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Chair

Mr. Joe Preston

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•(1000)

[English]

The Chair (Mr. Joe Preston (Elgin—Middlesex—London, CPC)): I'd like to call the meeting to order, please. I'll give a couple of seconds for the men carrying cameras to sit down.

We welcome you all back to our meeting. We're here pursuant to the order of reference of Wednesday, March 9, 2011, on a question of privilege relating to the finance committee.

Happy St. Patrick's Day to everyone.

We have been successful, after asking late in the day, in having Minister Toews and Minister Nicholson come back and spend another hour with us, but I'm to tell you that they have only an hour. At 11 o'clock we'll need to release them, and we'll move on to what then is the rest of our schedule.

We had a very rough time yesterday during questioning of witnesses, not only these witnesses but all witnesses, so I'll ask the members of the committee to be sure to ask fairly short and succinct questions through the chair, not to the witnesses. We won't then get into the banter back and forth and we'll be able to do the translation on a much smoother basis. So let's please work from that. We'll get more questions answered and we'll all be wiser because of it.

Ministers, do you have any opening statements today? Nothing.

Mr. Brison, I take it you're up first for seven minutes.

Hon. Scott Brison (Kings—Hants, Lib.): Ministers, yesterday you continued misleading and showing contempt for this committee. Minister Toews, yesterday you denied ever saying that Bill C-25 would cost \$90 million. In fact, I have a Tuesday, April 27, Canadian Press article that appeared in the *Globe and Mail*, where you say specifically—

The Chair: Mr. Brison, I'm going to interrupt you right from the beginning, and I'll speak slower this time. When you're asking questions of the witnesses, you're to ask them through the chair. Don't talk directly to the witnesses. This is where we get into the trouble with the back and forth.

All right. Let's try again.

Hon. Scott Brison: Mr. Chair, yesterday Minister Toews continued to mislead this committee when he denied ever saying that Bill C-25 would only cost \$90 million. In fact, Minister Toews said on April 27, 2010, in a Canadian Press article, which appeared in the *Globe and Mail*, and I quote:

We're not exactly sure how much it will cost. There are some low estimates, and some that would see more spent—not more than \$90 million.

After that, Mr. Chair, the Parliamentary Budget Officer in fact reported that the real cost of Bill C-25 would be from \$10 billion to \$13 billion, based on the information he had been provided. Minister Toews revised his numbers to \$2.1 billion.

In fact, if you look at it, Mr. Chair, Minister Toews initially said \$90 million. The figure from his department ultimately was \$2.1 billion, a twenty-fold increase. So based on his numbers yesterday of estimates of \$640 million, we can expect costs of perhaps \$14 billion, based on the ratio of truth to fiction in his typical numbers.

The Chair: Let Minister Toews answer your question.

Hon. Scott Brison: No, I actually...Mr. Chair—

Hon. Vic Toews (Minister of Public Safety): Thank you, Mr. Chair. I appreciate the opportunity to respond—

Hon. Scott Brison: Mr. Chair, I have not finished my question.

The Chair: Mr. Brison, it was on a motion from you that we brought the ministers here today to hear more from them. When a question is asked, I'm going to allow the witnesses to answer it, and then we're going to go back to another question.

Hon. Scott Brison: Mr. Chair, I did not ask a question yet. I have questions for the ministers, but I'm going to finish my opening statement before those questions.

The Chair: You see, the ministers get opening statements. They've turned that down. You get to ask questions.

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): On a point of order, Mr. Chair.

Hon. Scott Brison: You can't make this up as you go.

Mr. Scott Reid: On a point of order, Mr. Chair.

Perhaps I missed it, but in looking over the 18 bills that are the subject of today's discussions and the motion that was brought before us, Bill C-25 is not one of them. Am I wrong on this?

The Chair: I was going to get to that one if I had to, but it isn't in the point of reference before us today.

Hon. Scott Brison: It establishes credibility or lack thereof from the minister in terms of his projections.

Mr. Chair, the minister—

The Chair: Mr. Brison, when I start talking I will ask you to respect the chair.

Hon. Scott Brison: I'll ask you to respect me as a member—

The Chair: I certainly will.

Hon. Scott Brison: —and allow me to complete this.

The Chair: Then let me finish. I had a point of order. I'll rule on that.

Are you stepping in?

Hon. Scott Brison: The point of order is not substantive because the reality is that this information that I'm providing today, in response to a question for the minister yesterday, helps to establish whether or not this minister provides meaningful and important data, or not, to this committee.

• (1005)

The Chair: Mr. Brison, I'd love to have you go back to your questions and ask questions and get answers from the ministers.

Hon. Scott Brison: Thank you.

The Chair: It was on a motion of yours that we brought them back today for another hour.

Hon. Scott Brison: And I'm delighted to hear it.

The Chair: I'd like to get the information—

Hon. Scott Brison: So would I.

The Chair: —and I'm sure the other members would like to get information from these ministers.

Hon. Scott Brison: Totally.

The Chair: So let's get to a question, and I'll get an answer.

Hon. Scott Brison: Thank you very much, Mr. Chair.

The ministers yesterday provided us with some information: binders that tried to respond to 72 pieces of information requested four months ago. They did not even come close to responding to those 72 pieces of information requested in my motion, and they failed to respect the Speaker's ruling.

Yesterday, Mr. Chair, the minister said he had responded to all the questions. But he left out many of the costs of these bills, including new prison costs, because he said our motion didn't require him to provide all these costs.

Mr. Chair, I'll draw to the attention of the committee the fact that my motion specifically said to provide all costs “in accordance with the Treasury Board Guide to Costing”, which requires all direct and indirect costs to all departments and requires all the costs to stakeholders, including provinces.

Mr. Chair, yesterday the ministers parsed their words. It reminded me of the Bill Clinton defence on the Lewinsky affair, when he said there was some confusion as to whether or not he had been asked specifically about sexual relations with Ms. Lewinsky. His response, having been caught, was, “It depends upon what the definition of the word *is* is.”

It also reminded me of Mulroney's defence at the Oliphant commission, when Mulroney said he had not been asked the specific question by investigators as to whether or not he had received funds

from Karlheinz Schreiber. I'll also remind the committee and the ministers that Justice Oliphant dismissed this defence as “patently absurd”.

Mr. Chair, these two ministers are acting like two crusty old lawyers trying to game the system instead of two cabinet ministers with a responsibility to tell the full truth to Parliament and to Canadians about the full cost of their prison bills. Canadians and this Parliament deserve better.

Mr. Nicholson, the finance committee set a deadline of November 24, 2010. That deadline passed without even an acknowledgement by your department, which showed contempt to this Parliament.

A week later, on December 1, you gave your first response: you couldn't provide any of the information because of cabinet confidence.

Do you still believe that to be true, or were you misleading the committee?

The Chair: Mr. Brison, again—

Hon. Scott Brison: Yes, through the chair.

The Chair: —through me to the witness, please.

Hon. Scott Brison: Of course.

The Chair: Mr. Nicholson, please answer the question.

Hon. Rob Nicholson (Minister of Justice): We have been as forthcoming as possible, Mr. Chairman. You will see, in the information provided for you with respect to the 18 bills, a very detailed breakdown of all the details, all the expenses.... I mean, they are very difficult to project, as you can imagine, but a great deal of analysis has gone into that. This follows up earlier this year, when we indicated the various costs of the bills, when that was able to be determined.

I don't think the honourable member, or anybody, is looking for cabinet confidences.

Hon. Scott Brison: Mr. Chair—

Hon. Rob Nicholson: If something is a cabinet confidence, of course it continues to remain. We have an obligation on that.

But in terms of getting information with respect to these bills, I think the committee members, as they go through all the material that's been put before them, will be very, very impressed.

The Chair: Thank you.

Hon. Scott Brison: Mr. Chair, I'll repeat my question, because the minister ignored it and continued to show contempt to this committee and to Parliament.

Mr. Chair, the minister said—

Mr. Scott Reid: A point of order, Mr. Chair.

Hon. Scott Brison: His department said on December 1, and I quote—

The Chair: Excuse me, Mr. Brison.

Mr. Reid.

Mr. Scott Reid: I defer to your judgment, Mr. Chair, but asserting that a minister is in contempt, that a member is in contempt, would seem to me effectively unparliamentary. I may be incorrect in that, but I think that is unparliamentary language.

If that is the case, then I would invite the member to withdraw and to find some parliamentary way of expressing the same thought.

• (1010)

The Chair: I would wish that the member would use language that was more appropriate to us being here and asking ministers questions on this piece of legislation.

Hon. Scott Brison: Thank you, Mr. Chair.

On December 1, Minister, your response to our motion—

The Chair: Through the chair, Mr. Brison.

Hon. Scott Brison: Sorry; through the chair, of course.

The Chair: Thank you, Mr. Brison.

Hon. Scott Brison: On December 1, the minister's response to our motion was as follows:

The issue of whether there are any costs associated with the implementation of any of the Government's Justice bills is a matter of Cabinet confidence and, as such, the Government is not in a position to provide such information or documents.

Mr. Chair, does the minister believe that to be true, his response on December 1, or was he misleading the committee at that time?

Hon. Rob Nicholson: Again, Mr. Chairman, any time you have a cabinet confidence, advice to the cabinet, we're under an obligation to protect that information. Indeed, as the member would know, as a privy councillor you swear that you will keep information that is cabinet confidences secret and not distribute them.

That being said, though, if you go beyond that and ask on what basis and with what information these are being made, it's ascertainable...and again, this is exactly what we have done. Shortly after that response, the information as to what these bills would cost had been placed before the committee. The committee wanted further evidence and further details, as reflected in the Speaker's ruling. This is what you have.

If the honourable member's concern is the cost of these crime bills, he has considerable information, to the greatest extent possible. Again, you have all the individuals around this table who are joining with us today who have worked very hard to respond to that. It seems to me that's what the issue is. If you're worried about the cost of our crime bills, you have it here.

You have an excellent analysis of this here, Mr. Chairman, and I trust that will please all honourable members.

The Chair: Thank you very much, Minister.

Mr. Armstrong, for seven minutes.

Mr. Scott Armstrong (Cumberland—Colchester—Musquodoboit Valley, CPC): Mr. Chair, I'm kind of shocked this morning at the aggressiveness of the Liberal Party. They kind of remind me of kids at Christmastime who get everything they've asked for on their Christmas list and then complain that they didn't get an extra gift of something they already had.

I'm going to actually ask the ministers some questions, through you, Mr. Chair, because the ministers have taken their time to come here today, and I—like many people across the country, I think—want to hear from the ministers and want to hear what types of activities our government is undertaking to protect people from criminals, to make sure that criminals serve the time they're supposed to serve, that they're assigned. I think you're seeing in polls across the country today that many Canadians, and in fact the majority of Canadians, support our tough on crime agenda.

Through you, Mr. Chair, to Minister Toews, after reviewing the information package we received yesterday that elaborates in the charts the crime bills tabled last month—these provide a great amount of detail and show a lot of work by public servants, many who are here today—do you believe that the information you've provided satisfies the request in Mr. Brison's motion?

Hon. Vic Toews: Thank you, Mr. Armstrong. I appreciate that question.

I do in fact believe that the answers provided on February 17 were in fact made in good faith. They were fulsome answers, and in fact we have now provided this entire binder of information, which deals with that extensively.

I find it curious, Mr. Armstrong, that Mr. Brison keeps on going back to paper over the deficiencies in his own motion.

He asked for information very specifically about 18 different bills, and then, Mr. Chair, raises issues that are on another bill.

For example, on the erroneous facts that Mr. Brison put on the table this morning, he indicated that I had indicated that I'd never said the cost would be \$90 million. Of course, Mr. Chair, the costs were \$90 million. If he reads the rest of the quote there, which he has neglected to state for the people of Canada, he would have found out that it dealt with the appropriation in one year, in one year of five years. The first year was \$90 million. The full cost was \$2.1 billion over five years. I haven't changed my mind. What Mr. Brison has done is selectively take quotes to mislead this committee in respect of that issue, and I find that disturbing.

I find that consistent, Mr. Chair, with the issues that we have raised here in full compliance with the subsequent concerns of the Speaker. The Speaker has indicated that there were some deficiencies. He didn't specify what the deficiencies were, so public servants have gone to a great deal of work to in fact find out and guess what those deficiencies might be. But they are all here to answer that. This document is a document of the public servants who are responsible for these figures coming forward.

• (1015)

Mr. Scott Armstrong: Thank you.

Just to help us out a bit with the package that was distributed to us yesterday, could you explain to us, as members of the committee, the formatting of that particular document and how that formatting relates to the very specific information that was requested by Mr. Brison?

Hon. Vic Toews: Perhaps I'll use one of the bills that I'm responsible for, Bill C-52.

If you look at the response here and look at Mr. Brison's motion, Mr. Chair, there are four separate points in Mr. Brison's motion, the first one being the incremental cost estimates broken down by capital, operations and maintenance, and other categories.

If you look at the breakdown for Bill C-52, you'll see the heading, "What are the incremental cost estimates broken down by Capital, Operations & Maintenance and Other categories?" There is a response to that.

Then in respect of the other three points, specific in respect of Bill C-52 and Mr. Brison's motion, the points of Mr. Brison's motion were put into the material by the public servants, and then the public servants provided the response. So it conforms in a substantive, fulsome way with the ruling of the Speaker.

Mr. Scott Armstrong: Thank you.

Through you, Mr. Chair, to Minister Toews, yesterday some committee members questioned, wrongly, some costs that they claimed were missing from the information package that was presented yesterday, for example, the \$2.1 billion over five years that has been dedicated to keep dangerous offenders behind bars.

You've been upfront about that cost for months. It is not in the document that was distributed yesterday. Why not? Why is that not contained in that document?

Hon. Vic Toews: Well, Mr. Chair, I can only state that Mr. Brison made an error and was obviously sloppy and now he's trying to make up for that by covering his mistake.

In the interest of being upfront about this, and if this is the questioning Mr. Brison wants to endeavour, I do have the projections for that. In fact, the 2010-11 estimate, which Mr. Brison referred to, was in fact \$88.5 million. In the course of that scrum I indicated \$90 million, which in fact would include the previous year's \$2 million, hence the approximate \$90 million. But you'll see, then, 2011-12, \$572.8 million; 2012-13, \$765.7 million; 2013-14, \$708 million, approximately, for a total of \$2.1373 billion.

Those are the cost estimates that public servants have put together. I'm prepared, Mr. Chair, to have Mr. Baker, or Mr. Head, the commissioner, respond in full detail to those.

The Chair: I'm sure we'll get questions on that one.

Mr. Armstrong, thank you very much. That went much smoother.

Madame DeBellefeuille, are you up?

[*Translation*]

Mrs. Claude DeBellefeuille (Beauharnois—Salaberry, BQ): Yes.

[*English*]

The Chair: Seven minutes, please.

[*Translation*]

Mrs. Claude DeBellefeuille: Thank you, Mr. Chair.

Good morning, ministers.

We went through the massive pile of documentation last night, and we realized that, overall, the documents and the total amounts were pretty much identical, give or take a few things. There were a

few extra details, but a number of questions remained unanswered. Among other things, I had a good look at Bill C-4, which you called Sébastien's Law.

In your document, you said that the bill would likely lead to increased costs for Quebec, the territories and the provinces, but you could not say how much more, because young offenders are usually incarcerated in provincial and territorial institutions.

You are introducing a bill you want us to support, but you have no idea what it will cost. You do not say how much it will cost Quebec. You also say you are going to negotiate an agreement and that if the other governments need funding, you will look into that and perhaps give them some.

What's more, you have absolutely no idea what will be required of your department or the government, especially in terms of how much money the federal government will have to hand over to the provinces. That doesn't look very good, Mr. Minister. You are telling us we have all the documents we need, even though we do not have any of that information for one bill in particular. We do not know what it will cost because, according to you, you do not have that data since it is an area of provincial and territorial jurisdiction.

Frankly, I think that shows contempt. It shows contempt for me, as a parliamentarian, when you ask me to put my confidence in you and you cannot even provide us with a single figure for Bill C-4.

And that comment stands for Bill C-16 as well. There again, you are telling us that the provinces will have to incur increased costs once the bill is passed, but you say you are not responsible for providing an estimate of those costs because it is an area of provincial and territorial responsibility.

It is pretty shocking that you can make legislative changes that have financial repercussions for the provinces and territories, yet you do not provide any information on what those figures will be.

How do you explain that, Mr. Minister? How can we possibly take you seriously? You say that we have everything we need to answer our questions and to make good decisions and that you have complied with the Speaker's ruling, when you are not providing us with any information on what these two bills will end up costing the provinces.

● (1020)

[*English*]

Hon. Rob Nicholson: Again, we don't just say it's the provinces' responsibility; these costs are in fact incurred by the provinces.

I can say with respect to youth justice, as I indicated in response to the Liberals, that approximately \$350 million is for the total youth justice system. I mean, these are programs that help prevent youth getting involved with the system and help those who already are. So it cannot be attributable to this particular bill...certainly not; I mean, that's the cost, and it is incurred by the provinces.

With respect to the Bill C-16 that the member just mentioned, that deals with conditional sentences. Now, there have been two changes to that, the Bill C-9 that several years ago....

We have not received any costing from the provinces on that. We've been looking to see if there's any information on that. We have not received that from them. So if we haven't received it from the first time we changed conditional sentencing, then I think you'll believe me when I tell you that we haven't received it for the most recent bill.

I can tell you, Mr. Chairman, that we don't bring forward these bills in a vacuum. On a regular basis I meet with my provincial counterparts, and very often I am encouraged to move forward on these. They are suggested by the provinces. Yes, there is a cost to the provinces, and again, I don't try to....

In answer to the question of the honourable member concerning conditional sentences, I won't speculate on what it costs the provinces. If they give us that information, or if they are able to determine...but again, I appreciate the challenges they have in trying to determine these.

That being said, with respect to federal costing, you have considerable information before you. We've been giving it to you over the last couple of months. As I say, I hope this is of great help to the committee, Mr. Chair, because these are the federal costs. I appreciate that the province has an important role in this—

[*Translation*]

Mrs. Claude DeBellefeuille: Mr. Nicholson, forgive me for interrupting, but as you know, I have only seven minutes.

You said you knew what the two bills would cost the federal government, but I did not see those figures in the document. You also said you were waiting for estimates from the provinces. I find that a bit strange. You said you consulted with the provinces, so surely, you must have some cost estimates from them. I do not know whether Quebec gave you its support on Bill C-4 or whether it told you how much of a financial burden it would have to bear as a result of the bill. That financial burden will end up falling on the shoulders of Quebec taxpayers.

Ministers, you were asked several times by parliamentarians in the House about the costs associated with your law and order agenda. But not once did you give a clear or accurate answer. A motion was necessary in order to debate the matter in the House. And on February 17, you tabled a basic outline with a few details. It was inadequate, and it took a ruling by the Speaker to compel you to come here today with that binder full of documents, which, from where we sit, fails to meet the requirements of Mr. Brison's motion.

Let's take Bill C-52, for example. You said that the binder contained a few more details than the outline. How is it that the only information you gave us on February 17 was a one-line explanation on Bill C-52? And now, because of the Speaker's ruling, here you are, giving us further details on the bill.

• (1025)

[*English*]

The Chair: Thank you, Madame DeBellefeuille.

[*Translation*]

Mrs. Claude DeBellefeuille: It is pretty strange that here you are today, giving us further details after being forced to do so. You could have given us that information on February 17.

[*English*]

The Chair: Thank you.

[*Translation*]

Mrs. Claude DeBellefeuille: I apologize.

[*English*]

The Chair: I will remind members again, if you ask seven-minute questions, there will be no time to get answers. The ministers are here to try to provide us with answers.

We'll move on to Monsieur Godin. Maybe he'll ask the same question.

An hon. member: How would you know what he's going to ask?

Mr. Yvon Godin: On a point of order, Mr. Chairman.

The Chair: Monsieur Godin.

[*Translation*]

Mr. Yvon Godin: Point of order. I am not sure whether you are being impartial today, as chair, but you cannot prejudge what I will ask. I would appreciate it if you were respectful to the members.

