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Chair

Mr. Joe Preston

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•(0830)

[English]

The Chair (Mr. Joe Preston (Elgin—Middlesex—London, CPC)): I call this meeting to order.

I will give a couple of minutes to the reporters to give us a chance to hold our meeting.

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): Mr. Chairman, I believe this gives the wrong subject for this report.

The Chair: Thank you, Mr. Reid. You're right. The cover report of the draft document is for a different study, and we will get those cover pages changed. It was to make sure they got out to the right members.

First of all, we will start our meeting. Welcome. It's good to see you all back from your weekend.

I would like to suggest, since this report was just handed out, that we actually give ourselves 15 minutes to read through the report. Is it appropriate that we suspend for 15 minutes and then come back and look at the document?

Is there any discussion on that?

Seeing none, we will suspend for 15 minutes.

•(0830)

(Pause)

•(0900)

The Chair: Let's call the meeting back into session, please.

We've all had a chance to read this, or at least have had a good start. I'm going to recommend, since we allowed the time for each member to review the documents, that we not have the analysts start off with a summary. They're here to answer your questions as we get to each piece as to how the document was developed, so we'll just go that way.

I'm going to suggest that we start at the beginning and work our way through to the end. These documents usually are easier at the beginning and may grow tougher at the end. I don't want to presuppose how we'll do this, but let's start there.

On the first page, we have paragraphs 1, 2, 3, and 4.

Mr. Proulx.

[Translation]

Mr. Marcel Proulx (Hull—Aylmer, Lib.): Thank you, Mr. Chairman.

[English]

In paragraph 3 of the French version, two extra words could be taken out of the third line. In the French version,

[Translation]

it says: “[...] of the following information within seven calendar days [...]”. If we remove the word “following”, the sentence would read as follows: “[...]a second motion [...] ordered the government to provide FINA with electronic copies of the information within seven calendar days [...]”

[English]

The Chair: Is everyone all right with that change in the French version?

Some hon. members: Agreed.

The Chair: Okay.

Is there anything else in paragraphs 1 through 4? We recognize that paragraph 4 carries on to the second page also.

Seeing nothing, can we accept paragraphs 1 through 4?

Some hon. members: Agreed.

The Chair: Great.

Let's take 5 and 6 next.

Mr. Brison.

Hon. Scott Brison (Kings—Hants, Lib.): Both 6 and 7 lack pertinence to the report. Mel Cappe, Rob Walsh, and the Speaker all affirmed Parliament's right to know as overriding and consistent with the Constitution, so I'm not sure that 6 and 7 add anything new or pertinent to the report.

I would propose that we strike 6 and 7.

The Chair: Mr. Reid, on that point.

Mr. Scott Reid: First of all, just to keep this orderly, could we go back and deal with number 5? I assume that part of what Mr. Brison is saying is that number 5 is okay.

We were doing 5 and 6, and now we're doing 6 and 7.

The Chair: I am doing 5 and 6.

Do you have something on 5?

Mr. Scott Reid: No, I have nothing on 5. My point is that it's very hard to deal with this when we suddenly arbitrarily shift from what we were discussing to some other thing here.

Let me go to number 6. It deals with the issue of cabinet confidences and what they are, and gives some explanation. I didn't hear Mr. Brison express any concern that the information here was incorrect, so I assume he doesn't have any problem with that.

This does stress that "it is essential that ministers be able to speak freely with the assurance that their remarks will be protected." That is, they can speak in cabinet privately. As well, "It is specifically the private nature of their proceedings that is protected by the privilege associated with Cabinet confidences."

This is the key part in paragraph 6 that is highly relevant: "The fact that ministers take the Privy Council oath, which obliges them to keep secret every matter discussed in their meetings, illustrates the importance of this principle."

Lest we assume that it is the obligation of ministers to wantonly reveal everything or to respond to every request for information provided, they are actually under a legal obligation. They've taken an oath to speak of nothing unless it is precisely requested from them. I don't think anybody doubts the idea that Parliament has the right to issue demands for a wide range of documents and to demand that, when a minister is brought here, they provide oral responses to questions that are asked, but in the absence of such a specific request, they are bound by an oath to keep these things secret.

Paragraph 6 specifies that "The privilege associated with the confidentiality of Cabinet proceedings is established in three... separate federal statutes: section 69 of the Access to Information Act, section 70 of the Privacy Act and section 39 of the Canada Evidence Act." I think this is highly relevant to the discussion, because it explains what laws the ministers were attempting to conform to.

So actually, Mr. Brison, this is highly relevant and highly germane to the subject matter at hand.

• (0905)

The Chair: Mr. Young, I think I had you next and then Mr. Albrecht.

Mr. Terence Young (Oakville, CPC): Thank you, Chair.

What we have this morning is the same as what we had last week, which is the opposition coalition trying to hide information from the media and the Canadian public, information that is really critical to this issue.

When they went in camera and tried to pass a motion limiting this report to two pages, they had no evidence. Now they come back here after the weekend, it's Monday morning, and they're trying to eliminate essential evidence. Cabinet confidence really goes to the essence of what we spent three days doing last week; that is, trying to find a balance between what should be a cabinet confidence and what information committees should be able to have. That's what we're supposed to be deciding, and it should be an open process.

The opposition is trying to eliminate the very essence of what all these hearings have been about. We had two ministers come. We had Minister Nicholson and Minister Toews. They spent two hours, and then the opposition complained, so they cancelled their plans and came the next day for more time. They had Minister Oda for two hours. We've given them everything they want. We gave them a book this thick with factual information that they didn't want to hear,

as evidenced by their questions and their speeches, which went on and on. They didn't listen to the answers.

I want to thank the analysts for this report. Thus far, I've zipped through it quickly in 15 minutes. These sections are absolutely of the essence. What is a cabinet confidence? There's a reference in the report to Madame Sauvé, former Speaker of the House of Commons, who said it's the government's prerogative to decide when documents are of a confidential nature. That's of the essence as well. I go over to paragraph 17, in which the former Clerk of the Privy Council—

The Chair: We're on paragraphs 5 and 6 at the moment.

Mr. Terence Young: There's a reference there to "good government requires openness...but [sometimes also] requires secrecy", and the opposition knows that. That's what we're talking about. I assume that's why the analysts put it right up front in the report—because it's so important to this report. To try to eliminate this section is mischief on behalf of the opposition. They're trying to hide information from the media and the Canadian public. I guess they're going to try to hone this report back down to two pages so that it says only what they want it to say to accommodate their coalition plans. It's outrageous to try to take these paragraphs out, Chair.

Thank you.

The Chair: Thank you.

Mr. Albrecht.

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Thank you, Mr. Chair.

Perhaps if we just step back, Mr. Brison may be thinking that we're still dealing with the original motion they presented, which did limit the report to two pages and did specifically exclude any summary of evidence. I need to remind Mr. Brison and the committee that the committee unanimously adopted an amendment to remove those two sections from that original motion. We need the summary of evidence that was given to the committee. Definitely, this paragraph 6—and 7, if we get to it later—gives a great summary of some of the evidence that was given. Mr. Chair, I think it's critical that this find its way into the narrative of the report.

• (0910)

The Chair: Thank you.

Mr. Godin.

[*Translation*]

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Chairman, I know that Mr. Young always likes to talk about the coalition. I would like to ask him to respect our work, as a member of Parliament and member of a political party. We are independent from all other political parties. I don't know if it amuses him to do that, but he can't speak for us.

We see that the motion as presented to the committee last week was amended with the support of the opposition. That is why today we have a thicker document, which contains a report.

Mr. Chair, I am not worried about those paragraphs. They do define cabinet's responsibility quite precisely. I think that all of this has been well explained here. Cabinet has the right to keep the minutes of its meetings, and certain documents, confidential. However, it was clearly said that when a bill is introduced, members have the right to have all of the information so as to be able to vote. They must know what they are voting on. They must be able to debate the bill in the House of Commons. That is the responsibility of members, of the opposition.

I don't see why we should remove that part. I read the report and that is very clearly explained. There will be other testimony in this report stating that we did not receive the information that we should have received within the prescribed timeframe.

It only says that cabinet has certain rights. Parliament may express positions on certain things, and if we want information to be disclosed, there is a process that allows for that. Clearly we were not given the information that we should have had as representatives of the people. We had to wait four months before receiving the documents. Mr. Young is trying to make us believe that cabinet gave us a nice package last week and that we should be satisfied with that. However, even as we look at this big package that he gave us—someone even said that it would take us until July to read all of it—we see that we still have not received some of the information we wanted regarding costs.

It only says that cabinet has certain rights. I have absolutely no problem with that. Yes, it does have rights, but we have rights too, and that will be mentioned in the document.

[English]

The Chair: I have Madame DeBellefeuille, Mr. Brison, and then Mr. Lukiwski.

[Translation]

Mrs. Claude DeBellefeuille (Beauharnois—Salaberry, BQ): Thank you, Mr. Chair.

Firstly, like Mr. Brison, I think that paragraphs 6 and 7 do not necessarily provide information that might enlighten us in the report. However, they are very instructive. The committee discussed the issue of cabinet confidentiality and cabinet secret at length. That was the topic of a lot of discussion. We tried to apprise ourselves of the definition, and so on. Since we devoted a lot of time and debate to this, I think it is important that these points remain in the report.

Whether paragraphs 6 and 7 are included or not does not really make any difference to me, since I took part in the debate. However, I think it is important that they stay in the report for those who will be reading it.

[English]

The Chair: Mr. Brison.

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

My proposal was a constructive one, and contrary to Mr. Young's rhetorical flourish, it's obvious there's no coalition around this. I'm fine with leaving them in. I just don't see that it adds much, given the testimony of Mr. Cappe, Mr. Walsh, and others. I'm absolutely fine with leaving them in as well. It's not a huge deal for me at all.

The Chair: Thank you, Mr. Brison.

Hon. Scott Brison: There seems to be a coalition to keep them in.

Voices: Oh, oh!

The Chair: Mr. Lukiwski, on this point still or...?

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): Yes, quickly. It appears that with Mr. Brison's acquiescence we're going to keep the paragraph in.

I was just going to say that I agree with Monsieur Godin. Frankly, until we get to paragraph 15, the first 14 paragraphs are basically setting the stage, just saying what is, and then we get into testimony from witnesses. That's when there's going to be some discussion here. I see no reason to eliminate anything, actually, up to paragraph 15.

• (0915)

The Chair: Well, let's see if we can get there, then.

Are paragraphs 5 and 6 okay with the group?

Some hon. members: Agreed.

The Chair: Is 7?

Some hon. members: Agreed.

The Chair: It's okay with the group.

Are there any comments on paragraphs 8, 9, and 10? Seeing none.... You're being very cooperative now, and we like that.

Mr. Yvon Godin: It's a new coalition.

The Chair: The chair is not included in that.

On paragraphs 11, 12, 13, and 14 on that page, there are no comments, so we will accept them as written?

Some hon. members: Agreed.

The Chair: I'm hearing sighs of relief from the analysts, by the way.

Are there any comments on paragraphs 15, 16, 17, and 18 on page 5?

Mr. Lukiwski.

Mr. Tom Lukiwski: I'm going to refer to Mr. Cappe's testimony, and I'm going to be quoting a little bit from the—

Mr. Marcel Proulx: Which paragraph is that from, Tom?

Mr. Tom Lukiwski: Well, it could be added as a separate paragraph. I'm just saying that in the body of Mr. Cappe's testimony, there was some information he presented at committee that is not included here. It was in response to a question I had asked, and it basically said that our government had provided information that flowed out of the cabinet documents. In other words, we didn't breach cabinet confidence because we didn't produce cabinet documents, but we produced information that flowed out of those documents, which was first tabled in the House back in February. Mr. Cappe responded to that—and I'm going to quote here:

but I would say that the approach you have described is correct: you don't reveal a cabinet confidence, but the information that was presented and that went into the decision-making is now relevant to Parliament and should be disclosed. We heard both the Minister of Justice and the Minister of Public Safety say that the binders do not contain cabinet confidences, but they do contain the information you need. I'm not passing judgment on whether that's the right information, but that's what they said, and I think that's the right approach.

I think that's relevant to the discussion we certainly had, and it's obviously factual since Mr. Cappe is quoted here, and I think it should be included in the report.

The Chair: Are you suggesting a spot for us, another paragraph above paragraph 17?

Mr. Tom Lukiwski: Given the way it flows, Chair, I think it should probably be an additional paragraph after the current paragraph 18.

The Chair: Okay, so it would become a new paragraph 19.

Is there anything else on that topic and on paragraphs 15 through 18?

Madame DeBellefeuille.

[Translation]

Mrs. Claude DeBellefeuille: Mr. Chair, does the interpreter have the English text so that she can provide me with a good interpretation? It is difficult to understand. Would it be possible...

[English]

The Chair: We'll make sure that happens.

Mr. Tom Lukiwski: I appreciate Madame DeBellefeuille's concerns. I'll see if we can get the transcript *en français*.

The Chair: We're trying.

On that topic, while we're waiting, we'll go to Mr. McGuinty.

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

Mr. Lukiwski, I know you read a direct transcript, but just in simple, plain English, what is the purpose of adding this? If the researchers and analysts didn't consider it material in the draft, what are we trying to say here?

Mr. Tom Lukiwski: The discussion was originally about what constitutes a cabinet confidence. There was much discussion about how cabinet confidence should be protected and should be kept confidential. Mr. Cappe was quite clear on that in his opinion that cabinet confidence should not be disclosed to any committee. He had never done that once in his tenure as Clerk of the Privy Council during the Chrétien years.

What I'm saying here is that I think there's a clear delineation. There is information contained in a cabinet document that should be kept confidential, but the information that flows from that is the information that should be made available and public to the committee. And I think that's a distinction that has to be observed.

So in future, if any government says it's sorry because it can't forward the information because it's a matter of cabinet confidence, it would be on record that while that may be correct, the information that's contained in there—if it can be drawn out and presented—should be made available to the committee.

I'm not sure if that distinction has been included in any other area of the report.

• (0920)

The Chair: Mr. McGuinty....

A point of order, Madame DeBellefeuille.

[Translation]

Mrs. Claude DeBellefeuille: On a point of order. I cannot take part in the debate because I did not clearly understand what Mr. Lukiwski is proposing. Could you allow the interpreter to provide a translation so that I can take part in the debate and understand what is being discussed properly before we continue, please?

[English]

The Chair: Thank you.

I was just getting that intervention in, and now let's see if we can get that. Do we have it to read?

Mr. Tom Lukiwski: Mr. Chair, I think the interpreters have the section I quoted, so they should be able to do it *en français*.

The Chair: We're getting it.

[Translation]

Mrs. Claude DeBellefeuille: The text is available in English and so you will have to translate it yourselves. I see no other solution.

[English]

Mr. Marcel Proulx: The interpreter is asking if we have the translated text in French because what she has now is the English text.

