'd like a ruling from you, sir—

The Chair: That's not a point of order.

• (1640)

Mr. Mike Wallace: Based on the rules—

The Chair: Sorry, Mr. Wallace. You're asking me for a ruling. You can't do that on a point of order.

Mr. Hiebert had the floor before these points of order started. Mr. Hiebert, back to you, sir. We're on the amendment.

Mr. Russ Hiebert: I know. I'm on the amendment.

I want to start by saying I appreciate your giving the floor back to me. I know there was some confusion, and I didn't want you to be left with the impression I didn't notice that you were willing to return the mike to me. I promise I will do my best to avoid any extraneous repetition of the points I have already made. If you sense that I am going in that direction of repetition, perhaps a gesture or a hand signal would be better than cutting off my mike. I have some important points to make, sir.

I was referring to the amendment being no later than June 12, 2008, as Mr. Murphy said. I'm not going to repeat the points I already made about the timing, respecting the witnesses, and the preparation they have talked about. I'm not going to repeat the fact that we've been working on privacy, and how long I've desired to get our committee to that place.

But I want to make an additional point that I think many Canadians would want to note. By placing this amendment to this motion—and I'm going to have to unpack this a little, so please don't say I'm repeating myself—it's like a form of blackmail. Mr. Murphy kind of alluded to that when he said this motion will do no harm to anyone, including the government, as long as they proceed with an inquiry before the deadline.

Is that not what you said, Mr. Murphy, in a paraphrase?

Can I get him to acknowledge with a nod?

The Chair: Carry on.

Mr. Russ Hiebert: I heard that you were suggesting that unless the government proceeded with this in a hurry before the deadline, they could set this issue aside, and the government would have no fear about Mr. Mulroney appearing before this committee again, because they would get it done.

Well, Mr. Chair, and respectfully to Mr. Murphy, through you, Mr. Chair, this appears to be a form of bullying. This appears to be the opposition, at least from the Liberal side, basically stating to the government that unless they did what the Liberals wanted, there would be consequences.

I know this is repetition, but it's to make the point. It's literary. Please, don't cut me off.

He said that unless we did as they said, there would be...he didn't say "hell to pay", but consequences.

I don't think it's appropriate for Mr. Murphy to make that suggestion. Mr. Murphy might have other good reasons to suggest that June 12 would be an appropriate day. It could be that it's his favourite day of the month. It could be that it works in his schedule. It could be that he already knows what Mr. Mulroney's calendar looks like for the next couple of weeks.

Mr. David Tilson: It could be his birthday.

Mr. Russ Hiebert: He might know at this point that he's not going to be in the House on that day, so there's no harm in having somebody that he's personally not interested in hearing from, I conclude from his previous comments to this committee, and this would be a fine day, or between now and that day would be appropriate.

But to suggest that the reasoning behind his subamendment is to put the feet of the government to the fire I think is going a little bit too far. I think he should reconsider his motives behind this. I think if he genuinely wants to hear from Mr. Mulroney, it would be more appropriate to leave the schedule open.

Perhaps Mr. Mulroney has commitments. He's a former prime minister, and through his own words he has claimed to be an international consultant. He did say those things. Members may laugh, but we have to take his word at face value. I know the chair is kind of muttering and suggesting that we need to hear evidence of what international consulting he is doing. Fair enough—he has claimed that. Maybe it's the case that he's not available.

Instead of putting an arbitrary deadline like June 12, why wouldn't it be better to simply say “no later than the end of June”, or “when he's available”, or “at the earliest possible moment”, or something that doesn't define it quite so strictly? Let's give this guy his due. He's a former prime minister.

I'm now not referring to the busyness of his schedule. I'm saying let's respect his office.

Mr. Brian Murphy: Do you support the end of June?

Mr. Russ Hiebert: We can't simply take our former leaders and put arbitrary deadlines on them. It's disrespectful to the office that he held. It's not dissimilar at a lower stature to the office that Mr. Murphy holds.