[*English*]

The Chair: I'm certainly attempting to be respectful of all the members at the table, Monsieur Godin. We are here to get answers to questions. All I was doing was reminding members that if they ask a question that goes beyond their time, there won't be time for the ministers to answer it.

I'll give you the same advice.

Mr. Yvon Godin: At my age I can make my own decision if I want an answer or not. Okay?

[*Translation*]

Thank you, Mr. Chair.

As far as Bill C-21 goes, the document says that no detailed cost information is available because the financial impacts will be minimal.

[*English*]

Hon. Vic Toews: Bill C-21 or Bill C-51?

Mr. Yvon Godin: Bill C-21.

[*Translation*]

So this is a bill that does not cost anything, in other words, the costs are very minimal, is that right?

Hon. Rob Nicholson: Yes.

Mr. Yvon Godin: The document says this: "Given that the proposed mandatory minimum sentence of two years is similar to, or slightly higher than, the sentences currently being imposed by courts [...]". So if the sentences are the same, what does the bill change? That is why it does not cost anything. Mr. Chair, your government put forward a bill that does not change anything, and it admits as much.

Yesterday, you were bragging about your desire to put criminals behind bars, and yet you introduce bills that do the same thing as existing legislation. So that means you are wasting Parliament's time, committee time, time we could spend studying other bills that Canadians want to see passed. There is no denying it, and you say it yourself here, in your document, that there is no cost estimate because the bill imposes the same sentences already being imposed by courts.

Is that true or not?

[English]

Hon. Rob Nicholson: Can I answer, Mr. Chairman?

The Chair: Yes, Minister.

Hon. Rob Nicholson: Thank you very much.

I am surprised the honourable member would say that this bill is a waste of time because the costs are only incremental, that there are not huge costs associated with that. The bill goes beyond just the sentencing provisions. It makes it much more user friendly for the victims. I appreciate that there's not much discussion here about the impact on victims, but this is of great concern to the government.

One of the things you will see in that bill, Mr. Chairman, is that it requires the courts to take into consideration those individuals who have been fleeced, who have been robbed by these individuals. In fact, one of the things you will see that is new to the Criminal Code is an actual form that victims can fill out. Again, I appreciate that there's not some huge cost to the federal government, but we know that victims of white collar crime suffer a great deal. Much of what this bill does is it makes it a little easier to direct the court's attention to those individuals, because those individuals who have been the victims of white collar crime told me at the introduction of these bills that it was as bad as getting beaten up in an alley.

I completely disagree with the position as enunciated by the NDP that somehow this is a waste because there isn't a lot of money being expended. I couldn't disagree more. I just wanted to have that on the record.

• (1030)

[Translation]

Mr. Yvon Godin: Mr. Chair, in the report he just mentioned, the government itself said it is the same thing as what the courts are or were doing.

I am not the one who said that, it was you. The same goes for Bill S-9. On page 2, it says that the "conduct captured by the distinct offence of auto theft is currently addressed by the general theft offence [...]". And it goes on.

Bills are supposed to change things. You are the one who said that the bill would put criminals behind bars and would not cost a thing. Come on! You can't put them in facilities that do not exist.

[English]

Hon. Rob Nicholson: Again, I don't mind telling the honourable member—

[Translation]

Mr. Yvon Godin: They aren't going to sleep in tents.

[English]

Hon. Rob Nicholson: Pardon me?

[Translation]

Mr. Yvon Godin: They aren't going to sleep in tents.

[English]

The prisoners don't stay in tents. They go to jail, and there are going to be costs. The whole document is about no costs.

Hon. Rob Nicholson: Well—

Mr. Yvon Godin: And where there is no cost, some of them, Mr. Chair—

The Chair: Thank you.

Mr. Yvon Godin: Mr. Chair, I'll go around the table to you. I know you can take it.

The Chair: I can take it.

Mr. Yvon Godin: But you're saying there are no costs. Where there are no costs, you're talking about the provinces, the responsibility of the provinces to take care of the youth.

When we talked to Mr. Page yesterday, he said we have to know the cost, that members of Parliament have to know the cost if we're going to vote on it. We don't only represent a riding; we represent provinces. We have a responsibility. The effect of what we do here in Ottawa is reflected in the provinces and they have the right to know, don't you think?

Hon. Rob Nicholson: Again, Mr. Chairman, the honourable member mentioned specifically Bill S-9. That is the bill that makes it, for the first time, a separate offence in the Criminal Code to steal an automobile.

As the member's colleague, Mr. Martin, will tell you, I was encouraged to bring forward this legislation by the NDP Government of Manitoba. I appreciate that there are costs to the provincial governments. But to be fair, and to put this into context, we had been lobbied, asked, and had discussed this matter to have a separate section in the Criminal Code with respect to auto theft. I think we are acting in a responsible manner when we respond to those requests from the provinces. Again, I make no apology for making that a separate offence, Mr. Chairman, within the Criminal Code. I had widespread provincial support.

Going back to the last question from the Bloc, yes, there are costs to the provinces. This is why I have found it very helpful over the last four years to sit down with my provincial counterparts to get their input, because yes, in fact the costs of the administration of justice for the most part are borne by the provinces, but we don't do it in a vacuum.

The Chair: Thank you.

Mr. Martin, there are 30 seconds left.

Mr. Pat Martin (Winnipeg Centre, NDP): In that period of time, Mr. Chairman, I think even you would agree that the people of Canada have the right to know what their government is doing with their money.

The Chair: That's right. You're absolutely right, Mr. Martin.

Mr. Pat Martin: It's a fundamental cornerstone of our democracy. They know the whole cost because it was presented to them in cabinet memoranda. We've heard testimony that that information is no longer a cabinet confidence once the bill has been tabled in Parliament.

The leading authorities on the subject say they're hiding behind cabinet confidence to deliberately not give us that information.

The Chair: Thank you.

I didn't hear a question there, so I'll go to Mr. McGuinty's round.

On a point of order, Mr. Reid.

• (1035)

Mr. Scott Reid: I don't mean to be unkind to Mr. Martin here, but my understanding is that there's one New Democrat member on the committee, so he's not actually sworn in as a member and therefore doesn't have the ability to speak, unless Mr. Godin is sworn out and Mr. Martin is sworn in. I just think we should be respectful of the rules and have only people who are sworn in—

The Chair: The committee can agree on what it will do. But if that's....

On that point of order, Monsieur Godin?

Mr. Yvon Godin: On that point of order, Mr. Chair, it was established with all whips at the last Parliament that we would be able to bring one of our members to the committee. He will be able to raise questions, but he will not have the opportunity to vote. That has been respected since the opening of this Parliament. I hope that Mr. Reid doesn't want to create new rules here. It has been established and accepted at every committee, and I think you've been advised of it.

Mr. Scott Reid: On the same point of order, Mr. Chair—

Mr. Yvon Godin: If not, I'll get the whip from the Conservative Party very soon on the agreement we had.

The Chair: Mr. Reid, to finish this.

Mr. Scott Reid: On the same point—

The Chair: We are taking time away from the witnesses.

Mr. Scott Reid: I understand.

On the same point of order, Mr. Chair, I was unaware of that rule. I haven't been in a committee before now where this has occurred. I offer my apologies. I was simply unaware of that rule.

The Chair: Thank you, Mr. Reid.

Let me finish this one. As you noticed yesterday, we certainly allowed it to happen. As long as the committee agrees, the committee is the master of its own destiny. We certainly had Mr. Martin make some great interventions yesterday, as he's wont to do.

Mr. McGuinty, it's time for yours, for five minutes, please.

Mr. David McGuinty (Ottawa South, Lib.): Thank you, Mr. Chair.

Mr. Chair, I want to go back to where you started this meeting and ask for your indulgence.

I would like to ask a single question, just one question, of the ministers. I'd like them to take, through you, Mr. Chair, due note of the points I'm going to make in advance of the single question I'm going to ask them. They may want to write these down, because I think they're going to have to address them, but we'll work through you, Mr. Chair, if we could.

Quickly, before going into this, I want to correct the record on something Mr. Toews said. I think, Mr. Chair, if we look, we'll find that the Speaker has never found deficiencies in the motion that was brought here. I think there was an allusion to that, so I just wanted to make that very clear.

I want to go back to where I left off yesterday, Mr. Chair, because we are here today, we will be tomorrow, and we were yesterday to deal with the issue of contempt. I want to read once again for the ministers the definition of contempt. It is where "a person or a thing is beneath consideration or worthless, or deserving scorn or extreme reproach".

Mr. Chair—

The Chair: I'm going to interrupt you, because nowhere in the motion that has come before this, or in the study of privilege we're doing, was the word "contempt" used. You did this yesterday. I'll let you go through with it, but it is not in the motion of privilege that's currently before us.

Mr. David McGuinty: And we're not going to be debating the issue of contempt, Mr. Chair...?

The Chair: I can't predict what the committee will debate after the fact—

Mr. David McGuinty: Right.

The Chair: —but you keep referring to how "it's been referred to us", and it has not been referred to us.

Mr. David McGuinty: Well, let's talk about contempt theoretically, then, Mr. Chair, if we could.

The Chair: You may.

Mr. David McGuinty: Great.

The Chair: I'll let you go that route.

Mr. David McGuinty: Contempt, Mr. Chair, isn't some abstract concept, nor is it an indication of some sort of procedural violation. Through you, Mr. Chair, to the ministers, it's about how a government acts. It's about its entire approach to Parliament. Theoretically, Mr. Chair, this government shows contempt to Parliament in almost every single action it has taken related to this file. Mr. Chair, this has never happened before in Canadian history. In fact, it's never happened before in Commonwealth history.

So let us, Mr. Chair, for the sake of the record, for the ministers to respond to the single question I will pose, recap. The government has failed to acknowledge that documents were requested by the finance committee until long after the first deadline. They claimed they couldn't provide any information because of cabinet confidence, then later providing the information and admitting it was never cabinet confidence, Mr. Chair.

They waited until the House of Commons was actually debating a motion about their failure to deliver the documents to produce the first document. Then they attempted at that time to claim that they fully complied with the very detailed document request by providing three pieces of paper.

[Translation]

Then the government tried to argue that it had complied with our demands and, in doing so, had provided detailed documents. All they provided were three pieces of paper at the very last minute, Mr. Chair, right before we moved our motion on supply day.

[English]

The government then said they were going to cooperate with the committee and then announced that two ministers would show up for an hour, and they would be accompanied by an army of highly dedicated senior public officials, whose time is being wasted—

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Whose fault was that?

[Translation]

Mr. David McGuinty: Yesterday, they did not hand out their 726 pages of documentation to the committee until 17 minutes before the minister made his remarks.

• (1040)

[English]

Then they tried to suggest that there was no real difference between these 726 pages and the three pages previously provided, even though some of the numbers are distinctly different. Then they tried to suggest that this document dump fully answered the document request, despite the fact that it provided no information, for example, about the F-35s, and it only, at best, provided 15 of the 72 documents requested with respect to the crime bills.

Then they send to committee the junior finance minister, Mr. Chair, who doesn't have the power or decision-making capabilities of the government, while the real finance minister is in Ottawa and available to attend. Then we find out they're refusing to send the Minister of National Defence to answer for the government's failure with respect to the F-35 documents. Then they confirmed that the Parliamentary Secretary to the Minister of National Defence would show, and then they had him pulled.

So here's the question—

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): A point of order, Mr. Chair.

The Chair: Sure, I'll take another point of order.

Mr. Tom Lukiwski: It's a clarification as much as a point of order, but my understanding is that in the motion first presented by Mr. Brison, there was no mention of the F-35s.

The Chair: I don't find it in what's been brought to this committee either. It's not in our order of reference.

Mr. David McGuinty: Except, Mr. Chair, it's in the opposition day motion to which the Speaker referred substantively.

I have a single question for the ministers, if I could, through you, Mr. Chair.

The Chair: I think I made a statement.

Mr. David McGuinty: Given all of this litany of conduct, the question is simple. Why shouldn't Canadians find your government in contempt?

The Chair: Mr. Nicholson.

Hon. Rob Nicholson: Mr. Chairman, I completely disagree with the premise upon which that question is based. If we accept what the committee is asking for, that you're genuinely interested in the cost of our crime bills, to say that the public servants who head up each of those departments are wasting their time appearing before a parliamentary committee...I want you to know, I completely disagree with that.

If it's only about procedures that you're talking about, I guess the Liberals could make that point. But if you're sincerely interested in what it costs the federal government in terms of its crime prevention and the crime bills, then I think it is entirely appropriate that public servants, who have an in-depth knowledge of each of these areas, get the time to respond.

This is the second time that I've been asked about the F-35s. Again, I'm not the defence minister, but anything that equips our men and women in uniform and gives them the very best equipment in the world has my complete support. I completely agree with my colleague, the Minister of National Defence. So inasmuch as this is the second time that this has been raised with me, I want you to know, Mr. Chair, that I completely support having first-class equipment for the men and women in uniform in our Canadian armed forces. I want to make that clear, since it's been raised twice with me.

The Chair: Thank you, Minister, but it is beyond the order that's been referred to us.

Hon. Rob Nicholson: To be fair, Mr. Chair, I've been asked twice now about this, so I just wanted to make that clear. I didn't want anybody to think, by reason of my silence, that I'm not an enthusiastic supporter of having outstanding, first-class, world-class equipment for the Canadian armed forces. I want to make that very clear.

The Chair: Thank you, Minister.

We'll go to Mr. Reid for five minutes, please.

Mr. Scott Reid: Thank you, Mr. Chair, and thank you to our witnesses for being here.

Before I ask any questions, I thought of raising a point of order, but I just want to point out in response to Mr. McGuinty that I'm mystified by his constant references to contempt. The motion moved by Mr. Brison, and seconded by Mr. McGuinty himself, which was taken to the Speaker reads, "That, given your finding that a prima facie breach of the privileges of Parliament...". There is nothing about contempt in there; it is about breach of privileges. I note that in *House of Commons Procedure and Practice*, more commonly known as O'Brien and Bosc, on page 82 you'll find the statement, "It is important to distinguish between a 'breach of privilege' and 'contempt of Parliament'".

I also note that contempt of Parliament is very different from the *Oxford English Dictionary* definition of the word “contempt”. It’s a specialized technical thing, and one ought to be careful to distinguish in order to carry on proper parliamentary procedure.

I turn now to the ministers to ask some questions. First of all, Ministers, you got notice very late yesterday asking you to come here. I appreciate your being here. Am I correct that you were both at the airport on the way to other destinations when you were called back?

Hon. Vic Toews: If I could answer that, I wasn't on the plane, but I did have an announcement today north of Winnipeg. As you know, we have a very serious potential flooding situation, and I've been working very closely—

• (1045)

Mr. Marcel Proulx (Hull—Aylmer, Lib.): A point of order.

Hon. Vic Toews: —with the provincial government in respect of the flooding issue, Mr. Chair.

The Chair: Excuse me, Minister, we'll stop it there.

Go ahead, Mr. Proulx.

[*Translation*]

Mr. Marcel Proulx: Mr. Chair, I do not think that the minister's remarks have anything to do with the question put by my colleague, Mr. Reid.

[*English*]

I'd like to know, what's the relevancy of this subject within this particular committee?

The Chair: Well, I'm going to tell you that today the chair would have a rough time figuring out the relevance of a lot of people's questions, but I'll let the minister finish his answer.

Hon. Vic Toews: In any event—

Mr. Scott Reid: Mr. Chair, if I could interrupt, on the same point of order, there are two things.

One, I don't want Mr. Proulx's intervention or my response taken out of the five minutes I've been given.

Two, I'm raising this because the technical definition of “contempt of Parliament”, which has been raised by Mr. McGuinty, and it's clear that Mr. McGuinty and Mr. Brison are heading in the direction of asserting that the ministers have been in contempt of Parliament, or indeed that the entire government is in contempt of Parliament... That has been an assertion they've made. Having said that, it's important to go to—

The Chair: I'll rule that that's not a point of order. Let's move on to the question.

Mr. Scott Reid: No, but the thing is this. Seeing as they're going in that direction, deliberately refusing to provide testimony is part of contempt of Parliament. I'm trying to demonstrate that in fact—

The Chair: Mr. Reid.

Mr. Scott Reid: —these ministers have made a real effort to be here.

The Chair: Mr. Reid, when I make a ruling or suggest we move on, I'd like us to do so.

Mr. Scott Reid: Point taken, Mr. Chair.

The Chair: Thank you.

Mr. Minister, if you would like to finish that answer, then we'll get to another question.

Hon. Vic Toews: Yes, I would, Mr. Chair.

As I've indicated, I've been working very closely with the provincial government in respect of the very serious flooding issue that exists in Manitoba. I believe my presence was required in Manitoba, but in my respect for the committee, and even though I'd not been formally summoned, I felt it was also my responsibility to be here at the committee.

What does concern me, Mr. Chairman, is that these documents here provide all the information the members are looking for, and yet I am so concerned, and perhaps you could help me here, why they would bring up extraneous material with respect to the F-35, which isn't even a part of this particular motion. It appears to me to be a terrible waste of the time of the public servants and an insult to the public servants who are here.

I see Mr. McGuinty laughing. He thinks it's funny, when in fact these public servants are here to enlighten Canadians. It's clear that Mr. McGuinty has no interest in getting any of the facts before the committee. It's a deliberate strategy by Mr. McGuinty—

The Chair: Mr. Reid.

Mr. Scott Reid: Rather than ask the same question of Mr. Nicholson, because I think I've made the point, I'd like to ask Minister Nicholson a separate question relating to the fact that some of the bills are not costed.

In particular, when I go through it, I see extensive charts that provide excruciatingly detailed costs, such as the one for Bill C-23, I think it is. There are multiple pages for that particular chart. There are numerous other charts that provide similar detailed cost information. But I notice, and I'll use as an example Bill C-16, which amends the Criminal Code to end house arrest for property and other serious crimes by serious and violent offenders, that there's no cost estimate provided for that one, and there are a couple of others that are in the same category. I wonder if he could explain why that's the case.

Hon. Rob Nicholson: You mentioned Bill C-22, Bill C-16, and a number of bills, and I don't mind explaining in some detail as to why that would be.

The first bill you mentioned, Bill C-22, would require Internet service providers to turn over to the appropriate authority information with respect to child pornography. Again, in terms of what costs there might be to the federal government, we're not able to ascertain any particular cost requiring them to do what they have a moral responsibility to do.

A number of the bills are streamlining the processes that will actually help with the administration of justice. Another example is the bill that we have on megatrials. Streamlining the process and making the system work doesn't mean that millions of dollars in costs are going to be incurred by the federal government. What we say is, no, there are no ascertainable costs to the federal government, but I disagree with the characterization that somehow it's not important to bring them forward. I think they are very important.

This is what I'm asking committee members to do. If you're concerned about the costs, by all means, but for some of them there are no costs attached for the federal government that we can ascertain. Requiring an Internet service provider to turn over that evidence, for the most part, to provincial law enforcement agencies or to a designated authority is appropriate. Again, to be fair, many of them do this already. But in my discussions with them, I've said to them that a moral authority to turn over evidence of child pornography is not enough; they have to have a legal responsibility.

Again, the fact that there are no particular costs to the federal government is not something I would apologize for.

• (1050)

The Chair: Mr. Reid, thank you very much.

Do you have a point of order, Mr. McGuinty?

Mr. David McGuinty: I do, Mr. Chair. Thank you very much.

Mr. Chair, I want to go back to something you referred to earlier and something I think Mr. Reid picked up on. I think you mentioned something about there being no reference to contempt in this matter that's been referred to this committee.

The Chair: Yes. I think I've ruled on it, Mr. McGuinty. Do you want it read there?

Mr. David McGuinty: I just want to simply give you an indication of where *House of Commons Procedure and Practice*, O'Brien and Bosc, actually comes down on the question of privilege versus contempt. I just want to read it for you, Mr. Chair.

The Chair: I have read the book, Mr. McGuinty. It's funny, I use it for bedtime reading, because as chair of the committee on procedure and House affairs, it is almost required reading.

Mr. David McGuinty: I sympathize with you, Mr. Chair.

The Chair: Unless you're going to give me a piece of new information on this point—

Mr. David McGuinty: I think it is a piece of new information.

The Chair: Well, get to it quickly then.

Mr. David McGuinty: It is. It says—I want to quote here, sir—simply that “all breaches of privilege are contempts of the House”.