The Chair: Right. I know it's in the blues. The interpreters have the evidence in hand now. We would ask them to give an interpretation and to read that evidence.

Madame DeBellefeuille, did you want to make an intervention at this point?

[Translation]

Mrs. Claude DeBellefeuille: No, not right away.

[English]

The Chair: Mr. Brison, and then Monsieur Godin.

Hon. Scott Brison: On Mr. Lukiwski's point, in the discussion, Mr. Cappe said, "I'm not passing judgment on whether that's the right information". He was recognizing that there is a legitimate case for cabinet confidence in certain cases. I don't think anybody at the committee disagrees with that, but on more than one occasion during his testimony, Mr. Cappe—and the researchers included this—also maintained that the government's decision to invoke cabinet confidence had been unfounded. Further, Mr. Cappe affirmed that he considered the decision to not provide this information to be unjustified.

We all agree with the principle of cabinet confidence, but in this case, which is what we're dealing with, Mr. Cappe said on more than one occasion during his testimony that cabinet confidence in this case had been unfounded. He also said that using cabinet confidence to protect this specific information was "unjustified".

I'm being constructive; I'm just not certain of the pertinence of it.

Mr. Scott Reid: Mr. Chair, could you tell me where this is in the testimony? I have Mr. Cappe's testimony here. I'd like to find that.

Mr. Tom Lukiwski: It's in paragraph 18.

• (0925)

Hon. Scott Brison: I'm reading from the report from our researchers:

18. Mr. Cappe also maintained that the government's decision to invoke Cabinet confidence had been unfounded.

Mr. Scott Reid: I thought you were referring directly to the—

Hon. Scott Brison: No, I am referring to the report. I think we all remember Mr. Cappe saying that.

Mr. Scott Reid: I actually don't remember it, but I don't doubt that the analysts have looked through the blues in compiling this.

The Chair: Let's go back to our speakers list and see if we can handle it in the normal fashion.

Monsieur Godin.

[Translation]

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

I remember that that was said. Moreover, it is included in paragraphs 17 and 18, in that context. I think that Mr. Lukiwski's suggestion is a red herring. What Mr. Mel Cappe told us was clear. He insisted on the fact that confidential cabinet documents must be protected, without necessarily depriving parliamentarians of the information necessary to their decision-making within the context of their duties. Yes, cabinet has the right to decree that certain documents are confidential, but parliamentarians must not be deprived of the information necessary to their decision-making. That is indeed why our committee is examining what happened. A good government must show openness. We all agree that a good government needs certain documents to be kept confidential, but a good government must show some openness as well. Waiting four months before acting is not showing openness; being pushed to act by the Speaker is not openness either. The Speaker's decision has brought us here. The government, left to its own devices, would not have been very transparent.

I support what Mr. Brison said regarding paragraph 18, which reads as follows:

Mr. Cappe also maintained that the government's decision to invoke cabinet confidence had been unfounded. In his view, once a bill has been introduced, the costs of that bill cannot be considered a cabinet confidence and must be provided to parliamentarians to enable them to arrive at an informed opinion.

I think that what Mr. Mel Cappe said is very clear. Documents may be protected, but in this case the bill was tabled and there was no further reason to do so. I think that this really reflects what Mr. Mel Cappe meant when he spoke here. I think that we should leave the text as is.

[English]

The Chair: Thank you.

Mr. Reid.

Mr. Scott Reid: Thank you.

I've had a chance to go through the blues and find the exact wording. There was an exchange between Mr. Brison and Mr. Cappe, which is no doubt why Mr. Brison remembers it so much more intimately than the rest of us. Mr. Brison is asking Mr. Cappe some questions, Mr. Cappe is responding, and then Mr. Brison says:

And using cabinet confidence as a reason not to provide those costs to Parliament once the legislation is tabled is wrong?

Mr. Cappe responds:

I've let you put words in my mouth up until now; I'm going to back up on this and say that I think it's unjustified.

There are two things here. First of all, I think the word "unfounded" is not the right word. If you want to use "unjustified", that would be a more accurate statement. So I might suggest that.

The second thing is that I think it's reasonable to point out that Mr. Cappe did not think it was wrong, and when that word was suggested to him he specifically rejected it. I think there's a very important distinction to be made there. I do think the text should reflect that. I don't think we should have a big fight over that, but I do think that's a significant point—unjustified, but not actually wrong.

The Chair: Okay.

Mr. Lukiwski, and then Madam DeBellefeuille.

Mr. Tom Lukiwski: Thank you, Chair.

In response to Monsieur Godin, frankly, I'm not sure why, Yvon, you're not agreeing with him. I'm not trying to pull anything here. What you were saying is exactly what I had just suggested. What Mr. Cappe said was you don't reveal cabinet confidences—we all agree with that, as you pointed out—but you do disclose the information that comes out of the cabinet confidences and you do disclose what went into the decision-making. Right? I'm basically just saying that we should ensure that that's on the record, so that if a future government refuses information to Parliament because of cabinet confidence, it's on the record that a previous report stated, that's fine, we respect cabinet confidence, but you still have to give us information about the issue; you don't have to give us the document, you don't have to give us the MC that went to cabinet, but you have to give us the information that is contained in the document that's relevant to the request by Parliament. That's all I'm saying.

That sets it out pretty clearly, because nowhere in Mr. Cappe's testimony in this report that I see does it really set it out that distinctly. It talks about the right to refuse cabinet confidence. Whether or not one is justified or unjustified is an opinion of Mr. Cappe's, but it doesn't really talk about the bigger picture, which is that nobody wants to reveal cabinet documents, but information that is contained in there, if it's germane to the issue at hand, could and should be released.

• (0930)

The Chair: Madame DeBellefeuille.

[Translation]

Mrs. Claude DeBellefeuille: I understand what Mr. Lukiwski means, but when I read the French version of paragraph 17, I really think that he shouldn't worry too much. Indeed Mr. Cappe said very clearly that the government needs a certain degree of confidentiality. It must however show judgment in determining in which situations it can deprive Parliament of certain documents.

I find that paragraphs 17 and 18 really reflect Mr. Cappe's testimony. In fact, he is quoted verbatim in paragraph 17: "Good government requires openness [...], but good government also requires secrecy." I think that he agrees that a government also needs to be able to keep certain things secret. In paragraph 18, he qualifies his statement, saying that when a bill is made public, secret and confidentiality no longer apply.

I am of the opinion that paragraphs 17 and 18 really reflect the spirit and nuances of Mr. Cappe's testimony very well.

[English]

The Chair: Mr. Brison.

Hon. Scott Brison: Yes, to that point, Mr. Cappe is very strong in his defence of the principle of cabinet confidence, and the researchers have reflected that in the report. I would view it as constructive if Mr. Reid wanted to replace the word "unfounded" with "unjustified". I wouldn't quarrel with that at all, because the word that Mr. Cappe did use was "unjustified", and that's fair. But again, I don't think Mr. Lukiwski's suggestion actually fortifies in any way the researchers' wording of Mr. Cappe's robust defence of cabinet confidence.

The Chair: Thank you, Mr. Brison.

Mr. Blaney.

[Translation]

Mr. Steven Blaney (Lévis—Bellechasse, CPC): Thank you, Mr. Chair.

Since I was not present for the debate, I thought that the discussion this morning on paragraphs 5 and 6 was relevant and instructive. It is in that context that I consider Mr. Lukiwski's addendum to be constructive.

I would say to Ms. DeBellefeuille that a distinction is made with regard to information and documents; information related to a cabinet secret may be made public and accessible, as opposed to cabinet documents that remain secret. I found that interesting because this clarifies paragraphs 17 and 18. In fact this improves paragraph 18. Paragraph 17 stresses that it is important that cabinet confidences be protected, without "preventing parliamentarians from obtaining the information they needed to make decisions." However, what Mr. Lukiwski's comment adds is that this may be information derived from a cabinet decision and document, but it still may be information that is accessible to the public. I find that constructive. I think that it reinforces and better explains the importance for Parliament of having access to information while ensuring, of course, that this does not involve cabinet documents. In my opinion it reinforces members' rights to have access to information that derives from cabinet decisions. In that way, this appears to me to be a constructive proposal.

I would add that there could be issues more in the "buildup", or in putting forward the information necessary to arrive at the opinions that must be formed.

[English]

The Chair: Thank you, Mr. Blaney.

Mr. Young.

Mr. Terence Young: Thank you.

Mr. Reid is right, I think. Using the word "unfounded" makes it sound like Mr. Cappe had made a decision on the issue, some sort of final judgment, whereas I think what he was saying was, "You haven't convinced me, and you haven't convinced me because I haven't seen enough evidence that it should have been a cabinet confidence." So maybe it should say "not justified" instead of "unfounded".

Parliamentary colleagues, you may remember that I asked the law clerk a question: how do you tell a parliamentary committee why something should remain an issue of cabinet confidence without revealing the cabinet confidence? I don't have the blues here, and I don't remember his exact answer, but it was a very sympathetic answer. He said something like "That's the challenge". If you're going to tell them why you can't tell them... I think he even made reference to that old joke, "If I told you, I'd have to kill you", but there's an essence of the truth in that. If I tell you why it has to be a cabinet confidence, I'm revealing a cabinet confidence.

So what they do in the Privy Council Office is simply quote the section of the act. This has been going on for decades. It's nothing new in this government; it has gone on forever. So what he was saying here is not a conclusion: "You did the wrong thing." He's saying: "You haven't convinced me." So I think the term "not justified" would be more appropriate and of course more accurate.

Thank you.

• (0935)

The Chair: I have Monsieur Proulx, but if he's—

Mr. Marcel Proulx: It's just that I'm wondering what line he is talking about, because in paragraph 18, in the English version and in the French version, we have *injustifiée*, "unjustified".

The Chair: Well, in the English version it says "unfounded", in line 2 of number 18.

Mr. Harold Albrecht: With what Mr. Cappe said, you need the word "unjustified". In line 5, we have that. In line 2, it's "unfounded".

The Chair: Are we suggesting we change the "unfounded", in line 2, to "unjustified"?

Mr. Terence Young: No, "not justified".

Mr. Scott Reid: Well, "unjustified" is the word he used, actually.

The Chair: He used "unjustified"—

Mr. Scott Reid: He used "unjustified".

The Chair: It's his language.

Mr. Scott Reid: Yes.

Mr. Nicolas Auclair (Committee Researcher): The first sentence.

The Chair: Yes.

Okay, so if we smoothed that—

Mr. Scott Reid: We know what comes after that, so let's call the whole thing off. So bear that in mind.

The Chair: If we smoothed that word out, Mr. Lukiwski is still asking to add a paragraph, and we have the language for that.

Maybe I should do it this way: 15, 16, and 17 are all fine the way they sit; 18 with the word change; Mr. Lukiwski's added paragraph.

Mr. Marcel Proulx: We're changing the word to "unjustified"?

The Chair: Yes, we're changing the "unfounded" in line 2 to "unjustified" to follow the exact words Mr. Cappe used.

So we're okay in where we are.

Now to Mr. Lukiwski's added paragraph 19. I see shaking of heads. Should I just call for a...?

Mr. David McGuinty: Call for a vote.

The Chair: Yes.

Mr. Harold Albrecht: One technical suggestion. Would it be better to have 18(a) and 18(b), so we don't need to renumber the rest of the document—just for now?

The Chair: Yes, okay. I'm just calling it Mr. Lukiwski's added paragraph at the moment.

Mr. Harold Albrecht: I totally agree.

The Chair: When we get there, we'll get to the numbers.

Would you like it read again?

Mr. Tom Lukiwski: If you wish, Chair.

The Chair: Go ahead.

Mr. Tom Lukiwski: I'll give wording, and I'll hopefully speak slowly enough so the interpreters can get it.

What I had said was the exact quotation from Mr. Cappe, but if we wanted to add something, one of our analysts has sort of put the wording in that reflects what Mr. Cappe said:

In his testimony, Mr. Cappe insisted on the fact that cabinet confidence shall not be communicated; however, certain information contained in these cabinet confidences could eventually be released and communicated to the public.

The Chair: That's the addition following 18.

Those in favour of that addition following 18.... Sorry...?

Mr. Harold Albrecht: A recorded vote, please, Mr. Chair.

The Chair: A recorded vote on this. Wow. Okay.

Is everyone clear about the insertion of that paragraph?

(Amendment negated: nays 6; yeas 5)

The Chair: So that is not inserted.

We're at 18 with the change accepted.

We'll go to the next page, page 6. Let's take 19 by itself.

Mr. McGuinty.

● (0940)

Mr. David McGuinty: I'm not sure if it's relevant or not, but I just wanted to raise it.

During her testimony I think a few of us—I know I did—asked Madame Legault a question about a forthcoming report that's to be tabled today, Mr. Chair, I understand. I asked her not to get into specific cases but to confirm media reports that she would be announcing a government-wide investigation into the political interference of access to information requests. My recollection is that she confirmed that. I don't know if it's something that ought to be here or not, Mr. Chair.

The Chair: I recollect—

Mr. David McGuinty: I'm told that report is coming out today, but I'm not sure if it's something we should insert here. I raise it as a point of information.

The Chair: My recollection is she said in her opening statement and as she went on that she couldn't speak to that, but I'm willing to hear from others as to whether they would like what Mr. McGuinty is asking for.

Mr. Scott Reid: Mr. Chair, once again, I have the blues here, and I'm just trying to find it. Mr. McGuinty is saying that this was in response to a question he had raised. Is that correct?

Mr. David McGuinty: From my recollection, yes. It might have been me or perhaps another member of the opposition. I don't recall if it was exclusively me. But it was about helping Canadians understand. The reason I raised it is it is important for Canadians who will be ultimately reading this report to understand that there's a distinction between this process, referred by the Speaker, and her individual independent investigation. I remember raising the RCMP investigation into Sebastien Togneri and her report that I'm told is coming today, Mr. Chair.

It might be important to make a reference to the fact that she confirmed that these two matters were separate and distinct. That was the purpose of having raised that. There was a lot of confusion, and I think there still is, about what she's doing and how this links or doesn't link to these breach of privilege hearings.

Mr. Scott Reid: Perhaps, Mr. McGuinty, in response to a question you raised, as I'm flipping through this stuff—and I would do a word search if it was a soft document, but it's not. It's in response to your questions, I believe you said.

The Chair: Mr. Lukiwski, while Mr. Reid is searching.

Mr. Tom Lukiwski: I just don't think it's relevant. I think all of the commentary we should have in the draft is relevant to this particular question of privilege. I don't think the commentary by Madame Legault is relevant to this question of privilege.

The Chair: Thank you.

Mr. Reid is still looking, but is there any other comment?

Are we accepting 18 as written?

Mr. David McGuinty: I'm not going to die on this hill at all. Even from a government perspective, I would want to make sure this was clearly disassociated and distinguished, but I'll leave that for the government's consideration. I just thought that in the interest of clarity...but I'm not going to push this.

