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

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**EVIDENCE**

**Tuesday, May 25, 2010**

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**Chair**

**Mr. Paul Szabo**



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

Tuesday, May 25, 2010

• (1110)

[English]

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

This is the 16th meeting of the Standing Committee on Access to Information, Privacy and Ethics. Our orders of the day, pursuant to Standing Order 108(3)(h)(vi), are a study on allegations of interference in access to information requests, and specifically the motion, moved by Mr. Easter, that the committee conduct a study regarding allegations of systemic political interference by ministers' offices to block, delay, or obstruct the release of information to the public regarding the operations of government departments, and that the committee call before it a number of witnesses, which we have been working through.

This morning we were to have, from the Office of the Prime Minister, Mr. Dimitri Soudas, the director of communications for the Prime Minister.

I think everybody is aware that there was an announcement by the government that was confirmed in the chamber this morning at 10 o'clock. All parties had an opportunity to respond to the ministerial statement.

Just prior to this meeting, the clerk received a telephone call from Mr. Soudas to indicate that he would not be appearing and that they would be following the decision of the government with regard to political staffers appearing before committees.

In this particular case, the minister responsible in fact is the Prime Minister. As you know, it is quite unusual that a Prime Minister would appear before a committee on such a matter. As a consequence, the Prime Minister's Office has asked Minister John Baird, the Minister of Transport, to appear before us to answer our questions, and even to make a brief opening statement if he wishes.

Colleagues, under the circumstances, I think we all understand that this is a very serious matter that was raised with Parliament just this morning at 10 o'clock. It's a long statement, and it has had the input of all the parties at this time. I understand, from my reading of watching the proceedings, that each of the parties wants to be very careful, to look carefully at the statements and at the precedents, and determine what happens—not to take too quick a step on this. I think that's probably good counsel for this committee as well.

We do have our members assembled. We have other business to do as well. But the minister has come here on behalf of the Prime Minister, as he often does in the chamber, and I've agreed to allow him to appear.

**Hon. Wayne Easter (Malpeque, Lib.):** Mr. Chair.

**The Chair:** Mr. Easter, you have a point of order?

**Hon. Wayne Easter:** Yes. On a point of order, I disagree with that decision, Mr. Chair.

Mr. Soudas is responsible to the Office of the Prime Minister. His direct superior is the Prime Minister. Mr. Baird, although he answers questions in the House, is certainly not designated as even Deputy Prime Minister.

This committee, on a motion, had asked that Mr. Soudas come. He is on our order paper as such. The government may have made a statement, and Mr. Soudas himself—an unelected and, it seems now, unaccountable individual—made a statement over the weekend. That statement was confirmed by the House leader of the Conservative Party today in the House of Commons.

This, in my view, is a subversion of not my democratic rights, Mr. Chair, but Canadians' democratic rights—

**The Chair:** Please, Mr. Easter—

**Hon. Wayne Easter:** —in terms of the committee having the authority to invite who it wants.

**The Chair:** Excuse me, sir. Order.

**Hon. Wayne Easter:** Mr. Baird does not represent Mr. Soudas.

**The Chair:** Just a minute.

**Hon. Wayne Easter:** So I disagree.

**The Chair:** The chair, in discussing with the minister what we can do with our time here, thinks it may be helpful.... I don't want to suggest that we should move too quickly on taking other matters. So I, in discussing it with the minister, agreed, provided we keep pertinent to the matter before us, that we would go forward.

I should have quickly indicated, Mr. Easter, that when you disagree with the chair's decision, you in fact are challenging the chair. And that is not debatable. The vote must be put immediately.

So I don't have much option but to ask the clerk to ask whether the decision of the chair shall be sustained.

**Mr. Pierre Poilievre (Nepean—Carleton, CPC):** Point of order, Mr. Chair.

**The Chair:** No. We're in the middle of a vote.

**Mr. Pierre Poilievre:** Nobody has challenged the ruling of the chair.

**The Chair:** Well, if he disagreed with my decision....

**An hon. member:** He disagrees with everybody.

**The Chair:** He said he disagreed with the decision.

**Mr. Pierre Poilievre:** Right. We do have the ability to disagree before anybody has stated a challenge to the chair. In fact, I'm disagreeing with you right now and I'm not challenging you.

**The Chair:** Well....

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** That's a good point.

**The Chair:** Okay. All right, colleagues. The issue is that we ultimately have to decide whether the minister is going to have an opportunity to speak and to take questions. If it is the committee's view that they don't want to move further on this and want to move on to other business, I'm in the hands of the committee.

Mr. Easter has indicated that he doesn't want to hear from the minister. He wants just to follow the other.... Okay. I'm going to hear from other members, to be fair.

[*Translation*]

Go ahead, Mrs. Freeman.

**Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ):** Thank you, Mr. Chair.

I'm happy, and surprised, to see you here this morning, Mr. Baird.

There are two things that we need to consider. First, the committee had requested to see Mr. Dimitri Soudas and he is a no-show. That fact is irrefutable. His appearance was scheduled on the committee's agenda and, if I may remind you, the committee is the master of its own agenda. I have nothing against Mr. Baird attending this meeting. In fact, he is quite a charming and delightful individual, but he is not the person we were expecting to hear from. Nevertheless, we will listen to what Mr. Baird has to say because you decided that he was a charming and pleasant individual with whom we could exchange views. But the fact of the matter is that we were supposed to meet with Mr. Dimitri Soudas. Some precedents have been set in other committees. When a witness fails to appear—and it's happened here before—we can set in motion steps to compel that witness to appear.

The Government House Leader made a statement in the House. However, in my view, he does not have the authority to amend the rules and laws of Parliament. Parliament is a very important institution, one that must be respected. Often, we see that the rules governing the power of parliamentarians, and in this instance, the power of committees, are skirted. A House leader cannot change the rules that committees have in place governing the summoning of witnesses or decide who shall or shall not appear. Again, it's all well and good to welcome Mr. Baird, as he is a totally charming and pleasant person, but he was not the person we initially invited. Perhaps we could address item A before moving on to item B. For starters, Mr. Soudas isn't here. What do we do then? Before hearing from a surprise witness, we need to decide how we handle the fact that one witness is a no-show. Far be it for me to challenge your authority.

• (1115)

[*English*]

**The Chair:** I'd like to hear from each party.

Mr. Siksay, please.

**Mr. Bill Siksay:** Thank you, Chair.

I appreciate the difficulty of the circumstances you've been placed in this morning, Chair. At the same time, I agree with Madam Freeman that Mr. Baird is a very charming guest of the committee. However, I don't think we should cede to the government control of our agenda as a parliamentary committee. I don't believe that government ministers, no matter how well placed, should simply show up and expect to testify before this committee. The committee has an agreed work plan. The committee had agreed on a witness for this morning, and I believe we need to adhere to that work plan.

If down the road somebody wants to suggest that the Minister of Transport would have something to add to this discussion, then we could entertain that conversation. But I don't believe we should upset our agenda this morning to hear from the Minister of Transport—and it's not clear to me that he has anything relevant to offer to this discussion.

I think it would be a different circumstance if it were as happened when Mr. Sparrow was with the committee, and his boss, the Minister of Human Resources, accompanied him to that meeting. I think the chair made an appropriate ruling in that circumstance, when the minister appeared unannounced. When he offered that she could offer advice but was not allowed to answer the questions that were to be put to the witness the committee had called, I think that was a very appropriate decision of the chair. I also think it was a very appropriate decision of the minister to attend that meeting and demonstrate her sense of responsibility for her political staff.

That's not what we face this morning. Mr. Soudas doesn't appear to be here and doesn't appear to be willing to address us this morning. As much as I know that the Minister of Transport has interesting things to say and is an interesting observer and player in this Parliament, in the government, I don't see the relevance of his appearance this morning. And Mr. Soudas isn't with him, in any case.

Therefore, I have to disagree with the chair's decision to accommodate his appearance. I believe we should deal with the matter of Mr. Soudas's failure to appear and then move on to the other issues that are on our published agenda.

Thank you, Chair.