Thank you very much.

The Chair: Thank you. Great information.

Monsieur Nadeau, thank you for coming and joining us today. You have five minutes.

[Translation]

Mr. Richard Nadeau (Gatineau, BQ): Thank you very much, Mr. Chair.

My question is for Mr. Toews, Minister of Public Safety. On Bill S-7, which seeks to deter terrorism, the documentation provided yesterday contains an analysis of the reallocation of money for the department of foreign affairs. That is what it says, it's done.

As for Bill S-10, which also pertains to public safety, there are costing details affecting foreign affairs, among others. That bill, by the way, has to do with trafficking in a controlled drug or substance.

I want to know whether an analysis was done on the additional costs the department of foreign affairs would have to incur under Bill C-5 for the international transfer of Canadian inmates abroad.

[English]

Hon. Vic Toews: I'm not exactly sure which bill he wants to cite.

Hon. Rob Nicholson: Do you want Bill S-7 or Bill S-10? You did mention both, to be fair.

[Translation]

Mr. Richard Nadeau: I will repeat my question, sir. I may have been too quick for the interpreter and my colleagues.

You did actually provide information on Bill S-7. We have that.

[English]

Hon. Vic Toews: All right.

[Translation]

Mr. Richard Nadeau: We also have the information for Bill S-10.

Mr. Minister, my question has to do with Bill C-5, which pertains to the international transfer of Canadian inmates. I wanted to know whether you had an analysis similar to what was done in the previous two cases.

[English]

Hon. Vic Toews: Mr. Chair, I can turn that over to the officials who have compiled this information. My deputy minister, Mr. Baker, will respond.

The Chair: Mr. Baker.

Mr. William V. Baker (Deputy Minister, Department of Public Safety): Mr. Chair, Bill C-5, which deals with the international transfer of offenders, essentially changes the criteria under which the minister can consider a request to transfer an offender. As we've indicated in the material that has been provided to the committee, we do not see at this time a need for any incremental resources.

As we acknowledged, if this bill were to come into effect—it's at report stage right now—and if we were to detect that there were some implications that we could not foresee at this time, we would certainly find ways to address those within the funding framework that's available.

[Translation]

Mr. Richard Nadeau: Mr. Chair, according to the analysis put forward by Mr. Baker and Mr. Toews, no estimate of the additional costs or fees associated with the transfer of responsibilities for the department of foreign affairs has been established at this time.

[English]

Mr. William V. Baker: Mr. Chair, we see there are potential implications for Correctional Service Canada, the Parole Board, and the Department of Foreign Affairs.

At this point in time, our professional judgment is that the implications are so remote and so ill-defined and would be of a magnitude that would not necessitate early flagging. We feel we're in the best shape to track the implementation of this bill and then address anything that may come up later. There may not be any implications there. It's speculative at this point.

• (1055)

[Translation]

Mr. Richard Nadeau: Mr. Chair, it is nevertheless interesting to hear that answer, especially since the bill has been introduced and fine-tuned. Some amount of funding will be allocated, but they haven't got a ballpark figure of how much it will cost.

[English]

Mr. William V. Baker: No. Mr. Chair, once again, if we had reason to believe, based on our analysis, that there was an identifiable amount, we would certainly have included that, first of all, in the discussions and the funding request, but it would also be captured in the material that we provided.

At this point we are unable to define any amount that can be reasonably attributed to the implementation of this bill.

[Translation]

Mr. Richard Nadeau: Mr. Chair, I am not sure how much time I have left, but I just want to add how fascinating it is that we are getting that very relevant information only today and how long it took to get it. I get the sense that it takes a situation like this one before you can manage to get any facts from the government, not to mention, information that is plain, clear and accurate.

Thank you very much.

[English]

The Chair: Thank you.

Monsieur Godin, for five minutes.

[Translation]

Mr. Yvon Godin: Thank you, Mr. Chair.

I completely agree with my colleague, Mr. Nadeau.

The unfortunate thing is that we have been waiting for this information for four months now. Then, at the last minute, the government hands over this tome, during the meeting no less.

Is there any other information or documentation protected by Cabinet confidence that we do not have access to? Do we have all the information right now? In the House, the Leader of the Government in the House of Commons said that some documents could not be made public because they constituted a Cabinet confidence. Are there any documents protected by Cabinet confidence, yes or no?

[English]

Hon. Vic Toews: Well, my understanding, Mr. Chair, is that there are no cabinet confidences disclosed here. We are not disclosing documents that were submitted to cabinet. This is all material that has been put together by the public officials on information that may well have been put into a cabinet document, which is a different issue. The information here is not a cabinet document.

Perhaps Mr. Baker can explain how in fact this has been done—

An hon. member: On a point of order.

Hon. Vic Toews: —but all I want to reiterate, in answer to the question, is that there are no cabinet confidences in this material.

The Chair: Just one second—

Mr. Marcel Proulx: When there is a point of order—

The Chair: I was just allowing the minister to finish his thought. I won't be rude.

I will move on to the point of order when there's a break. Here we go.

Mr. Marcel Proulx: The same will apply to a member then.

The Chair: I hope so.

Mr. Brison, do you have a point of order?

Hon. Scott Brison: Mr. Chair, the minister just said there are no cabinet confidences provided here, but on December 1 the Department of Justice said:

The issue of whether there are any costs associated with the implementation of any of the Government's Justice bills is a matter of Cabinet confidence...

The Chair: Mr. Brison, that is debate.

Monsieur Godin, we're using your time.

Mr. Yvon Godin: No, no, no. Don't try...Mr. Chair.

The Chair: I was suggesting we only have the ministers for a little while longer.

Mr. Yvon Godin: Mr. Chair, with all due respect, don't play that game with me.

The Chair: If you want to have debate on your point—

Mr. Yvon Godin: We're still going to be here on Monday. Don't play that trick with me.

[Translation]

Mr. Chair, I will keep talking.

[English]

The Chair: Let me finish, please. If I am speaking, I do get to finish.

We, today, have taken to accusing each other of things. Let's not do that. This committee tends to work very well together as a matter of course, but when making decisions from the chair, I do get to finish my thoughts, so let's use that out of respect, and I will respect you, sir.

You have a couple of minutes left in your time.

Mr. Yvon Godin: With all due respect, I don't mind if you finish your thoughts, but not on my time.

The Chair: I would never do that to you, sir, never.

Let's finish your time.

[*Translation*]

Mr. Yvon Godin: Mr. Chair, I would like a simple answer to my question. Are there any costs that do not appear in the document because the information constitutes a Cabinet confidence? That is a simple question.

Are there any costs or explanations that do not appear in the document, yes or no?

• (1100)

[*English*]

Hon. Vic Toews: Mr. Chair, in response to that question, I can say that I'm not aware of any costs that are protected by cabinet confidence. This is all information that the officials had available to them. The officials have answered the questions in a fulsome way that responds to not only the letter but the spirit of the Speaker's ruling.

The Chair: There are two minutes left, Mr. Martin.

Mr. Pat Martin: Thank you.

Is it your testimony then, Minister, that there was no other financial—

The Chair: Mr. Martin, through the chair, please.

Mr. Pat Martin: Oh, come on. This is the first time I've ever seen that.

The Chair: Well, it will prevent us from having arguments, so let's just try it.

Mr. Pat Martin: Through the chair, I would like to know if there is any financial information whatsoever associated with the costing of the crime bills that is being withheld from the committee by virtue of your calling it a cabinet confidence.

Hon. Vic Toews: Well, Mr. Chair, all I can say is that the material that is here for you today to review along with—

Mr. Pat Martin: You're not answering the question, Minister.

Hon. Vic Toews: —many of the committee members is that this material—

Mr. Pat Martin: Mr. Chairman, the minister is not answering the question I've put to him.

Hon. Vic Toews: This responds to the—

The Chair: Just give him a chance.

Hon. Vic Toews: —ruling of the Speaker in a fulsome way. It respects the letter and the spirit of the ruling. And I am—

Mr. Pat Martin: Could I ask, through you again, Mr. Chairman, is there any other financial advice or information you were given by cabinet memorandum associated with the whole cost of any of your crime agenda that you're withholding from the committee because you consider it to be a cabinet confidence?

The Chair: Mr. Minister, please.

Hon. Vic Toews: I can indicate I am not withholding any information.

The Chair: There you go.

Mr. Pat Martin: Were you given any advice on these bills from Treasury Board, the Department of Finance, or the PCO?

The Chair: I wasn't given any advice.

Mr. Pat Martin: You're not the Speaker of the House. You're putting on airs here.

The Chair: I am chair of the committee. Thank you for the respect, Mr. Martin.

Mr. Pat Martin: Okay. The cabinet memorandum had advice from the Department of Finance, Treasury Board, and the PCO. Was there any information given to you about the cost impact to the provinces in your consideration of any of these crime agenda bills?

The Chair: Minister.

Hon. Vic Toews: I can't add anything beyond what my colleague has already stated.

Mr. Pat Martin: Mr. Chairman, I think you will agree we have had testimony that leading authorities on the subject do not consider the financial advice to be a cabinet confidence after the bill has been tabled in the House of Commons. So I'd like to know, by what justification do these ministers consider that information to be a cabinet confidence? Under whose advice and whose authority are they withholding that information?

The Chair: Mr. Martin, your time is up. I'll give them a very quick chance to answer because I did take some of your time in my conversation.

Very quickly, Minister.

Hon. Rob Nicholson: Again, I don't think anybody would want any cabinet documents tabled or made public. We all have an obligation on that. But I can tell you, Mr. Chair, that the information you have before you with respect to the costing has been presented to this committee in compliance with the Speaker's ruling. I know a great deal of work and effort has gone into this to make this as expansive and informative as possible.

All I would say to the committee is that we can talk about procedures on that, but in terms of the costs of the crime bills, you do have that information before you. I appreciate that it's a lot more than what you got a month ago, but again, this is an expansion and more and more details of this. I trust this will be of great help to the committee in examining the costs of the crime bills.

The Chair: Committee, we promised the ministers we would excuse them by 11, so let's do so.

I will suspend, and we will be back in two minutes.

•(1100) _____ (Pause) _____

•(1105)

The Chair: I would like to start, but I really would like a member of the opposition sitting at the table before we do.

I thought I was reasonably clear with “two minutes”.

Mr. Proulx, will you please represent all of the opposition?

Mr. Marcel Proulx: I will get the opposition back in.

•(1110)

Mr. Harold Albrecht: Are we in session?

The Chair: We are; I am just waiting for a few members to return.

We have Minister Menzies, the Minister of State for Finance, and we will be asking him questions.

Minister Menzies, do you have an opening statement today?

Hon. Ted Menzies (Minister of State (Finance)): I certainly do, and—

The Chair: Do you think it would be appropriate if we waited for at least one member of the opposition before we started the opening statement?

Hon. Ted Menzies: I guess it's always good to have some member of the opposition.

I see that Mr. Martin has joined us.

The Chair: All right.

Minister Menzies, Happy St. Patrick's Day to you and your team. If you have an opening statement, please go ahead.

Hon. Ted Menzies: Thank you, Mr. Chair.

As my father, who was born in Belfast, would have said, “Top o' the mornin'.”

It's nice to see you, Chair, dressed in green; very appropriate today.

The Chair: I was attempting to be the world's largest leprechaun today.

Voices: Oh, oh!

The Chair: We'll see how that goes.

Hon. Ted Menzies: Well, we all know that not many Irishmen have actually seen a leprechaun until after they've had too many beers.

Anyway, thank you for inviting me here.

I would like to introduce three members of our finance department who we have with us. We have Doug Nevison, who is director of the fiscal policy division. We have Geoff Trueman, director of the business income tax division, which will be very relevant here today. We have Yvonne Milosevic, who is the senior counsel in our law branch. They are here to answer any of the technical questions. I'm sure we will get many of those throughout our discussion today.

Thank you for this opportunity to appear before the committee today. I am representing the Minister of Finance as well as the Department of Finance of Canada.

As you know, I, along with the Minister of Finance and our brand-new Parliamentary Secretary to the Minister of Finance, Mrs. Shelly Glover, and officials in the department are hard at work—we are all hard at work—finalizing budget 2011. We're all waiting in anticipation for that to be delivered next Tuesday. It will be building on the success of Canada's economic action plan with its next phase.

While Canada has weathered the recession better than most other major industrialized countries, we all recognize that much work is left to do to secure Canada's economic recovery. Indeed, even though over 480,000 more Canadians are working today than in July 2009, more than offsetting the jobs lost in Canada during the global recession, we all remain concerned about the number of Canadians who are still looking for work.

Clearly, this is going to be an important budget, not merely for the political aspects that we are often fixated on here in Ottawa but for ensuring that we all do what we can to help secure Canada's economic recovery in the midst of a still fragile economic period.

Before continuing, let me assert that our government is committed to improving transparency in Parliament. Indeed, we believe, like all parliamentarians, that Canadians should know how their tax dollars are spent. That's why we recognized the need for something that no government had done before, or even contemplated for that matter, and that is creating the landmark and independent Parliamentary Budget Office.

We also passed a law requiring all federal departments and agencies to produce detailed quarterly financial statements. We proactively produce ground-breaking progress reports on the economic action plan, something even Kevin Page, our Parliamentary Budget Officer, has publicly stated, and I will quote him here, “really put Canada almost at the forefront in fiscal transparency and stimulus”.

We also made more crown corporations subject to access to information, including the CBC, the Royal Canadian Mint, Canada Post, and my favourite, the Canadian Wheat Board.

Hopefully, provided this Parliament and Canadians continue to support our government, we can build on that record in the years ahead. Nevertheless, I am here today to speak about recent issues around our government's low-tax plan, specifically the costing. I would suggest that the part that we missed in Mr. Brison's motion was the benefits of our low-tax plan, the benefits to business tax reductions that Parliament voted on and passed, thereby endorsing, in 2007.

I want to preface my remarks by noting that the government has already provided the information requested from the Department of Finance to the finance committee and the House of Commons. In fact, Mr. Chair, we provided more information than was requested. Indeed, we have shared the Department of Finance estimated cost of the 2007 legislative tax reduction along with the five-year projections of total corporate profits before taxes and effective corporate tax rates.

As the Department of Finance officials can attest—and I would encourage honourable members to get these points clarified with our officials here today—this represented the first time that this level of detail has been released publicly.

•(1115)

I will quote again the words of the Parliamentary Budget Officer in his February 25, 2011 report: "...this information adequately responds to the request by FINA"—that is, the finance committee.

I will note that the information, along with the later analysis provided by the Parliamentary Budget Office, showed that business tax revenue for government actually increased over time, despite the reductions in the business tax rate. I know there might be some disagreements about fiscal and economic forecasts, especially when it comes to the high-profile numbers the hardworking officials at the Department of Finance release on items like the forecast federal budget balances. I know that some, like those at the Parliamentary Budget Office, believe these forecasts to be too optimistic, while others, like TD Economics, as was widely reported in their recent analysis, actually believe them to be too pessimistic.

I am happy to report that the forecasts of our knowledgeable and hardworking economists at the Department of Finance have been roughly in the middle of those opposite ends. Nevertheless, it is important to note that these are ultimately only projections.

I think we can all appreciate that this has been a difficult past few years for economic forecasters. It reminds me of a statement by the Canadian economist John Kenneth Galbraith that "The only function of economic forecasting is to make astrology look respectable."

I mean no disrespect to the economists at the Department of Finance. Nevertheless, our government strongly believes that we need to ensure objectivity when developing our fiscal and economic forecasts. That's why our economic projections are based on a private sector average.

Indeed, the process of surveying private sector forecasts has been followed for over a decade. These private sector forecasters represent Canada's leading financial and economic institutions. For instance, for the fall economic and fiscal update released last year, we consulted with over a dozen forecasters. Among them were Bank of Montreal Capital Markets, Caisse de dépôt et placement du Québec, CIBC World Markets, the Conference Board of Canada, Desjardins, IHS Global Insight, Laurentian Bank Securities, National Bank Financial Group, Royal Bank of Canada, Scotiabank, TD Bank Financial Group, UBS Securities Canada, and the University of Toronto.

While such projections are based on the best information available from leading forecasters, there's always a degree of uncertainty and risk in the global economy that cannot be forecast. Forecasters would all concede that there has been substantial uncertainty recently, so some flexibility was and is advisable on our part. Recognizing the fragile state of the global economy, we actually discounted the average of the private sector forecasters in last October's economic statement by including an adjustment for risk. However, let me stress and reiterate that our government strongly believes that we need to ensure objectivity when developing our fiscal and economic forecasts.

Before concluding and opening the floor to questions for me and departmental officials, let me briefly talk about the legislated 2007 business tax reductions. I am not going to get into the usual back and forth about the fact that the Liberals want to increase, not freeze, taxes on job-creating businesses by billions and billions of dollars. I'm not going to explain how that will hurt businesses both small and large, as Catherine Swift of the Canadian Federation of Independent Business has publicly stated, despite what some in Parliament might have you believe. I'm not going to explain how hiking business taxes in the middle of a fragile economic recovery will hurt sectors like manufacturing and forestry, and how that will endanger and kill Canadian jobs. I'm not going to do that, as almost every respected economist, think tank, business leader, industry association, and academic in Canada has already done that.

What I am going to do is to correct the public record with respect to a couple of items very quickly.

First, we have heard from many in Parliament that Canada already has the lowest business tax rate in the world, and that the 2007 reductions were of no real effect. That is factually incorrect. Canada is in the middle of the pack on business taxes.

As former Liberal Finance Minister John Manley recently pointed out, we're competing, particularly in the OECD, which is the developed countries. We're in the middle of the pack, barely, in the OECD.

•(1120)

Second, it's important to remember that business tax projections are not static. As many economists have noted, simply increasing business taxes will not automatically translate into billions in new revenue for the federal government. Indeed, only yesterday the C.D. Howe Institute released a detailed report, which I encourage everyone to read. It confirmed that increasing corporate income taxes is the most costly way to raise government revenues and that tax increases distort economic decisions and erode tax bases.

As well-known economist Jack Mintz noted—

Mr. Marcel Proulx: I apologize to raise this point of order; however, we had been told, Mr. Chair, that guests had been advised that they would have approximately five minutes for an opening comment. We're now close to 15 minutes with Minister Menzies.

The Chair: Well, not quite close to 15 minutes—

Mr. Marcel Proulx: Okay, 14.

The Chair: Mr. Minister, if you could finish then we'll get to questions.

Hon. Ted Menzies: I appreciate that Mr. Proulx wants to get on with the questions. I will leave some of these very important quotes. I can certainly use those in answers.

With that, Mr. Chair, I will close. I look forward to questions, not only to me, but to some of the learned individuals we have actually excused from budget preparations. As soon as we're done here, I expect them to be heading back immediately to the Department of Finance.

Thank you, Chair.

The Chair: Thank you, Mr. Minister.

I do want to thank you for quoting John Kenneth Galbraith, who was a great member of my riding of Elgin—Middlesex—London, or at least he was born there. But quoting a Scot on St. Patrick's Day, I'm not certain....

Hon. Ted Menzies: That's risky, isn't it?

The Chair: It is risky.

Rounds of questions. Mr. Brison, for seven minutes.

Hon. Scott Brison: Thank you, Mr. Chair.

I would hope, given that the minister exceeded his opening statement time by ten minutes, he would agree to have an additional ten minutes of questioning at the end of this.

The Chair: Well, had the opposition members been in their chairs, we could have started on time.

Let's see how we make out in our rounds of questioning first.

Hon. Scott Brison: Mr. Chair, you know that's off base. The reality is—

Mr. Scott Reid: Insults only come from you, is that how it works?

The Chair: You've blown your Mr. Congeniality award today, Mr. Brison, but let's try to get the questions in here.

Mr. Terence Young (Oakville, CPC): Not a speech, questions.

Hon. Scott Brison: Mr. Chair, the government is facing a breach of privilege, facing a potential contempt of Parliament, the first time in the Commonwealth that a government has faced this kind of charge from a Speaker's ruling.

Minister Flaherty was requested by committee to appear before committee. Earlier today Minister Flaherty was seen going in the direction of the House of Commons gym. I have nothing against fitness, and it is St. Patrick's Day, which may be a special day for Minister Flaherty, but I can't understand for the life of me why the government continues to show contempt for this Parliament when Minister Flaherty, who was asked specifically by this committee to appear before the committee and is in Ottawa, refused to show up at this committee.

