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Tuesday, March 22, 2011

—
Chair

Mr. Joe Preston

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• (1100)

[English]

The Chair (Mr. Joe Preston (Elgin—Middlesex—London, CPC)): We'll bring the meeting to order. We are in public session.

Mr. McKay, you had your hand up.

Hon. John McKay (Scarborough—Guildwood, Lib.): I did indeed. Thank you, Chair, for the recognition.

I'm going to move a motion that is actually quite lengthy, as a framework, if you will, for our discussions with respect to what should constitute the report or what should be included in the report, so that the people writing the report will actually have a clear understanding of the wishes of the committee.

The Chair: I see a copy here, but we don't have it in both....

Hon. John McKay: We may...I know that it was being rushed through.

The Chair: All right. So we can't hand it out because it's not in both languages.

Hon. John McKay: No, we can't. I'm just going to be reading from it in my own notes here, but hopefully by the end of the meeting we'll have it in the other official language.

I think the first point to be made—

The Chair: Excuse me.

I'm going to recognize Monsieur Laframboise.

[Translation]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Chair, it would be good if the interpreter could have a copy of the note.

[English]

Mr. Marcel Proulx (Hull—Aylmer, Lib.): I've already given them a copy.

The Chair: Yes. It is there now, so let's do it, but let's....

Mr. McKay, go ahead.

Hon. John McKay: Thank you.

I think the first item that should be dealt with by those who will be drafting the report is what constitutes contempt. I would suggest that as good a definition as any is found in *Halsbury's Laws of England*, on page 608:

Any act or omission which obstructs or impedes either House in the performance of its functions or which obstructs or impedes any member or officer of the House

in the discharge of his duty or which has a tendency to produce such a result as may be treated as contempt even though there is not a precedent for the offence.

I think that was backed up by Mr. Walsh, who said that contempt is what the committee says it is, effectively.

I think that's the framework with which we need to deal.

The second thing is what needs to be established to prove contempt. I think there are two points there. The first is that the statement must have in fact been "misleading". The second point is that "it must be established that the Member making the statement knew"—or, I would suggest, ought to have known—"that the statement was incorrect", and in making it, "the Member intended to mislead the House".

I think that's the procedural framework, if you will, under which we should cast our deliberations. I would argue essentially almost 17 points, which.... I'm sure my colleagues will be thrilled to listen to me pontificate for 17 points; nevertheless, I'll try to be as brief as I can.

The first point has to do with—

• (1105)

Mr. Terence Young (Oakville, CPC): Mr. Chairman?

The Chair: Yes, Mr. Young.

Mr. Terence Young: I'm trying to follow Mr. McKay and the source, etc. Do we have anything...? Is there anything in writing?

The Chair: No, not yet, not that we can distribute to the committee. As soon as we can, we will.

You're going to have to listen to his motion.

Mr. Terence Young: Well, he just gave us a quote.

What was it that you quoted out of?

Hon. John McKay: It's out of Halsbury's.

Mr. Terence Young: I think you injected your own editorial comments—

Hon. John McKay: Yes, there was one on—

Mr. Terence Young: —in that quote to change the key definition.

Would you please repeat that?

Hon. John McKay: Yes: "knew or ought to have known".

Mr. Terence Young: So you changed the definition while you were—

Hon. John McKay: I didn't change the definition. I simply added—

Mr. Terence Young: So in your view, “ought to have known” should have been part of that definition, but it is not part of that definition.

Thank you.

Hon. John McKay: It's a quote from *Parliamentary Practice in New Zealand*.

Mr. Terence Young: New Zealand? Thank you.

The Chair: All right.

Hon. John McKay: The motion is as follows. Maybe I'll hold argument for later, but let me just read the motion.

The Chair: I think we'd like that.

Hon. John McKay: Okay.

The Chair: Let's get the motion in and then we'll debate.

Hon. John McKay: Okay.