The Chair: No further suggestion by Mr. McGuinty.

Mr. Scott Reid: Good, okay, because that's in fact not what transpired. Mr. McGuinty put forward an assertion, which he's reasserting today, and she just stated that this is “not what I'm dealing with here today”. I could read that if you want.

The Chair: That was the chair's recollection.

So is 19 as it stands accepted?

Some hon. members: Agreed.

The Chair: Okay.

Is paragraph 20 accepted as it is?

Mr. Proulx.

Mr. Marcel Proulx: There's a note from the analysts that this paragraph could be deleted as the information

[*Translation*]

is more or less connected to the current review.

[*English*]

The Chair: Yes, it does say that.

Mr. McGuinty, then Mr. Reid.

Mr. David McGuinty: Having read paragraph 20 twice now, I agree with the analysts' potential suggestion. I don't see how this links at all. It's great, again, from a tutorial perspective, as Madame DeBellefeuille mentioned last time on another couple of paragraphs, but I don't see it.

• (0945)

The Chair: Mr. Reid.

Mr. Scott Reid: I concur. This is absolutely as irrelevant as Mr. McGuinty's former intervention is. Neither of them has anything to do with the substance of the matter here today. I agree that it should be removed.

The Chair: I'm hearing that we should strike this paragraph. All in favour of striking paragraph 20?

Some hon. members: Agreed.

The Chair: Anybody opposed? No. Great.

Strike paragraph 20.

Paragraph 21.

Mr. Marcel Proulx: Which now becomes 20.

The Chair: Let's leave these numbers until we're done and someone else can do the rest. You're just causing trouble.

Any question on 20—sorry, 21?

Seeing none, shall we accept the paragraph as read? All in favour of 21?

Some hon. members: Agreed.

The Chair: Any opposed? None.

Paragraph 22.

Mr. Proulx.

Mr. Marcel Proulx: There's a bit of a mess here in the French version, Mr. Chair.

The Chair: Okay, help us out.

Mr. Marcel Proulx: The French version is divided between pages 7 and 8, so for corrections, let's go to page 8. The first line says:

[*Translation*]

“In a document tabled at the committee on March 17 [...]”

[*English*]

The “*le*” is an extra word. We can take that out.

The analyst will have to help us on the first subparagraph.

[*Translation*]

One can read this: “*Des renseignements supplémentaires ont bel et bien été fournis aux parlementaires, l'on fait la comparaison [...]*”; “Additional information has indeed been provided to parliamentarians when compared [...]”

Mr. Nicolas Auclair: That should be a *t* in the French.

Mr. Marcel Proulx: Where does the *t* go?

Mr. Nicolas Auclair: It is in the passage that contains the words “*l'on fait*”: *f-a-i-t*.

Mrs. Claude DeBellefeuille: That is not the same thing.

Mr. Marcel Proulx: It would be “[...] *l'on fait la comparaison avec les documents [...]*”.

Mr. Nicolas Auclair: There is also an *s* missing from the word “*renseignement*”.

Allow me to give you the context. You are quite right as to the typos, but the bullet points mark quotes from a document that comes from Mr. Page's office. The heading “*Des renseignements supplémentaires*”, additional information, naturally, as André was saying should be plural and the sentence would then read as follows: “*Des renseignements supplémentaires ont bel et bien été fournis aux parlementaires, l'on fait la comparaison [...]*”, additional information was indeed provided to parliamentarians, when compared.

Mr. Marcel Proulx: It does not make sense to say “*l'on fait*”. That is not proper French. Perhaps we could say “*lorsque l'on fait la comparaison*”, when compared.

Mr. Nicolas Auclair: “*L'on y fait*” or “*l'on fait*” or “*lorsque l'on fait*”.

Mr. Marcel Proulx: Because in English, it says that additional information was provided to members when that information was compared to the documents provided by the government.

Mrs. Claude DeBellefeuille: We know that the director made mistakes.

Mr. Marcel Proulx: Yes, but it is not because the director made mistakes that we have to reproduce those mistakes. There is a problem with that part of the sentence.

Mrs. Claude DeBellefeuille: I think the translation was done quickly.

Mr. Marcel Proulx: Yes.

[English]

The Chair: So we can fix the spelling or wordsmith this piece a little bit, and you'll be okay with that?

Mr. Marcel Proulx: Yes.

The Chair: We have the suggestions from Monsieur Proulx and Madame DeBellefeuille.

Mr. Brison, on this paragraph.

Mr. Marcel Proulx: Excuse me.

The Chair: Oh, you're not done? I'll let you finish then.

Mr. Marcel Proulx: We have some other corrections.

There's something missing in the conclusion of that second bullet that says,

[Translation]

“[...] quatre des projets de loi présentés ne devraient avoir aucun impact financier étant de nature.”: four of the proposed bills are not expected to have a fiscal impact owing to their procedural nature.

[English]

In English it says they have “a fiscal impact owing to their procedural nature”.

[Translation]

That translation is not accurate, Mr. Analyst.

Mr. Nicolas Auclair: Allow me to repeat that here again, they are quoting Mr. Page's document, but that is not a good reason. What we are proposing is to add the word “*procédurale*” at the end of the second bullet, in brackets.

[English]

The Chair: On this issue, Madame DeBellefeuille.

[Translation]

Mrs. Claude DeBellefeuille: I have a question, so as to better understand. When excerpts from a witness' text are included in a report, there can be errors in translation. This is understandable, he did his analysis and translation in less than 24 hours. But must we keep the mistakes, or rather add a footnote at the bottom of the page saying: “Please note that this sentence should read as follows:”, rather than correcting the quote from the witness as such? Would that be the way to proceed, Mr. Chairman? I simply wanted a little clarification.

• (0950)

Mr. Nicolas Auclair: Without prejudice, I would say that if you want to quote a passage as such and keep the mistake, you should add the word “sic” in brackets. Otherwise, when there are words missing, as Mr. Proulx pointed out, we can add them ourselves, but in brackets. Thus, an informed reader will understand that this is an addition to the original text.

Mrs. Claude DeBellefeuille: Yes, that is basically the same idea as what I was putting forward. I think it is important for the reader to

know that this is an addition and we cannot go meddling too much with—

Mr. Nicolas Auclair: Precisely, the reader has to see that it is your addition.

Mrs. Claude DeBellefeuille: Perfect, thank you.

[English]

The Chair: I think that's a very good point.

Mr. Proulx, do you have more?

[Translation]

Mr. Marcel Proulx: Yes, Mr. Chairman.

In the fourth point in paragraph 22, there is a typo, since it reads as follows: “*Il ya a encore des écarts [...]*”

[English]

At the bottom of the fourth bullet there's a section in the French version that is relevant that is missing in the English one. In the French version, after saying “provided by the government”, it then goes on to say that would limit the capacity of parliamentarians to complete their fiduciary obligations or duties, and that doesn't appear in the English one. It should be added in the English in the fourth bullet.

The Chair: In the same manner as we've suggested that we do those changes...?

Mr. Marcel Proulx: Well, yes, but seeing that we have cited that in the French version, it must have existed somewhere in the English version also.

Hon. Scott Brison: That was in the PBO report.

Mr. Marcel Proulx: Yes, the PBO report has it, in the sense that it says “which will limit the ability of parliamentarians to fulfill their fiduciary obligations”.

The Chair: You're suggesting that it says this in the French version of the PBO report but not in the English version?

Mr. Marcel Proulx: No. I'm saying that it exists in the French version of our report, but it does not exist in the English version of our report. It was in the—

The Chair: Okay, but my question was, in the PBO's report—

Mr. Marcel Proulx: It's there.

The Chair: Is it there in the English version?

Mr. Marcel Proulx: Yes, that's what I just cited.

The Chair: Then it should go in.

Mr. Marcel Proulx: I just quoted it: “which will limit the ability of parliamentarians to fulfill their fiduciary obligations.”

The Chair: Okay. I was just making sure that it wasn't missing in one and was in the other. All right. We'll do those.

Mr. Marcel Proulx: Thank you.

The Chair: Is there anything more, Monsieur Proulx, on number 22?

Mr. Brison, on number 22.

Hon. Scott Brison: My intervention was simply to add the specific quotation from the PBO's report, and Mr. Proulx has already added that, the section that says "which will limit the ability of parliamentarians to fulfill their fiduciary obligations". That has been done.

The Chair: So you're done?

Hon. Scott Brison: Yes.

The Chair: So on number 22 as corrected, all in favour?

Some hon. members: Agreed.

The Chair: Okay. That's great.

On number 23, all in favour as it stands? Are any of you opposed to that? I should make sure I ask that.

Some hon. members: Agreed.

The Chair: On number 24...?

Mr. Scott Reid: In regard to this one, Mr. Chair, I wonder if we could go back and look at the context in which this is given and just get a bit more.... As written here, it implies that there has been a departure from previous practice. I want to confirm that this is actually what Mr. Page had said. I'm assuming this is in his oral testimony, as opposed to in the report, but I stand to be corrected on that. Maybe our analysts could help us with that.

The Chair: They're doing a quick search, Mr. Reid.

Mr. Scott Reid: Thank you.

I'm advised by the clerk that I should mention the actual page number so that the translators can find the relevant page. I'm looking at page 54. There's a lot of text, and I'm just wondering if I have to read it all. If you'll forgive me while I sort this out....

The Chair: Could Mr. Blaney go ahead while you're reading?

● (0955)

Mr. Scott Reid: Yes.

The Chair: Mr. Blaney.

[*Translation*]

Mr. Steven Blaney: I would like to go back to Mr. Reid's comment.

Mr. Page was invited here as the parliamentary budget officer. We also had Mel Cappe, who was a clerk for 10 years and who is highly credible.

My question is for the chair and the analysts. In your view, did Mr. Cappe make a comment on the same topic as Mr. Page?

If so, I think it should be included. Mr. Cappe was invited here as an expert of the Privy Council, unlike Mr. Page who was invited as the parliamentary budget officer.

If not, that paragraph rather seems to contain a general opinion. We can infer it from the comment. The report will reach many people and I feel it will be misleading for its readers.

That creates more confusion rather than clarity. I recommend that we remove the paragraph if it cannot be corroborated by Mr. Cappe, the expert analyst of the Privy Council Office.

Thank you.

[*English*]

The Chair: Mr. Reid, are you prepared to carry on?

Mr. Scott Reid: Yes.

I'll start with Mr. Page speaking. Then Mr. Lukiwski responds, then Mr. Page, and Mr. Lukiwski. So here we go.

Mr. Page says—and this is just before 5:35 in the afternoon:

For me, the extension of this information as to a cabinet confidence we've challenged on multiple occasions. I think there is a debate that needs to take place as to what is truly cabinet confidence.

Mr. Lukiwski responds:

Mr. Cappe also stated this morning that in his opinion, and I don't know if it was a recommendation perhaps or just an opinion, he didn't believe there should be an Office of the Parliamentary Budget Officer, which was an interesting comment coming from someone who was a former clerk of the Privy Council.

Mr. Page said:

Sir, I had to be pretty much forced to take the job in the first place. Nobody was really keen on being Parliamentary Budget Officer, for multiple reasons.

Mr. Lukiwski said:

I want to go back to the statute again. You talked about what is defined as a cabinet confidence and what is not. You would agree, however, that information that would be contained in a cabinet document would be exempted from any request from your office, yes?

Mr. Page said—and here's where the quote comes in:

Again, there's information that's contained within the actual memorandum of cabinet. There's information that sometimes could be attached to a cabinet document. Again, the question is was this information presented just to cabinet, or was this information circulated widely? Was there an effort to keep this information truly secret?

Most of the costing that I've done, sir, and in fact we see here—and my staff as well have worked at these central agencies—this information is broadly circulated in order to generate estimates.

You can see that he's referring to practices that go on within the government, and that it's not that there's been some departure with this government from past practices when the Liberals were in power, for example, or a greater level of secrecy. It's nothing of that sort, which one could read into paragraph 24, the way it's worded, where it says—and I'm quoting from the report now:

in his professional experience, and having worked in the Privy Council Office, most costing information had been, in the past, "broadly circulated in order to generate estimates".

That implies a shift here that has not taken place. He's saying that some documents may have been confidential and others were not, based upon the internal practices of the government. None of that nuance is reflected here. I would think we'd have to include a more substantial part of that exchange. I know it's an awkward exchange from the point of view of writing a report, but it's vitally important if we don't want this report to be pretty significantly misleading, although unintentionally misleading. Or we should just drop the paragraph entirely.

● (1000)

The Chair: Thank you, Mr. Reid.

I have Mr. Brison next and then Mr. Godin.

Hon. Scott Brison: I believe these researchers, by quoting Mr. Page specifically, have captured the essence of what he said. In fact, I think both paragraphs 23 and 24, as written now by the researchers, are done effectively and ought not to be changed.

The Chair: I have others on the list. I'll come back to you.

Mr. Godin.

[*Translation*]

Mr. Yvon Godin: Mr. Chair, I would just like to comment on Mr. Blaney's remarks. As he said, he wasn't here.

Mr. Page has significant cabinet experience. He did not just appear here as the parliamentary budget officer. He was invited because of his expertise, and this is part of his expertise.

If Mr. Cappe was not asked the question, we cannot put anything. As to Mr. Page, he answered the questions from the committee. I don't want us to mistake Mr. Cappe for Mr. Page.

[*English*]

The Chair: Mr. Reid.

Mr. Scott Reid: Thank you, Mr. Chair.

I do agree that it's a good idea to reflect Mr. Page's previous experience, which I don't think has been noted here. I think it would be reasonable to add, perhaps in this paragraph, that "Mr. Page, who has"—well, I'm just quoting here—"more than 25 years in central government agencies and worked for Mr. Cappe at the Privy Council Office...."

I'd be happy to put that in. That's number one.

Two, I would be happy to include the quote as long as we include the entire quote. I don't want to include the back-and-forth with Mr. Lukiwski, because I think that gets awkward, but I do think we could start from where he responds to Mr. Lukiwski's question.

So I am moving that we add to this paragraph the entire quotation. I think we can leave off the word "Again", which he starts with, but we would quote him as follows:

...there's information that's contained within the actual memorandum of cabinet. There's information that sometimes could be attached to a cabinet document. Again, the question is was this information presented just to cabinet, or was this information circulated widely? Was there an effort to keep this information truly secret?

Most of the costing that I've done, sir, and in fact we see here—and my staff as well have worked at these central agencies—this information is broadly circulated in order to generate estimates.

If we include that, and we make reference to his past experience to show that he has the knowledge and the experience to give credibility to his words, then I think that would be appropriate.

The Chair: All right.

Mr. Reid has suggested a change to paragraph 24.

Is there anything more on that topic?

Seeing nothing, are we accepting the amendment from Mr. Reid?

An hon. member: No.

An hon. member: Can we have a recorded vote, Mr. Chair?