Minister Menzies, the finance committee set a deadline of November 24, 2010, for your department to provide the information requested. That deadline passed without even an acknowledgement by your department, which showed contempt, frankly. On December 10 your government responded that "The requested information on corporate income taxes is still covered by cabinet confidence." Do you still believe that to be true, or were you misleading the committee at that time?

•(1125)

Hon. Ted Menzies: Well, thank you for that wonderful opening vote of confidence in a new minister of this government.

If I could just comment, Mr. Brison, you and I sat on the finance committee together for as long as you were finance critic. I think that you and I got along quite well. Ideologically, sometimes we may have had different viewpoints, but you will recall, sir, that I supported your motion on October 6. I supported—

Hon. Scott Brison: And as a minister now, your department—

Hon. Ted Menzies: Could I finish, please?

I supported your motion because I wanted to make sure that we were providing whatever information we could to that committee to do its work, within the bounds of cabinet confidentiality.

Hon. Scott Brison: So you supported our motion.

Hon. Ted Menzies: We supported that motion. Actually, your motion asked for a response from the finance department within ten days. You received that response on the 27th of October, which is ten sitting days.

Hon. Scott Brison: The response from the minister's government on December 10 was that the requested information on corporate income taxes was still covered by cabinet confidence.

Minister, did you support that response from your department?

Hon. Ted Menzies: Absolutely.

Hon. Scott Brison: Okay. So you say you do believe that the information we requested as a committee—

Hon. Ted Menzies: At that time.

Hon. Scott Brison: —was a cabinet confidence.

Hon. Ted Menzies: The specific information that you requested at that time was viewed to be of cabinet confidentiality.

Hon. Scott Brison: But a couple of months later it was not cabinet confidence.

Hon. Ted Menzies: We provided more information to you and the committee, at your request, than you had actually asked for, Mr. Brison.

Hon. Scott Brison: So you're saying less information would have been a question of cabinet confidence—

Hon. Ted Menzies: No, no; you probably didn't hear me.

Hon. Scott Brison: —but providing more information would not be cabinet confidence?

Hon. Ted Menzies: I said we provided more information, Mr. Brison, than you had actually requested.

The Chair: Let's go back to our practice of going through the chair instead of to each other. I think we'll stay on safer ground that way.

Hon. Ted Menzies: My apologies, Mr. Chair.

Hon. Scott Brison: The minister just said that on December 10, when his department said that the information requested was covered by cabinet confidence...he agrees that it was covered by cabinet confidence. So is he saying that his government broke cabinet confidence when it released this information subsequent to that?

Hon. Ted Menzies: No. We provided information that was extracted from what was cabinet confidentiality.

At that point the committee had asked for specifics. So we looked through, with legal advice, what could actually, from your request, be provided to you. That was what was provided to you—more, actually, than what the committee had asked for.

Hon. Scott Brison: Mr. Chair, the information we requested was in fact identical to the information that the previous Liberal government had provided in November 2005 in the economic statement, the projections of corporate profits before income tax over a five-year period. It wasn't cabinet confidence then and it was not cabinet confidence when the government told us it was cabinet confidence on December 10.

Mr. Menzies, in November 2008—

The Chair: Through the chair.

Hon. Scott Brison: —through you, Mr. Chair—in your government's now infamous fiscal update, at that time your government projected a \$100-million surplus. That was based on a \$10.1-billion sale of assets. We have been asking for that list of assets ever since.

The fact is that you were already in a structural deficit even before the downturn, and you cooked the books at that time.

Try to convince me otherwise by providing the list of assets that you've sold since then.

Hon. Ted Menzies: Well, I guess your terminology of “structural deficit” must be different from any other economist's in Canada, because no other economist assumed that. So forgive me, I'll believe the economists.

Hon. Scott Brison: Mr. Chair, the government said there was going to be a \$100-million surplus in November 2008, and to achieve that surplus there was going to be an asset sale of \$10.1 billion. The government has since then failed to provide us with a list of assets.

I'm asking the minister to provide the list of assets that were designated for sale then and the list of assets that were sold. Otherwise, then, I assume most economists would interpret that as a government fudging the books.

• (1130)

The Chair: Minister Menzies, I'll allow you to answer if you'd like, but we're beyond the scope of this motion of privilege.

Hon. Scott Brison: The minister was speaking about projections. He opened it up to projections, so I thought this was perfectly reasonable.

The Chair: Well, I opened it up to my riding. If you'd like to talk about that for a while, that would be good too. But that's not going to happen today, so let's....

You can answer, Minister Menzies, and then we'll move on.

Hon. Ted Menzies: I would like to defer to Mr. Nevison, because he has some pertinent figures.

Mr. Doug Nevison (Director, Fiscal Policy Division, Economic and Fiscal Policy Branch, Department of Finance): I'll just give a quick response to the question pertaining to corporate asset sales.

With regard to the 2008 statement, you're correct; there were some savings or there were revenues booked on that front. However, in light of the global recession and the impact that had on the fiscal situation, in the September of 2009 update that revenue was withdrawn from the fiscal framework.

Hon. Scott Brison: So in the fall of 2008—

The Chair: Excuse me, Mr. Brison—

Hon. Scott Brison: —during the heart of a global financial crisis—

The Chair: Order, Mr. Brison.

Hon. Scott Brison: —your government didn't realize that it might be a little tough to sell those assets?

The Chair: Mr. Brison, we're not so far away from you that you can't hear when I'm calling your name, I hope.

Hon. Scott Brison: It's an age issue.

The Chair: Yes, I have it too, but they tend to work. Your time is up.

We'll go to Mr. Young.

Mr. Terence Young: Thank you, Chair

Thank you, Minister, for coming here today.

There's been some confusion with respect to the position of small business, notably the Canadian Federation of Independent Business, on the business tax reductions, which were approved by Parliament way back in 2007. Some among the opposition have suggested that the CFIB holds a position that is not supportive, specifically that it was not a priority. Can you clarify for the record what the Canadian Federation of Independent Business actually says about business tax reductions?

Hon. Ted Menzies: Thank you, and through you, Mr. Chair—

Hon. Scott Brison: On a point of order, Mr. Chair, you reminded me that what I was saying was not consistent with the matter at hand in the Speaker's ruling. I would expect you would make the same interpretation with Mr. Young's—

The Chair: I would, because I believe he started off by talking about business tax rates and business tax reductions, which are mentioned in this question of privilege.

Hon. Scott Brison: Mr. Chair, the discussion was about projections and my intervention was about projections. So why would you rule against me and not rule against Mr. Young, or are you being partisan?

The Chair: I'm attempting to be neither partisan nor rude, but we seem to be having an abundance of points of order today.

I would suggest that if this is about corporate tax reductions, as already mentioned in your own questions and in the opening statement of Minister Menzies, I will allow the question on corporate tax reductions.

Mr. Terence Young: Thank you, Chair.

I'm trying to understand why Mr. Brison is trying to silence the government.

Should I repeat the question?

Hon. Ted Menzies: Chair, I would like to comment on that, simply because I had a conversation about this, and we are talking about corporate tax reductions. So I would suggest to you, Chair, as I'm sure you're well aware, that it is what I was invited to speak about today. The motion that was put forward was to discuss and find out the actual costs and benefits of those reductions.

I would like to put on the record here what the Canadian Federation of Independent Business has actually said about tax reductions and the benefits to the 107,000 members of that federation. I quote:

For the record, independent businesses do support the series of general corporate tax cuts that will be completed next year... The Tories were right to say that their decision to bring the rate down to 16.5% this year and 15% in 2012 had the support of CFIB and small business.

The Liberals were also right to say a cut in the general corporate tax rate was not CFIB's top priority for 2012. In addition to the fact that we operated from the assumption the corporate tax cut was already in place...

I would remind honourable members that there was a miscommunication in question period one day, where Mr. Brison suggested otherwise, and he was kindly reminded that CFIB actually does support the reduction of costs to businesses. I'm not sure if he has had a chance to phone Catherine yet and apologize

I think she's still waiting, Mr. Brison.

• (1135)

Mr. Terence Young: Thank you, Minister.

Minister, after reviewing the information on the business tax revenue that the Department of Finance provided Parliament, we all noticed a very interesting trend. For instance, I'd like to look at two years. In 2000-01, when the business tax rate was 29.12%, corporate profits were \$136 billion and the federal government collected \$28.3 billion in business tax revenues. Let's look a few years later and a few tax reductions later. In 2006-07, when the tax rate was about 22%, or more than 7% lower, corporate profits rose to \$197 billion and the federal government collected \$37.3 billion in business tax revenues.

It would appear from the numbers that as business taxes were lowered, business became stronger and the federal government ended up collecting more revenue, not less revenue, from business. Can you please comment on that trend?

Hon. Ted Menzies: Mr. Chair, this is the fundamental premise on reducing taxes, whether it's reducing taxes to individuals, small business, or corporations.

To put it into perspective, many of us here have run corporations, and be they two people or three people, they employ Canadians. The taxes are an important cost to them. If you reduce those costs, they can increase their business, they can increase their employment, their number of employees, and they can compete internationally. That's the positive impact that we've seen to this economy.

I talked about the 480,000 net new jobs. Many of those employers, many of those businesses, when asked, will say that part of the reason they have more employees is because this government has reduced their cost of taxes.

The Canadian Manufacturers and Exporters represent many of those businesses you refer to, and I'll read a quote from them:

Corporate tax cuts deliver a net fiscal benefit to the government sector—more revenues are generated across all levels of government in Canada than lost as a result of tax rate reductions. The net fiscal cost to the government that implements a tax cut is lower than the amount of corporate tax revenues it forgoes.

It's a basic premise: if we leave more money in the pockets of job creators, they will create more jobs. It's plain and simple.

Mr. Terence Young: There have been a lot of references in the media recently, by the opposition as well other groups, on the Department of Finance report concerning the impact of stimulus on the Canadian economy. Specifically, some commenters claimed this report proved that business tax cuts have a lower multiplier effect in terms of generating economic growth. Can you please clarify what the report in question actually was about and what it actually said?

Hon. Ted Menzies: In response to that, there actually was a report, and I'm glad you referenced that report. It actually dealt with measuring short-term stimulus impact of the potential stimulus measures. So it was looking at near-term action and reaction, if you will. This dealt with immediate and short term. However, this same report, which wasn't quoted so widely, said that over the longer term business tax reductions had, and I quote,

...among the highest multiplier effects in the long run. This is because they increase the incentive to invest and accumulate capital, which leads to a higher capacity to produce goods and services.

As I say, it's plain and simple if they have more in the long term.

Certainly in the short term, we knew that the stimulus spending was going to cost. At the beginning of tax reductions, those businesses were just starting to recover from the recession. In the long term, they're reinvesting.

The Chair: Thank you, Mr. Young, for your round.

Madame DeBellefeuille, seven minutes for you, please.

• (1140)

[*Translation*]

Mrs. Claude DeBellefeuille: Thank you, Mr. Chair. Welcome, Mr. Minister.

All of us here around this table have had to leave our ridings in the middle of the parliamentary recess. Like you, we have surely had to cancel important representational activities to be able to make an urgent decision in a few days about whether the government complied with an order of the House, as the Speaker asked us to do. He also asked us to report on our observations, recommendations and suggestions, which we will do later this afternoon. We have listened to a series of witnesses and ministers before you. They feel and trust that they have given us everything we need to understand. We disagree with them completely.

I would like to come back to a few points. Today is March 17. I would like to give a little background to understand what exactly is happening. We'll recall that, on November 24, the government sent the committee a memo saying that the projections of corporate profits before taxes and effective corporate income tax rates are basically cabinet confidence documents and that the government was unable to provide those documents to the Standing Committee on Finance, as requested by the committee.

A month later, on December 1, we received the same answer to another request. We were told that the information requested was subject to cabinet confidence. On February 7, Member of Parliament Scott Brison raised a question of privilege following two refusals by the government to provide this information. On February 17, under pressure—that's my personal interpretation—the government submitted a three-page document containing a table detailing certain amounts relating to bills.

On February 17, the government decided that certain documents that it had previously deemed confidential could now be provided. Today is March 17. Yesterday, March 16, we received another packet of documents dealing basically with the same information received on February 17.

I'm wondering why your government, which prides itself on being so transparent, had to wait until there was pressure by parliamentarians to finally say that what was confidential no longer is and to think that the table from February 17 was would satisfy the parliamentarians' information requests.

You are an experienced MP. You are now a minister. Can you explain to me why a document that was deemed confidential on November 24 and confirmed to be confidential on December 1 can all of a sudden be deemed non-confidential? Cabinet confidence is being lifted and some data is being given to parliamentarians.

[English]

Hon. Ted Menzies: Thank you for your question.

I was very busy yesterday, but I had the opportunity to watch a bit of the proceedings on television. You had some very learned experts here—a former clerk of the Privy Council, as well as the Law Clerk of the House of Commons—who actually answered that question probably more eloquently than I could. They explained that a document, and the entirety of a document at one point, certainly is cabinet confidence. But I'm not going to talk about what you.... You've already had two ministers here for two days talking about what's within their jurisdictions. I am here to answer questions about the questions that were asked by the finance committee of the finance department, to answer what are the costs and what are the benefits to corporate tax reductions. I'm not going to re-plow ground that the two ministers obviously covered in two days of appearances in front of this committee.

I think the explanation was given that in answering and in trying to be as transparent as we could be, we extracted what were not necessarily the specifics, to answer the question. As I said, we have actually provided more. Mr. Brison's original motion was very vague. We answered what at the time we thought the committee was looking for. Obviously he protested that and said that he didn't think it was enough.

• (1145)

[Translation]

Mrs. Claude DeBellefeuille: Mr. Menzies, it's hard for me to accept your answer. You are one witness among many. Even if two ministers have appeared before you, I want your answer. Wouldn't it have been easier and more democratic to have given parliamentarians what they needed on November 24, because here we are, on March 17, debating the issue, and we are now entitled to some

information that had been requested on November 24? You are a minister and you know how the machine works. Can you explain why you voluntarily held back information relating to your sector that has now been provided to parliamentarians? Why not on November 24?

[English]

Hon. Ted Menzies: Mr. Chair, with all due respect, it's hard for us to assume what more the finance committee might have been looking for. We answered the questions that we legally could.

Mr. Brison has been a privy councillor. He's been sworn in to the Privy Council. He's well aware of what he can and cannot divulge in public. He's well aware that other privy councillors have sworn the same oath.

We provided what we felt was legally.... It wasn't my decision; we had legal advice on that. You had two very learned individuals who told you specifically what can and cannot be divulged to the public. There are bounds within what our Privy Council Office allows us to do. We provided those answers and more.

The Chair: Thank you.

Monsieur Godin, seven minutes for you.

[Translation]

Mr. Yvon Godin: Thank you, Mr. Chair. I am going to share my time with Mr. Martin.

Welcome to the committee, Mr. Menzies.

You're saying that you sent the documents in accordance with the legal advice you received and that you provided what the cabinet could provide, right?

[English]

Hon. Ted Menzies: Yes—what we felt was.... It was not the entire documents. I think that was what the former clerk of the Privy Council was explaining, that not the entirety of a document can be divulged. So we gave what was legally.... And as I said, it was more than was actually asked for.

[Translation]

Mr. Yvon Godin: It was legal. Are there things relating to costs that are legally protected by cabinet and that were not given, or has all the information now been disclosed?

[English]

Hon. Ted Menzies: What information was requested.... As I said, we can't pre-judge what is not in the question. We provided answers to the questions that were allowable.

[Translation]

Mr. Yvon Godin: You said earlier, Mr. Menzies, that your government created the position of Parliamentary Budget Officer, which has been held by Mr. Kevin Page since 2008, and that your government is transparent. Do you really believe that, even though the rest of Canada does not?

[English]

Hon. Ted Menzies: Well, I have to take exception to that sort of comment. You may think that, sir, and that's your privilege, but not all Canadians think that.

The Parliamentary Budget Officer was never even contemplated before this government. There are lots of governments.... There has been a majority government in this country for a lot of years. There were requests to put in place this sort of oversight. Did any previous government do it? I would say no.

[*Translation*]

Mr. Yvon Godin: Well, but the Parliamentary Budget Officer was here yesterday and said that the government was not taking part.

I'm getting to that and you will be included.

• (1150)

[*English*]

The Chair: Through the Chair, please, rather than with each other.

[*Translation*]

Mr. Yvon Godin: The Parliamentary Budget Officer was very clear when he told us yesterday that he had trouble getting information from your government. Mr. Chair, how can the government claim that it is transparent when we are seeing nothing but the opposite? A document was submitted to Parliament on February 17. We had to address Parliament, and a request was made. A decision had to be made by the Speaker of the House so that we could receive the pile of documents at yesterday's meeting. But today we're being told that the government is transparent. Mr. Chair, I don't believe it, and Canadians don't believe it either. I think, Mr. Minister, that the government is in a little bubble here, in Ottawa, and that it doesn't know what Canadians are saying, because transparency does not exist in your government.

[*English*]

Hon. Ted Menzies: Well, thank you, and I respectfully disagree.

We put in place a Parliamentary Budget Office that has done some good work. It was put in place to provide information to provide costing estimates to legislation—as well as private members' bills, I might add. The finance committee actually requested the Parliamentary Budget Officer to cost some of the private members' bills that come forward. We think that is very important and very relevant to the role of a private member of this House, actually being able to put forward legislation. That member has access to the Parliamentary Budget Office, which can actually provide a costing. The individual can then come forward with a true and realistic cost of what that private member's bill would be.

On the website of the—

Mr. Pat Martin: Mr. Chairman, this really isn't beneficial to us. As interesting as it is, we have very little time.

I was wondering if I could ask a question now.

Hon. Ted Menzies: But Mr. Chair, I was just getting to my point.

The Chair: Wrap it up, then.

Mr. Pat Martin: I think your point was made, Mr. Menzies.

Hon. Ted Menzies: I'm not sure how you would assume that, Pat, but thank you for pre-judging a comment.

The Parliamentary Budget Office has a website. All of the office's requests are on there for the public to see. We've provided answers to all of those official requests from the Parliamentary Budget Officer.

And that, Mr. Chair, was my point.

The Chair: Mr. Martin, two minutes are left.

Mr. Pat Martin: Mr. Chairman, a lot of Mr. Menzies' report was actually bragging about the dubious benefits of corporate tax cuts at a time when we have a \$50-billion deficit.

We're really here to talk about a breach of privilege and about what we believe is a systemic denial of fundamental information to this committee.

The government's response to the finance committee motion was, and I'll quote, "Projections of corporate profits before taxes and effective corporate income tax rates are a Cabinet confidence."

Do you still stand by that statement, Mr. Menzies?

Hon. Ted Menzies: In whole, I do.

Mr. Pat Martin: "Projections of corporate profits before taxes and effective corporate income tax rates are a Cabinet confidence": you're asking the people of Canada to borrow \$6 billion from somewhere to hand over to the corporate sector at this time, and you won't tell us the financial impacts, or the whole cost to Canada, of this.

Could I ask one question? When this came as a memorandum to cabinet, it must have come with some costing by the Department of Finance, by Treasury Board, even by the PCO. Did you factor in the cost of borrowing that money to offset the lost revenue for taxes? And if that information exists, is it under the rubric of cabinet confidence?

Hon. Ted Menzies: Certainly that's always factored in. Those kinds of decisions—and you would know this, Mr. Martin—

Mr. Pat Martin: I would hope so.

Hon. Ted Menzies: —are not taken lightly.

Mr. Pat Martin: I would hope so.

Hon. Ted Menzies: Even you, I'm sure, would understand that—

Mr. Pat Martin: But the expert testimony we received yesterday to this committee—from the people you cited, from the former clerk of the Privy Council—is that once the initiative is finished with cabinet and presented to the people of Canada, the financial information leading up to the decision by cabinet should no longer be considered a cabinet confidence.

Are you aware of that?

Hon. Ted Menzies: Well, there are a lot of projections. A lot goes into those projections. As I said, it's not an exact science.