Maybe I'll hold argument for later, but the motion is as follows:

1. That the response to the order paper questions to the members for London North Centre and Notre-Dame-de-Grâce—Lachine misled members in two respects: one, that a reader would be left with the impression that the decision to defund was a CIDA decision made by CIDA civil servants; and two, that the universe of funding criteria was contained on CIDA's website, both of which we now know are not true.
2. That the parliamentary secretary, speaking for the minister, was himself misled when he spoke in the House on behalf of the minister, saying that “the Kairos application did not meet agencies' priorities”. We now know this also to be untrue. The parliamentary secretary had done the honourable thing and apologized to the House, as he too was misled.
3. That the talking points of the agency itself led one to the clear conclusion that this was a CIDA decision.
4. That on December 9, 2010, the minister knew, or ought to have known, who inserted the “not” in the approval line.
5. That within 24 hours of the question being asked, the minister knew who had inserted the “not” in the approval line.
6. That for 14 months the minister let MPs and Canadians believe that that decision to defund was a CIDA decision, and that except for an access to information inquiry and the President of CIDA's subsequent confirmation, this was clearly not a CIDA decision, but purely a ministerial decision.
7. That when the facts were exposed on December 9, 2010, the minister changed her position from it being a CIDA decision to it being a government priorities decision.
8. That to date there's been no satisfactory explanation as to what constitutes government priorities.
9. That Minister Kenney accused Kairos of anti-Semitism in a speech in Israel at the Global Forum for Combatting Anti-Semitism on December 16, 2009, and that this was the reason for its defunding, and that we now know that this too was untrue.
10. That the Minister of CIDA and the President of CIDA have never said that anti-Semitism was the reason for defunding, and further that they had no evidence of anti-Semitism.
11. That the allegation of anti-Semitism is false, that it slandered Kairos' reputation as an organization and the 11 Christian churches and organizations that constitute Kairos, and further that thousands of Kairos supporters have been hurt by this slander.
12. That the defunding decision has affected the lives of thousands of poor people by causing Kairos to withdraw from many partnerships.
13. That the committee regrets that CIDA officials have been made to appear as if the decision was theirs, when in fact it was not.

14. That the minister had every opportunity to clarify the “confusion” in response to questions in question period and in her apology of February 14, 2011.

15. That the minister must be held to the highest standard of accountability, not only so members may do their duty, but also so that witnesses coming before committee understand the duty of truthfulness when appearing before a committee of Parliament.

16. That the truthfulness, transparency, and accountability of the executive branch to the legislature is a core function and a necessity for a democracy.

17. That confusion is not contempt, it is incompetence. However, the pattern of misinformation and limited truthfulness has been so consistent over the past 14 months that the committee has been led to the inescapable conclusion that a contempt has occurred.

Thank you.

● (1110)

The Chair: Thank you.

Can I have just a minute to speak with the clerk?

Hon. John McKay: Yes.

The Chair: Mr. McKay, on your motion, I have identified three or four spots in it that aren't part of study or part of the point of privilege. Since it's been given as one motion, I can't rule those pieces out of order, I can only rule the motion out of order.

Hon. John McKay: Can you identify what you think are not the constituent elements?

The Chair: Yes. Certainly number 2 was not part of our study, not part of the information brought forward under the motion of privilege. On number 8, again, I'm not certain that was part of the motion of privilege. It's information you're looking for, I'm sure, but I don't think it constitutes what caused the breach of privilege. Numbers 9, 10, and 11 fit into the same spot, and number 12 is arguable.

Getting into the funding of Kairos isn't what this motion of privilege is about; the motion of privilege is about statements being made by the ministers. I understand you are trying to be all-inclusive in your motion, and I thank you for doing that.

I'd love another solution from you, but at this moment I'm going to go with that.

Hon. John McKay: I suppose I'm going to challenge the chair, but before I challenge the chair, let me deal with several points.

I think that point number 2 is critical. There is evidence to support that. It is in the record. It is—

The Chair: I'm not suggesting that there isn't evidence. I'm not suggesting it is something that didn't take place. I'm just suggesting it is not part of what we're looking at from the point of privilege.

Hon. John McKay: Oh, it has to be.

The Chair: We can differ on opinion.

Hon. John McKay: On number 8, I might well agree with you.

On number 9, that is the only reason that has been put forward at this point by a minister of the crown as to what constitutes—

The Chair: Yes.

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): On a point of order, I'm finding it extremely difficult to follow this without these points in front of us. Could we...?

The Chair: I'm sorry, you're absolutely right. I'm reading off a piece of paper that the rest don't have.

Mr. Harold Albrecht: Could we suspend for five minutes and get this document translated? It's almost impossible for us to talk about the details without having it in front of us. This should have been translated long ago.

Mr. Marcel Proulx: We tried to.