**The Chair:** Ms. Davidson, please.

**Mrs. Patricia Davidson (Sarnia—Lambton, CPC):** Thank you very much, Mr. Chair.

I'll add my welcome to our charming minister here this morning.

I would like to add that we need to remember what Madam Freeman has said: that we must respect the parliamentary institution. Part of that parliamentary institution is ministerial responsibility and accountability, and what we have here before us is a minister who is going to answer, who will give the accountable answers, because under our government system ministers are responsible. They're responsible for their departments. They're responsible and accountable to Parliament, and they are also responsible for staff members who are under them.

I think what we have here is a minister who is showing great responsibility. We had that at our last meeting when the minister showed up as well. For this committee to deny the minister the opportunity to speak is not right. We need to uphold our parliamentary system, and I agree with Madam Freeman that we need to do that. So I certainly support the minister being here. The accountability lies with the ministers, and that's what we are seeing here today.

• (1120)

**The Chair:** I think there's a consensus, and if the committee is prepared I'll accept the committee's consensus that it wants to move on and deal with the absence of Mr. Soudas and not with the minister at this time. If that's agreed...

**Mr. Pierre Poilievre:** No. No, it's not agreed.

**The Chair:** Could somebody make a motion to that effect?

Mr. Siksay?

**Mr. Bill Siksay:** So moved.

**The Chair:** Okay. Would you call the question, please?

**Hon. Wayne Easter:** This would be a motion that we...

**The Chair:** That we move on to dealing with the failure to show of Mr. Soudas and not hear the—

**An hon. member:** Point of order.

**The Chair:** I'm in the middle of a vote call.

**Mr. Randy Hoback (Prince Albert, CPC):** I haven't even heard a motion brought from the floor, so are you creating a motion yourself?

**The Chair:** No, it was Mr. Siksay. I had asked for someone to move it.

**Mr. Randy Hoback:** Who created the motion?

**Mr. Randy Hoback:** So the chair asked for a motion.

**The Chair:** I asked if there was a member, and Mr. Siksay agreed to move that motion.

**Mrs. Carole Freeman:** I was the first one to raise that point at the beginning.

**The Chair:** Would you like it in your name, Madam?

I asked for a motion that we—

[*Translation*]

**Mrs. Carole Freeman:** Yes, I move that we hear—

[*English*]

**Mr. Pierre Poilievre:** Chair.

**The Chair:** That's fair. I think everyone understands that the question is whether we should proceed—

**Mr. Randy Hoback:** Is the chair going to create the motion?

**The Chair:** No, Madam Freeman will.

**Mr. Randy Hoback:** So she'll word it, or are you going to word it?

**The Chair:** Chairs don't make motions. You know that. That's why I've asked for an individual member—

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

**The Chair:** Just a moment. Let's get this motion on the floor.

**Mr. Pierre Poilievre:** No, I have a point of order.

**The Chair:** On a point of order, Mr. Poilievre.

**Mr. Pierre Poilievre:** You made a decision earlier on that we should hear from the minister. You allowed some debate on that decision, but your decision does stand. Pursuant to chapter 20, "Committees", page 1049 of O'Brien and Bosc, I move the following motion, which precedes all others. That motion is that the decision of the chair be sustained.

That's a non-debatable motion, which must precede all others. We'd be prepared to vote on that right now.

**Mr. Bill Siksay:** Point of order, Chair. I don't think you can move a motion on a point of order.

**The Chair:** Mr. Siksay, you'd be quite right under normal circumstances, but the issue was that the chair made a decision, after having a conversation with the minister, to allow him to sit at the table to address the committee and to take questions. The committee has indicated that there appears to be a consensus that we not move in that direction. I undertook simply to allow a member to move a motion that we move forward on dealing with the issue of Mr. Soudas's failure to appear rather than hearing from the minister.

Mr. Poilievre is now saying we have to do this in two steps. First would be to challenge the chair's decision that the minister have an opportunity to speak and take questions, and then there would be another one. The one would take care of both, but Mr. Poilievre would like to split it in two.

The chair agreed to allow the minister to appear. The question is whether my decision shall be sustained. I put the question.

I see five votes for and five votes against. The chair doesn't vote on whether the chair's decision shall be sustained, so it's a tie vote, so the minister is at the table.

Minister.

• (1125)

**Hon. Wayne Easter:** Point of order, Chair.

**Mr. Pierre Poilievre:** Are they challenging the chair?

**The Chair:** Order.

Just a moment. There may be some misunderstanding here.

The chair does not vote on whether the decision of the chair shall be sustained.

**Hon. Wayne Easter:** That's okay.

**The Chair:** That question is now resolved.

We are now in the position of having the minister before the committee.

Do you have another point of order?

**Hon. Wayne Easter:** Yes, I do.

With regard to the minister appearing before the committee, Ms. Davidson talked about the respect for parliamentary institutions. I've always believed in ministerial responsibility, but responsibility over those departments the minister is responsible for. With Mr. Baird here, is he here in his capacity as Minister of Transport? Because I have lots of questions to ask him in terms of costing review, service review, de-listing of cars relative to western grain transportation....

Would the chair tell me what responsibility Minister Baird holds here as Minister of Transport before this committee? We could be setting a very dangerous precedent.

**Mr. Randy Hoback:** Mr. Chair, point of order.

**Hon. Wayne Easter:** If a committee invites a witness—it doesn't matter who it is—can any minister come and represent them? Is that the precedent we're setting here?

**The Chair:** Mr. Easter, order, please.

First of all, that's not a point of order; it's a matter of debate. The words "point of order" should not be considered to be a proxy for the statement "I want to speak". A point of order has to be specific in reference.

I'm going to ask anybody who is going to raise a point of order to specifically cite the rule or practice that's being violated. I think we have to keep some decorum here.

As I indicated at the outset, I had a conversation with the minister. He's not here as the Minister of Transport; he's here to represent the Prime Minister. The Prime Minister does not traditionally appear, and I don't think we would have ever expected him to appear before our committee.

To answer Mr. Easter's question, he is not here as the Minister of Transport. I told the minister, and I think he would agree, that his appearance and any of his statements were to be pertinent to the matter before the committee. He gave me that undertaking.

Mr. Siksay, on a point of order.

**Mr. Bill Siksay:** Mr. Chair, it seems to me that in a situation where there is a tie vote—and in this circumstance in terms of upholding your original ruling—that this is a statement for the status quo. It is not a statement to change the agenda of the committee.

The status quo of the committee is to hear from Mr. Soudas. That was what the published and agreed upon agenda of the committee was. Your decision takes us away from that. I don't see how a tie vote can take us from our original agenda.

I think you're going beyond the scope of what a tie vote implies, which is usually a decision for the status quo. The status quo of this meeting is to hear from Dimitri Soudas, and that's what we should be reverting to in that circumstance.

**The Chair:** Thank you. I should have been a little more clear, Mr. Siksay. It was a tie vote among the members. Chairs don't vote; their vote is already established by their decision. I'm not changing my decision to say I don't want him here. I made a yes vote by virtue of my decision. So the chair's decision was sustained, and that's why.

Minister, don't let me down. We agreed: pertinent and brief.

• (1130)

**Hon. John Baird (Minister of Transport, Infrastructure and Communities):** I have a one-page statement, which I will preface by saying that your description of our conversation was accurate.

As Mr. Easter said, Mr. Soudas is responsible to the Prime Minister, and under parliamentary convention it's very rare for the Prime Minister to appear before a parliamentary committee. I'm here at the request of the Prime Minister, to represent him.

I have a short one-page statement, if you would indulge me.

With great respect, the government believes the opposition is playing politics with parliamentary committees and is not respecting due process and fair play. They are conducting random interrogations without due process or any rules of fairness. That might be how things work in the United States Congress, but it's not the Canadian tradition. In Canada the constitutional principle is ministerial responsibility. As a result, the government House leader today made a statement regarding ministerial accountability to Parliament.

**The Chair:** Order, please.

Minister, I read out the motion at the beginning of the meeting as to the matters currently before us. It has to do with the interference in matters related to access to information.