I think there's an element of respect here that needs to be accorded to our former prime ministers. There are not that many of them, mind you. We're not talking about a huge class of people here. We're talking about a distinguished few who have earned the confidence of Canadians to the point where Canadians have spoken and said “We are going to trust you with the elements in the arms of government. We are going to give you the authority to make decisions, set the agenda, and represent us on the international stage.” That's no small responsibility.

I would respectfully submit on that point, Mr. Chair, that there's an element of respect that needs to be on that. I'm not repeating myself. I simply want you to get the point.

He also said—and I paraphrase—that we all want to get to the bottom of this. Well, that's absolutely true. I saw heads nodding all around this table when he made that statement. In fact, I would suggest, Mr. Chair, through you to Mr. Murphy, that with regard to our report, which we tabled not that long ago, the part we all agreed on—because we did go through it fairly quickly before this committee, and the researchers would agree there were very few amendments that were made—was that we have to get to the bottom of this.

We, as government members, did make an addendum or an addition indicating that we thought there was no evidence, and we agreed that if the inquiry were to proceed, it would do so within a limited timeframe.

• (1645)

Yes, I think Mr. Murphy is correct that we all do want to get to the bottom of this. The question is how do we get to the bottom of this? That's where I differ with the member. If we're going to do this right, what we've said in the past is that it needs to have an appropriate context. To come along and say that by June 12, by Thursday two weeks from now, the government has to do this or there are consequences I think is not providing the context of an appropriate inquiry.

I'm not aware of this, but perhaps it's the case that the government is on the verge of naming who the commissioner is going to be, or of naming the location or the dates or the mandate of this inquiry. Perhaps if we wait a couple of days or a couple of weeks Mr. Murphy will get the answer he wants. I don't know. I don't have the answer to that question. But I think if we're going to do this right—and this is a point I made to the chamber when I spoke to our report when it was tabled—we have to provide a context and an environment that allows that to happen.

I simply want to close my comments about this amendment by asking, rhetorically I guess, because we'll have to wait for Mr. Murphy to get on the speakers list again, what he means specifically by no later than June 12. Is he suggesting that if this motion were passed as amended, the clerk would immediately contact Mr. Mulroney and say, “Mr. Mulroney, surprise, surprise, but the Standing Committee on Access to Information, Privacy and Ethics would like you to come back. I know, Mr. Mulroney, we've asked you to come back before. That was a couple of months ago. I know, sir, that you declined that invitation. Needless to say, the committee is now calling you to come back. And oh, by the way, we need you back here ASAP.”

I'd like to hear from Mr. Murphy. Is he flexible? A couple of minutes ago he was suggesting the end of June. That's what I heard. Perhaps Mr. Murphy would like to clarify if he's stuck on June 12 as a deadline or if that was an idea that was given to him by another member of this committee, or if there's some flexibility there.

We could look at the parliamentary calendar, which I think is an important thing to consider, because remember, Mr. Chair, that you sought to make amendments to hear from Mr. Mulroney and we weren't even sitting. There was plenty of talk around this committee to adopt a different calendar of sitting from what has normally been adopted by the House of Commons. So perhaps it's the possibility that Mr. Murphy would like to say the end of June, the end of July. If this matter is of such great importance, certainly he wouldn't want the parliamentary calendar to prevent Mr. Mulroney from coming back at a time that's appropriate to him and to us.

What if it's the case that June 20 being the deadline—under the current calendar, that's the Friday on which we're currently established to sit—Mr. Mulroney were to say, “Sorry, I'm not available for the next three weeks, I'm overseas consulting”? What if we came back on June 24—if you want to keep it to our regular sitting times, it's a Tuesday—or June 26? What about early July? We don't want to conflict with Canada Day, because that would be an offence, but would he be willing to look at alternate timeframes that he would like to consider?

In essence, those were the points I was trying to make. I'm not sure if there are any other comments that were—

• (1650)

The Chair: After you, I have Mr. Poilievre, Mr. Wallace, and Mr. Tilson.