[*Translation*]

Mrs. Claude DeBellefeuille (Beauharnois—Salaberry, BQ): Can't we use the House services and have an analyst do the translation? It seems to me that they do that in the Wellington Building. They do translation.

In other committee rooms, isn't there a House service that provides simultaneous translation in writing on the screen?

[*English*]

The Chair: They all do, but this has to be asked for ahead of time. It doesn't just happen because you want it at that minute.

This is what we're faced with again. I know there were accusations the other day about handing in documents that aren't translated and we had to say we wouldn't accept them. Here we're dealing with a document, again not translated.

I happen to have been handed a copy, so I'm working off it. I do apologize. I momentarily forgot that the rest of you don't have it.

I'm looking for a solution here. I'm not certain that we shouldn't wait until this document is translated.

It's that detailed of a document, Mr. McKay.

Madame DeBellefeuille, and then I'll come to Mr. Lukiwski and Mr. Blaney.

[*Translation*]

Mrs. Claude DeBellefeuille: I understand Mr. Young's discomfort. We share it, given that we do not have a written document to look at.

The French translation was very good, you know, and I understood it. Perhaps we could read it once more, because we are used to hearing motions translated by the interpreters. Could we have it repeated once or twice for Mr. Young, if we can't get the translation?

I am quite satisfied with the interpretation. We can take notes. It just may take a little more time. If translation is not available, that is a compromise we could accept.

•(1115)

[*English*]

The Chair: Madame DeBellefeuille, I understand that, and you're being more than generous in helping us with this. But I'm about to rule that some of these points are not correct. I think you may want to know what they are exactly as we do each one. I'm just suggesting that may take a period of time.

I'll go to Mr. Lukiwski, Mr. Blaney, and then back to Monsieur Laframboise.

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): Thank you, Chair.

I share the same concerns that have been expressed around the table. I listened to the motion, but there were 16 or 17 points. Then you were starting to refer to points 2, 8, 10, 12, and I didn't have a copy in front of me. Members who wish to have it *en français* do not have a copy in front of them. I think it is patently unfair for us to try to determine whether this motion is acceptable or not without having the ability to read verbatim what the motion is.

Chair, I am suggesting that we suspend until such time as we have this document in both official languages for all members of the committee to examine.

The Chair: I see no other option.

Mr. McKay, I know it's your motion, and I have other speakers on this, but I'm going to speak from the chair at this moment and say that I suggest we suspend. Whether it's until later today, which seems impossible, with it being budget day.... More likely it will be until our regular scheduled meeting on Thursday.

The clerk suggested we could have it in about an hour. That makes it 12:15. I suppose we could reconvene at that point. I'm not certain it's giving us enough time to finish our work for today, but I'll leave it at that. Let's finish the discussion on this to see if we can come to a conclusion as a committee.

Mr. Blaney.

[*Translation*]

Mr. Steven Blaney (Lévis—Bellechasse, CPC): Mr. Chair, I feel that you are heading towards a very interesting solution. I just remind you that I also have the pleasure and privilege to chair the Standing Committee on Official Languages. I humbly point out to you that no document can be distributed to committee members if it is not presented in both official languages. Clearly, we are not talking about a sentence of three or four words here, we are talking about a complete text.

I just want to urge you to respect parliamentary rules, as I am sure you will, by allowing all members of the committee, whether they speak French or English, to have access to the same information. So I feel you are on the right track because, as you know, in any committee, not just in the official languages committee but in all committees, documents may not be submitted in only one of the official languages. They must be submitted in both official languages.

[*English*]

The Chair: Thank you.

On a point of order, Madame DeBellefeuille.

[*Translation*]

Mrs. Claude DeBellefeuille: Mr. Chair, I have a point of order on what Mr. Blaney has just said.

It very frequently happens that we study motions on the spot in a language that is not our own. As francophones, we have to listen very carefully and have the motion repeated several times. We must be careful when Mr. Blaney says that we do not have a right to do that. I often accept unilingual documents or have the interpreters repeat documents that we have just received. But I understand that this is a long document and it would be good to have the French translation. If you are telling us that we will be getting it in an hour, that would be the best way to go.

[*English*]

The Chair: Okay.

Hon. John McKay: I'm fine with that.

The Chair: I'll take a couple of more speakers.

I'm inclined right now to suspend until 12:20 to see if—

Mr. Marcel Proulx: It could be 45 minutes.

The Chair: When we do suspend, we'll set a time as to when we will reconvene.