Your statement, sir, has to do with arguing a matter that's before the House right now. Although it touches on this committee, it is not the order of the day. I would ask whether you have anything to add to the committee's knowledge—

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

**The Chair:** —that is relevant to the order of business currently before the committee, and not to move to an issue that arose in the House at 10 o'clock this morning. We're not there, sir.

**Hon. John Baird:** I'm only on the fifth sentence of my one-page—

**The Chair:** I understand that, but I want you to be pertinent to the subject matter before the committee.

**Hon. John Baird:** I completely agree, Mr. Chair.

This government strongly supports ministerial responsibility. As Mr. Easter has said, Mr. Soudas is responsible to the Prime Minister and not to Parliament. The Prime Minister has asked me to come here and represent him in his capacity as Prime Minister, and I'm prepared to entertain your questions.

**The Chair:** Okay.

Yes?

**Hon. Wayne Easter:** Mr. Chairman, I think....

Are you going to make a motion?

[Translation]

**Mrs. Carole Freeman:** Mr. Chair—

[English]

**The Chair:** Madam Freeman, you had a motion...?

[Translation]

**Mrs. Carole Freeman:** I'd like...As a matter of fact, there is—

[English]

**The Chair:** Madam Freeman has the floor.

You have a...?

[Translation]

**Mrs. Carole Freeman:** Mr. Chair, given the way in which this committee meeting is unfolding, it seems to me that utter disdain is being shown for a parliamentary institution that is deserving of the utmost respect in a democratic government. There is nothing positive about this situation. With all due respect for Mr. Baird, a person whom I admire greatly, I think we are showing disrespect for the committee and for the institution of Parliament. We are playing along with the government which is still continuing to interfere in an inappropriate way. Therefore, I ask that you adjourn this meeting.

[English]

**The Chair:** Okay.

[Translation]

**Mrs. Carole Freeman:** I move that the meeting be adjourned and that the request of Mr. Dimitri Soudas be addressed.

[English]

**The Chair:** It's not debatable.

Call the question.

**A voice:** To adjourn.

•(1135)

[Translation]

**Mrs. Carole Freeman:** I'd like the meeting to be adjourned.

[English]

**Hon. Wayne Easter:** It's making a farce of Parliament, so let's adjourn the meeting.

**The Chair:** Okay, we have a tie. The chair votes no.

(Motion negated: yeas 5; nays 6)

**The Chair:** We're going to move on.

Mr. Easter, you had a motion...?

**Hon. Wayne Easter:** No. I will go to questions.

I understand that you're not allowing Mr. Baird's statement.

**The Chair:** Well, only if it was pertinent to the subject matter, and he has nothing further to add. He just reaffirmed that he's here on behalf of the Prime Minister.

**Hon. Wayne Easter:** Mr. Chair, just in terms of preambling my question, I might as well say in the beginning that I find that completely unacceptable. In a system of ministerial accountability, it is the minister responsible for the staff in whatever is that minister's area of authority who should be before this committee. I really do believe that Mr. Baird's presence here and the way this issue is being handled for the government is a blatant disrespect for this parliamentary institution, a blatant disrespect for this committee.

When a committee asks that a witness appear, we expect that witness to be here. I think it is proper parliamentary privilege that we have in this institution. I outline in the beginning that I really do believe this is a serious affront to Parliament and could establish—I hope it doesn't—a very serious precedent. In other committees I operate on, if we invite the president of CFIA—which Randy would know well—then what happens? Does the minister appear? If we invite a witness, does another minister appear? This is an extremely dangerous precedent that the government is employing to hide we don't know what and cover up we don't know what.

I think we're making some progress with Mr. Togneri's testimony before this committee, in which he admitted publicly that he un-released documents. This committee was trying to get to the bottom of that issue, which is a right. Now we find that the very people who are involved in the system, by prime ministerial or cabinet decree, are denied an appearance before this committee, this committee where we represent Canadians. Canadians want to know the truth.

We need to be able to get to the very people who could tell us the truth, not a minister who doesn't have an association directly with Mr. Soudas. The strange scenario, I might say here, Mr. Chair, is that we have a minister before the committee—and we all know how controlling the Prime Minister's Office is—and that Mr. Soudas appeared, unaccountable, unelected, well-paid, from the Prime Minister's Office to make a statement on the weekend, which was followed up by the Conservative House leader a few moments ago.

We have appearing before us a witness, answering on behalf of Mr. Soudas, when we know the Prime Minister's Office, through Mr. Soudas, often gives ministers in his cabinet directions. That's well known in this country. How this minister can answer for Mr. Soudas, I do not know.

I would ask the minister one question to start. Do you, as Minister of Transport, Mr. Baird, have direct authority over the employment and responsibilities for Dimitri Soudas, who is supposed to be the witness here today? Do you have direct responsibility, as minister, over his direction and his activities?

•(1140)

**Hon. John Baird:** I think I've already said in my opening statement that I agreed with you, that Mr. Soudas is accountable and responsible to the Prime Minister. In our parliamentary system, that's the way it works. It's incredibly rare for a sitting Prime Minister to appear before committee.

I'm a senior member of the government. We have collective responsibility. I've been asked directly by the Prime Minister to come here and respond to any questions and legitimate concerns you might have about the oversight of government. I just think that if you have a problem with ministers—in this case, it's the Prime Minister—you should go after them. Don't go after their staff. Don't try to intimidate or bully the staff.

If you have a problem with someone, you go after them. If you have a problem with my office, you come after me. You can't haul people before this committee in a hostile, partisan interrogation—people who can't fight back for themselves. If you have a problem with the government, it is ministers in our system. You're a former minister; you know it well.

Ministers are responsible, and I'm here to accept that responsibility.

**Hon. Wayne Easter:** Let me just read for the record, Mr. Baird, what the motion is.

If I have a problem on policy, then yes, I'll ask you directly. But what we're seeing here—and we're seeing more evidence and we're even seeing it in the way you're appearing before this committee—we're basically seeing systematic political interference in the ability of members of Parliament to do their job. That's what I submit we're seeing here today with you sitting in the witness chair for Mr. Soudas, who you have absolutely no responsibility over.

**Hon. John Baird:** I'm not sitting here for—

**Hon. Wayne Easter:** The motion reads that as part of the study of the committee “regarding allegations of systematic political interference by ministers' offices to block, delay, or obstruct the release of information to the public regarding the operation of government departments”.... That's basically what we're dealing with, and the only way—

**Hon. John Baird:** I would correct the record, though.

**Hon. Wayne Easter:** The only way—

**Hon. John Baird:** I'm not here representing Mr. Soudas.

**Hon. Wayne Easter:** —to get into that—

**Hon. John Baird:** I'm here representing the Prime Minister—

**Hon. Wayne Easter:** —as we found out with Mr.—

**The Chair:** Order.

Gentlemen, for no other reason than that we have translators, and they can't do their job when you both speak at the same time, please respect the—

**Hon. John Baird:** Well, now that there's a pause, I'll answer.

I'm here representing the Prime Minister. I've said that four times now, and you continue to suggest that I'm here representing Mr. Soudas. That is not the fact.

Our government accepts ministerial responsibility. We accept ministerial accountability. The days when you could call in 25-year-old young people before this committee and beat up staff who can't defend themselves are over, Mr. Easter.

We accept ministerial responsibility. I'm a minister. I'm accountable. If you have any questions about the matter that's before the committee, I'm here and prepared to respond.

**Hon. Wayne Easter:** Let me again—

**The Chair:** You have 20 seconds left.

**Hon. Wayne Easter:** Okay, Mr. Chair.

In the orders of the day, from the Office of the Prime Minister, Dimitri Soudas, director of communications, was invited here for a specific reason. He's no 25-year-old. He represents the Prime Minister's Office on TV every day. He's more of a spokesman than our ministers of the crown. We see more of the PMO through Dimitri Soudas than we do of ministers that have ministerial responsibility in this government.