Mr. Russ Hiebert: Okay. Then I don't want to take up too much time. I'll pass the microphone to the next speaker, or perhaps Mr. Murphy wants to provide some comments.

The Chair: He's not on the list. We have Mr. Poilievre next.

Mr. Pierre Poilievre: Thank you, Mr. Chair.

I understand you've worked very hard on this file, as have a lot of people around this table. I wasn't here for the hearings, but I followed them carefully.

I think Mr. Murphy has put forward an amendment in good faith. He is moving toward something that's increasingly workable, but what we have to work on now are the details.

Let's keep in mind that arranging these public inquiries is not easy. They take a lot of time to set up. The last public inquiry we had in the previous Liberal government was on the Gomery file. We remember that then Prime Minister Paul Martin received information on the ad scam in November 2003. Hearings did not begin for almost a year from the time he learned of those revelations. So these things take some time.

I know, Chair, you were around during those times on the government operations committee. As such, you have some familiarity with these sorts of matters.

The Chair: Mr. Poilievre, I want to remind you we're presently debating the amendment to establish June 12 as the time limit. It's just the amendment. Your other comments would probably be more appropriate to the main motion. Please comment right now on the amendment.

Mr. Pierre Poilievre: I brought up those comments because they also dealt with the timeframe. It was September 7, 2004, when the Gomery hearings actually commenced. Of course, then Prime Minister Martin had the explosive details of the Auditor General's report in November of the previous year. So it was basically a year. In fairness to him, he did commit at the outset that there would be a public inquiry, but it took a lot of time to arrange it.

Without revealing any confidences, I think it's fair to imagine that there are probably not a lot of former or active judges who are jumping up and down pleading to be chosen for this role. So I think we have to give the Prime Minister the benefit of the doubt that he is working through his options.

There are a limited number of people in this country who are actually qualified to carry out hearings of this nature. They are very complicated and time-consuming. They require a lot of legal expertise. To find someone who has the intellectual *gravitas* and the legal experience to head up such an inquiry is not easy. But my understanding is that they're working on a short list, and from that short list we have to ascertain if any of the people on it are actually interested in the job. It doesn't sound like a particularly fun job. That is why the timing is so important.

I know that members of this committee want to pass a motion here that is predicated on good faith. I would ask them to contemplate a subamendment that would stipulate a September deadline to begin those hearings. We have heard from Mr. Murphy that he would prefer a deadline in June.

If you'll allow me to speak to my subamendment, Mr. Chair—

•(1655)

The Chair: Order, please.

I understand that Mr. Poilievre would like to move a subamendment for a date change.

Could you state the amendment, if you have the precise wording? You just want to change the date from June 12 to September 2008.

Mr. Pierre Poilievre: That's right.

The Chair: Okay, the subamendment is in order.

We're now debating the subamendment, which is effectively the same point of interest as the amendment—that is, a time limit of some sort.

Carry on. You may debate.

Mr. Martin, on a point of order.

Mr. Pat Martin: I don't believe this is a subamendment.

The Chair: I've already ruled it in order.

Carry on, Mr. Poilievre, please.

Mr. Pierre Poilievre: If I could just state at the outset, I've always appreciated Mr. Martin's interventions in these committees, and this is no exception. But I have to respectfully disagree here, as I do think this subamendment is in order.

I appreciate your ruling, Chair. Thank you for that.

On to the substance of the amendment, Mr. Chair, I think that the fair and just minds around this table are unanimous in their agreement that these kinds of inquiries do take some time to assemble. We want to get it right; we don't want to rush in and choose someone to head up the hearings who perhaps would not be qualified and therefore would turn a legitimate inquiry into a circus. I know that members around this table are responsible and do not want to see that result any more than the government does. So in a spirit of non-partisanship and the public good, I hope they would agree that September would be a reasonable timeframe for the Prime Minister to have the wheels in motion on these hearings.