I had Mr. Albrecht, Mr. Laframboise, and then Mr. Godin.

Mr. Harold Albrecht: Mr. Chair, with due respect, I totally agree with my colleague, Madame DeBellefeuille. The difference here is that there are 17 points that we're going to discuss, in sequence or not, and I think it would be helpful for all of us to have them in front of us.

The Chair: Agreed?

Hon. John McKay: Or not.

The Chair: Monsieur Laframboise.

[*Translation*]

Mr. Mario Laframboise: I have no problem with having the translation sent as soon as possible. We could then resume work around noon.

[*English*]

The Chair: We'll do our fastest.

Monsieur Godin.

[*Translation*]

Mr. Yvon Godin (Acadie—Bathurst, NDP): My comment is along the same lines, Mr. Chair. It is always best to have the translated document in our hands. There is no breach of the Standing Orders, because the document has not been submitted. A motion has been introduced. I echo Mrs. DeBellefeuille's comment that, as francophone members, we very often have to put up with motions that have been submitted in English. But given the length of this document, I am ready to support the motion.

[*English*]

The Chair: I agree.

So let's suspend until 12:15. We'll reconvene in this room at 12:15.

Mr. David McQuinty (Ottawa South, Lib.): At noon, *midi*, 12 noon.

The Chair: Is this an auction?

Twelve noon it is.

• _____ (Pause) _____

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• (1155)

The Chair: Order.

On a point of order, Mr. Proulx.

Mr. Marcel Proulx: You have to realize that the French version was supplied by the Liberal Party of Canada, and obviously our employees are very used to talking about the Liberal Party of Canada, so in the first sentence in French there is a huge mistake. We're saying we are giving directions to members of the Liberal Party.

The Chair: And rightfully so, right?

Mr. Marcel Proulx: So I apologize. It must have been a template they used.

The Chair: Yes, we will find some spelling and grammatical errors on this motion as we move through, and I accept that we will cross out certain things and do that type of thing.

Mr. McKay, we were on your motion. I had made certain comments, and you were about to—

• (1200)

Hon. John McKay: And I was about to—

The Chair: —tell me what a bad person I am.

Hon. John McKay: Exactly, yes. I wouldn't want to castigate the honour of the chair.

Just as a point of facilitation, and because I'm such a heck of a reasonable guy, I think we can delete paragraphs 8 and 12, because my judgment there is that they are argumentative rather than factual. However, the rest of the commentary you made is substantiated by both the record of Parliament itself with respect to paragraph 2 and paragraphs 9, 10, and 11 with respect to the evidence introduced by Mary Corkery, the president of Kairos. So I think all of that is in order and on the record.

The Chair: Thank you very much.

I'm going to apologize. You're maybe being reasonable, and I am not, but the ruling has to be for the whole thing, not picking and choosing. So if you have some things in here that make your motion non-compliant in my case, then I have to rule the whole thing out of order. So that's what I've done at the moment.

Hon. John McKay: Okay.

The Chair: Mr. Lukiwski.

Mr. Tom Lukiwski: Thank you.

Again, since we have a lot of difficulty, certainly from the government side, and since the chair seems to have difficulties on the propriety of some of the points in the motion, and in an effort to try to make this committee work to our timetable as best as possible, which as we all know is Friday, I would propose an amendment to this. I will read it. We do have copies in both official languages, but I'll read the amendment to the motion first.

Everything after the word “That” in Mr. McKay's motion would be replaced with “the analysis draft that the analysts”—

Mr. David McGuinty: Which “that”?

An hon. member: The first “that”.

Hon. John McKay: Is that the paragraph 1, “That”?

An hon. member: No, before paragraph 1.

Mr. Tom Lukiwski: The preamble to paragraph 1, where it says “That the draft report contain the conclusions of the committee”.

Mr. Marcel Proulx: How can we start into amendments when we have challenged your decision, Mr. Chair, and a challenge of your—

Mr. Tom Lukiwski: How can you challenge it? We're discussing it.

Mr. Marcel Proulx: No, we're challenging a decision. I'm still on the point of order.

The Chair: Still on the point of order.

Mr. Marcel Proulx: You ruled this out of order.

The Chair: Right.

Mr. Marcel Proulx: We have challenged the chair's decision. There is supposed to be no debate on a challenge.

Mr. Harold Albrecht: Point of order, Mr. Chair.