If he can be the spokesman, don't try to say he's a 25-year-old being intimidated by this committee. I do know that he intimidates cabinet ministers, but he is certainly not a 25-year-old who any member of this committee could be intimidated by. And you're—

**The Chair:** Order, order.

**Hon. Wayne Easter:** —affronting parliamentary democracy by your appearance here today—

**The Chair:** Order.

**Hon. Wayne Easter:** —when the committee has invited Dimitri Soudas. Do you understand?

**The Chair:** Order, order.

**Hon. John Baird:** I understand you're making a mockery of Parliament.

**The Chair:** Order. Order.

**Mr. Greg Rickford (Kenora, CPC):** I'll huff and I'll puff...

**The Chair:** Just a moment.

**Hon. John Baird:** This sounds like your Big Daddy G speech.

**The Chair:** Order.

Mr. Minister, order.

Just a moment, please.

We had an agreement that we weren't going to raise our voices here, Minister.

**Mr. Greg Rickford:** Wayne just blew that.

**The Chair:** I'm sorry, but—

**Hon. John Baird:** Apparently Mr. Easter wasn't invited to that agreement.

**Mr. Greg Rickford:** I was waiting for “I have a dream”.

**The Chair:** You have to behave yourself.

All the members have to behave themselves.

**Mr. Randy Hoback:** Look over there.

**The Chair:** We have a very serious issue before us, and another one has fallen on our table by virtue of the government's announcement this morning.

This committee wants to do its job, wants to do its work, and we want to move forward.

Discussing the announcement of the government today and all the reasons why is not before this committee right now. I don't want to go there. If people persist in going back to matters that are not before us right now—

• (1145)

**Hon. John Baird:** That was the nature of the question Mr. Easter asked me, sir.

**The Chair:** Well, I'm speaking to everybody here. If we don't—

**Hon. John Baird:** Well you're looking at me.

**The Chair:** Well, I'm looking at you because—

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



**The Chair:** Order.

**Mr. Greg Rickford:** Look over there.

**The Chair:** Order.

**Mr. Greg Rickford:** He was having tremors, for crying out loud. He was shaking.

**The Chair:** We're dealing with interference in terms of the access to information, and the allegations are quite serious and the penalties are quite serious, so I want to refocus members and the witness to the matter before us.

Minister, we agreed that you would be pertinent to the matter before us. You have to do your role and I think the committee members will have to do theirs, but I'm not going to.... If someone tries to goad you into going somewhere else, don't answer; we'll move somewhere else. Okay?

Madam Freeman, please.

[*Translation*]

**Mrs. Carole Freeman:** I'd like to comment on what Mr. Baird just said. I find it quite astonishing for Mr. Baird to insinuate that the committee is trying to intimidate witnesses by asking political staffers to discuss access to information practices in the Prime Minister's Office. As I expected, the situation is turning ugly.

Mr. Chair, once again I would like to move a motion that before we hear from Mr. Baird, we decide how we are going to deal with the fact that Mr. Dimitri Soudas declined our request to appear before the committee this morning. We have yet to decide how we are going to handle this matter. It is important for Quebeckers and for Canadians that the committee shed some light on access to information at the ministerial level—

[*English*]

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

[*Translation*]

**Mrs. Carole Freeman:** I think Mr. Poilievre and all parliamentarians on this committee are doing a fine job. I'd like to congratulate the opposition members as well as Mr. Baird who is here this morning.

However, the one person we need to hear from is Mr. Dimitri Soudas. I'm asking that—

[*English*]

**Mr. Pierre Poilievre:** Chair, a point of order does take precedence over this.

[*Translation*]

**Mrs. Carole Freeman:** The motion would allow us to decide—

[*English*]

**Mr. Pierre Poilievre:** Right. It is a point of order, though.

[*Translation*]

**Mrs. Carole Freeman:** —what to do about Mr. Soudas being a no-show this morning. What are we going to do about this witness, who is an adult? He is 25 years old and responsible for his actions. He has an obligation to appear, just like any other witness who is called before the committee. I don't think Mr. Soudas enjoys any special status that would exempt him from having to appear.

Therefore, once again, I would like to move my motion. I would like the committee to come to a decision about Mr. Soudas before hearing from Mr. Baird.

[*English*]

**The Chair:** I want just to get the—

[*Translation*]

**Mrs. Carole Freeman:** I'd like you to call a vote.

[*English*]

**The Chair:** Yes, I understand.

I want to get the motion clear. The member had the floor, and she's entitled to make a motion.

My understanding, Madame, is that what you're proposing is that the consideration of the witness now before us cease, and that we move to dealing with the issue of the non-appearance of Mr. Soudas.

[*Translation*]

**Mrs. Carole Freeman:** Precisely.

[*English*]

**The Chair:** *Exactement.* So that's the motion you're moving?

[*Translation*]

**Mrs. Carole Freeman:** Yes.

[*English*]

**The Chair:** A point of order, Mr. Poilievre.

**Mr. Pierre Poilievre:** With due respect to Madam Freeman, whose work I do respect before this committee, that motion is out of order. It is out of order according to *House of Commons Procedure and Practice, Second Edition, 2009*, page 1049.

This motion seeks to overturn a ruling of the chair. The chair has already ruled, and that ruling has been sustained. So I move to sustain the chair's ruling once again.

**The Chair:** In fact, Mr. Poilievre, the decision of the chair was sustained and we proceeded, and we are now into this. This is a new issue. Since we are not making, in the member's view, progress on the matter before the committee, the member has made this motion that we cease this particular witness at this time and move forward with the consideration of actions for the non-appearance of Mr. Soudas before the committee this morning.

Mr. Poilievre, that's my ruling—that the motion is in order.

We have a list here. Madame Thi Lac, on the motion. You're okay?

On the motion, Mr. Poilievre?

• (1150)

**Mr. Pierre Poilievre:** Yes.

Mr. Chair, ministers are ultimately accountable and answerable to Parliament. Therefore, ministerial staff members will not appear when called before parliamentary committees. Instead, ministers will appear before a committee when required to account for staff members' actions. Virtually all departmental activity is carried out in the name of the minister, and ultimately that accountability lies with cabinet ministers.

We've been witnessing over the last several weeks what I was going to say is an unprecedented event, but this committee created the precedent at its last hearings on this matter, where a minister has arrived at the committee—

**The Chair:** Order. Mr. Poilievre, order, please.

**Mr. Pierre Poilievre:** —and has asked to be held accountable, but then the committee and the opposition have fought against—

**The Chair:** Order. For the fourth time, order.

**Mr. Pierre Poilievre:** —that accountability.

**The Chair:** Mr. Poilievre, I simply want to remind you, if you're going to call a point of order, we want to get to that quickly—

**Mr. Randy Hoback:** Do you know what the role of the chair is?

**Mr. Pierre Poilievre:** I'm not on a point of order.

**The Chair:** —but the motion before us is fairly clear.

**Mr. Pierre Poilievre:** You gave me the floor as a speaker on the motion.

**The Chair:** The motion is with regard to procedure, whether or not we are going to move forward to another point of business.

**Mr. Pierre Poilievre:** And I'm arguing against that, which is my right when I'm arguing on a motion.

**The Chair:** I want to encourage people not to go too far to the issue of debating the matter that's before the House right now. It's a very serious issue.

**Mr. Pierre Poilievre:** Fair enough.

**The Chair:** The committee is the master of its agenda, and the member has made a motion. It's in order.

I ask all members just to respect, try to speak to the motion.

**Mr. Pierre Poilievre:** Thank you.

The motion speaks to the matter before the House, Mr. Chair, and I'm arguing against the motion. As a member of Parliament with parliamentary privileges, I have the right to make the arguments I think most germane to the motion, and I will.

The government fully recognizes the authority of parliamentary committees to call persons and papers as they carry out their work. However, ministers are accountable and answerable to Parliament for government policies, decisions, and operations. Ministerial staff are ultimately accountable through their minister.

Ministers have run for office and accepted the roles and the responsibilities of being a minister, including being accountable to and answering questions in Parliament. Again, ministerial staff are ultimately accountable through the minister they serve. When they accepted their positions to support their ministers, ministerial staff did not sign on to being humiliated and intimidated by members of Parliament.