I think that if they took the time to review how long it took Prime Minister Martin to assemble the Gomery inquiry, this would be reasonably comparable. In fairness to Mr. Martin, he did assemble the Gomery inquiry in a reasonable timeframe. I didn't necessarily agree with the terms of reference that he wrote, as I think they could have been broader, but I will give him credit, in a tender moment of non-partisanship, for having assembled it at a reasonable pace. Opposition parties, Mr. Martin included, and members of the Bloc Québécois as well, were fairly patient with him on that point. No one was jumping up and down and saying that Mr. Paul Martin was acting too slowly. We gave him the time, because we wanted him to find someone qualified and have the assembled team of experts put in place in a manner that would allow it to be done properly. I think that because we permitted that to occur as parliamentarians, and because the previous Liberal government did take the time necessary, we had someone who turned out to be quite a good pick, Justice Gomery. I think most people around the table would agree that the choice of Justice Gomery turned out to be a good one, and we learned a lot from the hearings as a result.

Now, that's not to say that the two matters are the same. I think everyone would agree that the Mulroney-Schreiber controversy is not nearly as hideous an issue as the sponsorship scandal was, but the point remains that it does require significant legal expertise and a degree of competence that does take some time to amass for any government.

I've asked the Liberal member, Mr. Murphy, who I understand has a legal background, to consider what I would label as a friendly amendment to permit the Prime Minister and the team he has to assemble for the inquiry to do so sooner rather than later—but before the end of September. In the event this doesn't happen, then we could consider the extraordinary step of recalling a former prime minister.

I also note there's not an emergency here. In times around this place, we get so wrapped up in the drama of Parliament Hill that we forget that this is not an emergency.

• (1700)

I was about 13 years old when the alleged events in question occurred. For the last decade and a half—and it has been a decade and a half—the country has gone along with some ups and downs and has survived without a public inquiry all of this time. So I don't think that if we are to wait a few more weeks the nation is going to come collapsing down. Let's keep those facts in mind.

Mr. Chair, if could add to that, I know you have done some exhaustive work here at the committee. I think that in assembling the team that will carry out the public inquiry, the Prime Minister is also reviewing the work that was done in this committee—some of it very good. That's not to say we agree with everything that went on before the committee, but I think we'll all agree there was a lot of effort that occurred here. I credit members of all sides of the committee for having made those efforts—you among them, Chair.

So having sought, and maybe even received, a degree of consensus around the table that this is going to be an arduous process for whoever the unfortunate soul who heads it up turns out to be... I think it's going to be very, as I say, unfortunate, because I think it's going to be very challenging work and they're going to deal with some very challenging personalities, chief among them Mr.

Schreiber, who has demonstrated a capacity for dramatic fiction that is perhaps unsurpassed in this place for a very long time.

How do you deal with someone like that? That takes time. Finding someone who can rein in the disparate personalities of a conflict of this kind ain't easy. As I look around, I see there are a lot of heads that should be nodding.

That brings me to conclude on a positive note. Every once in a while around this table something special happens, and that's when we all agree on something. I offer a friendly amendment to Mr. Murphy to move this date to September. Wouldn't it be a wonderful way to end this Thursday afternoon, if we were all to agree on that change?

Thank you, Mr. Chair.

• (1705)

The Chair: Mr. Wallace, please.

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

I'd like a clarification, if you could. With the change in the subamendment to no later than... Is it September, or is there a date in September?

The Chair: It's September.

Mr. Mike Wallace: Was the original amendment that was put forward that the commission begin, or that the commissioner be in place?

The Chair: If the subamendment passed, the motion would read that Mr. Mulroney appear before the committee no later than September 2008.

Mr. Mike Wallace: So in actual fact the amendment does not say that Mr. Mulroney would not be required to appear if a commission began. Is that correct?

The Chair: No, there are no qualifications in this motion whatsoever with regard to whether or not an inquiry has commenced or a commissioner has been appointed or whatever.