Let me share, if I could—

• (1155)

The Chair: You can finish your thought, Minister, but we are running low.

Hon. Ted Menzies: The projections that we put in are in line with, are actually in the centre of, what 15 private sector economists provide us. We consult with them on a regular basis. Some are higher projections as to what corporate tax costs and corporate tax revenues are going to be, and some are lower. We're middle of the road.

The Chair: Thank you.

I'm going to try to do a two-minute round here and see if we can get it in. I know we had suggested that the minister would be here until noon, so it's going to be hard to do that, and even harder with points of order, but let's try it.

Mr. Marcel Proulx: On a very short point of order, the minister referred to "legal advice" that had been given to restrict documents... that some documents be tabled. Could we ask the minister to table that legal advice, Mr. Chair?

Hon. Ted Menzies: I was referring to legal advice that any department gets as to what is and what is not....

The Chair: I also—

Mr. Marcel Proulx: It shouldn't be a problem to table it—

Hon. Scott Brison: What is not what? He didn't finish his sentence. I want the minister to finish his sentence. What is or what is not...?

Hon. Ted Menzies: Well, as I reflected earlier, Mr. Brison, you swore the Privy Council oath at one point—

Hon. Scott Brison: Yes.

Hon. Ted Menzies: —and you agreed to withhold specific information.

Hon. Scott Brison: So what—

Hon. Ted Menzies: That was perceived as cabinet confidentiality. So I'm sure that at some point you actually spoke to a lawyer and had the same advice.

Hon. Scott Brison: So what is "what is not"...?

The Chair: Can we—

Hon. Ted Menzies: Thank you.

Hon. Scott Brison: Finish the sentence.

The Chair: Conversations with each other on a point of order are certainly beyond what I was looking for.

The request has been made. If it's at all possible, I suppose, but normally legal advice between two people is a confidentiality between the legal adviser and who's getting the advice. Obviously, anything possible is possible, so...

Hon. Scott Brison: That was legal advice from a public servant.

Mr. Marcel Proulx: I think we should ask the minister to table it.

The Chair: If you could help us on this, Mr. Menzies, I'll ask you to help us, but at this moment I have a real problem when a committee asks legal advice to be tabled, because of what I've already said.

Let's move on. We have very little time left.

Mr. McGuinty, you're up for...let's try two minutes. We'll move along on it and see if we can convince the minister to stay.

Mr. David McGuinty: Thank you, Chair.

I want to go back.... On this question, I know you had some difficulty with it earlier, but I think it really does speak now to this question of privilege and the credibility of the government's numbers.

My colleague Mr. Brison asked a question a moment ago of the minister to explain what happened in 2008 with the economic update, where there was a \$100-million surplus, predicated on a \$10.1-billion asset sale. We asked him rather explicitly whether he could help us and Canadians understand what happened.

I'd like to offer him the opportunity again to do so, but I'd also like to in that context remind him that on December 6, 2008, the Minister of Finance for Canada, Mr. Flaherty, admitted in an article that he was in cabinet with his colleagues Mr. Clement and Mr. Baird in the provincial legislature of Ontario in 2003, where he said, and I quote, "I was there"—in the Legislative Assembly—"when it was announced,"—the budget in 2003—"and I knew it wasn't"—that is, wasn't balanced.

So if I could ask the Minister to clarify, how is the \$20-billion asset sale in the 2003 budget in Ontario to fudge the books—that has now been exposed very openly—different from the 2008 update, where \$10.1 billion of assets were supposed to have been sold to provide a \$100-million surplus? How is that not equal to fudging the books?

The Chair: Mr. McGuinty, I have to state again that in the chair's opinion that's so far out of left field on where we are on this point of privilege—

Mr. David McGuinty: Centre field.

The Chair: Okay, centre field. We're going to get spring training finished here and into real baseball soon. But that's just.... If the minister would like to answer it, great, but I think we're so far out of where we need to be....

Mr. David McGuinty: May I respond to you, Chair?

The Chair: Certainly.

Mr. David McGuinty: Chair, this is all about credibility, and it's all about a point of privilege, as my colleague Mr. Martin referred to a moment ago.

The Chair: Then I would suggest that in future, in your reference to the chair on points of privilege, we broaden what it is you're looking for. Because truly, on a point of privilege, we're looking for what the Speaker's ruling says to us to look for, and that included some documents—

• (1200)

Mr. David McGuinty: It sure did; fair enough.

The Chair:—and in this case a request about corporate profits and corporate taxes. I've been fairly broad on that, so....

Mr. David McGuinty: I agree with you, Chair. I thank you—

The Chair: You're truly out of time—

Mr. David McGuinty: I thank you for it. I just wanted to put to you for your consideration that underlying all the corporate tax numbers is a question of trust.

The Chair: Well, thank you—

Mr. David McGuinty: Underlying a budget that is forthcoming on Tuesday is a question of trust, so that's what I'd like to offer the minister an opportunity to address. Why was it wrong in Ontario, but not wrong nationally here in Canada, in Ottawa?

The Chair: In this two-minute round, we've now gone past three minutes. I recognize that I took some of that.

Mr. Minister, if you would like to answer very quickly, you have my permission. If not, I'll move to further questioners.

Hon. Ted Menzies: Very quickly, I'm not just sure what this individual is seeking here, but through you, Chair, they asked what happened. I'm not sure if they noticed, but we faced the deepest recession that this country and in fact the entire world have faced since the Second World War. I think that answers the question.

The Chair: Thank you, Minister.

Mr. Albrecht, two minutes, please.

Mr. Harold Albrecht: Thank you, Mr. Chair.

I'm sorry we don't have more time, because there are certainly a lot of questions we could have asked as it relates to the primary reason that we're here, which is related to the costing of government initiatives—and indeed, it should also be for private members' initiatives.

I want to ask a question relating to something Mr. Brison said earlier in this committee. He mentioned something about information that was released in 2005 that was similar to what the finance committee requested recently. I'm wondering, Mr. Chair, if Minister Menzies or his officials could clarify what information release Mr. Brison was talking about. Are there key differences between what his reference was and what was requested by the finance committee?

The Chair: You have about a minute for the response.

Hon. Ted Menzies: The difference in 2005.... Let me just get the actual point on that.

The fall economic update in 2005 actually was an outlook for corporate profits as a share of GDP. It was published on one occasion and one occasion only.

Hon. Scott Brison: A point of order, Mr. Chair.

The Chair: Mr. Brison, I recognize you want to get in on this debate from the paper you have in your hand, but let's let the minister give his answer.

Hon. Scott Brison: But I want to table the document referred to by the minister. It's the November 2005 fiscal update and it refers to corporate profits before taxes. It does not discuss GDP. It's specifically corporate profits before tax over the five years. I just

want to help inform the minister's testimony by tabling this document.

The Chair: Even after I shared that all you were going to do is share some debate, you did so anyway. So thank you very much.

Minister, very quickly on your answer and we'll try to finish this round.

Hon. Ted Menzies: Thank you, Chair. It's difficult to actually get an answer in here.

Those projections of corporate profits per se were not published, nor was the series of nominal GDP, which could enable the calculation. The outlook for corporate profits as a share of GDP in the 2005 outlook was taken from private sector economists and was actually on the public record, which would not, of course, be deemed cabinet confidence. That would be the fundamental difference. It's in the public domain, as we refer to private sector economists.

The Chair: Thank you, Minister.

Monsieur Nadeau, two minutes, please.

[*Translation*]

Mr. Richard Nadeau: Thank you, Mr. Chair.

Good afternoon, Minister Menzies.

On February 17, Mr. Page said, "Parliamentarians do not know whether the fiscal planning framework fully reflects the cost pressures generated by changes in crime legislation."

In March, Mr. Milliken said: "...procedural authorities are categorical in repeatedly asserting the powers of the House in ordering the production of documents. No exceptions are made for any category of government documents..."

Mr. Minister, why did you wait for the Speaker of the House to censure the Conservative government, on your government, before producing the documents needed for the proper work of parliamentarians? Why? Can you please explain this to us?

● (1205)

[*English*]

The Chair: You have one minute to answer, Minister, please.

Hon. Ted Menzies: Thank you, Chair.

I'm just checking my dates on this.

With all due respect, we provided, first of all, a response to the question of the finance committee on October 27, within the 10 days stipulated. Then on November 17 there was another motion passed seeking further information. We responded to that on November 24.

Then there was additional information. As I've said all along, the Department of Finance has actually provided more information than we at the finance committee requested. The additional information was given on December 10, 2010.

All information and more was provided to the committee.

[*Translation*]

Mr. Richard Nadeau: Mr. Menzies, the fact remains that the Speaker of the House...

[English]

The Chair: Thank you.

[Translation]

Mr. Richard Nadeau: ...censured your government.

[English]

The Chair: Monsieur Nadeau, your time is up.

[Translation]

Mr. Richard Nadeau: If there was a censure, it was because you did not do your job as cabinet ministers or as the party in power.

[English]

The Chair: Monsieur Nadeau.

[Translation]

Mr. Richard Nadeau: Thank you.

[English]

The Chair: Thank you.

Monsieur Godin, two minutes, please.

Mr. Yvon Godin: I'll pass it to Mr. Martin.

The Chair: Mr. Martin, you have two minutes, please.

Mr. Pat Martin: Thank you.

Mr. Chairman, to bring it back down to earth, the government is asking our permission to spend \$6 billion on corporate tax cuts, and that's the reality of it. They come to us asking us to buy a \$6 billion pig in a poke and they won't even do us the courtesy of showing us the financial justification, the rationale behind their proposal to buy this pig in a poke. That, Mr. Chairman, sums up our irritation, which led to the point of privilege that is rapidly going to find them in contempt of Parliament.

We don't accept that projections of corporate profits before taxes and effective corporate income tax rates are a cabinet confidence. Wouldn't we all benefit from having the same base level of information? Wouldn't it elevate the political discourse if we could actually vote on something we understood, on your reasoning and your argument?

I remember being told when I first got here that the Library of Parliament used to be the exclusive purview of cabinet ministers. It was Pierre Trudeau who said that political discourse in the country would benefit if all MPs had full access to the Library of Parliament so that we could all start with the same base level of information, and I think it did elevate the quality of debate. Does that same reasoning not apply here when you're asking our permission to spend that amount of money, and we're supposed to just take your word for it that it's a good idea?

The Chair: Give the minister a chance. He's got 15 seconds to answer that long question.

Hon. Ted Menzies: Thank you. I wish I had more time to answer that question.

In fact, as I said in my opening remarks, it was in 2007 that the House of Commons approved this tax reduction plan, the beginning of our low-tax plan. We continue with that plan, Mr. Chair.

I and many Canadians—especially the 480,000 Canadians who now have a job, but who didn't in July of 2009, in the midst of the worst recession we have ever seen, and hopefully that we'll ever all see—would argue that reducing costs to employers is a good thing. We'll let those people be the judge of whether reducing costs for Canadian employers is a good thing or not. It passed this House of Commons, and I'm not sure....

Mr. Martin has been here—

Mr. Pat Martin: They'll be able to pass judgment on you very soon, Mr. Menzies.

Hon. Ted Menzies: —probably longer than I have. Even if he didn't actually stand in his place and vote for this, it was approved by the House of Commons. There were no secrets; Canadians watched us vote and approve our low-tax plan in 2007, and we continue on that.

The Chair: Thank you, Minister.

I'd also like to thank your officials, who've been very helpful here today.

We will suspend now until two o'clock.

• (1205)

(Pause)

• (1400)

The Chair: I'm going to call this afternoon's meeting to order.

Professor Franks is here today.

Mr. Tom Lukiwski: Mr. Chair, I have a point of order. May I, before we get going?

The Chair: Sure:

Mr. Tom Lukiwski: Just a quick one, because before we broke for lunch Mr. Martin had made some comments that really tweaked my interest, to say the least, because I didn't think they were quite correct. He and other members of the opposition seem to be talking a lot about trust, facts, and the truth. But I think maybe this principle, if they're sincere about that, should be applied to everyone around the table.

I say that because Mr. Martin stated just before lunch that the Library of Parliament used to be only open for use by cabinet ministers and it was the Trudeau government that opened it up for all MPs. Well, we had a little time over lunch, so we did a little research and found that the statement of Mr. Martin was far from being true.

In fact, Mr. Chair, I have here—which I can certainly table if it interests the committee—the Statutes of Canada from 1871, an act in relation to the Library of Parliament, which clearly states:

All books, paintings, maps and other effects...shall vest in the Queen's Majesty for the use of the two Houses of Parliament...

I also have copies of the Revised Statutes of 1970, which state the same thing.

So, Mr. Chair, I thought that since we were talking about trust and accountability and the facts, perhaps we should have the record set straight. Perhaps if Mr. Martin does show up this afternoon he can recognize that, withdraw his statements, and if he cares to apologize for misleading the committee, he can do so as well.

The Chair: I will leave it then to that happening this afternoon. I thought when it was said that we might be a little incorrect there. I haven't been here that long to know it, actually, but we'll leave it at that.

Professor Franks, it's great to have you back. We've had you at committee before. I understand we're getting a double dose this week anyway, so we get to see you tomorrow morning as well.

If you have an opening statement, we've been trying to keep our opening statements to about five minutes, and then we'll do rounds of questioning.

Dr. Ned Franks (Professor Emeritus, Department of Political Studies, Queen's University, As an Individual): My opening statement is a bit longer, but I'll cut it.

First of all, I'll define "contempt". To be found in contempt of Parliament, a person must be found guilty by the House of Commons of actions that obstruct or impede the House in the performance of its functions. And that's not the same as privilege.

I think we have to appreciate that, because there is no limit to what might be contempt. Examples of such actions include deliberately misleading the House or a House committee; falsifying or altering papers formally submitted to a committee or to the House; failing to attend before the House or a committee after being summoned to do so; and, especially germane to the matter under consideration today, refusing to produce papers when ordered to do so by the House or a House committee.

Contempt of Parliament is the parliamentary equivalent of contempt of court; after all, a venerable name for Parliament is the "High Court of Parliament".

The main thing I wanted to say is there is no limit to what could be contempt and there are no defined rules of acts that are contempt. It's simply things that impede the House and its business. So the list I gave is simply examples.

Cases of contempt have been rare in Canada. I found eight of them. Regardless of the number, because people don't agree on that, three striking facts about these cases where persons were found in contempt deserve mention.

First, there were only two findings of contempt between 1867 and 2001, the first 133 years of Canada's existence, compared with six in the next ten. Second, all of the recent ones occurred in majority Parliaments. Third, unlike the two presently under consideration, none of the previous eight cases involved an explicit finding of contempt against a minister or a government.

Now I want to devote my remarks to the question of the right of Parliament to call for persons, papers, and records.

This was an issue before, in the Afghan detainees discussion, when Speaker Milliken ruled that while there were no exceptions to the right of Parliament to send for papers, accepting the authority of the executive to censor information provided to Parliament would in fact jeopardize the separation of powers that's purported to lie at the heart of our parliamentary system and the independence of its constituent parts.

On the other hand, there are good reasons to keep some documents confidential. One of the first studies I did related to the right of Parliament—and this was 40-plus years ago—for a commission examining the security branch of the RCMP. I did a study on Parliament and security matters for them and wrestled with this problem. Again, as we're wrestling here today, you start off with yes, there is an unlimited right of Parliament, but what constraints should Parliament impose on itself in demanding papers and records?

Now I get on to the tricky area of the question of what the government can keep to itself because it constitutes a cabinet confidence or, more formally, a confidence of the Queen's Privy Council.

Speaker Jeanne Sauvé observed in 1981 that the expression "confidential document" had never been defined and that it would be improper for the Speaker to attempt to make such a definition. She stated that it is the government's prerogative to decide which documents are of a confidential nature.

Canada's Supreme Court has also observed that "...all governments must maintain some degree of security and confidentiality in order to function".

On the other hand, Speaker Milliken ruled on March 9, 2011, that there was a *prima facie* case for a finding of contempt of Parliament against the government because it had withheld information from Parliament. I shall leave that there.

To the extent that Speaker Milliken's ruling differs from Madame Sauvé's, I side with Speaker Milliken. The government does not have an unlimited unilateral right to decide what documents it will or will not release to Parliament. If nothing else, access-to-information legislation passed by Parliament limits what a government can keep confidential.

I make an aside comment here that it should be noted that there are some systems of government, such as the Swedish, where our notions of cabinet confidence are not recognized; in other words, cabinet documents are fully public and fully available.

● (1405)

In our system, which recognizes cabinet confidentiality, the question becomes, where does the right of the cabinet to keep documents confidential end and where does the right of Parliament to have access to documents begin?

I favour the barrier being set so as to limit as much as possible the documents that are regarded as cabinet confidences. Certainly the actual minutes of cabinet meetings that report what individual ministers said and what else transpired should be respected as confidential, and presumably position papers showing where individual ministers and departments stood on a matter, but not much else.

There is a huge amount of background material provided for the cabinet on major decisions, including legislation, most of which could, and should, be made public. The remoter a document or study is from a record of actual cabinet deliberations, the stronger the argument against confidentiality.

A good study from a department will include both pros and cons and will provide a comprehensive analysis of the costs and other implications of proposed legislation. With rare exceptions, Parliament and the public deserve to see these studies as much as does the cabinet. Parliament and the Canadian public should know the costs and other implications of major government decisions and the bills before Parliament.

An example of talking across rather than with each other—produced by the present arrangements—is the question of the cost of just one of the government's crime bills, where the Parliamentary Budget Officer found the cost to be an order of magnitude greater than the government claimed. But no useful discussion or resolution of this contradiction emerged because the government refused to release their own studies of costs on the grounds that they were cabinet confidences.

As an immediate band-aid solution, I would suggest that this committee consider five reforms: one, that Parliament and government immediately begin to work together to define what documents are cabinet confidences and what are not; two, that the report from this committee recommend that all pieces of legislation not extend beyond first reading unless they are accompanied by an analysis of their cost implications over at least a five-year period; three, that the Parliamentary Budget Officer be provided with the resources to make his or her own independent analysis or evaluation of data provided by the government, and be instructed to do this; four, that the House itself undertake an inquiry into the proper extent of the government's right to declare unilaterally that papers and records are cabinet confidences; and five, that Parliament should review the Access to Information Act and in particular reconsider the current provisions that put the responsibility for administering the legislation in the hands of departmental ministers.

In giving this responsibility to ministers, the present legislation gives to the foxes the keys to the chicken house. Deputy ministers should have the responsibility for administering the access to information legislation, unless specifically, and in a way that is made public so there is no question of who bears the responsibility, they are overruled by their minister. That would pretty well take the ministers—and that even more suspect class, the exempt staff in ministers' offices—out of the equation.

As a final comment, I do hope—but I do not have much faith that my hope will be realized—that the procedure and House affairs committee will reach a consensus in its report on this matter of contempt, even if this consensus extends only to proposed solutions to a very real problem. Access to adequate information is a fundamental requirement for the effective functioning of Parliament and Canada's parliamentary democracy. Without accurate costs and other information, debates and committee hearings in public and political discourse in the country at large risk being debased into sloganeering, name-calling, and pigheaded obtuseness. That is not the right way to run a Parliament, let alone a country.

Both sides of the House should be concerned about this, if only because someday they're probably going to sit on the other side.

Thank you, Mr. Chairman.

● (1410)

The Chair: Thank you, Professor Franks.

Mr. Brison, questions, please, for seven minutes.

Hon. Scott Brison: Thank you, Mr. Chair.

Thank you, Professor Franks—through the chair, of course. It's really great to have you here, with your wealth of knowledge and experience that informs our deliberations here today and that I would like to see inform our conduct and our parliamentary reforms as we move forward.

Earlier you spoke of types of contempt. Would you say that this breach of privilege in the Speaker's ruling would qualify as one or both possible types of contempt: without reasonable excuse, refusing to answer a question or provide information or produce papers; or deliberately altering, suppressing, concealing, or...? Would you believe that this particular breach would qualify as a type of contempt?

Dr. Ned Franks: The Speaker found it *prima facie*, which means there are enough grounds for it to be looked at and for this committee to come to a conclusion on it. I have wrestled with that matter—and I'm an outsider who is not in government or Parliament—and I can say that it raises a concern with me. But the actual decision of whether it's contempt or not rests with this committee and then ultimately with the House.