The Chair: Let Mr. Proulx finish his, and then—

Mr. Harold Albrecht: Gladly.

The Chair: Mr. Proulx.

Mr. Marcel Proulx: Therefore, my impression was that we were to vote on that challenge to see if this was on the table or not. Am I right or am I wrong?

The Chair: I'll hear it all and then make one ruling.

Mr. Harold Albrecht: Mr. Chair, how can we vote on a challenge when the mover of the motion has come to a subsequent session and said he would remove part of the motion? We're not voting on the same thing the motion was on.

Hon. John McKay: Yes, we are.

Mr. Harold Albrecht: Mr. Chair, he's removed paragraphs 8 and 12.

The Chair: I'm going to suggest that Mr. Proulx is correct, that at this moment we need to clear up the fact that I've ruled Mr. McKay's motion out of order, and make it either in order or out of order so we could then amend it, if that's the case. I think that's the route we have to take here. I know that in a moment we'll of course know the answer to that.

This is what we're voting on, that the decision of the chair be sustained. A recorded vote? Okay.

(Ruling of the chair overturned: nays 6; yeas 5)

The Chair: I had a chance there for a moment, I thought. I saw it in your eyes.

Mr. Yvon Godin: If they want to brag about you, I was okay too.

The Chair: I have to rule that the conversation on the motion can proceed.

Mr. Lukiwski.

● (1205)

Mr. Tom Lukiwski: I'd like to make an amendment.

The preamble currently reads “That the draft report contain the conclusions of the committee, namely”, and it lists the 17 points. I suggest that everything after the word “That” be replaced with the following: “the analysts draft a report that summarizes the testimony witnesses heard, and that the analysts provide the committee with a series of options for conclusions that are to be discussed at the March 24 procedure and House affairs committee meeting”.

I have this motion in both official languages. We'll have it distributed.

Mr. Steven Blaney: I'll do that for you.

The Chair: I have Mr. Albrecht and then Mr. Reid, and I did see a hand over here.

Mr. Albrecht.

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

I was originally intending to speak to the motion, but I'd be glad to speak to the amendment, because I think it gets to the heart of the mandate of our committee, and that is, to listen objectively to the input from the many witnesses that we heard over the last day, on Friday, to reflect on that, and then to ask our analysts to provide a summary of what the witnesses said. As with all the committees I've ever served on, Mr. Chair, there are a series of options that give the elected members of Parliament, who are the ones who need to come up with a conclusion.... It should not be a foregone conclusion by any one person or any one party. It's very important that we allow the analysts to come back with a summary and at least two or three options that the committee could consider and then hopefully adopt the one that will be the clearest for the way forward.

Thank you, Mr. Chair.

The Chair: Thank you very much.

Mr. Young, you are next, I think.

Mr. Terence Young: It was Mr. Reid.

The Chair: Sorry, it was Mr. Reid. Yes.

Mr. Reid.

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): Thank you.

We had some experience in our two most recent meetings of the opposition attempting to introduce what amounts to a pre-written draft report by means of a motion. I gather it's not actually prohibited under the standing rules. This is part of the reason why we need to change the standing rules from time to time. It's certainly against the practices of the House of Commons.

I don't want to exaggerate my own experience here. I've been here for ten years now, and certainly up until last week I had never seen anything like this occur. So to continue down that same unprecedented road seems inadvisable, particularly given our recent history of how unsuccessful that actually was. The result was to produce a report that, quite frankly, is a farce—the last report of this committee—through a process that.... I've been trying to think of the appropriate analogy. The one that comes closest to mind, especially when we're dealing with the minister potentially being found in contempt, is the process by which bills of attainder were passed in the Parliament in England in the 16th and 17th centuries, before the practice was stopped.

You couldn't convince a court through normal procedures that someone was guilty of treason. You'd simply be attainted with treason. The person would be accused by someone who would then bring a bill forward in the House of Commons. If you could pass the bill there, pass it in the Lords, and get the King to sign it, you could then hang that person or cut their head off. It didn't matter. None of the normal rules of evidence, none of the normal protections, none of the normal procedural constraints were in place. That person was led off to their execution. Ending that practice was an important part of civilizing and modernizing the system on which ours is based. Now it seems that there's a desire to return to that barbaric system.

The things we saw with Mr. Martin's very aggressive badgering of the witness and interrupting her would never be permitted in a court, that's for sure.