The Chair: We'll have a recorded vote on the change.

(Amendment negated: nays 6; yeas 5)

The Chair: All right. We're back to paragraph 24 as it sits.

Those in favour of 24 as it is written in the report?

Those opposed?

Some hon. members: Agreed.

The Chair: Seeing none opposed, paragraph 24 sits.

Turning to paragraph 25, is there any comment or discussion?

Do we accept 25 as written?

All those in favour?

Any opposed?

Some hon. members: Agreed.

The Chair: So 25 is there.

We move now to paragraph 26.

As written?

Mr. McGuinty.

Mr. David McGuinty: I'm not sure if it's here, Chair, or later, but on several occasions the ministers asserted that they had determined that they were in compliance with the Speaker's ruling. They asserted repeatedly that they believed, by making the document dump that was made, the 700-and-some pages 15 minutes before they showed up to testify, that they had complied. In fact, they announced that the government was in full compliance.

That's an important point to make, I think, or to capture, because it's not for Ministers Nicholson or Toews to decide; it's for this committee to decide. This attitudinal approach is not captured in these bullet points, and I think it's important for Canadians to know; the ministers were here to participate, provide information, and then leave the determination to the committee itself.

I'm not sure how you would capture that, but it was a repeated assertion.

It also came from different Conservative MPs, particularly Mr. Lukiwski, who kept saying that they'd already announced that they were in compliance, when the whole purpose of this process is to come to a determination in that regard.

I'm not sure whether we can weave it in here or whether the analysts see a need to do so or not.

Again, I'm not going to die on the hill, but it's an important point.

●(1005)

The Chair: [*Inaudible—Editor*]...suggest that any member of the committee's testimony here wouldn't be included in the report, but if you have a specific passage from testimony that you'd like included—

Mr. David McGuinty: I'm sure we can find it, Mr. Chair. I don't have it in front of me, but I know that repeatedly Minister Toews asserted that the government was in full compliance.

Mr. Andre Barnes (Committee Researcher): In that respect, the attempt to capture that reads:

The ministers explained that it was their view that the information contained in the projected cost estimate that had been tabled by the government in the House of Commons on February 17, 2011 had fully satisfied the FINA motions.

Mr. David McGuinty: But it was the material that was deposited here, at committee, that they asserted....

Mr. Andre Barnes: I tried to capture that by referring to the documents at the beginning: “This binder contained additional and detailed information...”—so “additional”.

Mr. David McGuinty: I see.

Mr. Andre Barnes: I know it's a nuance.

Mr. David McGuinty: That's fine with me. If you feel you've captured it, I'm fine.

The Chair: So we're all right with paragraph 26 as it stands?

Some hon. members: Agreed.

The Chair: All right.

And paragraph 27?

Some hon. members: Agreed.

The Chair: Paragraph 28?

Mr. Brison, on paragraph 28, and then I have Mr. Albrecht.

Hon. Scott Brison: I think with paragraph 28 I would propose an amendment to make the paragraph reflect more accurately the view of the committee at the time. My amendment would be to the second sentence in paragraph 28:

There were also comments, including that members found it difficult to understand why the FINA deadline was not respected, and why it took the government four months to provide FINA and Parliament with the information that it had requested.

I would propose replacing “members” with “the committee”, because I think the majority of the members found it difficult to understand why the FINA deadline was not respected; as such, the majority of members would constitute “the committee”.

Further, the sentence beginning—

Mr. Scott Reid: Excuse me, Mr. Brison. Sir, what paragraph are you in?

Hon. Scott Brison: Paragraph 28.

Mr. Scott Reid: Thank you.

The Chair: Paragraph 28, line number three, is where that change is.

Hon. Scott Brison: Further, I would amend the sentence that begins:

Members also commented that the information contained in the binders provided to the Committee was insufficient in a number of respects....

I would propose replacing “members” with “the Committee”, because again it reflects the majority of the members. It more precisely reflects what actually took place at the time.

The Chair: I have Mr. Albrecht next.

Mr. Harold Albrecht: Mr. Chair, we had the binders presented to us. The information that was in the binders responded to every

question that was asked for in the committee. It's a direct response to each question in a motion. So somehow that needs to be reflected in paragraph 28 or a new paragraph.

The Chair: So you're suggesting that addition?

Mr. Harold Albrecht: I think it addresses Mr. Brison's concern, but we also need to go further and indicate that the binder does in fact respond to each of the questions that were raised in the motion.

The Chair: Mr. Brison.

Hon. Scott Brison: Mr. Chair, I think paragraph 29 addresses Mr. Albrecht's concern.

•(1010)

The Chair: Let's get to paragraph 29 when we get to paragraph 29. We're on paragraph 28.

I have Mr. Reid next.

Mr. Scott Reid: Thank you.

It's funny, I had actually meant to go the opposite way in this. Where the word “members” is used in the English version, on the second-to-last line on page 8, where the sentence begins with the word “Members”, I was going to put in “Some members”, because obviously all members did not comment. That would have been my suggestion for everywhere else where we're discussing Mr. Brison's amendment, which I would oppose—“the Committee”.

We all go through this nonsense where assertion is made that the committee has spoken. Ideally, from the point of view of the opposition—and we can guess this from the motion they had proposed in an in camera meeting, reversed only when they realized they couldn't keep it secret last week—they were going to have us come up with resolutions and they would say “the Committee decided on this”. They were going to have us do so in a manner that would not allow for any recording, without breaking parliamentary privileges, revealing that there had been dissent in the committee. Well, this is one of these things where another attempt is being made to—

[Translation]

Mr. Yvon Godin: A point of order, Mr. Chair.

[English]

The Chair: Monsieur Godin, on a point of order.

[Translation]

Mr. Yvon Godin: If the meeting was held in camera, it should stay in camera. Here goes the member again today. And things have been going well so far.

Mr. Chair, I'm not sure you are going to realize what's going on and stop the hon. member in time. If you want to disclose what happened in camera, we can do that and it will be quick because the meeting was not very long. But we cannot do through the back door, what we cannot do through the front door.

I would like Mr. Reid to respect the fact that what took place in camera has to stay in camera. I wouldn't have a problem with making it all public, but as you know, under parliamentary practice, a meeting held in camera must stay in camera. When we start talking about what happened in camera, that sparks other types of discussions and the in-camera status no longer applies.

Mr. Chair, I would like you to call Mr. Reid to order, please.

[English]

The Chair: Mr. Reid, you will need to remember what was done in camera and what wasn't. I know there's a real dotted line there.

Mr. Scott Reid: Mr. Chairman, my recollection is that nobody is hiding the fact that what was produced after the committee went public was the same motion that was introduced in camera. Therefore, I'm not breaching any in camera confidence in saying this.

The Chair: I recognize this meeting is usually an in camera meeting so that a full discussion like that could take place, but it is not today.

On paragraph 28.

[Translation]

Mr. Yvon Godin: Mr. Chair, let's go back to what was presented in camera and what was presented publicly. We are talking about a working document. We currently have a working document, but that does not mean that this document will be the final product.

[English]

The Chair: I don't think the chair suggested that it was.

Mr. Yvon Godin: No, not the chair, but Mr. Reid.

The Chair: Mr. Reid, on paragraph 28, and please try to stay....

Mr. Scott Reid: Thank you, Mr. Chair.

What I was working up to when the point of order was raised by Mr. Godin is simply to say that Mr. Brison is suggesting the committee objected. Well, some members of the committee certainly did object. It's a reasonable guess, given the fact that they're working as a team, which included a majority of the committee, but it was not the committee. It was not all members of the committee. To suggest otherwise is simply to depart from the facts and to present something that purports to be a fact that is not.

I would be against this particular amendment.

The Chair: Thank you, Mr. Reid.

Mr. Young.

Mr. Terence Young: Mr. Chair, here we go again. The suggestion on behalf of Mr. Brison...first, he's trying to make sure the report is only two pages, and he's doing everything he can to take out vital information. Now he's trying to put things into the report that never happened. That did not happen. The majority of the committee did not make those statements or draw those conclusions. Unless it was the vote of the committee that said that, there's no evidence of that.

If Mr. Brison wants to agree, we can give the report to the analysts and see if every member of the coalition expressed that view at the hearings, and maybe I would agree to that, but it's simply not what happened. It wasn't a majority; it was some members. So let's not try to change the document. Let's not try to change what happened. Let's let the media and the public see what actually went on in the hearings without adding things that weren't in there. It's just a reflection of your concern. The public will see that the outcome of these hearings was preordained over a week ago, and it's a facade the coalition has created.

Thank you.

The Chair: Thank you, Mr. Young.

Madame DeBellefeuille.

•(1015)

[Translation]

Mrs. Claude DeBellefeuille: We could perhaps suggest a compromise to wrap up this semantic debate.

In paragraph 28, instead of writing "*Les membres du Comité*" or "*La majorité des membres*", what if we wrote "*Des membres du Comité*"?

[English]

The Chair: I see nods on that, but let's finish the speakers list. I think that's a good compromise.

Mr. McGuinty.

Mr. David McGuinty: I agree with Madame DeBellefeuille.

The Chair: I think I heard Mr. Brison say he agreed too.

Mr. Godin, to finish the speakers list.

Mr. Yvon Godin: For Mr. Young's information, the coalition has agreed.

Are you happy, Mr. Young?

Mr. Terence Young: The coalition is together.

Mr. Yvon Godin: When the opposition votes with the government on certain issues, that's a coalition.

The Chair: Okay.

Mr. Harold Albrecht: Are you referring to line 4 at the top of page 9 in the English version?

The Chair: At the moment I believe we're talking about line 3 at the bottom of page 8, in 28, and also line 5, which starts with the word "members". We're suggesting that in each case we would add the word "some". In one case it would say that "some members found it difficult" and in the other one, we would start the sentence with "Some members".

Is that correct?

Mr. David McGuinty: Mr. Chair, the difference in French to English....

The Chair: Yes.

Mr. David McGuinty: In French it says *les membres du Comité*, meaning all members of the committee.

The Chair: Right.

Mr. David McGuinty: In English it already says "members".

The Chair: Which is not suggesting all members.

Mr. David McGuinty: Correct.

It's fine the way it is, in my view, if "members" remains, but "*des membres*" in French makes it clear, and in fact restricts it, according to what Mr. Reid has been arguing for 10 minutes.

The Chair: We'll let Mr. Reid have one intervention on this.

Mr. Scott Reid: Let's be clear on this and say "some members". I agree that the change in French is very good. The change in English would be very helpful. Paragraph 29 begins by saying "Other members". Saying "members" and then "Other members" is not as clear as "some members" and "Other members".

The Chair: The suggestion by Madame DeBellefeuille was, in my term, "some members".

[Translation]

Mrs. Claude DeBellefeuille: I am suggesting the word "des".

[English]

The Chair: "Des"? Okay.

Yes, Mr. Albrecht.

Mr. Harold Albrecht: Mr. Chair, at the risk of unnecessarily extending this, at the top of page 9 in the English version, in the fourth line down, I think to be consistent we should also have "some members". Clearly we were of the impression that this binder contained all of the information that was required, so to say that "members stated" the binders did not comply I feel is inaccurate.

The Chair: I recognize, Mr. Albrecht.... I'm sorry. I missed that one in my changes, so....

Mr. David McGuinty: Mr. Chair, we would support Madame DeBellefeuille's change in the French version because that actually circumscribes it to members, but we don't support inserting the word "some". "Members" implies that a majority of members in this committee came to ground on both those fronts.

Mr. Scott Reid: On the same point, if I might...?

The Chair: Yes, sure.

Mr. Scott Reid: Look, this is clearly just a matter of drafting. A little further down in the English version, in the fifth line from the bottom, it states, "In that respect, some Committee members indicated that the time they had been given", etc.

So the word "some" was used in some places and not in other places, but clearly, for precision, it should be used in all. Clearly it is not the case that all members were of this point of view, which is why it's necessary to say "Other members" in paragraph 29.

I'm suggesting what I think is a helpful proposal that just makes paragraph 28 consistent with itself. Remember that this was written in a great hurry. I'm sure, had they had a chance to go over it in more detail, the analysts would have caught the inconsistency and added the word "some" everywhere.

The Chair: Madame DeBellefeuille, and then I'll go to Monsieur McGuinty.

[Translation]

Mrs. Claude DeBellefeuille: I cannot participate in the debate on what the right word is in English, but in French, towards the end of the paragraph, we would be able to read: "*À cet égard, des membres du Comité ont dit estimer qu'on leur avait donné trop peu de temps...*". The term "*des membres*" works well there, and it also works in the first part of paragraph 28.

In English, find the translation that suits you, but in French, the wording "*des membres*" is consistent with our discussions.

[English]

The Chair: So we're okay there *en français*.

Let's finish the English discussion, then.

Mr. McGuinty, you were next.

Mr. David McGuinty: We're on number 28, correct, Mr. Chair?

The Chair: Yes, we're on 28.

Mr. David McGuinty: I propose leaving number 28 just as it is, as drafted, in English.

• (1020)

The Chair: Mr. Reid.

Mr. Scott Reid: Well, Mr. Chairman, I'm proposing an amendment that we include the word "some". We can vote on the amendment.

The Chair: Let's go to the amendment that we're adding the word "some" and vote on that first.

All those in favour of adding the word...?

I'm sorry, Monsieur Godin. I thought you were voting. Go ahead.

[Translation]

Mr. Yvon Godin: Mr. Chair, I think that, if we agree to use the wording "*des membres du Comité ont dit*", we need to have an English translation. The document has to mean the same thing in both languages.

[English]

The Chair: Okay. Which is...?

Mr. Yvon Godin: I don't know. I'm not at the Supreme Court. I'm not an expert in translation.

Voices: Oh, oh!

The Chair: I thought you were coming in with wisdom. I know you usually do, so I was hopeful that you had something better to go in there besides the word "some".

[Translation]

Mrs. Claude DeBellefeuille: This is for those whose mother tongue is English. In French, the word "*des*" does not mean "*quelques*". In French, the word "*des*" refers to more people than the word "*quelques*". That's a significant nuance in French. It's a shame English does not have that.

[English]

The Chair: Yes.

Voices: Oh, oh!

The Chair: I'm sure we do, but we're just not there today.

Monsieur Reid.

Mr. Scott Reid: Well, although there's no way of going back and asking people in the past for what they thought, because we haven't yet invented time machines, it's a reasonable guess that it was a majority of the members. I'd even be prepared to accept that. After all, most of those people are here today and could confirm that they feel now the same way they felt then. But it is a distinction: "members" is just an ambiguous term.

The Chair: The analysts are suggesting that we might use the word “several”. If “some” doesn't pass, does “several”?

Mr. David McGuinty: Leave it as it is.

The Chair: Okay. So we have “leave it as it is” and we have Mr. Reid's amendment of “some”.