Ministers' staff who have appeared before committees have been denied the accompanying support of their ministers. They have been denied the opportunity to get basic treatment of due process. They have been stripped of the ancient tradition that guarantees ministers are responsible for the function of their ministries and their departments.

We have a minister here today. He's agreed to answer questions. He has graciously answered all the questions to which he's been permitted to respond. The committee should respect the centuries-old tradition that the minister is responsible and let him answer those questions.

Ms. Freeman wants to move a motion that removes those centuries of parliamentary tradition and replace it with an ad hoc system that singles out staff members in areas of ministerial responsibility. I think that leadership starts at the top. That's why the heads of the ministries, in this case the ministers, are appearing before this committee.

As you know, the witness the committee asked for was a member of the Prime Minister's Office. Prime Ministers typically do not testify before committees—that matter is not in dispute. Therefore the Prime Minister does send a designate to represent him. In this case we have Minister Baird.

I will point out that at least three of the four parties in this room have referred to Minister Baird as a charming minister. I think we could probably pass a motion to that effect if it were so moved. The very least we can do, out of respect for our system of government, is to give him a chance to respond to the questions before the committee. Perhaps the members would be satisfied and satiated in all their curiosities if they were to allow such a discussion to go ahead.

I don't think we even heard ten minutes of questioning at this point, and opposition members are already asking to shut down this ministerial accountability.

●(1155)

Mr. Chair, I would encourage members to not only allow the discussion to continue, but to also give the minister opportunities to answer questions. I think in the last exchange between Minister Baird and Mr. Easter, Mr. Easter spent about six minutes of his time in a monologue and permitted the minister only about a total of 15 or 20 seconds to speak. That does not appear to the objective observer to be an exchange or even a question and answer. It appears rather to be a speech.

**The Chair:** Sometimes that happens.

**Mr. Pierre Poilievre:** Sometimes speeches do happen in this committee. Thank you for entertaining mine.

**The Chair:** I'd like to hear from some other members.

Mr. Siksay, please.

**Mr. Bill Siksay:** Thank you, Chair.

Addressing Madam Freeman's motion, I have to say that the committee and you were generous in allowing the minister to speak when he arrived here this morning unannounced, but it is clear from the questions we have already had that the Minister of Transport has no direct responsibility for the staff person we were hoping to have appear before the committee this morning.

It is very clear that the Minister of Transport has no direct supervisory responsibilities for Mr. Soudas. I can't imagine that he has knowledge of his day-to-day activities. I can't even imagine that he's been briefed about Mr. Soudas's activities in any detail that would be helpful to this committee, and certainly he hasn't provided any evidence that he is willing to do that or has been briefed on that.

Instead, what we have had from the minister are allegations about the conduct of this committee, which I find extremely objectionable and unfounded. We've also heard his rather patronizing assessment of senior ministerial staff, which, as a former staff person to a member of Parliament, I also find extremely unfortunate. I guess I will say calmly that I just don't think that is appropriate. I believe that senior staff are chosen for their abilities and certainly have many skills that make it possible for them to deal with the kinds of circumstances that arise in our parliamentary system.

I do believe we are not getting anywhere with regard to our study of the allegations of political interference. In fact, our study did not involve any allegations of political interference in access to information requests in the office of the Minister of Transport, so I don't see any relevance to his testimony here this morning.

We need to move on to the question of Mr. Soudas's failure to appear. I don't know what the notion of collective responsibility is that the minister mentioned this morning. It seems to me that ministers have specific responsibility for their departments, and I can't believe we're going to get into a situation where we can ask any minister any question about the conduct of any department. It seems we are going down a very strange path.

We need to get back to our agenda and discuss the failure of Mr. Soudas to appear when he was invited by this committee.

• (1200)

[*Translation*]

**The Chair:** Go ahead, Mrs. Thi Lac.

**Mrs. Ève-Mary Thāi Thi Lac (Saint-Hyacinthe—Bagot, BQ):** Mr. Chair, the minister and Mr. Poilievre maintain that ministers are responsible for whatever goes on in their office. However, when Minister Paradis was questioned about interference into access to information requests, the topic on today's agenda, he denied any knowledge of the situation and placed the blame squarely on the shoulders of his staff.

Both Mr. Poilievre and Mr. Baird have just told us that responsibility rests with the ministers, whereas Mr. Paradis argued that his staffers, and not himself, were the responsible parties. Your government maintains that ministers will take responsibility themselves. When the question was put to him, Mr. Paradis said that responsibility must rest with his staff and that he had no knowledge of the situation.

I'd just like to know how we are going to proceed. In this particular instance, the minister placed the blame on his staffers and said he had no knowledge of the request. We're hearing two completely contradictory stories from the Conservative government. For that reason, I will support my colleague's motion.

[*English*]

**The Chair:** Merci.

Mr. Hoback.

**Mr. Randy Hoback:** Thank you, Chair.

Mr. Chair, the Liberal coalition partners are acting in a hypocritical and unreasonable fashion here. There are many examples where issues concerning the activities of ministerial staff in Liberal ministers' offices were studied by parliamentary committees in the past. At that time ministers exercised their duties and responsibilities to Parliament by appearing before parliamentary committees and answering questions on the matter at hand.

For example, when Judy Sgro was Minister of Citizenship and Immigration, her chief of staff, Mr. Ihor Wons, was reported to have engaged in meetings in Toronto at a strip club known as the House of Lancaster, and was apparently negotiating with the proprietor of that business in regard to visa applications. The matter was investigated by this committee and the ethics commissioner and it was found that a Romanian-born stripper who worked on Ms. Sgro's campaign received a special immigration visa.

The ethics commissioner found that it was Mrs. Sgro's ministerial staff who broke the rules and violated the ethics code; however, it was Mrs. Sgro who was responsible to and answered for the matter in Parliament, correctly fulfilling her duties under the Westminster doctrine of ministerial accountability. This was accepted then, and is exactly the same principle that the government is adhering to in terms of ministerial accountability.

Mr. Chair, I was at a meeting when we had Mr. Togneri as a staff witness, and I experienced exactly what went on in that committee meeting. I watched the Liberal member across the floor attack him, embarrass him, and then I watched the chair continue for another seven minutes with the same attack. It's just unexplainable. I was abhorred at what was going on in this committee.

This is the responsible way for the committee to act. The minister is responsible for what happens in his department, just as I, as a member of Parliament, am responsible for my staff. If I sign off on something, I take responsibility for that. Therefore, there is no way you should be calling my staff members to a committee, nor should you be calling the minister's staff to committee. We have the minister here to speak and we are not listening to him. Let's let him speak.

**The Chair:** Mrs. Foote, please.

**Ms. Judy Foote (Random—Burin—St. George's, Lib.):** Thank you, Mr. Chair.

You said at the outset that this committee wants to do its job. Well, I have to tell you that as a member of this committee today I don't feel I'm being given an opportunity to do the job that Canadians are expecting me to do.

By virtue of the decision that was made by the government today, not allowing political staff to appear before us, the government has in fact removed the opportunity that I have, as a member of this committee, to actually ask questions and hold this government accountable.

• (1205)

**Mr. Randy Hoback:** He's right there.

**Ms. Judy Foote:** We're here to work on behalf of Canadians.

**The Chair:** Order.

**Ms. Judy Foote:** When Canadians want questions asked, they rely on us, as members of Parliament, to ask those questions and to get answers. If we're not allowed to do that, Mr. Chair, then clearly we are not allowed to do our jobs as parliamentarians.

What we have happening here today is beyond belief—

**Mr. Greg Rickford:** Let's find out more about the House of Lancaster and what it is they do in there.

**Ms. Judy Foote:** —when we have a minister appear before us—no matter how charming that minister may be—who is not responsible for Mr. Soudas, who, our agenda notes, is the director of communications for the Office of the Prime Minister.

Now, I know a lot has been made about the fact that prime ministers don't appear before committees. Well, that has not always been the case. We have had prime ministers appear before committees. In fact, this Prime Minister, Prime Minister Harper, appeared before the Senate committee when he wanted to talk about limits of terms for senators. So don't tell me that prime ministers don't appear before committees, because they do.