There are the sorts of things we saw from Mr. Godin. I can't remember if it was in this proceeding or the previous one, but he said "I get to choose which answers I get to hear". That is not permitted. Once you've asked the question, you get a fulsome answer. In all fairness, that doesn't happen in committees in general. That is why committees do not engage in that kind of thing.

While that salutary practice of abandoning the practice of attainting people has been forgotten, we've seen other abuses of the same type occur. The McCarthy hearings are the classic example from the United States. People were dragged into them with no procedural protections. Outrageous assertions based on Senator McCarthy's own delusions were trotted out and used to ruin their lives and careers.

Something similar is going on here. No regard is given to the evidence we've heard, or even to evidence we haven't heard, such as, in point two, an assertion that the parliamentary secretary was himself misled. That is based on what conclusion? Has the parliamentary secretary ever said this? Was he invited before this committee to express an opinion on this? No. We simply assert that this must be what he was saying.

● (1210)

The Chair: Just a second, Mr. Reid. I have a point of order.

[*Translation*]

Mr. Mario Laframboise: I have a great deal of respect for Mr. Reid, but he is discussing the motion. He is not speaking to his amendment. Mr. Chair, could he please speak to his amendment? Please, we must not discuss the motion.

[*English*]

The Chair: Since he's talking about evidence and the amendment talks about a summary of the testimony of witnesses, I think he was just getting to a point where he was suggesting that the witness wasn't even at our committee. I have to rule that he's on topic, for the moment.

Mr. Reid, please continue.

Mr. Scott Reid: That is exactly where I was going with this. The point is there are things in here that I suspect—in fact I'm positive—would not make it into a report written by the analysts. The analysts would only consult the actual testimony we heard before us.

Now, if it were the decision of this committee to say we're not ready to write the report yet because we need to have additional witnesses, such as the parliamentary secretary, it would be perfectly reasonable and well within the rights of the committee to make that decision. The motion put forward by Mr. McKay today could, for example, have said we want to call the parliamentary secretary before this committee because we believe that if he were asked he would say something like that. But perhaps he wouldn't give the answers that were desired by Mr. McKay, and that would not produce the desired result.

That's just one of 17 points, but it's hardly the only one that is problematic. That's the reason for going along. The much shorter, more elegant motion that would result if this amendment were adopted would eliminate the possibility of that sort of thing occurring. It would remove the possibility that we would be pressed into a conclusion that might not reflect where the committee ought to be going, ought to be led by the evidence, because the only standard that we ought to have—I will not suggest this is the only standard we do have—is to be led by the evidence towards the finding that gathers the truth as well as we can find it, and then writes conclusions and recommendations based upon what the truth is. That is not where we are led when we advise the analysts or instruct them to come to a conclusion.

This amendment simply returns us to the normal practices that are carried on by every committee, that have been carried on by this committee ever since I have been on it. I think—although I stand to be corrected—I'm now the senior member on this committee in terms of length of service. I've never seen it do anything like this. This is the senior committee in the House of Commons. I'll add that I've served on a number of other committees. I've never seen any of them do this.

I have to leave here early today, unfortunately, because I'm chairing a subcommittee on human rights, and that's never been the way that subcommittee has behaved either. I've been a witness at committees both here and in the Ontario Legislature, and I've never seen them behave that way.

● (1215)

Hon. John McKay: That bell means it's a hanging offence.

Some hon. members: Oh, oh!

Hon. John McKay: The gallows are calling.

Mr. Scott Reid: Practices that are normal, that are the tradition in this House, that are precedented, that have caused Canada's Parliament to function—I wouldn't suggest perfectly, but on a scale of parliaments worldwide, pretty darned well—should be returned to. That's what Mr. Lukiwski's motion proposes to do. I think it does it well. I think it takes what has become a kind of kangaroo court—or as I suggested, essentially a body looking at what amounts to a bill of attainder—and returns it to the parliamentary practices of the 21st century rather than those of the 16th century.

That's all I have to say, Mr. Chair. Thank you.

The Chair: Thank you, Mr. Reid. And you did reflect back on a time when many speakers and chairs lost their heads too.

Mr. Scott Reid: That's true.

The Chair: We'll tread lightly.

Mr. Young.

Mr. Terence Young: Thank you, Chair.

I thank my colleague for the motion. I think it prevents us from going down a road that we do not want to go down with regard to parliamentary precedent and law.