Mr. Scott Reid: Let's deal with the amendment. We'll deal with “some”. If someone wants to suggest “a majority” or whatever... I think that in all fairness the point has now been made—we are live, after all, and people are hearing it—that we disagree with anything that implies the committee as a whole felt this way. That's the real point of the exercise.

The Chair: All those in favour of Mr. Reid's amendment to add the word “some” in each case where the members are mentioned?

We've come to the conclusion that we will be okay to use “des” in the French version. In the English version, Monsieur Reid has asked for the word “some” to be added in each place where the word “members” appears. There's one place where it already is there.

Mr. Marcel Proulx: Where would that be, sir?

The Chair: At the bottom of page 8, third line, where it says “including that members”, the word “some” would be included after the word “that”.

Mr. Marcel Proulx: So it would be “Including that some members found it difficult”.

The Chair: Right. Then in the fifth line, the sentence starting with the word “Members” would start with “Some members also”, and it would go on.

On page 9 in the English version, on the fourth line, it would read “Further, some members”.

Are these three changes what you're suggesting, Mr. Reid?

Mr. Scott Reid: That is correct.

The Chair: We'll have a recorded vote on these changes.

(Amendment negatived: nays 6; yeas 5)

The Chair: That is defeated, so we're back to paragraph 28 as written.

Is there further comment on paragraph 28?

[*Translation*]

Mr. Steven Blaney: Yes, I would like to make a comment. Some committee members mentioned the word “several” might work in English. I would like to propose this amendment. I suggest that we use the words “several members”.

•(1025)

[*English*]

The Chair: Is that acceptable? All in favour of using the word “several”? I see nods.

(Amendment agreed to)

The Chair: Paragraph 28 is amended by using the word “several” in the three spots I mentioned.

Thank you.

I would like to suspend for five minutes, if I could. We've been going for two hours. We have lots of work to do, so let's keep it tight. We'll come back in five minutes.

•(1025)

(Pause)

•(1035)

The Chair: If I can have members return to their seats, we have some more work to do today. I will remind the group how limited our time is to finish this, so let's get going.

We've finished number 28, with changes. We're on to paragraph 29.

Mr. Brison on 29.

Hon. Scott Brison: Mr. Chair, I move to replace “Other” with “A minority of”.

The Chair: Mr. Brison is suggesting a change to 29. Conversation on that?

Mr. Harold Albrecht: I think “Some” would be better, Mr. Chair.

The Chair: Would you like to be recognized, Mr. Albrecht?

Mr. Albrecht, on that point.

Mr. Harold Albrecht: Mr. Chair, I think to be consistent with the rest of the report, it would really be much more consistent to say “Some members”. That would be my recommendation, Mr. Chair.

The Chair: Yes, Mr. Godin.

[*Translation*]

Mr. Yvon Godin: Mr. Chair, a point of order. We are studying a motion, so he cannot make a recommendation. But he can suggest an amendment.

There already is a motion that has to be put to a vote.

[*English*]

The Chair: Okay. We have Mr. Brison moving a motion to make the change, and we're discussing that motion at the moment.

Mr. Albrecht, have you finished your interjection?

Mr. Harold Albrecht: I would simply make the same.... Is there actually an amendment on the floor, Mr. Chair?

The Chair: Yes. Mr. Brison has—

Mr. Harold Albrecht: He's made an amendment? Then I definitely would speak against the amendment, Mr. Chair, because I think it would just be a total and obvious inconsistency with the rest of the report.

The Chair: Mr. Young.

Mr. Terence Young: I would speak against the amendment as well, Chair. We have said “some”. We just went through this for 20 minutes. We want to get this report delivered today before noon. Let's just get through it without spending 20 minutes over words and paragraphs. “Some members” is fine. We don't know exactly how many. It wasn't on the record. Everybody didn't speak on the issue. Let's not change the meaning of the report.

The Chair: It doesn't currently say “Some”; it says “Other”. Mr. Brison is suggesting “The majority of” as the—

Hon. Scott Brison: No, “A minority of”.

The Chair: Sorry, “A minority of”.

Hon. Scott Brison: I suspect we'd get their support quite quickly if we....

The Chair: I'm just here to make it happen. That's good.

That's what we're discussing right now. Any further discussion on it?

Mr. Reid.

Mr. Scott Reid: Is there more than one mention...? Is it just at the very beginning, or is there another spot where it comes up in that paragraph?

The Chair: There is “certain information sought by other members” in line 5. Is that also a suggestion...or is that just a more clarifying statement to the above one?

Hon. Scott Brison: I'm only suggesting the one time.

The Chair: You're only suggesting the paragraph that leads off.

That's the only change he's suggesting.

Mr. Scott Reid: Okay. All right.

The Chair: All in favour of Mr. Brison's amendment? We'll have a recorded vote.

(Amendment agreed to: yeas 6, nays 5)

The Chair: Those in favour of paragraph 29 as it is now amended?

Some hon. members: Agreed.

The Chair: Any opposed? Seeing none, we're on to paragraph 30.

Monsieur Proulx on number 30, and Mr. Lukiwski to follow.

Mr. Marcel Proulx: No. Just on a point of order, I want to make sure that the French version of paragraph 29 will also be corrected.

The Chair: Yes.

[Translation]

Mr. Nicolas Auclair: It will read as follows: “*Une minorité des membres du Comité...*”.

[English]

The Chair: All right.

On paragraph 30, Mr. Lukiwski.

• (1040)

Mr. Tom Lukiwski: Thanks, Chair.

This would be on the fifth line from the end, right towards the latter part of that sentence, where it starts, “It was further noted”. This is the sentence that starts after “the March 16, 2011 hearing.” I just want to make sure everybody is at that spot. You're all there?

The Chair: Yes.

Mr. Tom Lukiwski: My suggestion is that we add—

Mr. Yvon Godin: Which place?

Mr. Tom Lukiwski: It's the fifth line from the end, from the bottom of the paragraph.

Mr. Yvon Godin: Okay.

Mr. Tom Lukiwski: The sentence starts, “It was further noted”. It's the second-last sentence.

I'm waiting for Monsieur Godin.

Mr. Yvon Godin: Okay, I have it.

Mr. Tom Lukiwski: After the words “It was further noted”, I would add the words “by some members”.

The reason I say that, Chair, is it's an accurate statement, because there was a difference of opinion that the information binder placed before committee inadequately and insufficiently replied to documents. Obviously, the opposition thinks it was inadequate. The government side thought it was adequate. Rather than just say “It was further noted”, which implies the entire committee was on the same page, “some members” or something like that should be added to clarify it.

The Chair: Madame DeBellefeuille first, and then Mr. Brison.

[Translation]

Mrs. Claude DeBellefeuille: In the French copy, a little before that, we can see what Mr. Lukiwski is referring to. We can read the following: “*Certains membres du Comité ont dit avoir du mal à croire que les provinces n'avaient pas informé le gouvernement des coûts de cette mesure [...]*”, and the sentence goes on.

The next sentence talks about the members. It says: “*Ils ont soutenu...*”. “*Ils ont soutenu*” refers to the previous part where it says: “*Certains membres du comité...*”.

I don't know whether it is the same in English, but it comes across in French. I'm not sure my explanation is clear. I will try to go over it again. We can read the following: “*Certains membres du comité ont dit avoir du mal à croire que les provinces n'avaient pas informé le gouvernement des coûts de cette mesure et ont dit douter de l'exactitude des projections figurant dans les informations fournies au comité durant l'audience du 16 mars 2011. Ils ont soutenu...*”. The word “*Ils*” refers to the word “*Certains*” in the previous sentence.

[English]

The Chair: Mr. Proulx.

Mr. Marcel Proulx: If I may, the nuance in French, as Claude was explaining, is it ties it into the previous sentences with “some members”. Maybe we should change it in 7 or 8, saying “In response, the majority of the members of the committee expressed disbelief that the provinces would not provide the government...”, and then it follows through. Instead of “It was further noted”, they could say “They also noted that the information binder...”. That's the sense, unless the French is wrong, unless the intent in the French version is not correct, but I think the principle is that it started before.

Mr. Andre Barnes: Mr. Proulx has an excellent suggestion, yes?

The Chair: Mr. Brison, and then Mr. McGuinty.

Mr. Brison.

Hon. Scott Brison: I would agree with Mr. Proulx, essentially. That is a more accurate reflection of what transpired.

I would add, when you say “It was further noted that the information binder placed before the committee by the government inadequately and insufficiently replied to the documents that Parliament had requested”, that’s not simply a reflection of the majority of the members of the committee; that was a clear reflection of the analysis of the Parliamentary Budget Officer in his report to this committee. Having it worded as it was worded originally actually does reflect both the opinion of the majority of the committee and the evidence put before the committee by the Parliamentary Budget Officer. That fortifies it, and if we were to weaken or dilute that, it would not reflect what the Parliamentary Budget Officer’s evidence to this committee reflected.

• (1045)

The Chair: Mr. McGuinty, and then Mr. Lukiwski.

Mr. David McGuinty: I’m going to refer to the very last line of paragraph 30, just to pick up on what Mr. Proulx suggested and what Madame DeBellefeuille suggested.

If we’re going to be consistent, then presumably it’s the majority of members of the committee “also stated that members of Parliament had the right to know the full costs of legislative measures”, unless the Conservative members are prepared to state that all members of the committee “stated that members of Parliament had the right to know the full costs of legislative measures”, unless they feel differently and they don’t want to indicate unanimous support for Canadians knowing the full costs of legislative measures.

The Chair: Good.

Mr. Lukiwski, then Mr. Young.

Mr. Tom Lukiwski: Thanks, Chair.

Just to Mr. Brison’s comments on my suggestion that we add “by some members” after “It was further noted”, he is suggesting that we don’t change it because it accurately reflects what occurred in committee. He mentioned the Parliamentary Budget Officer’s views. It does not accurately reflect what happened in committee, because clearly the government members were not in agreement that the information binders were inadequate. So we have to make sure there’s delineation. If you want to have an accurate assessment of testimony, it was not the entire committee who agreed with that—far from it. That’s why I’m saying “by some members”, indicating—as we have in the past—that there is a difference of opinion.

Mr. Marcel Proulx: Or “the majority”....

Mr. Tom Lukiwski: I’m suggesting “by some members”.

The Chair: We have Mr. Lukiwski first suggesting “by some members”. We’ll take a second motion after we’ve done that one.

Mr. Marcel Proulx: A point of clarification, please.

The Chair: Certainly.

Mr. Marcel Proulx: I just want to know from Mr. Lukiwski if he agrees that it should be in the sentence that starts “In response...”. That’s what it says, “some members of the committee”, because the rest of the paragraph is tied into that “in response”.

Mr. Tom Lukiwski: May I respond to Mr.—

The Chair: Certainly.

Mr. Tom Lukiwski: This was a separate thought, right? This was a separate issue.

Mr. Marcel Proulx: It’s not in the French. In French it’s all tied in together.

Mr. Tom Lukiwski: Oh, I understand there’s a difference in French. I’m only dealing with what the English says. I appreciate that there is a difference there, and that has to be corrected. But in the English version it states “It was further noted”—in other words, a different topic—that the information binder contained inadequate and insufficient information.

I’m just saying that since it was not unanimous, we did not all agree with this statement, it should say “It was further noted that some members” felt there was inadequate and insufficient information, reflecting the fact that there was a difference of opinion at committee, which is factually correct.

The Chair: Great.

Mr. Young.

Mr. Terence Young: I want to address Mr. McGuinty’s comment on the final sentence on that paragraph. I agree with him: it should not say “Some members of the committee”, but it should have a condition on that, which is what this whole hearing is about. So it would say “The committee also stated that members of Parliament have the right to know the full costs of legislative measures outside the parameters of cabinet confidentiality”—

The Chair: That’s a—

Mr. Terence Young: —or “within the parameters of cabinet confidentiality”.

The Chair: That’s a second amendment.

Mr. Terence Young: The last sentence of that paragraph—

The Chair: I’ll call on you the minute we finish Mr. Lukiwski’s—

Mr. Terence Young: Okay, thank you. He raised it.

The Chair: —to suggest further amendments, so we don’t mix ourselves up and talk about two things at once.

On Mr. Lukiwski’s addition of “It was further noted by some members” in the fourth from the bottom line on the English version, that’s where we currently are. That’s what he’s suggesting we change.

I understand that the French version adequately reflects all of that.

Mr. Marcel Proulx: No.

The Chair: No, you don’t believe it does? Okay. Well then let’s deal with Mr. Lukiwski’s change to the English version first and we’ll talk about what the French alternative to that is.

Do you want to do that, Monsieur Proulx?

Mr. Marcel Proulx: I’d rather we discuss the French now to make sure that we’re on the same wavelength.

The Chair: Okay, let’s do it that way, then.

Mr. Marcel Proulx: The French version, in saying *Ils ont soutenu*, refers to *Certains membres du comité ont dit avoir du mal à croire....* So if Mr. Lukiwski doesn’t want to tie both in, we would have to change *Ils ont soutenu* by *Certains membres du comité ont soutenu que l’information contenue....*

[Translation]

Is that okay, Claude?

Mrs. Claude DeBellefeuille: Yes. There is basically a connection...

[English]

Mr. Marcel Proulx: If that's the sense.... It's two different groups, right?

The Chair: So "*Certains membres*"....

[Translation]

Mrs. Claude DeBellefeuille: But in French, it is connected.

[English]

The Chair: We have a suggestion.

Mr. Andre Barnes: It actually wasn't meant to be a separate thought, and I think the French better adequately captures it.

Mr. Proulx's suggestion of "they"—which would refer back to some other members, one line previously—would refer back in the same way that *ils* refers back to *certaines membres du comité*.

• (1050)

The Chair: Okay. Are we all right, and we now know what we're trying to accomplish on Mr. Lukiwski's motion, then, to change what he's attempting to change in English? Let's make sure we all understand before we get there.

Mr. Marcel Proulx: On a point of clarification to the analysts—

The Chair: Yes.

[Translation]

Mr. Marcel Proulx: Do you want the English version to match the French version? If so, you will have to correct Mr. Lukiwski, because that's not what he wants to do. The English version would have to be changed to say:

[English]

"They further noted that the information binder..."

Mr. Andre Barnes: It's a possibility for the committee to consider.

The Chair: Would the words "They further noted" accomplish what you're trying to accomplish, Mr. Lukiwski, or do you still want to leave it where you are...?

Mr. Tom Lukiwski: Yes, that's fine. My point, again, was just to illustrate on that particular sentence that there was a difference of opinion. By putting in the word "they", which refers back to "some members" in the previous...that would be satisfactory.

Mr. Marcel Proulx: Okay. Great.

Mr. Tom Lukiwski: But it can't go the way it is, so my final....

The Chair: Thank you for your help, Monsieur Proulx, and thanks to the analysts.

Mr. Lukiwski is now changing his to say "They further noted..." That would work and make both say the same thing.

Mr. Nicolas Auclair: That would be in English.