Mr. Mike Wallace: Okay.

In my view, Mr. Chair, the mover of the original amendment—and I'm in favour of the subamendment, in terms of timing, and I'll get to that very shortly, because I don't want to get ruled out of order... The initial idea of putting a date in there was that if a commission began—or, in my view, if a commissioner were announced—we would not have to proceed with calling back the former prime minister. But in actual fact, based on the wording that's in front of us, that is not the case. It just puts a deadline on when the actual call would happen to try to get the former prime minister back.

Having said that, and having the understanding that it's not one or the other, and that this is actually doing both, I'm more supportive of the September date, and my reason is strictly practical. In my view, Mr. Chair, the parliamentary calendar from here to I think June 18 or 19 would mean that we would probably wait until June 12, which was originally the date for the request, and then have to send a letter or correspondence or make a phone call to require Mr. Mulroney to appear.

I'm assuming that there would be some sort of debate about when and timing and so on. My concern would be that, based on the date that has been presented in the original amendment, the likelihood of our being here as parliamentarians would be slim, and we'd have to have a special meeting and come back during our summer break. I have plans in my riding that I'm hoping to accomplish in July, and coming back to Parliament was not one of the plans I had in front of me.

That is why I think, colleagues, that you should consider the subamendment regarding September strictly from a practical point of view. If we want to be effective and have the public here, and the attention of Parliament, which I think is what people are looking for, then not having it commence till we get back in September would be ideal.

That's my position on the date. I know you can't move a subamendment to a subamendment, but I think the subamendment should be clarified, Mr. Chair. All this is doing is putting a deadline to the event of requiring Mr. Mulroney to come back, and it does not in any way end just because the commission.... Really, I think the concern of the mover of the initial motion was sort of an impetus to get this commissioner in place and the commission started. Neither this subamendment nor the amendment actually accomplishes that particular goal. All it does is give us a deadline.

But if that's what the committee wants, I think it would be much more practical to have a date in September, so that we will be able to look at this. I think that if this September date passes, which I would support, Mr. Chair, it would be wise for this committee to revisit this motion when we get back, if the commissioner has been in place and the commission has started its work, whether it's in the planning process or in actual hearings or it has dates on which hearings are going to happen.

• (1710)

There should be something in this motion that requires it to be revisited or automatically rules that it's no longer needed. That's not the case right now. And the amendment to change it from June 12 to September would at least give this committee an opportunity to look at that issue, if it presents itself as what might happen.

My understanding is that June 12 is pretty close. The September date gives a lot more flexibility. I am relatively confident. I don't have inside information, but from my inquiries I know they have been working at it for the last couple of months. It is not completed yet, but they are working on securing a credible commissioner. It's not an easy job. I certainly wouldn't want the position myself.

I think it's reasonable for us as a committee to expect the government to at least have the individual expressed to the public by September—about six months. That makes sense for the way the

process works around here. It makes sense, as the previous speaker said, using other examples. I wasn't here for the Gomery inquiry, but I know it took a while to get up and running. That's reasonable.

I would look to the mover of the subamendment and the amendment to work on the wording so the date is acceptable and there is a condition in it. As the chair has indicated, there is no condition in it. I would be much more supportive of the September date, on the condition that the commissioner has not been named or the process has not started.

I think that is a legitimate position for this committee to be taking, and a legitimate approach. Of course, I'm speaking to the amendment. I can't speak to the main motion because I've been ruled out of order a few times.

If the committee in its wisdom decides to move ahead, how many of us will want to come back in July to make that happen? I want you to seriously think about that. I think it would be much more reasonable and effective to put the September date in there, leave it open, come back, and have a look at where we are with the condition in there. The September date will force us to revisit this. Put those conditions in there and have a look at it. If we proceed, people will be satisfied that we're proceeding. That would be a much more effective use of our time and a much more professional approach that this committee could take.

Mr. Chair, I know it's hard for you to believe, but that's virtually all I have to say on that particular matter. But I do want to come back to the main motion, and I want to be on the speakers list when we get to it.