I would be reluctant to advise that it is, and I would be reluctant to advise that it's not. That's an Irish answer, and you deserve it on St. Patrick's Day.

Hon. Scott Brison: Thank you.

In December we received from two different government departments the explanation as to why they could not provide the information to us. I'll read to you the Department of Justice, or the government's, response at the time:

The issue of whether there are any costs associated with the implementation of any of the Government's Justice bills is a matter of Cabinet confidence and, as such, the Government is not in a position to provide such information or documents.

Do you believe that explanation is accurate, that once legislation has been tabled in the House of Commons, its costs ought to be covered under cabinet confidence?

● (1415)

Dr. Ned Franks: No, I absolutely do not. There are some costs perhaps that need to be kept private, but I believe that for a parliament to weigh, say, the value of a crime bill versus aid for immigrant children so they can assimilate better in terms of our official languages of Canada, or to understand that, you have to ask how much it is going to cost to do the one and how much it is going to cost to do the other. That balance has to be taken into account to make an informed decision.

So I firmly do not believe that the cost estimates should be kept confidential. In fact, what I've suggested here is the opposite. The House of Commons should require the government to present a cost estimate for implementation of a bill when it's introduced, or at least before second reading, and that the Parliamentary Budget Officer be asked to make an assessment of the methodology and the accuracy of the other figures in those cost estimates.

Hon. Scott Brison: Thank you, Professor Franks.

Our motion had called for the government to provide this costing information according to Treasury Board costing guidelines. These are the guidelines that lead to costing for cabinet before legislation is tabled, as you know. These guidelines call for all related costs to all departments of government, and to provincial governments as well. Many of the 18 bills encompassed by our motion have significant provincial government costs.

Do you believe this information ought to be provided as well to this House, since it is covered under Treasury Board guidelines and the motion was specific in that regard?

Dr. Ned Franks: Yes, I do. It's again the question implied by the old expression, "buying a pig in a poke", that you don't know what you're getting. I think that Parliament and the people of Canada need to know what they're getting in terms of the cost implications, when they're looking at a significant expenditure bill. So, yes, I go that far —and probably further, actually.

Hon. Scott Brison: You would go further. Please elaborate on that. This is important.

Dr. Ned Franks: Well, cost estimates are uncertain quite often. They depend on the caseload and the sampling technique used in the evaluation. They depend on the methodology of the analysis of how those costs trickle through the stream of implications flowing from an action.

Hon. Scott Brison: The ministers said yesterday that some of the information was not relevant because the costs would be 10 or 15 years in the future. We make decisions here that have long-term impacts. In fact, many of our decisions will have impacts 20 or 30 years in the future. So our view was that those ought to be included. However, the ministers said that because of the fact that some of the costs were going to be borne by future governments and future taxpayers or future citizens some 15 or 20 years out, it meant that the information need not be included in the information provided to Parliament.

Would you agree with the ministers on that?

Dr. Ned Franks: You're into a very tricky area that's very complex, even in economics. What is normally done in a cost-benefit analysis extending well into the future is that you discount future costs and benefits to the present by what we would normally call an interest rate, but what they would call a time preference discount rate. So you're getting into something that actually is a fairly arbitrary thing. I've seen studies in government that have had a discount rate applied of over 10% and I've seen them apply at 0%.

That's one of the questions that one has to know when looking at a program with long-term implications. Crime bills are like that; building a nuclear power station is like that, with enormous long-term implications, as we're realizing these days. And education itself

is very important, but then again, you have great difficulty in defining the benefits 20 years from now for education.

• (1420)

The Chair: Thank you, Professor Franks.

Thank you, Mr. Brison.

Mr. Reid, for seven minutes, please.

Mr. Scott Reid: Thank you, Professor Franks. It's always nice to have the chance to interact with you.

First of all, let me ask you about your five proposed reforms. You ran through them very quickly, and I unfortunately, in my note-taking, fell behind at note number four. Could you repeat your proposal number four?

Dr. Ned Franks: Yes, certainly, sir.

Number four is that the House itself undertake an inquiry into the proper extent of the government's right to declare unilaterally that papers and records are cabinet confidences. In other words, we have two almost conflicting Speakers' rulings on that: Madame Sauvé's, which said the government has the right to declare confidential that which it wishes; and Speaker Milliken's, which says that the House has the absolute right to call for papers. Now, somewhere between those two there must be some ground rules that can be established and that Parliament and the government could agree on. That's what I was proposing there.

Mr. Scott Reid: Okay.

I wonder if at the end of your testimony and before you leave you'd be able to take that document and leave it with the clerk so that she can get it translated and circulated to all of us in time for when we write our report.

Dr. Ned Franks: I have sent it to the clerk and I was hoping that it would be translated. This was late yesterday that I did it, but it will certainly be available.

Mr. Scott Reid: Okay. Thank you.

The Chair: We'll make sure that it is.

Mr. Scott Reid: Before leaving that I was going to ask if you've prepared any other papers where you've written about this, so that we can go back and look at this literature, or is this your first shot at it? I ask this simply as a way of allowing us to reference other writings you may have done on this subject.

Dr. Ned Franks: The only answer I can give is I don't think so, with one proviso, which is the study I did for the McDonald commission on the RCMP Security Service, Parliament and security matters, which dealt with this conceptual problem. As you all probably know, the outcome of that was to establish a committee of privy councillors. Each party in Parliament nominates a member to that committee, they're made privy councillors, and then that committee has complete access to confidential information. Then it launders that and produces a report for Parliament.

Mr. Scott Reid: Right.

Before I pursue some other questions, I just want to mention vis-à-vis the whole Afghan detainee document item here that this is a good example of a situation in which there was a great deal of *Sturm und Drang* before a resolution was found, but once one was found it was possible to look into documents.

One assumes that if documents had been found that authorized or countenanced the torture or abuse of detainees we would have heard about it by now. That is to say that just because documents are confidences doesn't necessarily mean that they are hiding something nefarious. It can be the case or it cannot be the case, and there's a need for some kind of mechanism to allow in the different situations such information as is not harmful to find its way out. That was just a comment on my part.

I wanted to ask you about recommendations two and three, in particular.

Your recommendation with regard to a five-year analysis being attached to second reading bills, the costs associated with it.... I'm assuming that you would want to have us make a change to the Standing Orders as the best way of doing that, as opposed to legislatively.

• (1425)

Dr. Ned Franks: Yes. I would like that in the Standing Orders. If it needs legislation in order to get people to pay attention, then that's fine, but I would think the Standing Orders would do it, yes.

Mr. Scott Reid: Right.

In light of what Mr. Brison said in his question, when he talked about costs being projected further out for items that have a long projected life, you went back and forth about fighter airplanes and prisons. I would have thrown in changes to the pension system as an obvious long-term implication.

Do you think there's merit in the idea of extending it beyond the five years you've suggested? Or are there so many problems inherent in heroic long-term estimates that it's best that we ought not to do that? I'm not trying to put an answer in your mouth. I'm just wondering what the answer is.

Dr. Ned Franks: You're asking me to think more deeply than I had time to in producing this. I can see an argument for many things. Again, I used nuclear energy as an example, but even building a dam blocks a river. You're looking at a 30- to 50-year project lifespan, and there is a good argument for that.

Now, I put five years in because I thought that was pretty safe to cover almost every significant piece of legislation, but many of them have much longer-term implications than that. However, I again emphasize the point that the farther you look into the future, the dimmer and dustier it is.

Mr. Scott Reid: Yes. I know the way that StatsCan handles this when they're dealing with population projections, which are notoriously wrong over the long term, is that they have a high, a medium, and a low estimate as to what population trends will be.

The chief actuary, I believe, although I stand to be corrected on this, does something similar when he's attempting to project out with relation to the funding needs of the Canada Pension Plan and so on.

Would that perhaps be a way of resolving the problems, and we're getting beyond the five-year horizon...?

Dr. Ned Franks: These are immensely complicated problems by the time you get into them. "High", "low", and "most likely" is a way of doing it, or saying what the likely standard deviation is going to be from it, etc. It depends on the problems and on the person looking at them as to how they do it.

But there are ways of narrowing the uncertainties, which is what we really want here, so that we have more confidence when we're looking at a bill that we understand the cost implications, so we're not just comparing apples with oranges, but we're comparing apples at 50¢ each with oranges at \$2 each, and that sort of thing.

Mr. Scott Reid: Right.

I have only 20 seconds left, so very quickly, regarding the Parliamentary Budget Officer and the recommendation there, would one of the potential roles for him be establishing some ground rules as to the sorts of metrics we ought to apply looking into the future, such as rates of inflation, population increases, depreciation on various types of assets, and so on, to recommend those that could be adopted in departmental estimates? Would that seem like a reasonable kind of possible role for him?

Dr. Ned Franks: Yes. I haven't for years looked at departmental estimates in the raw to know what happens. My suspicion is that pretty well every department has a different way of doing it, and there's some argument for that, because the things they're looking at are different.

But some understanding of the methodology behind cost estimates, which is something I've been impressed by with the current Parliamentary Budget Officer, is a great help in understanding what's being projected and in having confidence or a lack of confidence in the results.

The Chair: Thank you.

Madame DeBellefeuille, seven minutes, please.

[Translation]

Mrs. Claude DeBellefeuille: Thank you very much, Mr. Chair.

Good afternoon, Mr. Franks. Thank you for being here.

You are the last witness in a long series of witnesses. As you know, we began the hearings yesterday morning at 9:00 and finished them at 6:00 p.m. We began again this morning at 10:00, and we will finish around 3:00 this afternoon. We will be debating the thrust of the report. We will share our observations, conclusions and recommendations, and debate about them.

The Speaker was clear in his order: he wants to know whether the government has complied with the order of the House to provide documents. This may seem like a simple question, but for close to two days now, we have been working on trying to understand whether it has complied. It has seemed to us since yesterday that the government has not complied with the House order. It seems that we are missing some information. So we will debate this, after your testimony, to come to a conclusion and give a thrust to our report.

Now, what are our options if we find that the government did not comply with the House order? Earlier, you gave us five suggestions, which we could include in our recommendations. But if we find that it did not comply with the House order, what options do we have?

● (1430)

[*English*]

Dr. Ned Franks: The options are that you can recommend that the House find the government in contempt. You can recommend that the House find the government in contempt and have some punishment attached to it.

I can't see that because I don't think you'd want to put the whole cabinet in jail, which is an option.

Mr. Yvon Godin: They've got lots of jails now.

Dr. Ned Franks: I'm from Kingston, so we know about them.

You can also just leave it at contempt. That is normally what happens to these things.

On the other hand, if the committee feels that even with the additional information that's being given it has not had time to assess it, you can report that. You can say that the initial materials given by the government were inadequate to the point that the government had failed to comply. You can also do a quick dip into the materials.

For example, you could look and see if there are adequate cost projections, if the provincial costs have been included or not. If they have done, on the crime bills, for example, an adequate assessment of how the criminal population will be affected by these, you could do this as quickly as you can.

I have not seen the amount of documentation, but my impression is that if everybody in this committee stopped talking to me right now and started reading the documents, you wouldn't be finished before July. I really don't understand how you can come to a firm answer.

You can say this is progress, but the only genuine progress will be to create a way of living with government, a *modus vivendi*, that ensures that this kind of thing doesn't happen again. That is where my proposals are trying to point you on both sides of the House.

[*Translation*]

Mrs. Claude DeBellefeuille: Mr. Paquette, the Bloc Québécois House leader, asked the two ministers a question when they were here. He felt that the documents that had been sent to us, despite the fact that they contained a few additional details about some bills, failed to comply with the requests that Parliament had made. Mr. Paquette asked the ministers what they were prepared to offer, what else they had and what suggestions or proposals they could make to try to accommodate our requests more fully. They remained silent. They consider that they have provided us all that they can provide.

This morning, I pointed out to the minister that two bills specifically came to my attention because there are no figures about the financial implications for the provinces. It is difficult for members, especially for those of us who represent Quebec, to make do with knowing nothing about any tax burden that is going to be offloaded onto the provinces, and about any negotiations between

the feds and Quebec. What will the feds have to add to the budget to compensate Quebec for what it will cost us after the bill goes into effect? A lot of people around this table, myself included, find the lack of any response to be unacceptable and, as a result, it does not provide what we asked for.

We are in a kind of dead end, Dr. Franks. One part of the government is 100% convinced that it has given us everything required and yet, since yesterday, we on this side really and truly feel the opposite. It is a kind of a stalemate.

● (1435)

[*English*]

Dr. Ned Franks: The answer that you can give in a report is what the committee chooses to give. You can either say, yes, the government has met the requirement, or, no, the government hasn't, or the government presented the material in such a way that we can't assess whether it has or hasn't, or give us some more time and we'll be able to give you a good answer, or on first impression, and you can use the words *prima facie*...you can say *prima facie*, you have doubts about whether this is adequate.

If you really wanted to be nasty, which I can't imagine, you could say, "Is this all the information the government had on which it based its decision to go ahead with these bills?" Is that adequate information? If you don't feel that it's sufficient.... I mean, there are many, many, questions in this.

All I can say is I wish you luck in coming to a helpful decision. Again, I would just toot my own little project here. Really, I hope the committee can reach a consensus on how to avoid this problem in the future, or reduce the likelihood anyhow.

The Chair: Thank you, Professor.

Thank you, Madame DeBellefeuille.

Monsieur Godin, you have seven minutes, please.

[*Translation*]

Mr. Yvon Godin: We may not come to a unanimous decision, but we will come to a decision. It is our responsibility to do so.

First, could we really look at the case before us? This is a matter of contempt of Parliament or a breach of parliamentary privilege. The government has known that we are looking for information on its law and order bills for about four months now. After four months, the Speaker had to ask for parliamentary hearings in order to get us the amount you see now. That could take us until July to read.

Do you think that this way of governing is reasonable, or could this be a case of contempt? That is our decision, you have been clear on that; we will decide.

But when members of Parliament, sitting as a parliamentary committee, make a decision in November or December and ask the government to provide explanations about the costs of bills and, on February 17, the Conservatives just come up with one little document, we are sorry, but it is just not enough. Their excuse is that they are cabinet confidences. Then they tell us that they can give us all those documents and that cabinet confidence has nothing to do with it.

Is this transparency? Is this cooperation? Do we have to change the legislation, or do we have the legislation already? Do members of Parliament have the right to information or not?

[English]

Dr. Ned Franks: Parliament is such a strange institution. A big part of it is games between parties, but underlying all of that there is a need to do things for the country and for the people you represent.

I have a feeling—and it's underlying some of my remarks here—that for the last couple of years the games have overwhelmed the consensus working, the sense of trust or having common goals, even if we don't agree on how to get there.

It has been common in Canadian history for a government, when Parliament makes noises about not getting enough information, to overload the Parliament so that Parliament itself has no means of assessing what's there. I can't remember the exact episode, but something like that happened way back in the sixties and again in the seventies. So we're facing a common problem that happens and repeats itself.

I'll stop there.

•(1440)

[Translation]

Mr. Yvon Godin: I was listening to you just now and you were saying that it is perfectly proper for members of Parliament to know about the costs of a bill involving the provinces before they vote. Is that correct?

[English]

Dr. Ned Franks: Yes. You're the Parliament for all of Canada; as far as I know, Canada includes provinces and territories, and Quebec is still, thank God, part of Canada. I think it's an artificial distinction to say that although we are legislating in a national Parliament, we're not going to pay attention to the costs to other jurisdictions.

Mr. Yvon Godin: Okay. I know the book is pretty thick, and we're not in July; we are in March and celebrating St. Patrick's Day today. We're not in July, but when we look at the beginning, right at the beginning it just hits you right in your face by saying:

No detailed cost estimates are available because any impact of the amendments will be on the provincial and territorial corrections costs. The Bill should not result in cost impacts for the Correctional Service of Canada because young persons are rarely held in these facilities.

Now we're making a decision on a bill—

Dr. Ned Franks: Yes.

Mr. Yvon Godin: —that they say they don't have to cost because the provinces are going to pay for it. We should be able to know what it's going to cost.

Dr. Ned Franks: Well, what the report could say is that you consider the information inadequate because it didn't include the costs for all Canadians and for all governments.

If the federal government is going to do something and the federal Parliament is going to approve it, it should know the full stream of cost implications to all stakeholders, if you can use that expression, and if you don't get it, then certainly....

The five suggestions on my list aren't written in stone. They were just ideas tossed out, and I think it would be an excellent one to just make it clear that the cost projections that are given to Parliament should include costs to the provinces and to municipal governments as well.

[Translation]

Mr. Yvon Godin: You might as well say that we don't need to let you know what the costs are because they are minimal.

[English]

Dr. Ned Franks: Who knows what is going to happen out of this.

[Translation]

Mr. Yvon Godin: Mr. Page is the Parliamentary Budget Officer and a new officer of the House of Commons. He was appointed by the Conservatives; they were proud of that and they did it in the name of transparency. Even Mr. Page says that he cannot get access to the documents. Do you find that proper?

[English]

Dr. Ned Franks: One of the most complex processes inside a government is the production of the annual estimates, the cost estimates. It begins not much later than this time of the year and it goes right on until the budgets appear in the early part of the following year. There's a huge amount of information that goes back and forth between Treasury Board and departments, between the Department of Finance and Treasury Board and departments, and so on. There are hundreds of people in government who process that material.

I don't think you want to see all of it. I think what you want to see is the significant reports on the cost implications of maintaining a program as it is, of changing a program, and of new programs, and the costs going to all stakeholders, as I said. If you are not getting that, it is a problem because it limits Parliament's ability to function.

Mr. Yvon Godin: We're not getting it. It's as simple as that.

The Chair: Thank you.

We'll go to a four-minute round. That should finish this just about on time.

Mr. McGuinty, four minutes for you, please.

Mr. David McGuinty: Thank you, Mr. Chair.

Thank you very much, Professor Franks, for being here. It's a pleasure to meet you for the first time.

I want to thank you also for your earlier comments with respect to the Parliamentary Budget Officer's status and office.

I have a quick question. Would you agree that not only the PBO would benefit from enhanced funding, but that the PBO would also benefit, and Canadians would ultimately benefit, from an independent Parliamentary Budget Officer reporting directly to Parliament, as opposed to working under the auspices of the Library of Parliament? Do you think that would help us ultimately drive up trust in our democratic system?

• (1445)

Dr. Ned Franks: What we see, I believe, in the statute governing the Parliamentary Budget Officer is a compromise between those who wanted an autonomous budget office similar to the Congressional Budget Office in the United States, those who didn't want anything, and those who were at other parts of the spectrum. I think it was put in the Library of Parliament to reduce the lines of accountability directly to Parliament and reduce the direct controls Parliament exercises over it. It is up to Parliament to decide if it would like more.

My reaction at this point—and I have changed over the years, I must say—is that I feel the natural tendency of a government to keep information to itself, because information is power, needs a strong, overwhelming position on the other side.

What the Parliamentary Budget Officer has done so far is of good enough quality and suggests the office is useful enough that we might well benefit from strengthening it both in its autonomy, its position, and in the funding it gets, the resources it has.

Mr. David McQuinty: On that very note then, Professor Franks, one of the things we have noticed in the last five years, and I'm trying to be as objective as I can, is that it is becoming increasingly difficult, if not impossible, for this government to tolerate voices that speak truth to power.

We have seen a whole series of very senior officials, such as the head of Statistics Canada, resign. Let the Conservative members deny it. We've heard of the former head of the Canadian Nuclear Safety Commission being informed at 11:45 at night, at home, through a phone call from the minister, that she was fired. We've seen about eight to ten people in very senior positions who ought to be, in a mature democracy, able to speak freely, to do their jobs, but there has been a deliberate cooling-off censoring exercise.

We have also seen in committees, for example, manuals prepared by the government to help Conservative chairs obstruct the testimony of witnesses whose testimony was not favourably disposed to the government's position.

We are seeing all kinds of measures brought to bear to circumscribe and control information, as you say, because information is power. Don't you believe, deep down, that Canadians should know that we need these independent voices? We need people to be able to speak truth to power for a democracy to remain healthy and for government to improve.

The Chair: You have 15 seconds to answer that.