The Chair: Yes, in English it would say that.

All in favour of that change?

Some hon. members: Agreed.

The Chair: I'm sorry, Mr. Young, I said I'd call on you for a further change.

Mr. Terence Young: Thank you.

That's in the last sentence.

The Chair: In the last sentence, you wanted to add something after the words "legislative measures"...?

Mr. Terence Young: I wanted to take the first three words out. So the sentence would start with, "The committee also stated that members of Parliament...". Then we would change "had" to "have" and put it in the present tense, so it would read that "members of Parliament have the right to know the full costs of legislative measures while respecting the parameters of cabinet confidentiality".

The Chair: Okay.

Is there discussion on Mr. Young's amendment?

Hon. Scott Brison: Mr. Walsh expressed to us to why this would be inconsistent, in fact, with the Speaker's ruling. The Speaker's ruling was quite clear, in that these data were not in fact a cabinet confidence. So referring to cabinet confidence in this is a bit of a red herring, and it's a bit of a distraction, so I'd be opposed to it.

The Chair: All right.

Hon. Scott Brison: It's inconsistent with what the Speaker told us and what Mr. Walsh told us.

The Chair: Okay.

Madame DeBellefeuille.

[Translation]

Mrs. Claude DeBellefeuille: I can tell you that the last sentences Mr. Young is referring to make sense in French. When we say "ils", that still refers to the members and brings us back to "*certaines membres du comité*". So, in French, it flows because we know it refers to some members. I don't agree with removing the part Mr. Young is talking about. I feel that the last two sentences in French well express what some members said. That is clear from the paragraph as a whole. I don't think there is a problem in French. On the contrary, it fully reflects what is being said and the use of the word "*ils*" refers to the sentence: "*Certains membres du Comité ont dit avoir du mal à croire...*". So there's a reference to this group of members who have already made two statements.

[English]

The Chair: Okay.

On Mr. Young's changes.... Oh, sorry, did you want...?

Mr. Terence Young: Yes. Thank you.

The Speaker's ruling was that there was not enough justification or evidence or enough of a rationale for not providing more detailed information. That's what it was regarding.

I hope Mr. Brison is not suggesting that we abandon cabinet confidentiality, because we heard from a lot of witnesses how important it is. In fact, we heard from one witness.... I asked the question, "What would the penalties be for any cabinet minister that breached it?" He said they would be forced to resign, which is the ultimate punishment around here.

Mr. Mel Cappe, a former clerk of the Privy Council, indicated that he was a great defender of cabinet confidences, and that cabinet confidences were specifically excluded from the Access to Information Act and the Canada Evidence Act, for that reason. And then he also said that good government requires openness but also that good government sometimes requires secrecy. There's no question that cabinet confidence is very important to protect ministers and to help the government go forward with an agenda without it falling apart in the middle of a process.

So the Speaker's ruling was that there wasn't enough justification.

This section here I can't possibly agree with, because I agree with the Speaker that when Parliament wants documents and they're not cabinet confidences, it should get them, but we have to clarify it.

Thank you, Chair.

• (1055)

The Chair: Okay.

Mr. Brison.

I will remind the group that we are against the clock today.

Hon. Scott Brison: I understand.

I just draw the attention of the committee and Mr. Young to the Speaker's ruling, wherein he says specifically:

...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...

Therefore, the Chair must conclude that it is perfectly within the existing privileges of the House to order production of the documents in question.

I just wanted to draw his attention to that.

The Chair: Okay. I'm not certain where we are there, but...

Mr. Terence Young: Chair, there were conditions, and the conditions are that the committees handle the documents responsibly. That's why three members of this Parliament spent the entire summer going through 10,000 pages of Afghan documents, finding, to date, absolutely no evidence of wrongdoing by Canadian troops.

The Chair: Great information, but let's deal with this report and try to finish it before noon.

We have an amendment by Mr. Young on the floor.

Mr. Harold Albrecht: A recorded vote.

The Chair: A recorded vote on Mr. Young's amendment.

(Amendment negatived: nays 6; yeas 5)

The Chair: All right. Without that amendment, paragraph 30 now....

Sorry, you have another?

Mr. Marcel Proulx: Yes. In that same sentence, if we want to be consistent with what we've done previously in that same paragraph 30, that last sentence should be changed. Instead of saying "Some members of the committee also stated", we should say "They also stated".

The Chair: To make each thing go the same way as the change under Mr. Lukiwski.

Thoughts on that? Are we okay with that change?

Seeing none, okay, we'll make that change. Does everybody agree with that?

Some hon. members: Agreed.

The Chair: Yes.

Is paragraph 30 as amended agreed to?

Some hon. members: Agreed.

The Chair: Good.

On paragraph 31, seeing no hands up, can we accept 31 as written?

Some hon. members: Agreed.

The Chair: Great.

Now paragraph 32 as written...?

Mr. Brison has a point to make.

Hon. Scott Brison: Mr. Chair, the last sentence—"The Minister of State noted, in respect of this information, that business tax revenue for the government had increased over time despite the reductions in the business tax rate"—is not pertinent to this committee's decision on contempt of Parliament, so I would move that we amend that paragraph by striking the last sentence.

The Chair: Mr. Albrecht.

Mr. Harold Albrecht: Mr. Chair, this is another example of excluding the evidence. We already dealt with the amendment earlier. We said unanimously that the committee did not support the idea of not including a summary. This is clearly a summary of the evidence. I'm opposed to the amendment. We have to be transparent with the information that was provided.

The Chair: Mr. Brison.

Hon. Scott Brison: Chair, in terms of transparency, the hearings were televised. It's also reflected in the Hansard of the committee in terms of actual testimony. I'm saying in terms of pertinence to the report and the findings of the report, it is not germane; it's not pertinent, and it ought not to be there.

The Chair: Thank you.

Mr. Young, then Mr. Lukiwski.

Mr. Terence Young: Thank you, Chair.

You didn't say anything at the time when the minister provided that evidence. Through you, Chair, if Mr. Brison assumes that because something's been on television it doesn't have to be on the record...why don't we just cancel all of Hansard? It costs a lot of money to produce Hansard in French and English, every word that's said. Why have it at all? Why don't we just televise everything and we won't put anything on the record?

This statement here is—

• (1100)

The Chair: Mr. Young.

Mr. Terence Young: —one of the most important statements that Mr. Menzies made. It's so important, and it's something that, really, a lot of governments, a lot of politicians, have never understood, that you can lower business taxes and produce more revenue.

Mr. Harold Albrecht: Hear, hear.

Mr. Terence Young: It's something I don't think Mr. Brison understands, which is why he wants it out of the report.

The Chair: Thank you.

Mr. Lukiwski on the same topic, and then Monsieur Godin.

Mr. Tom Lukiwski: Thank you, Chair.

I think we have to have it in there. The whole purpose of the discussion was the cost of corporate tax reductions. That's what the opposition wanted to know. That's what Mr. Brison wanted to know. That was one of the elements that caused the point of privilege to begin with.

Now, that statement is absolutely germane to the question Mr. Brison brought forward. The Minister of State responded that the revenue has increased despite the reduction of the tax rate. He asked, what impact would corporate tax rates have? That's the impact; tax revenue has actually gone up, despite the reduction of taxes. Of course, you have to have it in there.

The Chair: Monsieur Godin.

[Translation]

Mr. Yvon Godin: Mr. Chair, it's not the end of the world if that's included or not because it has already been made public. But, in his testimony, Mr. Menzies did not say how much it was going to cost. Four months ago, the committee wanted to know how much it was going to cost. He did not say anything about that. He just made a general comment, saying that more taxes would be collected, and so on. That had nothing to do with what the Speaker was asked. We wanted to know how much it was going to cost. That's what we wanted to know. Mr. Lukiwski's comment has nothing to do with the issue.

It's like when we were talking about the crime bills. We were told how great they were. The question was not whether the bills were good or not, but how much they would cost. In this case, we are not being told anything about that. So it's irrelevant.

[English]

The Chair: Mr. McGuinty.

Mr. David McGuinty: I was just going to suggest, Chair, or encourage you to call the vote on this so that we can move on to the next paragraph and get this done by noon.

The Chair: I'm trying to get to everyone on my speakers list. I'm asking each to be as brief as they can.

Mr. Albrecht, and then Mr. Lukiwski.

Mr. Harold Albrecht: Mr. Chair, if Mr. Godin would read paragraph 32, it's clearly stated there that the Minister of State for Finance indicated that the information that was requested was already provided in the Department of Finance's "estimated cost of the 2007 legislative tax reduction, along with the five-year projections of total corporate profits before taxes", and on and on it goes.

It's there, Mr. Chair.

The Chair: Thank you.

Mr. Lukiwski.

Mr. Tom Lukiwski: Thanks, Chair.

I'm just reading from the tenth report of the Standing Committee on Finance, which states as follows:

Whereas the committee passed a motion on November 17th, 2010 which stated in part:

Five-year projections of total corporate profits before taxes and effective corporate tax rates (2010-11 to 2014-15);

It speaks to exactly what Mr. Menzies put in the report. This is what the Standing Committee on Finance had asked for. Mr. Menzies talked about it, and produced a chart showing that the revenues had gone up despite the reduction of tax rates, based on what the Standing Committee on Finance, of which Mr. Brison is a member, had asked for.

That's why it's in there and that's why it should remain in.

The Chair: Okay.

I have Mr. Blaney, Mr. Young, and then Madame DeBellefeuille.

Hon. Scott Brison: A point of order.

The Chair: Certainly.

Hon. Scott Brison: Actually, just from listening to the committee, I have no difficulty with leaving it in there, if that means a lot to the....

The Chair: Great.

Does that take people off the speakers list?

Mr. Tom Lukiwski: Yes.

The Chair: Thank you very much.

Those in favour of paragraph 32 as written?

Some hon. members: Agreed.

The Chair: Great. I like it when we come to an agreement. That's good.

We're on paragraph 33.

Mr. Lukiwski

Mr. Tom Lukiwski: I have a couple of things. Hopefully we can get through them quickly.

On the second-to-last line, where the sentence begins, "Indeed, the parliamentary secretary noted that", it should be "Minister of State" rather than "parliamentary secretary".

The Chair: Yes, sorry, that is correct; he is a Minister of State.

Mr. Tom Lukiwski: As well, I'm trying to get my head around the sentence before that:

In this respect, he noted that from documents deemed cabinet confidences, the government had extracted what was not necessary to maintain cabinet confidence, and provided FINA with the answers it was looking for.

I think it's kind of ironic that the word "not" again is....

I think the “not” has to be removed rather than inserted this time.
 ● (1105)

The Chair: Right: “extracted what was necessary to maintain cabinet confidences”. I understand what you’re saying.

Mr. Tom Lukiwski: We extracted the information that would still allow cabinet confidences and gave the rest to the finance committee.

So we have to “de-insert” the word “not”.

The Chair: Okay: de-insert the word “not” and change “parliamentary secretary” to “Minister of State”.

Mr. Tom Lukiwski: That’s correct.

The Chair: Are those two amendments from Mr. Lukiwski fine with the group?

Mr. Marcel Proulx: Read it in French.

The Chair: I was hoping I would hear that.

In French, apparently it does say Minister of State.

Is the word “not”...or is it written in the negative there?

[Translation]

Mr. Nicolas Auclair: That’s correct, Mr. Chair.

First, Mr. Menzies’s title is in the right place. In paragraph 33, in the fourth line from the bottom, where it says “*la divulgation ne risquait pas*”, we would have to take out the negation.

[English]

The Chair: Madame DeBellefeuille.

[Translation]

Mrs. Claude DeBellefeuille: What are we supposed to do?

Mr. Nicolas Auclair: We would take out the negative form.

Mrs. Claude DeBellefeuille: Take out the words “*ne*” and “*pas*”.

“*Il a précisé, à cet égard, que le gouvernement avait même extrait de documents confidentiels du Cabinet des passages dont la divulgation risquait de porter atteinte ...*”. Okay.

[English]

The Chair: I guess you can read this either way. If you’re suggesting the government extracted the information that excluded cabinet confidence, it reads right. The other way is if you....

Monsieur Godin.

[Translation]

Mr. Yvon Godin: That’s right, Mr. Chair. If we read it that way, with the words removed, “*cela ne portait pas atteinte*”...

[English]

The Chair: Right. One way or the other it—

[Translation]

Mr. Yvon Godin: That’s it.

Mrs. Claude DeBellefeuille: It does not work if it’s taken out.

[English]

The Chair: I can see how it reads both ways.

Which way do we want it to read, without being wordsmiths too much?

Madame DeBellefeuille.

[Translation]

Mrs. Claude DeBellefeuille: My understanding from the French version is that the Minister of State “*a précisé ... que le gouvernement avait même extrait de documents confidentiels du Cabinet des passages dont la divulgation ne risquait pas de porter atteinte au secret du Cabinet*”. If you take out “*ne*” and “*pas*”, that ruins the whole meaning.

[English]

The Chair: Right.

I think even in English it could be read the way you just read it in French. I think it leaves itself open to interpretation.

I’ll ask the analysts to speak to this.

[Translation]

Mr. Nicolas Auclair: Yes, I’m sorry, you are absolutely right. The negative form has to stay.

Mrs. Claude DeBellefeuille: Are you talking about the French version?

Mr. Nicolas Auclair: Ignore my last comment. Yes, in French, of course.

[English]

The Chair: Okay.

Mr. Albrecht.

Mr. Harold Albrecht: I’m just wondering, in the English version, Mr. Chair, if we did exclude the “not” and then added the words “in order to maintain” it might just clarify that fuzzy language. I would like the analysts to respond to that.

The Chair: You’re just cleaning it up.

Mr. Harold Albrecht: I think that would clarify for the reader who hasn’t been part of the discussion what we’re trying to say.

Mr. Andre Barnes: That was what was intended by this sentence. In the sentence it’s a little vague.

Mr. Nicolas Auclair: Add “extracted in order to maintain”.

The Chair: Are we all okay with that change?

Some hon. members: Agreed.

The Chair: All right.

With the changes in place, are we okay with the paragraph?

Mr. Marcel Proulx: What’s the final change in English, Mr. Chair, please?

The Chair: It’s “extracted what was necessary in order to maintain cabinet confidence”.

Mr. Marcel Proulx: So “what was necessary in order...”.

The Chair: Yes, “in order”.

Are we okay with that paragraph?

Some hon. members: Agreed.

The Chair: Okay. Paragraph 34.

Mr. Brison.

Hon. Scott Brison: I would move the following amendment to the final sentence. I would replace “Other” with “A minority of”, and I would end that sentence after the word “testimony”. There would be a period after the word “testimony”, and the rest of the sentence as written currently would be deleted. The sentence would—

• (1110)

Mr. Terence Young: Where are you?

Hon. Scott Brison: The last sentence.

The Chair: In the last sentence of paragraph 34, you're suggesting that we change the word “Other” to “A minority of” members and that we end the sentence after “Minister of State's testimony”, removing everything following that.