Thank you.

• (1715)

The Chair: Thank you, Mr. Wallace.

Colleagues, this is an interesting proposal because of the arguments that have been made. I'm going to see if there's an appetite for amending the date to make it September 2008. That is a significant concession. It appears that Mr. Wallace is supportive of that happening. Is there anyone over here? No.

Mr. Hiebert has the floor on the subamendment.

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

It sounds like you're actually somewhat inclined—not that you're allowed to vote—toward this amendment that would change it from June to September. That is the subamendment I'm speaking to.

In case some members aren't fully convinced of the benefits of moving it to September, I want to outline some of the advantages of delaying it until then.

I thought Mr. Murphy's arbitrary two-week deadline was a bit abrupt. He suggested that it was a way to hold the government to the fire. I suggested it was a form of blackmail, and maybe a little bit of bullying on his part. So if we moved this from June to September, nobody could make the accusation that Mr. Murphy was trying to be a bully, or blackmail the government. Nobody could raise the spectre of such an assertion, and Mr. Murphy could face his constituents with a good conscience, knowing he hadn't tried to do such a thing.

That's my first point, and it's an important one.

My second point is that it gives Mr. Mulroney more time to fit us into his schedule. As I said earlier, this might be a very legitimate concern on his part. He's a busy guy, doing international consulting and that sort of thing. If we opened up the parameters at which he could look at his schedule, it's likely he'd be busy over the next two weeks. Is it likely he'd be busy for the entire next three or four months? It's possible, but I don't think it's likely.

I couldn't hear Mr. Martin's comments. His mike wasn't on.

I suggest it would be a little more respectful of the former prime minister to give him a larger window of opportunity.

Mr. Chair, it appears that a lot of people are talking. Perhaps you could get their attention. I'd like to think that my comments are of value.

The Chair: You're quite right, Mr. Hiebert.

Honourable members, please respect the rights of all members to be heard. I think we all understand that. I know it's getting a little late. We're only going to be here for another ten minutes, so let Mr. Hiebert make his points. I'm sure everybody will respect others when they speak.

Carry on.

Mr. Russ Hiebert: Thank you for that intervention, Mr. Chair.

Where was I? Oh yes, I was talking about Mr. Mulroney's scheduling.

I think I made the point, and I'm not going to repeat myself, that we have to respect his schedule. Two weeks is a little bit short; I think three or four months he should be able to accommodate.

The third point is that I don't know about the members opposite, but I can tell you, Mr. Chair, that I spend a lot of time preparing for this committee. My staff and I are doing the research; we're considering the possible issues that might come up; we're reviewing previous testimony. It takes time. Even more so was the case during the Mulroney-Schreiber hearings. We put an enormous amount of time into preparation, reviewing the testimony of the previous witnesses on a previous day. In fact, as it continued, the volume of testimony we had to consider was immense.

Knowing how important this matter is to the members of this committee, and certainly to Mr. Martin, who tabled this motion, I could see an advantage to delaying from June to September, giving Mr. Martin and anybody else plenty of opportunity to review the testimony of Mr. Mulroney and to really ask themselves the hard question about whether there's anything left to be answered.

You can't just walk into this. This is a national event. It is an historic event, as we saw, and you don't want to simply show up on the day that he's agreed to come and not be ready.

Giving members more than two weeks, by moving this from June to September, giving them plenty of time to consider all the elements that need to be considered so that they can craft worthy questions, substantive questions, the kinds of questions that Canadians would expect from their members of Parliament, would be appropriate.

That wouldn't be just for us. I think it's also fair to say that Mr. Mulroney would want the additional time to prepare. I'm sure he would take great comfort, in fact, in having more than what could be just until next Tuesday, but three or four months to put his mind to the possible questions we might ask and be ready to do that.

Mr. Martin talks about questioning whether or not he needs the time to prepare. The issues we're dealing with were a long time ago. They didn't just happen yesterday. So I would suggest that giving him the appropriate time to prepare would be another good reason to do that.