The fact that he's chosen not to be here today to speak to the actions of his director of communications begs the question: why not? Does he not have enough respect for this parliamentary committee to be here? Does he not believe that we have a job to do, as parliamentarians?

I have questions to ask Mr. Soudas. If Mr. Soudas is not allowed to be here because the Prime Minister or the cabinet don't want him here, then I expect the Prime Minister to be here to answer those questions. These are serious questions, and Mr. Soudas is not employed by the Minister of Transport. He is employed by the Prime Minister. And the last time I looked, the Prime Minister was not Minister Baird. So I question what we're doing here today, even entertaining Minister Baird in terms of our agenda when in fact it should be Mr. Soudas. We don't know why he's not here, other than the government telling us that they're not permitting him to be here.

We are a parliamentary committee. We have a responsibility and the right to call witnesses before this committee and to get answers from them. What is happening here today is making a mockery of this committee, and I don't accept that this is the way it should unfold.

**The Chair:** Madam Freeman, please.

[*Translation*]

**Mrs. Carole Freeman:** I would just like to say one thing.

I find this government's actions somewhat incoherent. I'll continue in the same vein as Mrs. Thi Lac. As part of its probe into the Guergis affair, the Standing Committee on Government Operations invited two ministers, Mr. Paradis and Ms. Raitt, to appear. Both declined the invitation, even though these two ministers whom the committee had wanted to question were responsible for this matter and accountable to their respective departments.

Today, we have ministers, whether Ms. Finley or Mr. Baird, who seem to have decided on a whim to put in an appearance before this committee. While we find their company enjoyable, we did not summon them. They are not responsible for the matter on which we

would like to rule. We want to know what is going on in the Prime Minister's Office. Mr. Baird does not work in the PMO. The government is mocking this committee, using stalling tactics to hide the truth once again and keep us in the dark.

Mr. Chair, I would like my motion to be put to a vote.

[*English*]

**The Chair:** I want to hear briefly from Mr. Easter.

**Hon. Wayne Easter:** I'm always brief, Mr. Chair.

**The Chair:** No repetition. Do you have anything new to add?

**Hon. Wayne Easter:** I think we support the motion because we need to look at it in the context of why we asked that Mr. Dimitri Soudas be here. As I indicated earlier, there was a motion. We had asked that Minister Finley, the Minister of Human Resources and Skills Development, come before the committee separately. She did that.

We've already heard from Sébastien Togneri, former parliamentary affairs director with Public Works Canada. A number of other people were asked. Interestingly enough, about two weeks ago—Tuesday or Thursday—Dimitri Soudas was here, willing to appear. We were listening to Mr. Togneri.

• (1210)

**Mr. Randy Hoback:** You were intimidating him.

**Hon. Wayne Easter:** No, we did not intimidate Mr. Togneri. We were going to hear Mr. Dimitri Soudas, and the fire alarm went off. I accused the parliamentary secretary of pulling it, but I admit he didn't do it.

So on that day he certainly left the impression that he was more than willing to come before this committee. He was looking forward to it. He was raptured to come before the committee. Now, all of a sudden that has changed. Dimitri Soudas himself was on the TV networks over the weekend saying no, that the cabinet made a decision.

So let's put it in context. The reason we're holding this hearing in the first place is basically the secrecy of the government.

**Mr. Randy Hoback:** He's trying to speak. Let him speak.

**Hon. Wayne Easter:** In fact, Mr. Togneri himself said that he un-released documents in terms of access to information. So what we're trying to get at here is what is systematically going on within this government in providing damage control, cover, denial, etc.?

It really started when *The Hill Times* reported on February 22 that staff of the ministers' offices had been directed by the PMO to involve themselves in the access to information process.

**Mr. Greg Rickford:** Who's the investigative reporter?

**Hon. Wayne Easter:** That concerns us greatly. It should concern Canadians greatly. Canadians are most proud of their charter rights and freedoms, and access to information. You, as an ordinary citizen, can use the access to information process—

**Mr. Randy Hoback:** Ask the question.

**Hon. Wayne Easter:** —to really see what is going on with the government.

The media use it all the time, and sometimes information comes out that leads to a more responsible government. That's what the whole process is about. So when members of Parliament and Canadians who have written to us on this issue see that there's a possibility that direction is coming from the PMO to involve themselves in that access to information process, it's a very serious issue. In fact, it's serious enough that anyone who involves himself in that process could go to jail.

**Mr. Greg Rickford:** Oh, come on.

**Hon. Wayne Easter:** So it's a very serious matter, and for a law-and-order party—

**Mr. Greg Rickford:** We have heard Deputy Easter.

**Hon. Wayne Easter:** —you would think it would want to get to the bottom of this issue.

**Mr. Randy Hoback:** Let him speak.

**Hon. Wayne Easter:** The whole other issue here that certainly we'd like to get to is this issues management team that operates within the government somewhere. It's been mentioned in many media articles. It's been mentioned by witnesses appearing before this committee.

Is the whole purpose of that issues management team to slow down, delay, or stop access to information requests altogether, or just transfer access to information requests to the centre—

**Mr. Greg Rickford:** Raise your voice.

**Hon. Wayne Easter:** —so they can be massaged and answered in another way?

**Mr. Greg Rickford:** You want attention.

**Hon. Wayne Easter:** I just lay that out, Mr. Chair, in support of this motion because that's the real issue on the table. The minister has already admitted before this committee that he has no direct responsibility for Dimitri Soudas, the director of communications for the Prime Minister, so how could he know what's going on in the day-to-day business?

So I don't think we have any choice as a committee but to support this motion and look at the real issue, which is why Mr. Soudas is not here. Is this just manipulation, more cover by the government to try to avoid dealing with a very serious issue that goes right to the heart of the Prime Minister's Office?

I support the motion, Mr. Chair.

•(1215)

**Mr. Greg Rickford:** He didn't even raise his voice or start to tremor.

**The Chair:** All right, there being no more, I'm putting the question that the committee cease the current proceedings with the Minister of Transport, Infrastructure and Communities and deal with

the matter of non-appearance of Mr. Soudas. It was moved by Madam Freeman.

**Mr. Pierre Poilievre:** Chair, we have a point of order over here.

**The Chair:** And I just put a motion for a vote.

**Mr. Pierre Poilievre:** Point of order.

**The Chair:** There was.... Excuse me.

**Mr. Pierre Poilievre:** Point of order.

**The Chair:** Excuse me, I'm in the middle of a vote.

**Mr. Pierre Poilievre:** Point of order, there's no vote.

**The Chair:** There's no vote? There sure is. I just put the question.

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

**The Chair:** Not in the middle of a vote.

**Mr. Pierre Poilievre:** You've not called for additional debate.

**The Chair:** I don't....

**Mr. Pierre Poilievre:** You don't end the debate; you wait until it's expired.

**The Chair:** There were no more members on the list. You get the attention of the clerk.

**Mr. Pierre Poilievre:** There were people trying to get your attention over here.

**The Chair:** I've heard enough debate.

Call the question, please.

Once again we have a tie vote. The chair votes yes.

(Motion agreed to: yeas 6; nays 5)

**The Chair:** Minister, I thought we had a chance, but politics seems to have taken over. So thank you for appearing, and you're excused.

We are going to—

**Hon. John Baird:** Do I get a closing statement?

**The Chair:** Bye, bye.

We'll suspend for five minutes.

•(1215) \_\_\_\_\_ (Pause) \_\_\_\_\_

•(1220)

**The Chair:** We're back in session.

Colleagues, as I had indicated at the beginning of the meeting, the developments in the House this morning are very serious. Each of the parties had an opportunity to make representations in the House, but because there wasn't sufficient time—I believe all of the parties felt they needed more time to digest the statement of the government House leader on behalf of the government—we still have some work to do.

I'm sure that members will want to consult with their colleagues as to how we should proceed. I must admit to you that I was hopeful that the minister would have some briefing that was pertinent to the matter before us. I guess, combined with the chemistry in the room, it just didn't quite work out that way. Unfortunately, we weren't making headway on the order of the day.