Hon. Scott Brison: That's correct.

The Chair: On that amendment, Mr. Albrecht.

Mr. Harold Albrecht: Mr. Chair, again, we have an inconsistency in terms of inserting “minority”. My bigger concern, Mr. Chair, is with excluding the information regarding the stand of the Canadian Federation of Independent Business. This is clearly part of the sessions that we held. It was part of the testimony. I think it's important that that piece of information stay in. I'd be opposed to the amendment.

The Chair: Mr. Blaney, Mr. Lukiwski, and then Madame DeBellefeuille.

[*Translation*]

Mr. Steven Blaney: I feel there is an advantage to not having been here during the testimony. I actually have a chance to read the report. I would like to take this opportunity to congratulate the analysts. I find that the report is well done and it is very objective.

Mr. Brison, since there has not been a vote, I think the word “*minorité*” is subjective and suggests that we divided up the witnesses. Earlier, we had the word “*plusieurs*” and the word “*quelques*”, but I don't think the word “*minorité*” is appropriate at all.

It seems there is information about the clerk, Mel Cappe, and Kevin Page. That's obviously in the report. That sets the stage for the issue tackled in the report and in this study, that is to say the impact of tax cuts on both the government and on business. I feel this information is very useful and I don't see why the members would want to censor the report or hide this information, which barely takes up a paragraph.

Thank you.

[*English*]

The Chair: Mr. Godin is next on the list.

I will challenge the members. We are getting very close to the time. We must finish this. If this is the one you want to take the time on....

Mr. Lukiwski.

Mr. Tom Lukiwski: Quickly, let's cut to the chase then, Chair, as you suggest.

It appears that any time there's any reference in this report to a position that supports the opposition position, Mr. Brison is fine with it. But any time there's a reference to something that actually supports the government's position, he wants to exclude it from the report.

Come on. Stop playing politics here.

You know what's going to happen on the recommendation side. There are four options before us. We know what's going to happen. The opposition is going to vote for the Liberal motion, as they did originally. We know that's going to end up being a recommendation of this report. So give me a break. This is what Mr. Menzies said, and it is true. It is factually correct.

Stop playing games. Let it go. Let's get to the recommendations and get out of here before 12 noon.

The Chair: Madame DeBellefeuille.

[*Translation*]

Mrs. Claude DeBellefeuille: Mr. Lukiwski, I am a bit upset that you are still putting the opposition in the same group. We gave you our support on the last sentence you were keen on. You should maybe use your earphones.

I fully support removing the last sentence, as Mr. Brison suggested. I was wondering if it was necessary. That's what I was pointing out, because the Canadian Federation of Independent Business did not testify before us. It is more a comment the Minister of State made. So I don't see the relevance of keeping those sentences in the report. They are irrelevant.

[*English*]

The Chair: Mr. Godin.

[*Translation*]

Mr. Yvon Godin: I will be quick, Mr. Chair.

Mr. Blaney says that it sometimes helps to attend committee meetings. However, had he attended this meeting, he would have noted that the minority was in favour of this suggestion, and that is why it is in French in the document.

I will make the same comment as Ms. DeBellefeuille. Mr. Lukiwski just said that this is factually correct, but we have never heard the other side of the argument. This organization never testified before the committee, and I also find that this has no business being in the report.

The issue is that we wanted to have two pages. Now, it looks as though we have something to hide. If we use the “blues” at this point, we will have over 10 pages. There are elements that should be removed or added, and I feel that it's our right to decide on the report's content.

[*English*]

The Chair: I see no further speakers.

Those in favour of Mr. Brison's amendment?

Some hon. members: Agreed.

The Chair: Okay, that carries.

Now, on paragraph 34, as amended by Mr. Brison.

(Paragraph 34 as amended agreed to)

(Paragraphs 35 and 36 agreed to)

The Chair: Now, on paragraph 37.

All in favour of that?

• (1115)

Mr. Scott Reid: I'm in favour of it. I just wonder if we could put his points into bullets, because they're hard to follow.

The Chair: You're looking for it to be structured in bullets rather than carried as a paragraph?

Mr. Scott Reid: Or it could be numbered. For the options you could have 1, 2, 3 all lined up, or something like that.

The Chair: Is everybody okay with that? That's just structural.

Fine, we'll take that.

(Paragraph 37 as amended agreed to)

Mr. Marcel Proulx: That will be in English and French?

The Chair: It will be in English and French.

Now paragraph 38. All in favour? Great.

We have now come to the four options.

Mr. Terence Young: Mr. Chair, you jumped a little bit ahead there. I think paragraph 38 is the four options.

Mr. Steven Blaney: I think so too.

The Chair: It is, yes. We've accepted all four options. Thank you very much. We're done.

Wait.... That didn't work?

I guess we have to discuss each option as we go. Who wants to defend which one first?

Let's take option A, and we'll go in order.

Mr. Godin, on option A.

[Translation]

Mr. Yvon Godin: I thought that a motion had already been adopted on option A. The clerks' and researchers' mandate is to draft the report and to come up with a recommendation. We have four recommendations this morning, but there were not four on Friday, when we gave our analysts instructions. I suggest that we go with option A.

[English]

The Chair: If I can speak to that, the motion said they would be part of the report; it didn't say they would be all of the report. But we'll ask the group.

[Translation]

Mr. Nicolas Auclair: Pardon me, but the analysts were instructed to include this option.

Mr. Yvon Godin: To include it.

Mr. Nicolas Auclair: Or to have it contain only the findings.

Mr. Yvon Godin: So, I suggest that we go with that.

[English]

The Chair: Is there discussion on the motion?

Mr. Reid, and Mr. Albrecht to follow.

Mr. Scott Reid: Four options are being suggested here. It's a tiny bit confusing. Due to the nature of whatever computer programs are being used, they're given paragraph numbers 38, 39, 40, and 41. But in practice, any of them, I assume, would be 38.

Option A is the one that was pre-written for the committee by Mr. McGuinty, I think—the coalition. It comes to a series of conclusions that simply do not match up with the evidence.

Options B, C, and D are worth looking at as alternatives. They are what is typically produced by the analysts in preparation for such a report.

Looking down, the first one.... You'll see there's a gradual change as you go through these things. The first one is:

The matter referred to this committee on March 9, 2011, has been ongoing for over four months. The committee finds discouraging the lengths to which Parliament has been forced to go in order to receive specific documents....

And so on. You can read through that.

Option C:

To comply with the Speaker's ruling on March 9, 2011, the government asked officials in charge of the relevant portfolios to put before the committee and Parliament as much cost information in respect of the [finance committee] motions and the motion adopted by the House on February 17, 2011 as reasonably possible. Following the tabling of—

The Chair: Sorry, Mr. Reid.

Go ahead.

[Translation]

Mr. Yvon Godin: Mr. Chair, a point of order.

We have a motion on option A. I think that it doesn't consist in mentioning the four suggestions submitted. Pardon me, Mr. Chair, but we never discussed a document's confidential section. We talked about the fact that we were in a public meeting and not in camera, but the document is confidential. My motion called for us to discuss only option A.

• (1120)

[English]

The Chair: I understand that's what the speakers list is: it is to debate option A. I assume that in debate you would also hear the opposite side of what you're suggesting. I will give some leeway to the members to suggest that option A is incorrect, I guess. You're speaking in the positive; others will speak to it in the negative.

Mr. Reid, carry on.

Mr. Scott Reid: Thank you, Mr. Chair.

In order to demonstrate that option A is not the preferred option, from the point of view of this member—and I'm hoping, of course, in all good faith, to convince members opposite, including Mr. Godin, of the alternatives that may be there—I'm simply referring to what I regard as being a superior option among the four that were listed here.

I'm recommending that this be considered as preferable to option A. Option C says:

Following the tabling of additional cost information before the committee on March 16, 2011, and the statement by the Minister of Public Safety on March 17, 2011 that no further information was being withheld as a cabinet confidence, the committee finds that the government has now provided the committee and Parliament with its best available departmental cost estimates. The committee therefore finds that no further action with respect to this question of privilege is necessary.

I think that is a superior motion, which I think more accurately reflects the actual situation. If there is a concern that we need to adjust our practices.... And this is why I was so interested in the testimony of Professor Franks when he was here. I asked a number of questions based on his testimony. He is pointing out that there appear to be some inherent problems. They don't exist because of this government; they don't exist because of the previous government. They have been around for a long time, and they should be corrected in the interests of having a more open process.

So you could look, potentially, at option D, which speaks to the need to actually, in the future, look toward a more open process of government budgeting, system-wide, systematically. Let me just look at what that option suggests, because I think it is a very powerful option. The option the analysts have written down here is:

In a parliamentary democracy, it is incumbent upon the government to balance the need for transparency and openness in operations with the need, in some circumstances, that it withhold certain important information from the public. The committee finds that no further action with respect to the matters reviewed here is necessary, and tables its findings in this matter so they form part of the parliamentary record. The committee hopes

—and this is the important and I think constructive part—

that its observations may serve in future as a source of information and reference for other Commonwealth jurisdictions, future incarnations of this committee, and future Parliaments, should this complex issue arise once again.

This would of course suggest very strongly that we ought to take into account the proposals that have been put forward by those who testified before us on the system issues that are involved, and that means primarily by Professor Franks, and that we look toward correcting the situation so that in the future these kinds of situations simply can't arise. What would happen in the future would be that in the event a bill is tabled in the House at second reading and doesn't have a list of documents attached to it, then it simply can't proceed. It goes back and there is a very clear objective list—not a shifting list, not a list that is unclear, not a list that is manipulative for partisan reasons by any of the parties, government or opposition, but a simple, clear, objective set of costs that can then be challenged if there is to doubt as to the actual veracity of those costs.

One of the things we haven't done in all these hearings is actually ask if we think that any of the documents provided are problematic, that they are using the wrong inflation figures, the wrong figures as related to the amortization of costs and so on. We didn't get into any of that stuff. The committee that is actually responsible, the finance committee, never had a chance to get into that sort of thing. That would be very helpful in the future on all kinds of legislation, whether it's a Conservative government, a coalition government, or whatever.

I strongly suggest that we consider option D as the preferred option. I would suggest option C is the second choice. But option A

is really the option that least reflects any kind of attempt to do constructive work, and moreover least reflects in any way the testimony, as one would expect, given the fact that it was tabled before we had finished hearing all the testimony and in fact appears to have been pre-written at some point before that.

Let's do the right thing and actually try to have this report help to build a constructive and more open interaction between the Government of Canada and the Parliament of Canada.

• (1125)

The Chair: Thank you.

Mr. Albrecht is next.

Mr. Harold Albrecht: No, I'm fine.

The Chair: You're fine.

Mr. Lukiwski is next.

Mr. Tom Lukiwski: Thank you, Chair.

Obviously, I oppose option A, for the reasons Mr. Reid just finished illuminating, and also for many of the reasons I spoke to last week. It was pre-written, before the witnesses. This is just something that primarily the Liberals, but other opposition members who seem to support it, want to do to help buttress their political agenda. For that reason, if we were truly trying to find information, if this was an information-gathering session and we wanted to come up with recommendations or try to make Parliament a better place, option A, to me, fundamentally.... I profoundly disagree with option A.

I would even be prepared to support option B. Option B is critical of the government, option C less critical, and option D less critical yet.

I would even add to option B. I would even make it stronger by adding a line at the end of the paragraph or at the end of the option that says "FINA"—or the finance committee—"should undertake a further study and call all necessary witnesses to ensure that the documentation is received." Option B is critical of the government. It says they haven't received all of the information, and that's what's required. So my sentence would actually strengthen that by saying fine, let the finance committee deal with it; call more witnesses until they're satisfied they've got the information.

In fact, if that's what Mr. Brison and members of the finance committee were after to begin with, one would think that option would satisfy their request. It would ask for all relevant information to be brought forward through examination of witnesses until the finance committee was satisfied they had received the information they wanted. And if you listen to them, that's apparently what they wanted to get to begin with, rather than just come in with a predisposed intention to find the government in contempt.

On the one hand, we've got a purely political option—that's option A—not looking for further information, not looking to satisfy the finance committee, just merely making a political statement that they find the government in contempt; or option B, with my addition, would actually make the information they requested become a reality.

I would certainly say that we would support option B, with that additional line that I've suggested, which is still critical of the government—it says we haven't given the committee the information they want—but it would make it so that the committee could get the information they desire. If they're truly interested in getting the information, finding a method by which to gather information to help them, they shouldn't have a problem with that.

The Chair: All right.

Monsieur Godin, you're next on my list.

[*Translation*]

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

I do not share the government MP's point of view. Let's look at the motion. It was presented last Thursday, which was not before we heard witness testimony, but after. The first point states the following: "That the government has failed to produce the specific documents ordered to be produced by the Standing Committee on Finance and by the House."

We received this draft report at the beginning of the hearings, Mr. Chair. It was not presented to the Standing Committee on Finance. The second point states the following: "That the government has not provided a reasonable excuse." That's exactly right. We asked for those documents. We were even told that the confidentiality of documents would not be affected, while just the opposite was being claimed in the House of Commons.

The draft report states the following:

- 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.

Let's now consider Mr. Page's testimony. Following all the testimonies, even the one in the latest report, and after we asked him to study it and send his answer to the committee, he wrote the following:

There remain significant gaps between the information requested by parliamentarians and the documentation that was provided by the government, which will limit the ability of parliamentarians to fulfill their fiduciary obligations.

The questions asked are about such considerations as the cost to provinces. We were told that this was unknown. How much will it cost in other cases? We were told that the amount would be minimal. We never got any answers. We cannot draft a report to congratulate the government.

This does not mean that, after a report is submitted to Parliament, the committee won't be able to make other suggestions for the future. However, we have to follow up on the Speaker of the House's request. What was the prevailing situation? He did acknowledge the fact that we were not receiving the documents. This was also confirmed by all the testimonies we heard, excluding those from government representatives. Government ministers told us that they provided us with everything they had. That is absolutely not what the report said. That's why I think that option A truly reflects the recent events.

• (1130)

[*English*]

The Chair: Thank you.

Mr. Blaney.

[*Translation*]

Mr. Steven Blaney: Thank you very much, Mr. Chair.

Contrary to what Mr. Godin just said, it seems clear to me, after reading the report, that the government has a responsibility to balance, on the one hand, confidential information held by Cabinet and, on the other hand, information that can be provided to parliamentarians. That's its responsibility.

We have seen that the government must be mindful of striking this balance. We have also heard testimonies, such as the one from Mel Cappe, who recognized that it was the responsibility of the government to protect Cabinet confidentiality. He was very clear on this, and I believe that this is plainly stated in the report.

As Mr. Lukiwski was saying, it is important for information arising from decisions made by Cabinet to ultimately get to parliamentarians. That's exactly what the government has done. We saw this in the report. A great deal of information has been provided. On reading the report and given all the information that the government has provided us with, we even wonder whether there are actually any issues that remain unresolved. Clearly, documents were submitted over a four-month period.