Dr. Ned Franks: Sir, I detect a bit of partisanship in your question, but I will make an answer that I think governments of all

stripes and bureaucracies of all stripes prefer to keep information to themselves than let it out, because it's power.

Since the function of Parliament is ultimately based on having good information, I think there's always a tension between Parliament and government on this, and I would like to see the balance go more toward Parliament. I think that's the tenor of my remarks today.

The Chair: Thank you, Professor.

Mr. Lukiwski, for four minutes, please.

Mr. Tom Lukiwski: Thank you.

Good to see you again, Professor Franks. Our mutual friend, Art Wakabayashi, says to say hello, by the way.

Dr. Ned Franks: Good.

Mr. Tom Lukiwski: I'll return the favour.

Let me first say I find your five recommendations to be very interesting and obviously well thought out. I'm going to take a good hard look at them because I think they have, in my first impression, some serious merit to them, but that's just by way of passing.

What I want to talk about for a few moments...and you might detect a smidgen of partisanship in my comments, but I'll try to keep it to a minimum. You mentioned the games that parliamentarians play. That's just the nature of politics, I suppose. We've certainly seen the partisanship and gamesmanship played here inasmuch as we've heard at least the Liberal opposition say, before testimony even began, that its end game, its target, is to find a ruling of contempt in this committee. To me, that puts a pall on the entire committee process. What are we doing here if they've already been predisposed to find a ruling of contempt without even hearing a shred of testimony?

This is what we have done here, and I say "we" being the government. About a week ago, as you well know, the Speaker's ruling came down in the House. There was a motion that accompanied that afterwards from the opposition that said the committee should meet, the government should be compelled to bring forward additional information that was lacking in their first presentation and tabling to Parliament, and a report should be tabled in the House by March 21, which is this coming Monday.

The government has complied with the information. We've heard complaints from the opposition saying that it's a document dump, but my goodness, they were the ones asking for the information.

The committee hearings started yesterday. We have consistently stated that we wanted to have the information to the committee by the time the testimony started, which we did. I'm not sure why the complaints are coming, but it was the shortness of time that really made the government have to get these volumes of information presented as quickly as possible.

You stated, and I think quite correctly, that for all members of this committee to do their due diligence, to do their work, to examine the documents that have been presented would take some length of time. This is what I see as the probability of what will be happening here, sir, and I'll just get your opinion on this. Should those members be united in their decision to try to find the government in contempt, which the opposition Liberals have already stated they want to see happen, when clearly they haven't examined all of the documents to the extent they should, I'm not sure what purpose committee hearings like these really serve.

•(1450)

Dr. Ned Franks: Shall I answer that?

Mr. Tom Lukiwski: Yes, please.

Dr. Ned Franks: I'll give you a bit of background. I was a professor of political studies and I was also a professor of physical and health education. I often explain the answer to why both—it's not the true one, but I'll give it to you anyhow—is that politics is a contact sport.

That's what you're involved in here at one level. It's never going to go as long as there are elections and different sides competing, but that's not the end of it. Something that Parliament as a whole has to recognize is that it has a function regardless of party stripe. What I want to see come out of this committee—and I'm not going to say it will, but I would like to see it—is some agreement on a way, and I offered some suggestions, that Parliament might get better information and be better informed when it's making a decision on legislation.

As far as the report of the committee is concerned, I have not been privy to all the deliberations of this committee. I can say that historically it would be a unique event, I believe, in the Commonwealth to find a whole government in contempt, but I must say that I have found the behaviour of the government troubling in some of these areas.

As I say, I can't rule on contempt. I can't say. That's not my job either.

The Chair: Thank you.

Your time is up, Mr. Lukiwski.

Before I move to Monsieur Nadeau, Mr. McGuinty has a point of order.

Mr. David McGuinty: Thank you, sir.

I just wanted to get your guidance here. Mr. Lukiwski just said that the government has complied with the delivery of documents. We heard that as well from a couple of ministers this morning.

Mr. Chair, isn't the purpose of our being here to decide whether the government has complied?

The Chair: Mr. McGuinty, you know that's debate. I won't get into it.

Mr. Nadeau, you're up.

[*Translation*]

Mr. Richard Nadeau: Thank you, Mr. Chair.

Good afternoon, Dr. Franks.

We are in the middle of an exercise here. Let us be clear that, the day before yesterday, we got information on five of the 18 bills that had been put before the House of Commons and that were making their way through the legislative process. That means that there was information. What would those bills cost, what were the estimated costs?

Yesterday, we got a catalogue. It is spring, but instead of getting the Sears catalogue, we got the Harper catalogue. It contained information, but it was very vague, very sketchy. Someone said earlier that the provinces are going to see their costs go up. There will be a heavy cost, but we do not know how heavy and we cannot get the slightest idea of the extent. We talked about it this morning and I asked some questions along those lines in connection with some bills.

So here we are with the House, through the Speaker, ordering the government to provide documents so that we as elected representatives and lawmakers can do our work. You have heard all the rhetoric and you know how it has all unfolded.

Maybe it is a little utopian on my part, and that's fine because today's utopia is tomorrow's reality, as they say. Could you shed some more light on this for us? What do we have to do to make sure, right from the time a bill is first introduced, that we know how much it is going to cost and that the information comes from the government? When we as opposition MPs introduce private member's bills, we have to get a minister's consent if costs are involved. We know the process. If we do not have the minister's support, there is no point in debating the bill as it is going to die sooner or later. The government must do the same thing, in my humble opinion. Can you shed some light on that for us?

•(1455)

[*English*]

Dr. Ned Franks: What I said in my remarks is that I believe the government should submit a cost estimate with every bill before it gets to second reading and that the Parliamentary Budget Officer should have as one of his functions an evaluation of those cost estimates. That would, I believe, over time encourage the government to produce better cost estimates and would give you, through the Parliamentary Budget Officer's critique, a better way of critiquing them.

I think that's very possible. I think it can be done through changes to Standing Orders, and I would like to see this committee as a whole recommend that. I can see you disagreeing on some things, but some of those proposals that I suggested are for the benefit of both sides and for all Canadians. I have an enormous sympathy with that concern; it's bothered me for years, I must say.

The Chair: You have 20 seconds, Monsieur Nadeau.

[*Translation*]

Mr. Richard Nadeau: That's fine. Thank you very much, Mr. Chair.

[*English*]

The Chair: Thank you very much.

Monsieur Godin, you have four minutes.

[Translation]

Mr. Yvon Godin: Thank you, Mr. Chair.

Dr. Franks, I am reading your recommendations. Really, I believe that all your recommendations could be implemented today, if the government wanted. You write that

[English]

we should work together on a definition of “cabinet confidence”. We were talking about cabinet confidence; they had already done it with the Afghanistan document. They knew we were asking for documents. They could have proposed that we would sit down and see what they could give. Through the ruling, the Speaker is already saying that Parliament has the right to get those documents, and we're not talking about all kinds. We're not looking at the minutes of cabinet and we're not looking at certain things; we're looking at how much it's going to cost Canadians, how much the taxpayer will pay. That's what we're asking. That's a simple question.

I think we already have your first recommendation, if the government wants to participate in it.

Dr. Ned Franks: I believe that Parliament should take an initiative—and I would like to see it start with this committee—on defining what is a cabinet confidence and what isn't, because I believe that the present rules create a lot of the problems. The present rule is that what the government says is a cabinet confidence is treated as a cabinet confidence. What Speaker Milliken I think very courageously has said is that's not right.

Mr. Yvon Godin: But, Mr. Chair, the witnesses we had here yesterday said the same thing, which is that if it's a bill already presented to the cabinet, for the information on how much it's going to cost, it is not the cabinet's right to keep it away from the taxpayer.

Dr. Ned Franks: That was, I believe, what Mel Cappe said to you, wasn't it, among perhaps others?

Mr. Yvon Godin: The lawyer for the House....

Dr. Ned Franks: Mr. Walsh, yes.

Mr. Yvon Godin: The Speaker is saying it.

Dr. Ned Franks: Yes, well—

Mr. Yvon Godin: Everybody's saying it, except the ones who want to keep it away from Canadians, to get the power, as you said.

Dr. Ned Franks: It's an immensely complicated thing, though. I'll give you an example.

Last year and the year before, this House, this Parliament, passed budget implementation acts. In these were bills that in my view really were not implementing the budget but were separate things affecting environmental assessment.

The end product of this is that the number of our environmental assessments being made by the federal government will be reduced by about 6,000 a year. There is a saving because those are not being made, and I suspect the reductions in the estimates of the Department of Environment are because of that.

Now, is that a good thing or a bad thing? I don't know, but what I suspect is that it's not a good thing because I like seeing environmental assessments.

Mr. Yvon Godin: [Inaudible—Editor]

Dr. Ned Franks: But let me just say one last thing here, sir, please. Really, we are in that situation, as I said earlier, of buying a pig in a poke when we pass legislation. We don't know what the cost estimates—

● (1500)

[Translation]

Mr. Yvon Godin: Yes, it's a pig in a poke. We have bought the pig, but we do not know how big it is.

Dr. Ned Franks: A pig in a poke, indeed.

Mr. Yvon Godin: It's a pig in a poke, alright.

However, when we see the situation we have got ourselves into today in this case—even with your recommendations that we want to look at later—I feel that you are clearly saying that we do not have enough information and that, if we decide... You are saying that it is true that we have not been given enough information. We have been asking for the information for four months. Why wait until the last minute? Why did the government wait until the Speaker made the request?

[English]

Dr. Ned Franks: There is a saying—

[Translation]

Mr. Yvon Godin: And the government has gone through this before with the Afghanistan documents.

[English]

Dr. Ned Franks: —in English that was Samuel Johnson's. He said about somebody being hung in England, a criminal, that the prospect of hanging in a fortnight concentrates the mind wonderfully. And it also produces documents for Parliament.

Mr. Yvon Godin: But—

The Chair: Thank you, Mr. Godin. I love the stories, but we are out of time.

Professor Franks, thank you very much for today.

Dr. Ned Franks: Thank you, sir.

The Chair: I know we will see you again tomorrow, so thank you again. I'll excuse you.

Committee, we have a very short discussion to take place—I hope—and we'll go there now. I'll suspend for minute or two.

[Proceedings continue in camera]

● (1500)

_____ (Pause) _____

● (1515)

[Public proceedings resume]

The Chair: Order. We are, at the moment, in public, and we are, at the moment, trying to maintain order and have a peaceful discussion as to what the next steps are in the consideration of the report.

Go ahead, Madame DeBellefeuille.

[*Translation*]

Mrs. Claude DeBellefeuille: Mr. Chair, the translation was not done fast enough just now and I was not able to vote. I would have voted in favour of it being public.

I did not hear your warning, which would have allowed me to vote. They assumed that I wanted to vote against it being public. I was in favour of it being public. I find it disgraceful that an assumption was made about my vote because I did not hear the translation. I find it unacceptable.

[*English*]

The Chair: The chair will take the blame for that. The chair sometimes gets ahead of himself on the translation piece, and did perhaps not leave enough time.

I asked the question, looked for hands, and saw none. If there had been some, I would have—

Mr. Scott Brison: That's a confession—

The Chair: I'm in public, Mr. Brison, and if you'd like the chair, there's a way that could happen, I suppose, but that's going to take a whole bunch of different things to happen. Right now I'm chair.

Mr. Marcel Proulx: We're discussing the vote that didn't happen.

An hon. member: You didn't have a vote.

Mr. Marcel Proulx: How can you be in public?

The Chair: Well, I had a vote.

Mr. Marcel Proulx: No, she just told you that she didn't—

The Chair: I recognize a point of order. Go ahead, Mr. Godin.

[*Translation*]

Mr. Yvon Godin: A point of order, Mr. Chair. You said that there was a vote. You even apologized for moving to the vote too quickly. Some members had no access to the translation.

Will you show some respect for our country's two official languages? Mrs. DeBellefeuille did not have the chance to vote. In my case, I had the translation. We should meet in camera and make a decision once and for all. Mr. Chair, you took the trouble to apologize. We should meet in camera and hold the vote again.

[*English*]

The Chair: Are you moving that we go back in camera?

I will take a vote as to whether it goes back in camera. It has been so moved.

Mr. Scott Reid: A vote to go in camera, if I'm not mistaken....

We've just had a remarkable accusation made by one of the members of the opposition. They have just moved a motion, Mr. Chair, that would have the effect of making it impossible for the analysts to actually effectively write an impartial report. They prejudged us. They said the report can only be two pages long. They said it must find us guilty. They tried to ram this through in private session—

The Chair: Mr. Reid—

Mr. Scott Reid: They've tried to do so in a situation that would have the effect of making it impossible for us to point out the abuse of processes taking place. It's—

The Chair: Mr. Reid—

Mr. Scott Reid: —absolutely outrageous, Mr. Chairman. I have never seen an abuse like this before in my entire career. It is absolutely astonishing, and it was based—

The Chair: Mr. Reid, we're on a motion on whether to move in camera, not on anything else.

Mr. Scott Reid: I understand, but my point is that—

The Chair: I understand that, but I will....

An hon. member: We did not.... [*Inaudible—Editor*]

Mr. Harold Albrecht: I would like to call—

An hon. member: Yes, we did.

The Chair: No we didn't.

Mr. Harold Albrecht: Can I have a recorded vote?

The Chair: You want a recorded vote on moving into camera?

Mr. Harold Albrecht: Correct.

Mr. Scott Reid: They use this only to silence this committee, to force it to—

Mr. David McGuinty: It is a recorded vote on what, sir?

Mr. Scott Reid: That is absolutely outrageous, Mr. Chair.

Mr. David McGuinty: What are we voting on?

The Chair: Mr. Godin has made a motion to move in camera, so I was taking some discussion on that. Mr. Albrecht has asked for a recorded vote on that motion, so we will go to that.

Mr. David McGuinty: Great. Call the vote, Chair. I appreciate that.

The Chair: Thank you.

Madam Clerk, go ahead.

The Clerk of the Committee (Ms. Michelle Tittley): Mr. McGuinty.

Mr. David McGuinty: Sorry, what is the motion? Read the motion.

The Chair: That this committee do now move in camera.

• (1520)

Mr. Terence Young: You want to hide in the dark, hide from the Canadian public.

Mr. David McGuinty: Yes.

The Clerk: Monsieur Proulx.

Mr. Marcel Proulx: Oui.

An hon. member: It's the exact opposite of why we're here. The exact opposite.

An hon. member: Order.

The Clerk: Mr. Brison.

The Chair: Enough.

Hon. Scott Brison: Yes.

The Clerk: Madame DeBellefeuille.

Mrs. Claude DeBellefeuille: Oui.

The Clerk: Monsieur Nadeau.

Mr. Richard Nadeau: Oui.

The Clerk: Monsieur Godin.

Mr. Yvon Godin: Oui.

The Clerk: Mr. Albrecht.

Mr. Harold Albrecht: Absolutely no.

The Clerk: Mr. Armstrong.

Mr. Scott Armstrong: No.

The Clerk: Mr. Lukiwski.

Mr. Tom Lukiwski: Since I think it's reprehensible that neither the media nor the public will be able to see this outrageous motion they're bringing, I will vote no.

The Clerk: Mr. Lukiwski, just so that I'm sure....

Mr. Tom Lukiwski: No.

The Clerk: That was a no.

Mr. Reid.

Mr. Scott Reid: No. Given the fact this is an attempt to find a guilty verdict in the star chamber, absolutely not.

An hon. member: Yes or no.

Mr. Scott Reid: Absolutely not. Given the abuse of process that's gone on here, absolutely not, Mr. Chairman. Absolutely not.

The Clerk: Mr. Young.

Mr. Terence Young: I'm happy to vote no against this dark moment in Canadian parliamentary history.

Some hon. members: Oh, oh!

Some hon. members: Hear, hear!

Mr. Terence Young: Face the voters.

(Motion agreed to: yeas 6; nays 5)

The Chair: Okay. I will suspend while we move in camera.

[Proceedings continue in camera]

• (1520) _____ (Pause) _____

• (1520)

[Public proceedings resume]

The Chair: We'll continue our meeting. We are now back in public. The first order of business is that Mr. McGuinty has a motion to present.

Mr. David McGuinty: Mr. Chair, thank you very much for the opportunity to present a motion here this afternoon. I'm very pleased

that all of the MPs at this committee voted unanimously to have this discussion and debate in public. Thank you also, Chair, for your indulgence in having—

Mr. Scott Reid: It's the second time.

Mr. Terence Young: There's a BlackBerry buzzing.

Mr. David McGuinty: Mr. Chair, could you get the other side under control so that I can move this motion?

The Chair: Let's please get to the moving of the motion, and then we'll get to the speaking list.

• (1525)

Mr. David McGuinty: Thanks, sir.

I'm very pleased to move this motion today. Again, I'm very pleased to move it in public, given all the MPs here agree that this is an important public debate to be had in front of the media, in front of Canadians, so they can come to grips with where this committee is.

I will read the motion into the record first, Mr. Chair, to avoid any confusion. This is the motion that I propose and move immediately. Mr. Chairman, in order to provide direction to the library staff who will prepare the draft report, I move:

That the draft report be no longer than two pages in each official language;

That the draft report contain the conclusions of the committee, namely

(1) that the government has failed to produce all the specific documents ordered to be produced by the Standing Committee on Finance and by the House of Commons;

(2) that the government has not provided a reasonable excuse;

(3) that the documents tabled in the House and in Committee do not satisfy the orders for production of documents; nor do they provide a reasonable excuse;

(4) that this failure impedes the House in the performance of its functions; and

(5) that the government's failure to produce documents constitutes a contempt of Parliament;

That no summary of evidence be included in the draft report.

The Chair: Thank you, Mr. McGuinty.

I would make a ruling that this motion is out of order.

Mr. Marcel Proulx: Challenge the chair.

Mr. David McGuinty: I would then, Chair, challenge your ruling on the question of the admissibility of this motion.

The Chair: We don't even want to know why I'm ruling it out of order; we just want to steamroll the chair. Is it okay if I make the ruling and tell you why?

Mr. David McGuinty: I thought we had this debate earlier, Chair.

The Chair: That was in camera, Mr. McGuinty.

Mr. David McGuinty: I see.

The Chair: We don't share that.

Mr. David McGuinty: Okay. Then maybe you could help us understand why, sir.

The Chair: You're making a motion before the committee has studied evidence that it was given and you're presupposing the direction the committee will take in its final report. That would make the motion out of order.

Do I still have a challenge to the chair?

Mr. David McGuinty: Yes, there is a challenge to the chair's ruling, sir.

A voice: Would you like to do a recorded vote?

The Chair: Sure, let's have a recorded vote.

Mr. Marcel Proulx: Is it a recorded vote?

The Chair: Yes, it's a recorded vote.

Mr. David McGuinty: Could you please restate what we're voting on, so that we all know?

The Chair: The chair is ruling that the motion you just read into the record is out of order on the basis that it's presupposing the report before the evidence has been written by the analysts.

Mr. David McGuinty: Chair, is that the vote?

The Chair: The vote is on whether to sustain the chair's ruling.

Shall the chair's ruling be sustained?

Mr. David McGuinty: The vote is on whether to sustain the chair's decision?

The Chair: Right.

Mr. David McGuinty: No.

The Chair: (Ruling of the chair overturned: nays, 6; yeas, 5) [See *Minutes of Proceedings*]

The Chair: On the motion, I have started a list of speakers. As this is a contentious subject, I will ask, please, from a behavioural point of view, that we behave, or we will suspend until tomorrow on that reason alone.

Go ahead, Madame DeBellefeuille.

Oh, I'm sorry, you haven't had a chance to do your motion, Mr. McGuinty. Please do so.

Mr. David McGuinty: Thank you, sir.

The purpose of the motion, Mr. Chair, is to assist the committee going forward and to assist in particular the drafters of the report, who are charged with a very difficult assignment, which is to try to circumscribe the evidence and deliberations in a very short period of time, as ordered by the Speaker of the House of Commons: it has to be done, completed, and reported back to the House on the 21st of this month.

Given the onerous scheduling tomorrow, Mr. Chair, in anticipation of our dealing with the issue of the Minister of International Cooperation, which is the second part of the reference to this committee, we felt that it would be productive and useful to help circumscribe and to help lend some early shape for the drafters so that they can deal with this onerous task in a very short period of time.