We do now have a motion that the committee has adopted that they want to consider the matter of the non-appearance of Mr. Soudas, who was supposed to be here today. As I indicated to you, Mr. Soudas did in fact call the clerk just shortly before this meeting started to indicate that he indeed would not be here, and that the Prime Minister wouldn't be here because it's not normal to have the Prime Minister appear before committee on this matter, but that a representative would be sent. At that point, that's how we ended up with the Minister of Transport, who was delegated to appear on behalf of the Prime Minister. I wanted to try to see if there was something there that would help. I think the committee members decided that we weren't making much headway on the subject matter before us.

• (1225)

**Mr. Greg Rickford:** Some of them did.

**The Chair:** We have some very important witnesses—and it's not just Mr. Soudas. The government has indicated that their policy right now is that exempt political staff will not be appearing; it will be the minister. We have made—

**Mr. Greg Rickford:** Point of order.

**The Chair:** We have made other calls for witnesses. The steering committee is going to meet on Thursday, I think we agreed, to see if we can sort out our rescheduling, because if political staff are not able to come before committee, all of a sudden we have a whole schedule to redo. Rather than take up the entire committee's time, we're going to do that on Thursday for an hour, from twelve until one, after the President of Mexico addresses the Chamber. Our meeting on Thursday in fact is cancelled, but the steering committee agreed to meet.

Now the motion is that we deal with the non-appearance of Mr. Soudas. I think I'd like to hear options or suggestions from each party first, just to get a sense of where we're going. I don't know whether we'll be able to complete this, but I do want to hear from each party. Then when we see what the dimensions are here, we'll have a better idea of whether a motion will be forthcoming to actually do something concrete.

Mr. Easter, would you like to start?

**Hon. Wayne Easter:** I don't know if I should start or if we should turn to the other...

**The Chair:** No, we'll go Mr. Easter, Madam Freeman, Mr. Siksay, and Madam Davidson or Mr. Poilievre.

**Hon. Wayne Easter:** Mr. Chair, I have here the statement made in the House today by the House leader of the Conservative Party. We were aware that something like this might be coming forward, given the fact that Dimitri Soudas, who seems to be the key government spokesman these days, was in the media on the weekend saying that something like that might be coming forward.

The way I look at this, clearly a cloak of secrecy has been thrown over this government by the cabinet and by the Prime Minister.

**The Chair:** Can we get to...?

**Hon. Wayne Easter:** That's a very serious issue. It makes a farce of the Accountability Act and transparencies that the Prime Minister ran on.

That being the case, given that the statement was just made in the House today—and I understand there has been response by the other parties that I certainly haven't seen—this is an extremely serious issue. I would say that we look at the statements that have been made in the House by Mr. Hill, look at them fairly thoroughly, and the responses by the other parties, and then make a determination on another day.

We can put forward a motion if we want to summon Mr. Soudas at a later time, or whatever process the committee decides to use, but what I am saying is let's not make a hasty decision today. Let's look at what was said in the House, see what the implications are, and think very seriously about it. I believe there are serious implications for our democracy and our ability as committees to function effectively based on what happened here today, because of the cloak of secrecy that has been thrown over government, and I'd say an abuse of Parliament that has been thrown forward by the Prime Minister's Office.

So I say let's take a few days to think about it and then the appropriate motion may come forward.

• (1230)

**The Chair:** Okay.

Madam Freeman.

[*Translation*]

**Mrs. Carole Freeman:** Mr. Chair, the institution of Parliament has very clear rules governing its operations. To my way of thinking, a House leader who rises and makes a statement in the House cannot use this occasion to alter the laws, regulations, traditions and everything else that represents the very essence of this institution.

Parliament is an institution that works for the people, for all citizens. I imagine that we could spend a number of days debating the statement that was made, but the fact remains that a House leader cannot amend the laws, regulations and procedures in place. The same holds true for our committee and the way in which it operates. It is the master of its own agenda. The committee invited Mr. Dimitri Soudas, to appear. Regardless of who they are, citizens have a duty to appear.

If Mr. Soudas does not want to appear, then I think we should ask him again, but this time, he should be formally summoned. He should not enjoy any immunity or privileges. He is an ordinary citizen and should be treated as such. A house leader does not have the power to change existing rules simply by making a statement. I trust I have made my position clear.

This Parliament has become a circus and the sole objective of the government is to silence and impede the democratic process. Consequently, I ask that Mr. Soudas be made to appear before the committee, whether or not he is formally summoned.

[*English*]

**Mr. Randy Hoback:** The minister was here to speak, and your motion didn't allow it.

**The Chair:** Mr. Siksay.

**Mr. Bill Siksay:** Thank you, Chair.

Chair, I have to say from the outset that I do not accept the change in policy by the government that was announced this morning, and I made a statement on behalf of New Democrats in the House to that effect. I believe that it's an unacceptable and unwarranted change in policy from the government. I believe allegations have been made that are wrong, frankly, and that this committee in particular has taken a very serious issue and proceeded in a very fair and measured way to investigate it. I will continue to support that investigation.

I believe Mr. Soudas must appear before this committee. I'll give notice now that I will be tabling a motion that he be summoned before the committee, and we can discuss that. I suppose that won't happen until our Tuesday meeting next week because of what's happening here on Thursday, with the visit of the Mexican president and our committee meeting being cancelled.

But I believe we have no option. If we are to take our role as a standing committee of Parliament seriously, as well as our mandate to be concerned about the Access to Information Act and compliance with that act, our concerns that we've already expressed about political interference in the access to information process, and the fact that we adopted a motion that called for certain witnesses to appear before the committee because we believed in good faith that they had information or experience to bring to that discussion, I believe we can't abandon that obligation or that direction that we've taken.

I believe that Mr. Soudas is important to the study we have undertaken, so I believe we need to take that next step. We can't let Mr. Soudas, the government, or the Prime Minister off the hook when we believe that there are serious implications about political interference in access to information. We believe—and I think reasonably—that all of the folks we have called to this point had some role to play in that situation.

So, Chair, I'll give notice now that I intend to table a motion to summon Mr. Soudas. That hopefully will be on our agenda at our meeting next week.

• (1235)

**The Chair:** Okay. Are we done?

Mr. Poilievre.

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

Our government delegation at this committee has been completely consistent from the beginning: ministers are responsible for their offices, and they will be the ones who will appear on behalf of those offices. That decision was communicated formally to the House of Commons via the House leader.

Given that this decision has been made, we look forward to working with members of the opposition to ensure that they get the answers they seek while respecting that core principle of ministerial accountability.

So I would invite members on the other side to reach across the aisle to find some sort of arrangement that allows both the principle of transparency, which they seek to uphold, and the principle of ministerial responsibility, which we believe sacrosanct, to coexist within the confines of this committee and indeed throughout all of Parliament.

Thank you.

**The Chair:** All right. Let's see if we can tidy up a couple of things here.

First of all, there is still a very big question mark out there as to whether or not the Speaker is going to make a ruling on the government's announcement as to whether it is in fact in play with regard to committees calling witnesses. There is obviously clear precedent with regard to who can be called before committees and the right to call for persons, papers, and records. We are not going to decide that ourselves. I know we have views ourselves, but the decision ultimately affects not just our committee but all committees. So we need to have the finality of that answer. However, we also have to plan our affairs, because we've got to make use of the time. It's very limited time we have between now and the summer break. Our last meeting is on June 22, and we may have to scramble a little bit to get the necessary witnesses.

The committee has a number of witnesses yet to see. We have certainly requested to see Mr. Soudas and Mr. Togneri again. There is also a panel of five other political staff from other departments. And Mr. Easter has a motion with regard to—

[Translation]

**Mrs. Carole Freeman:** The motion was with regard to bureaucrats.

[English]

**The Chair:** They're bureaucrats, yes, *fonctionnaires*, five officials. My apologies. They were approved, and we've arranged them for a panel, so we will hear them.