Regarding this issue, I share the opinion stated in my colleague Scott Reid's excellent speech. I would also add that Mr. Lukiwski's suggestion is interesting. He said that parliamentarians should continue trying to help the government strike a balance and provide it with guidance for striking this balance between Cabinet confidentiality, on the one hand, and the need to provide parliamentarians with information, on the other hand.

I would go along with what Mr. Reid said. I think option C is legitimate. However, I also like Mr. Lukiwski's suggestion to continue with this initiative to clarify this rule for our government and for future governments.

[*English*]

The Chair: Thank you.

Mr. Lukiwski.

Mr. Tom Lukiwski: Let's make it perfectly clear. Personally, without question, I prefer option D. But knowing how the opposition appears to be headed towards option A, I'm saying, if nothing else, as a friendly suggestion to try to actually make it look as though this committee is relevant, instead of just rubber-stamping a political motion brought forward by the opposition, I was suggesting that we could live with option B if you added the line I put in to actually strengthen it, to give the finance committee the ability to go even further and call witnesses to try to satisfy the committee's original request.

I'm not suggesting that I think option B is the best one there and accurately reflects what happens, because it talks to the fact that in the opinion of the committee the government has not given sufficient information, and I disagree with that. I believe that we have, and in my opinion we have fully complied. I'm just saying that option B is better than option A, because option A is such a blatant political statement, and it has nothing in it that even comes close to asking for further information to deal with the finance committee's requests. That's why I'm suggesting that option B would be something we could support if we strengthened it, but it's clearly not my option.

I believe that we, as a government, have fully complied with all of the requests of the committee, and I would certainly think that option D is the best of the four.

The Chair: Thank you.

Mr. Young.

Mr. Terence Young: Thank you, Chair.

Chair, this option A is obviously a product of the coalition motion, and it's basically Politics 101 in a box. I don't in any way blame the analysts—I think they've interpreted it relatively accurately—but it's the politics of ambition in a box, actually.

I have to tell you that I don't think the coalition members are particularly proud of this motion. We've seen them ignore the minister's testimony. They tried to have it deleted off the record repeatedly, in various ways. They went in camera to make a motion to take, I guess, what would be 20 pages of information down to two pages.

• (1135)

Mr. Marcel Proulx: A point of order, Mr. Chair. Is he talking about the in camera part?

The Chair: I haven't got there yet. We should let him make his statement and see what happens, but I'll caution him to be sure about talking about what we voted on in public and what we voted on in camera.

Mr. Terence Young: They did everything they could do to exclude the very information that they demanded this week, with four ministers appearing at length, two of them coming back the next day. They've taken a very odd approach. In one case they've even asked their staff to investigate the religion and the faith of some of the government members on this side. I wonder how Canadians feel about that.

I appreciate that Mr. McGuinty apologized for that. Nevertheless, that's how far they've been prepared to go to get off the topic of the information, which is what they wanted and what they demanded of Parliament.

Mr. David McGuinty: [*Inaudible—Editor*]

Mr. Terence Young: I think we received the information the motion asked for. This big thick book, I guess it was about four or five pages of information—

Mr. Scott Reid: A couple of hundred pages.

Mr. Terence Young: Was it a hundred pages?

Mr. Scott Reid: You're talking about the minister, so it's 700 pages.

Mr. Terence Young: It's 700 pages. Sorry. And it was quite adequate.

So option A is obviously not realistic at all. I wanted to say that I support Mr. Lukiwski in his position on option D, if it is possible, but otherwise option B as amended.

Thank you.

The Chair: Thank you.

I have no other speakers on the list, so we're on the motion to accept option A.

Mr. Tom Lukiwski: Recorded vote, Mr. Chair.

The Chair: We'll have a recorded vote on option A.

(Option A agreed to: yeas 6; nays 5) [*See Minutes of Proceedings*]

The Chair: Option A carries.

Mr. Tom Lukiwski: Point of order.

The Chair: Yes.

Mr. Tom Lukiwski: Mr. Chair, for the record, now that we've disposed of that matter, I just want to have on the record once again that the government's position that the recommendation as carried is nothing more than a political statement, and we, the government, fundamentally and profoundly—

Some hon. members: Oh, oh!

An hon. member: Hold on—

The Chair: Order.

Mr. Marcel Proulx: That's not a point of order.

Mr. Tom Lukiwski: I'm getting to it, Marcel.

The Chair: I have about six chairmen today, and I thought I was it, so let's just wait and—

Mr. Marcel Proulx: It's easier this way, isn't it?

Mr. Tom Lukiwski: We fundamentally and profoundly disagree with the recommendation. And, Mr. Chair, we give you notice that the government will be submitting a dissenting report.

The Chair: Mr. Godin, on that point of order?

[*Translation*]

Mr. Yvon Godin: Mr. Chair, usually, when the government or someone else presents a dissenting report, it is certainly shorter than the main report. In this case, it should not be longer than one or two pages.

[*English*]

The Chair: I understand that, and I think Mr. McGuinty was probably just about to say that when I recognized him, but I will put you both on the speakers list and we'll get down there.

Mr. McGuinty.

Mr. David McGuinty: I'd like to come back to you after Madame DeBellefeuille, Mr. Chair, if I might.

The Chair: All right.

Monsieur Godin, have you finished?

[Translation]

Mr. Yvon Godin: Yes.

[English]

The Chair: Okay.

Madame DeBellefeuille.

[Translation]

Mrs. Claude DeBellefeuille: Mr. Chair, I want to thank Mr. McGuinty for being so gracious, and I want to ensure that he gets an opportunity for closing remarks.

I want to take the time to thank the analysts and all the translation and printing services staff, who put aside their personal time this weekend in order to draft a report, as we had requested. We sincerely thank them. These people are fathers and mothers, and we thank them for working on the weekend so we could do our work this morning. Thank you very much.

[English]

The Chair: Excellent.

We do have some motions we have to do to finish this, but thank you again for that, Madame DeBellefeuille.

I think all of us say the same thing: excellent job. Thank you for all of your help over this last week or so.

Mr. McGuinty.

• (1140)

Mr. David McGuinty: That's exactly where I wanted to come to, Mr. Chair. I'd like to echo Madame DeBellefeuille's sentiments. I'd like to thank you. This has been a very difficult journey for you as chair. You've been scrupulously fair, in our estimation, and it's been a tough job. Thank you for doing that.

I'd also like to thank all of my colleagues. This has not been an easy journey for all members of all parties. It has been a terribly difficult outcome, we believe, and in many ways an unfortunate outcome, but one that we will undoubtedly take back to the House and deal with we hope expeditiously this afternoon and this week.

I wanted to offer my deepest thanks to you, Chair, and to the staff, of course. You've been remarkable in your fairness. Thank you, Chair.

The Chair: Thank you.

I have a couple of questions for the group. First of all...

Go ahead, Mr. Lukiwski.

Mr. Tom Lukiwski: It would certainly be remiss of the government side not to also give you our congratulations and our thanks for the job you have done. I know this has been difficult for you, not because it has been a matter that has weighed upon you from a political perspective, but from a medical perspective, I know, Mr. Chair, not to get into it.

I want to thank Mr. Proulx for assisting you the other day.

You have certainly shown, quite frankly, some courage. You sat there and had to deal with this for long hours and with a lot of heated discussion from time to time, in spite of the fact that you were

hurting a little bit, Mr. Chair. I thank you on behalf of all members from the government side for some very, very good work.

I also want to echo all of my colleagues' remarks in thanking the analysts and the clerk and all of the officials.

You get paid not enough money sometimes, in my view, to deal with some of the stuff you have to deal with. When we see a committee like this, under a very, very tight timeline, get to a goal in terms of drafting a report, it's because of the hard work not only of members of this committee but of our unsung staff. Thank you very much.

The Chair: All right.

Monsieur Godin.

Mr. Yvon Godin: When I started I was not going that way, but the NDP want to join our colleagues in thanking you, Mr. Chair, our analysts, and our clerk for all the work that has been done. I think it's good for the democracy of our country.

The Chair: May I get that in writing for Mr. Martin?

Some hon. members: Oh, oh!

Mr. Yvon Godin: I will.

The Chair: We have a few pieces of housekeeping on the dissenting report. Do we want to do the motions first?

Let's do this first.

Motion one is that the draft report, as amended, be adopted.

Moved by Monsieur Godin.

Some hon. members: Agreed.

The Chair: Motion two is that the report be entitled "Question of Privilege Relating to the Failure of the Government to Provide the Documents as Ordered by the House".

Moved by Monsieur Godin.

Some hon. members: Agreed.

The Chair: Motion three is that the chair, clerk, and analysts be authorized to make such grammatical and editorial changes as may be necessary without changing the substance of the report while we finish drafting it this afternoon.

Moved by Monsieur Proulx.

Some hon. members: Agreed.

The Chair: Motion four is that the chair present the report to the House.

Moved by Monsieur Proulx.

Mr. Marcel Proulx: Is there a timeline on that?

The Chair: This afternoon.

Some hon. members: Agreed.

An hon. member: Opposed.

The Chair: Opposed? Yes, I'm sorry to those on the opposed side.

Mr. Yvon Godin: Could we have a recorded vote on this?

The Chair: On that? Sure we could.

A recorded vote on motion number four, moved by Monsieur Proulx, that the chair present the report to the House this afternoon, I guess is how it reads now.

(Motion agreed to: yeas 8; abstentions 3)

The Chair: That carries.

Motion five is that the committee append to its report a supplementary or dissenting opinion from members of the Conservative Party, provided that it is no more than.... I need a number—the same number as this report?

• (1145)

Mr. Tom Lukiwski: Say no more than two pages.

The Chair: So no more than two pages in length and submitted electronically to the clerk of the committee in both official languages no later than 1:30 p.m. today.

Who is moving that motion? Moved by Mr. Lukiwski.

Some hon. members: Agreed.

The Chair: Any against?

Carried.

That completes the work today on that report.

There are some housekeeping motions.

There is lunch in the same room as we've been having it all week for those who need sustenance.

Tomorrow's meeting will be at 11 o'clock.

Mr. Lukiwski.

Mr. Tom Lukiwski: I'm sorry to interrupt, Chair—and 11 o'clock, our regularly scheduled time, is fine. I have a suggestion for the committee. Chair, if everyone recalls, and I know they do, on the Minister Oda question of privilege, the Speaker said he wanted to refer it to this committee to try to clear up confusion, to clear the air. We have a deadline of Friday of this week.

I think it would be helpful if we could hear from the Speaker. The Speaker is back from his trip. He would have had a chance, or at least if we instruct him he will have a chance today, to examine all of the testimony of Ms. Oda and the transcripts of the entire committee. I would like to have the Speaker appear before the committee tomorrow so we could ask his opinion, since he was the one originally who decided this should be referred to try to clear up the confusion.

The opinion I would ask of him is whether he believes that confusion has been lifted, that the air has been cleared. Mr. Chair, if we did that tomorrow, and the Speaker came for an hour, it would allow the analysts, based on all of the testimony that we've already heard, plus the Speaker's testimony, a couple of days to draft a report and report it back to this committee. When we meet at our regularly scheduled time on Thursday, we could examine the report and hopefully get that dealt with on Thursday, and then it would be available for tabling in the House on Friday, which is the deadline.

The Chair: Thank you.

I have Monsieur Godin first, and then Madame DeBellefeuille.

[*Translation*]

Mr. Yvon Godin: I will try to be clear.

When the Speaker of the House of Commons asks the committee to study what was said or what has happened, is it normal to have him appear and to question him about his interpretation? It is up to us to interpret what we have heard. If the Speaker were to be summoned to appear in every committee to which he refers an issue, there would be no end in sight. I have been around for 14 years and I do not remember this ever happening. I would like it if you looked into this matter. The Speaker has never been summoned to appear before the committee. I don't think he should appear now.

[*English*]

The Chair: Monsieur Godin, at this committee alone we've called the Speaker, as a matter of convention, each time he's sent a motion of privilege to us. Each time he's come and been our first witness, along with Monsieur Walsh sometimes....

But I don't want to get into the debate, as the chair.

Madame DeBellefeuille.

[*Translation*]

Mrs. Claude DeBellefeuille: Mr. Chair, you are right. However, when a study is conducted, the Speaker appears to explain the nature of his decision. He does not pass judgment on the testimony that he has heard or read. He does not say whether he is less confused than he was before. This is not the nature of his testimony. Mr. Lukiwski suggests that the Speaker appear to tell us whether he thinks the issue is less confusing than before. I think that this is irrelevant to the study we are conducting. He should have appeared earlier to explain why he was confused. However, he was not available. I don't think his testifying before our committee tomorrow would help us any.

[*English*]

The Chair: Monsieur Blaney.

[*Translation*]

Mr. Steven Blaney: Like any other witness, the Speaker is free to answer the questions put to him or not to answer them. He clearly has a key role to play in the analysis of this process. His opinion is very relevant and could help each member of this committee come to the appropriate conclusions and make the necessary recommendations. We will have to look into this. By doing so, we would show that the committee really wants to get to the bottom of things, be transparent and thoroughly understand the issues involved. This decision is not supposed to be made by the Speaker of the House, but by the committee. However, he could clarify certain things for the House. If he chooses not to comment on the matter, I think that no one here will blame him.

I think that this is an excellent idea. As Mr. Lukiwski said, it would allow us to meet the deadline set by the Speaker of the House. If there is anyone who could help us by testifying at this point, it is the Speaker.

• (1150)

[English]

The Chair: All right.

I see no other speakers on the list.

Is it the will of the committee to have the Speaker at committee tomorrow?

Mr. Marcel Proulx: No.

The Chair: Those in favour?

An hon. member: A recorded vote.

The Chair: A recorded vote: we haven't had one of those yet today, so why don't we do that?

(Motion negatived: nays 6; yeas 5)

The Chair: Okay.

With regard to the report you have in your hand, I'm going to caution you that although this has been in public, the report is still confidential until tabled in the House. I recognize that has a real bend to it today, with the way we've handled the proceedings, but that is the way the rules go. While it's still a draft report until it's presented in the House....

An hon. member: [*Inaudible—Editor*]

The Chair: Now, that's a good question. It's the will of the committee.

Do you want to hand your reports back in? You can certainly do so.

Some hon. members: Agreed.

The Chair: The final draft will come to me and be presented.

I will give mine back.

Is there anything else for the good of the committee today?

Mr. Marcel Proulx: Yes.

Tomorrow at 11 o'clock, are we discussing the Oda...?

The Chair: I think we'll then have.... If that's the case, we'll be giving guidance at tomorrow's meeting to the analysts as to starting down the road of writing that report, yes.

Mr. Marcel Proulx: Thank you.

The Chair: Thank you.

We are adjourned.

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