My fourth point about why we should change this from June to September is more of a psychological one. Basically, I think, given the additional time, cooler heads might prevail. We don't want to be rushed. Let's give ourselves a chance to take down the temperature. I know there has been a lot of partisan bickering and a lot of disunity and perhaps questionable conduct in committees. If we give ourselves the additional months that we need to just take some time over the summer, have some ice tea, and spend a little time in our constituencies, we might all come back a little more refreshed, a little less on edge, and more in a state to properly address these matters without getting under each other's skin, as seems to be happening more now than just a couple of months ago.

My fifth point is that June to September is a lot of time. What could happen in that period of time? Well, it's quite possible and I think Mr. Martin would be pleasantly surprised, that Mr. Mulroney, of his own initiative, could voluntarily or indirectly answer some of the questions that he was prepared to ask. It's quite possible that he might submit a letter to the editor or make a public statement or might even write to Mr. Martin directly, answering the questions, the probing questions that Mr. Martin claims he has.

● (1720)

It's quite possible, perhaps not likely, but possible, that Mr. Martin's wish might get answered independently of this committee. If that were the case, then we wouldn't have to take any of our committee's time to address this matter.

I know we're running close on time, so I'll wrap up rather quickly, Mr. Chair.

My sixth point is that perhaps members themselves might change their minds over that intervening period of time. Perhaps we'll come back in September and members will be inspired to continue our study on privacy and we can finish the job we started, that very important work we need to do, as has happened in the past.

The only reason I make that point, Mr. Chair, is that it seems the members opposite have a tendency to change their minds all too quickly. I just want to make one example. That is, a couple of weeks ago, maybe a month ago, we initiated this study on privacy, and here we go getting distracted by other motions and time is taken away from what we are here to do.

In closing, Mr. Chair, this is my final point. Perhaps this is a point that's been made. I'm not sure, as I haven't been here listening to all the testimony because I had to step out momentarily. It would give us a chance to find out if the inquiry itself will commence before it is necessary for us to proceed to this matter and to force Mr. Mulroney to come. It's possible—I would like to think likely, but I'm not sure—that the inquiry might commence before September, and that would mean it would no longer matter.

With that in mind, I will complete my comments at this point. If necessary, I do have an amendment. I think the rules might suggest.... I'm not sure if now is an appropriate time, so I'm not going to make this amendment, but I want to put it on the record that we could add at the end of "no later than September 12, 2008" the words "unless a judge is appointed to head the inquiry". I'm not going to move that yet. I'd like to see how the voting will unfold, which I hope we can commence right away.

• (1725)

The Chair: Okay.

An hon. member: We're ready to vote.

The Chair: Are we ready for the question on the subamendment?

Mr. David Tilson: I would like a recorded vote.

The Chair: Okay.

The subamendment is to change the date to September 2008, as opposed to June 12, 2008.

(Subamendment negatived: nays 7; yeas 4)

The Chair: When we return, we're going to pick up the debate on the amendment proposed by Mr. Murphy.

Some hon. members: Call the question.

An hon. member: We want to get this done here.

The Chair: Order.

I understand that the members are asking for a vote on Mr. Murphy's amendment. Is that correct?

Some hon. members: Yes.

The Chair: And by recorded vote?

Some hon. members: Yes.

The Chair: Okay. I will put the question on Mr. Murphy's amendment, with the June 12 date.

(Amendment agreed to: yeas 6; nays 5)

The Chair: So we have the motion of Mr. Martin, as amended by Mr. Murphy.

Is there debate?

Some hon. members: Call the question.

The Chair: Okay, we'll call the question then.

(Motion as amended agreed to: yeas 6; nays 5)

The Chair: The time is 5:30. We have—

An hon. member: I move to adjourn.

The Chair: I'm sorry, but our meeting was called till 5:30. The time has expired.

• (1730)

The meeting is adjourned.

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