[Translation]

**Mrs. Carole Freeman:** We can hear their testimony.

[English]

**The Chair:** Mr. Easter has also given us a motion, which you have all received. It was dated May 19, and it called for Ms. Jillian Andrews, policy advisor to the office of the Minister of Public Works and Government Services, July 2009. This is the person Mr. Togneri had referred to as also being involved in the activities we were questioning him about, certainly a relevant witness.

At this point, assuming we just continue the way we are, with these being the witnesses, I would like to see, if the committee concurs, if it were appropriate and if it were permitted, that Ms. Jillian Andrews, policy advisor to the Minister of Public Works, would also be scheduled as a witness.

**Mr. Pierre Poilievre:** No.

**Hon. Wayne Easter:** Yes.

**The Chair:** Would somebody...?

It's your motion. You are moving the motion. Okay, we'll put it, but ultimately—and the members understand—if the determination is that the government's announcement supersedes the situation, then we have to cancel a lot of witnesses.

• (1240)

**Mr. Pierre Poilievre:** I have a friendly amendment that I think would put the matter to rest, which is that we just replace the name of the political staffer in question with the name of the Minister of Public Works.

**The Chair:** That will be de facto if the ruling of the Speaker is that the minister will speak on behalf of the staff.

**Mr. Pierre Poilievre:** I didn't know that there was a ruling....

**The Chair:** I think a ruling has been requested.

In any event, we understand it is whatever is right and proper and permitted. It's either going to be this person or the minister, depending on how this unfolds as a result of the conversation of the parties. We understand that, because that means Mr. Togneri as well as Mr. Soudas would be released.

We'll be consistent. We understand.

Is that okay with regard to the witness? Are we okay?

**Hon. Wayne Easter:** Mr. Chair, I'm still moving the motion on Jillian Andrews.

**The Chair:** I understand. We are moving the motion with the understanding that it could be a minister.

Are we okay? Agreed.

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

**The Chair:** With regard to the issuing of summonses, I've run into this before. It gets very difficult, particularly since you have only a handful of meetings left, and people want to have witnesses pretty quickly. My preference has always been to make invitations, but if there is a refusal of the invitation without proper reason, a summons would be issued.

What I am going to suggest is that someone move that the chair be authorized to issue a summons for any approved witness on the list if it is necessary. That way I don't have to keep coming back to the committee.

Is that agreed?

**A voice:** Who is moving it?

**The Chair:** Mr. Siksay.

For any approved witnesses of the committee—

[*Translation*]

**Mrs. Carole Freeman:** The motion should apply to all witnesses, Mr. Chair.

[*English*]

**The Chair:** If it is necessary, in the chair's opinion—

**Mr. Randy Hoback:** No.

[*Translation*]

**Mrs. Carole Freeman:** All right. Fine.

[*English*]

**The Chair:** —to get them before committee for our timeframe.

**Mr. Pierre Poilievre:** Chair, one small change would be that you would come back to the committee to indicate there had been a refusal before you would immediately issue a summons. Committees generally don't give chairs carte blanche to—

**The Chair:** No, just for those who have already been previously approved, but if we—

**Mr. Pierre Poilievre:** No, again, summonses are separate creatures from invitations, and we don't give carte blanche to a chair to issue a summons on any witness who has been invited. Committees vote on—

**The Chair:** That is what's being requested, because when there are only six or seven meetings left for the committee, you may not be able to arrange your committee meetings quickly enough. It is just a matter of trying to get the work done.

Mr. Hoback.

**Mr. Randy Hoback:** Mr. Chair, could I suggest that maybe you get together with your staff and put together a list and the timetable for the meetings and the witnesses you want to bring forward, and then bring them—

**The Chair:** No, they are already approved. We have a list. It's all there.

**Mr. Randy Hoback:** I'm asking that you create the schedule. Bring the schedule back to the committee and then the committee will decide as a whole what to do with that schedule.

**The Chair:** We have already approved the witnesses, and the clerk has scheduled the witnesses. It's already done.

**Mr. Randy Hoback:** What are you asking for, then?

**The Chair:** Well, this would relate, I can only assume, if any witness refuses to appear without cause, to the chair's being authorized to issue a summons, if necessary.

**Mr. Randy Hoback:** I don't have confidence in the chair doing that unilaterally.

**The Chair:** There you go. That's fine.

Okay, do you want to put the question?

**Mr. Bill Siksay:** I move the motion.

**The Chair:** Okay. Mr. Siksay moves to give the authority to the chair to summon witnesses who have been approved by the committee, if necessary.

We'll call the question.

**Mr. Randy Hoback:** Could we have a recorded vote, Chair?

**The Chair:** Yes.

We have a tie vote, and the chair votes yes.

(Motion agreed to: yeas 6; nays 5)

**The Chair:** Now, on Thursday we have the President of Mexico. The steering committee is going to meet. Hopefully, we'll have a good answer as to what point we will have reached and will know whether or not political staff will be appearing, or their ministers.



We have the problem that a minister can't be compelled to appear, but even if they wish to appear, their calendar may not tie in with ours. So I'm going to be asking the committee, once we find out later on this week, to consider other dates or times for meetings so that we could complete our work before we rise for the summer. So I want members to be considering that.

Now, we've had two items on our agenda that I've been carrying meeting after meeting. I've had a little discussion with the vice-chair, Mr. Siksay, about the Google and Canpages work we did last session. There have been developments. We have a draft report. We had hoped to review the report and go, but Mr. Siksay has a suggestion and maybe a recommendation to make to the committee.

• (1245)

**Mr. Bill Siksay:** Thank you, Chair.

Chair, I was very happy with the report that was written and prepared and I was ready to sign off on it until I saw a story in the press—last week, I believe—about some problems that have arisen in Europe, where Google Street View was also recording information about wireless networks when they did the camerawork for their mapping system. A number of European countries have started investigations into that. I believe Google has acknowledged that they screwed up by collecting information that wasn't intended.

It strikes me, Chair, that it would be irresponsible for us to sign off on the report we have before us, given that kind of concern, and I'd like to suggest that we ask both Google and the Privacy Commissioner to come back to explain to us what happened in Europe, and whether similar things happened here in Canada, and what steps Google is taking to protect the privacy of Canadians in this regard.

**The Chair:** Okay.

With regard to issuing the report, there is good reason why we shouldn't proceed with issuing it.

Is that acceptable to the members?

**Some hon. members:** Agreed.

**The Chair:** So we'll take it off our agenda. The steering committee will consider the recall of Google Street View and the Privacy Commissioner to see whether we might be able to work that in.

The other item on our agenda is the order-in-council appointee rules, and this had to do with.... Rights and Democracy?

Madame?

[*Translation*]

**Mrs. Carole Freeman:** I'd like to broach the matter of order-in-council appointments. In 2006, the government promised to set up a commission and appoint a chair to review appointments. However, nothing was ever done. At this time, the appointment process is rather tarnished. Perhaps we need to take a look at this. I know that several attempts have been made to do so in recent years, but I think we need to take a closer look at the way the order-in-council appointment process currently works.

[*English*]

**The Chair:** Okay. Would this be as a little study, or an educational...?

[*Translation*]

**Mrs. Carole Freeman:** It would be more than that. We should take a closer look at certain appointments, including that of Mr. Latulippe. Would it be okay for the steering committee to decide how best to approach the matter?

[*English*]

**The Chair:** Okay, we will certainly consider it. We have to be careful with our mandate. It may be more appropriately the mandate of another committee or whatever. We'll have to look at that carefully, but I understand what you're saying.

I thought we were going to have this appointments commissioner who was going to opine on the whole situation. This has not happened yet. I think that's the big question. Until you have that, it's very difficult to start questioning the individual appointments. That's where we have problems, I think, if we want to go—

[*Translation*]

**Mrs. Carole Freeman:** So then, the steering committee can discuss how we are going to proceed?

• (1250)

[*English*]

**The Chair:** We certainly can and we will. Thursday, okay.

All right, I have no other business that we had scheduled. I thank you, colleagues, for your patience. It's been a difficult time, but please let's come together and find out how we can continue and complete our work.





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