Particularly, I think the idea of having a draft report in two pages for each official language often helps sharpen the proposals or propositions that are put in the final report. I've seen way too many draft reports come in that are verbose. As I have often reminded my former students, verbosity is never a substitute for content, so I think it would be important for us to help the drafters circumscribe the length to two pages. If we can't say it in two pages in each official language, it's probably too long.

The addenda that would follow, of course, would include all of the briefs, all of the submissions by expert witnesses, all the testimony provided, and the transcripts. It's all there, Mr. Chair, as a matter of very public record, having been broadcast, for example, on television, the Internet, and beyond for the last two days.

There are of course all kinds.... The list of substantive reasons to go through to substantiate the points 1 through 5 in this motion is simply too long to cover. It would take me probably until 10 p.m. tonight, Mr. Chair, and I won't do that, but I do want to cite a few fundamental ones to help to substantiate some of the early conclusions that are reduced to writing in this motion.

● (1530)

Mr. Tom Lukiwski: Mr. Chair, I have a point of order.

The Chair: Yes.

Mr. Tom Lukiwski: I don't want to interrupt, but apparently the television cameras aren't on here. I'm wondering why that is, and since the meeting is supposed to be televised and we are in public, perhaps the Canadian public would like to hear the terms of this motion, so why don't we see if we can get them turned on?

The Chair: We'll work on that as quickly as we can.

Mr. Tom Lukiwski: Thank you.

Mr. Marcel Proulx: Should we suspend in the meantime?

The Chair: I'm sure we're going out on audio.

Mr. Marcel Proulx: Yes, but pictures, you know....

The Chair: I know.

Mr. Scott Reid: Especially of you.

The Chair: Mr. McGuinty, carry on, please.

Mr. David McGuinty: Thank you, Mr. Chair.

I want to make a couple of foundational remarks to wrap up. I don't want to be much longer, Mr. Chair, I really don't, but I am inspired by a few statements. Chief among them is the statement by Mr. Stephen Harper, the Prime Minister of Canada himself. I believe he meant this when he said it. I really do. Let me just read the remark into the record again. It is something that he said some six years ago, as reported in the *Montreal Gazette*.

He said:

Without adequate access to key information about government policies and programs, citizens and parliamentarians cannot make informed decisions, and incompetent or corrupt governance can be hidden under a cloak of secrecy.

I think that is irrefutable in its wisdom and irrefutable in its impact. I think it informs the five points put before you today in this motion.

I would also refer the testimony of Dr. Franks—Professor Franks—as also being irrefutable. Each of us can go back and examine the record, as we have with respect to Mel Cappe's testimony and with respect to the testimony from the associate secretary of the Treasury Board and beyond. It boils down to a simple conclusion, and I asked that question earlier today of two cabinet ministers. They refused to answer. I think it's an important question that informs these five points.

With all that has transpired here over the last four months, limited just to this issue that we're treating here in this committee and leaving aside the government's conduct elsewhere—as we should rightly do in this instance—the question to ask of the government and of the ministers who were here today is a simple one: why shouldn't Canadians hold this government in contempt?

With all of the evidence, all of the conduct, all of the performance yesterday—walking in and dropping documents, which only fulfilled 15 of 72 requests—it's interesting, Mr. Chair, how that question is really a question that we're framing for our drafters. I believe deeply that these five preliminary conclusions ought to help inform this difficult drafting job for our parliamentary drafters.

With that, Mr. Chair, I submit this motion for your and the committee's consideration.

• (1535)

The Chair: On the motion, Madame DeBellefeuille, you have the next speaking spot.

[*Translation*]

Mrs. Claude DeBellefeuille: Thank you, Mr. Chair. I supported the motion because I saw it as a work plan, the start of a debate to help us to write our report. But I would like to maybe discuss some aspects.

The last paragraph of the motion suggests that no summaries of evidence be included in the draft report. Perhaps we should give that some thought. Witnesses like Dr. Franks have given us some ideas that could be included. The report is supposed to have two pages. I understand Mr. McGuinty's idea of not having a huge long report, because the issue seems really to be very clear in his mind. I feel it would be fine to soften his motion if we come up with other ideas to improve it a bit. I would also like us to be able to include any significant and necessary testimony in the report.

[*English*]

The Chair: Thank you, Madame DeBellefeuille.

I think you've all been informed that we are on television now, so we're back to that.

Monsieur Proulx, you were next on the speaking list.

Mr. Marcel Proulx: No.

The Chair: You have no comment. Go ahead, then, Mr. Lukiwski.

Mr. Tom Lukiwski: Thank you, Mr. Chair.

I thank members of the media for being here and finally being allowed in.

I would point out that despite the impression that Mr. McGuinty was giving, this was not intended to be public. The opposition coalition did not want members of the media in here. They did not want the Canadian public to see what this is.

The Chair: Mr. Lukiwski, I will just issue a blanket warning of being careful of what was in camera and what was not.

Mr. Tom Lukiwski: Mr. Chair, I won't breach any in camera privileges, but for a period of time—and correct me if I'm wrong—we were in public, right? A motion I made put us in public. While

we were in public, the opposition was squealing that this was undemocratic and that they wanted to go in camera. Eventually, we did go in camera. I won't point out what happened in camera.

The Chair: Go ahead, Mr. Godin.

[*Translation*]

Mr. Yvon Godin: A point of order, Mr. Chair.

If Mr. Lukiwski wants to start talking about that, we will have to say that the francophone party did not hear your order, and then we will be skating on very thin ice. Mrs. DeBellefeuille was entitled to hear the chair. There was no translation. That was just a technical problem. Do not point fingers. That's all I have to say.

[*English*]

The Chair: Since you've just said it anyway, I guess you'll be tempted to say it. You have just said it, so....

Mr. Lukiwski, you're back on.

Mr. Scott Reid: Mr. Chairman, on a point of order, I want to point out that seeing that the other side is now very particular about keeping secrets and not violating in camera convention, that too happened in camera.

The Chair: Yes.

Mr. Tom Lukiwski: Let's talk about the motion. It is absolutely unbelievable to me that after two days of testimony, the opposition coalition would come together to present a motion that basically gives the conclusion to a report before the report is even written.

We know that the Liberals came in here with an endgame of trying to find the government in contempt, but to do something like this, Mr. Chairman, is unfathomable, in my estimation. What they could have done—and what they clearly had the ability to do, since the coalition does have the majority on committee—is that once the draft report was brought back to this committee by the analysts as an impartial assessment of the testimony that we heard, I'm sure the opposition coalition could have then used their power of numbers to make recommendations calling for the government perhaps to be found in contempt. In other words, they could have overturned any of the recommendations or any of the information contained in the report.

Instead they bring forward this motion, which is unbelievable. First and foremost it states that the committee report shall be no more than two pages in length. We've heard several hours of testimony. We've heard two ministers appear twice before committee and a minister of state appear for an hour. We've had many other witnesses, and many of them gave information conflicting with the opposition's position, by the way.

This report, in my estimation—and I've seen a few reports brought back to committee in my career—would have no chance whatsoever of being less than two pages in length had it run its due course, but the opposition, of course, wants to restrict the information contained in the report. They want to restrict information that was given in testimony before committee members, and even more obscene is the fact that they are trying to pass a motion that finds the government in contempt without the benefit of any testimony included in the report.

Mr. Chair, I don't know if anyone in this Parliament or any historian who has been observing Parliament for the last 50 years or more can find an example of a committee passing a motion either condemning the government or praising the government or coming to a conclusion before a draft report was presented by its analysts. There is no unanimity here, obviously, Mr. Chair. It is the opposition coalition merely trying, for some unknown reason, to come up with a conclusion before a report is presented to committee.

I honestly don't know what their endgame is in doing this. Do they think for a moment that the media are going to give them a free pass on this, that the media will agree that this is perhaps appropriate? It's far from being appropriate, Mr. Chair.

We can have our differences, and we do. We have severe differences on political ideology and philosophy on government programs and on our vision, but to pull something like this.... On the one hand they are complaining that the government has been secretive and manipulative, while on the other hand they are bringing forward a motion like this. It basically says that the two days of hearings we've had are meaningless, that they mean nothing, because they don't want the testimony that was given to be read in a report. They just want to have a motion passed that says that the government is in contempt and didn't comply with the Speaker's ruling. They do not want this report to be made public, Mr. Chair. They do not want testimony to be part of the public record.

Let's review some of that testimony, Mr. Chair. We've had the two ministers in question appear on two different occasions over the last two days. They presented binders of information, information that the government has stated fully complies with the Speaker's ruling, yet none of that information, Mr. Chair, is apparently going to be included in the final report if the opposition coalition has its way.

• (1540)

They come here full of sanctimony and pious indignation, stating that they oppose the government's approach because it hasn't been open and accountable to Parliament, and then they come up with this motion that absolutely prevents any direct testimony from being presented in a report.

Again I point out what members of the media know full well, because they saw the ushering in and out of this room by guards and officials who were trying to prevent them from seeing this motion, but they have seen it now, Mr. Chair. The media are aware of this; hopefully the Canadian public will become engaged as well, and whether or not, Mr. Chair, members of the Canadian public agree or disagree—

• (1545)

Hon. Scott Brison: Chair, I have a point of order.

Mr. Lukiwski referred to the disagreement earlier about the in camera versus public sessions. That disagreement occurred because there were members of the committee from the Bloc and the NDP who felt their rights as parliamentarians were being violated by a vote that did not provide them, through translation, with the information on the vote prior to the vote. In Canada we're proud to be a bilingual country; our institutions respect bilingualism, and I think it is shoddy, as well as disrespectful of this committee and of Parliament, for Mr. Lukiwski to keep referring to that.

The Chair: Mr. Brison, I will make the rulings on the points of order. It's a very nice ruling that you've made, but it really will be up to the chair to make them.

Mr. Lukiwski, you still have the floor.

Mr. Tom Lukiwski: Thank you.

Then let's talk about being disrespectful. What is this? What is this motion before us, except the height of disrespect of Parliament? This motion suggests that we should ignore the testimony we've heard over the last two days and come to conclusions based on an opposition motion. That's exactly what this is saying. There is nothing more disrespectful than that.

Over the last two days I've heard members of the opposition complain on countless occasions that there have been abuses of power, abuses of government, and abuses of Parliament. There is no bigger abuse that we have seen in recent history, in my view, than this motion. This motion basically tries to craft a report through the tyranny of the majority, without any testimony and without any evaluation by our analysts, who are non-partisan in nature and who have over time provided excellent service to every committee in the Parliamentary precinct. Talk about an abuse of a majority.

When the Speaker ruled last year, he said that there is something called a tyranny of the majority, and he was right. He was referring to committees, and this is the best example we can see.

Why are the opposition members so afraid of seeing a report based on the testimony that we have received today? Obviously we know that the Liberals want to find a ruling of contempt so that they can use it for their own political purposes, but why in the world are they bringing forward a motion like this, which totally abuses and disrespects the conventions, policies, procedures, and practices of Parliament?

The Chair: Do you have a point of order, Mr. Godin?

[*Translation*]

Mr. Yvon Godin: Yes. Mr. Lukiwski is saying that the opposition has come to an agreement on that. It is a motion, we have agreed that the motion be introduced at the committee, but that does not mean we agree on the motion itself. There are some things we want to change. Personally, speaking for the NDP, I want to change some things in the motion. He is accusing all the opposition and I don't agree with that.

I would like you to acknowledge that the motion has not been passed. We have not had a chance to make amendments. So he shouldn't be putting everyone in the same boat.

[English]

The Chair: I will agree that from time to time partisan comments are made at committee and I will chastise Mr. Lukiwski to watch that he doesn't make conclusions for you in the future. We'll allow you to discuss the motion also.

Continue, Mr. Lukiwski.

Mr. Tom Lukiwski: What I point out, Mr. Chair, is that there was a willingness from all members of the opposition to bring this motion in its current language before this committee, but anything could have been done in terms of recommendations after we saw the draft report. If Monsieur Godin or anyone else tries to back out of this now that they're having to defend their position publicly—

• (1550)

Mr. Yvon Godin: I have a point of order, Mr. Chair.

Mr. Tom Lukiwski: If they want to try to back out of this by saying, “Well, just a minute; we may want amendments—”

The Chair: Go ahead on a point of order, Mr. Godin.

[Translation]

Mr. Yvon Godin: Yes, Mr. Chair. Again, he's saying that the opposition is thinking along the same lines. And I don't agree that there be no summary of evidence in the draft report. I am ready to make an amendment on that. He is also putting words in..., which is not right. Some of the things he says are not right.

[English]

The Chair: Monsieur Godin, you are on my speaker's list; when Mr. Lukiwski is done, you'll get to make your points.

[Translation]

Mr. Yvon Godin: Could he please stop saying things that are false? Through you, Mr. Chair, I ask that Tom Lukiwski stop saying things that are false.

[English]

The Chair: Continue, Mr. Lukiwski.

Mr. Tom Lukiwski: I'm not saying anything that is false. I'm expressing my opinion, as obviously the coalition opposition has done by the drafting of this motion.

An hon. member: Hear, hear!

Mr. Tom Lukiwski: Let's read what this says, for goodness' sake: “That the draft report contain the conclusions of this committee”. We haven't even reached any conclusions yet.

Mr. Marcel Proulx: We have.

Mr. Tom Lukiwski: Yes, of course you have. I'm glad, Marcel, that you've admitted that you want to see—

The Chair: Gentlemen, ladies, members of the committee, please comment through me so that you won't yell at each other. That will help a lot.

Mr. Tom Lukiwski: Thank you, Chair.

Through you, Mr. Chair, I'm glad to see that Mr. Proulx has admitted that they wanted to come to this conclusion without any testimony, without any committee hearings. I suppose, Mr. Chair—

The Chair: Go ahead on a point of order, Mr. Proulx.

Mr. Marcel Proulx: Mr. Chair, I appreciate your help, but maybe you should get Mr. Lukiwski back in order—

The Chair: I will make that ruling, Mr. Proulx—

Mr. Marcel Proulx: —so that he doesn't tell lies in regard to my comments.

The Chair: You, I also see, have the ability to be on my speaker's list, and we'll let you—

Mr. Marcel Proulx: What? I'm not there?

The Chair: I know, but you have the ability to be there.

Mr. Scott Reid: I have a point of order.

The Chair: Go ahead on a point of order, Mr. Reid.

Mr. Scott Reid: I may actually have misheard, but it sounded to me as though the member just used an unparliamentary word. I'm sure that if that's the case, he'd want to withdraw it and submit some other word that says the same thing, even in a derogatory manner, so that he doesn't use the unparliamentary word.

The Chair: Monsieur Proulx, do you have a comment? Nothing.

Continue, Mr. Lukiwski, please.

Mr. Tom Lukiwski: It's unfortunate, since everyone did hear him say “lie”, which is unparliamentary, but since he doesn't want to apologize, perhaps that says something about.... I won't even go there.

This motion, Mr. Chairman, not only says that it wants the draft report to contain conclusions—the conclusions of the opposition coalition—but also states that no summary of evidence should be included in the draft report. I appreciate the fact that members of the Bloc Québécois say that perhaps they'd want to amend that, but why in the world would they allow this motion to come forward to begin with?

I point out the obvious, once again. Had the analysts been able to do their work, which is the norm in Parliament, and present a draft report to this committee based on testimony heard, recommendations and conclusions could be made and could be amended by the committee, but it seems the opposition coalition want to circumvent that process and do not want to abide by parliamentary procedure. They merely want to try to make some partisan political points, some cheap political points, as they try, Mr. Chairman—

The Chair: Go ahead on a point of order, Mr. McGuinty.

Mr. David McGuinty: Thank you, sir.

I just wanted to inquire about something from you, Mr. Chair, on a point of order. We've been led to understand that the Parliamentary Budget Officer's report has been submitted to this committee for our consideration, and that it's in our possession here. Can we facilitate its distribution today?

The Chair: I think that.... We'll deal with the one issue first. We have a motion before us. Let's—

Mr. David McGuinty: Then we have the report, Mr. Chair?

The Chair: I have it delivered. I haven't seen it, so I don't know if it's translated or what we have. Let's wait and finish where we are.

Mr. David McGuinty: Thank you, Chair. I just wanted to inquire. Time is of the essence, so I just wanted to double-check.

The Chair: That I recognize.

Mr. David McGuinty: Thank you, sir.

The Chair: Continue, Mr. Lukiwski.

Mr. Tom Lukiwski: Thank you. I was just waiting for the microphone to come on, Mr. Chair.

Again, the opposition coalition wants—let's make sure that everyone is perfectly clear about what this motion states—the final report not to be assembled and written by the analysts. It wants it to be a report that is no more than two pages in length. It wants the report to come to some specific conclusions, conclusions that may be completely contrary to the testimony that has been heard here over two days, and it wants no summary of evidence to be included in the draft report.

My colleague Mr. Reid called this the “star chamber”. I can think of no better term than this.

We heard Mr. Franks talk about the games that parliamentarians play. There's no better example than this.

We've heard Mr. Walsh say that if you've got the numbers, you win, and if you don't have the numbers, you lose.

All of that is very true, Mr. Chair, but it flies in the face of, it directly contradicts, this sanctimonious approach that the opposition coalition has taken over the last two days. It flies in the face of that. This has been proven without a doubt by this motion. Mr. Chair, I suggest to you, and to any Canadians who may be watching, that this is not only an abuse of the parliamentary process; it makes a mockery of the parliamentary process.

I asked this question of a couple of our witnesses: if the opposition was hell-bent on coming forward with a finding of contempt and it was predisposed to that conclusion before the committee started its hearings, what worth does this committee have? Why did we even engage in these hearings? There's no reason.

I've heard time and time again the sanctimony from the other side of the table when they say that we have to respect the taxpayers' dollars. What is this except a complete misuse of taxpayers' dollars? In bringing this committee together for two days—bringing officials from the Department of Finance, ministers of the crown, and parliamentarians from across Canada—in fact it had no intention of listening to testimony, no intention of having testimony included in the final report, and no intention to give a fair and impartial accounting of what we heard today. All its intent was, Mr. Chair, was to use this as a vehicle to present this motion at the conclusion of the two days of hearings. It does not want impartiality. It does not want reasoned documents being presented. It does not want the truth. All it was looking for, Mr. Chair, was a vehicle to try to force an election.

Apparently, Mr. Chair, the opposition seems to think that actions like this—complete abuse of the democratic process, the parliamentary process—will be valuable for it if there is an election campaign coming, an election that it desperately seems to want to force.

Let me point out again for the record, Mr. Chair—as I have on countless occasions over the past months, as has our Prime Minister—that our government does not want an election. Canadians do not want an election. We want to focus on the priorities of Canadians, those being job growth and the economy, but it is vividly apparent that the opposition doesn't care about or share in those priorities. All it is trying to do, as it has done countless times in past years, is to try to create scandals where none exist.

Mr. Chair, we have heard the Speaker's ruling. We agree with the Speaker's ruling. What the Speaker said was he felt there was insufficient information concerning the costs of government legislative bills, primarily the costs of corporate tax cuts and the costs of our government's crime legislation.

• (1555)

The motion then, Mr. Chair, was sent before this committee. We said at the outset that we would comply with the Speaker's ruling and would be attempting to provide all the information that the Speaker requested—

[*Translation*]

Mr. Yvon Godin: A point of order, Mr. Chair.

[*English*]

The Chair: Go ahead, Mr. Godin, on a point of order.

[*Translation*]

Mr. Yvon Godin: Thank you, Mr. Chair.

As you know, yesterday, the committee and the clerk were asked to obtain Mr. Page's report. Now that Mr. Page's report has been received—it will soon be 4:00 p.m.—members of Parliament have a right... Based on the principle of transparency, and if it is the wish of Canadians, this document should be made available to the Canadian public. For some time, Mr. Lukiwski has been saying that Canadians have a right to know. So we want to make sure that this is made public.

As a member of Parliament, I have a right to have the document. So I would appreciate it if could be circulated now.

• (1600)

[*English*]

Mr. Pat Martin: That's a good point.

The Chair: We would be happy to have it distributed. It's strange to distribute documents that won't be attached to the report, but we'll do so.

It being four o'clock, we will adjourn until tomorrow morning at nine o'clock.

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