When Mr. McKay first read his motion to me, I was actually shocked. He talked about an act or an omission that obstructs the House. I guess the researchers searched high and low to find this definition. They ended up in New Zealand, which has a vibrant Parliament. I'm not saying it's not a good decision, except he changed the decision.

We heard the other day from expert witnesses. We heard last week that it's Parliament that defines what contempt is. There is no section anywhere, no statute you can go to that says to every parliament in the world, "Here is contempt. Here it is. It's all clear for you." In fact what we're doing today is defining it.

But what he brought forward was an essential element of contempt, which is that the person being accused of contempt knew—

The Chair: Monsieur Laframboise

[Translation]

Mr. Mario Laframboise: A point of order, Mr. Chair.

This amendment completely distorts the meaning of the proposal. It is not an amendment, it is a proposal in itself. This amendment should not be ruled to be in order, Mr. Chair, because passing it would be just like negating the motion. I have no problem with the Conservatives being against the motion; all they have to do is vote against it. The problem is that this amendment does not serve to amend the proposal, it serves to destroy it and to put a completely new one in its place. I think you should take that into consideration, Mr. Chair.

[English]

The Chair: I will rule that Mr. Young has the floor.

Mr. Terence Young: Thank you, Mr. Chair.

What Mr. McKay has done, and I will direct committee members to number 4—

[Translation]

Mr. Mario Laframboise: A point of order, Mr. Chair.

[English]

The Chair: Monsieur Laframboise.

[Translation]

Mr. Mario Laframboise: What is your decision? I am telling you that this amendment is out of order. What is your decision?

[English]

The Chair: At the beginning, when it was handed to me, I would have ruled it out of order if I felt it was. We went to discussing it and that's where we are now.

Mr. Blaney, did you also have a point of order?

[Translation]

Mr. Mario Laframboise: I challenge your decision, Mr. Chair, as I have the right to do. I challenge your decision.

[English]

The Chair: You're challenging a decision that hasn't been made, I suppose.

[Translation]

Mr. Mario Laframboise: Yes, your decision means that we are continuing to discuss this amendment even though it is out of order. That is what I am telling you, Mr. Chair.

[English]

The Chair: Let's do a whole round of points of order. Let's get one from each party. We had Mr. Laframboise. We're going to go to Mr. Blaney next and then we'll come back.

[Translation]

Mr. Steven Blaney: Mr. Laframboise has now raised two points of order. Earlier, a motion was introduced that you ruled out of order, but members decided to consider it anyway. In the course of an exchange about the purpose of the motion, Mr. Laframboise intervened. I feel that is more a debate than a matter of procedure. I feel that your ruling on the matter was very clear.

At the moment, Mr. Chair, we are considering an amendment and Mr. Laframboise is interrupting the discussion with what is basically procedural nitpicking. I am telling you that I too would like to express my opinion on the motion now that it has been ruled in order. I think your decision was legitimate and fair.

• (1220)

[English]

Hon. John McKay: You can't debate a point of order. It's either in or out.

The Chair: We're getting there.

Mr. Scott Reid: That is not true, John.

The Chair: We are on the same point of order.

Hon. John McKay: You can't debate it.

[Translation]

Mr. Yvon Godin: Mr. Chair...

[English]

The Chair: But I can take other conversation on the same point of order.

Mr. Godin, you are speaking on the same point of order.

[Translation]

Mr. Yvon Godin: ...my comment is about the point of order from the members of the governing party. Mr. Chair, you yourself said that, if the question had been raised at the outset, you would have said that the amendment was out of order. You did not hesitate to declare the first motion out of order. When a member feels that an amendment is out of order because it goes contrary to the main motion, I believe he can make the chair aware of that fact at any time. As chair, you have already said that, if you had been asked the question earlier, you would have said that the amendment was out of order. But that did not happen. You did not hesitate to rule the first motion out of order. Mr. Chair. This amendment really is out of order. It is contrary to the intent of the motion and you have to tell us now whether it is in order or not.

[English]

The Chair: You put words in my mouth. I did not say that.

We are on the same point of order.

Mr. Yvon Godin: Check the blues.

Mr. Scott Reid: Mr. Chair, this is on the same point of order.

Let me start by saying that in the House the rules are quite clear, the Standing Orders are quite clear. Unless we have adopted rules that are different from those in the House and that are not forbidden by the Standing Orders themselves, the rules of the House apply to this committee. And in the House you cannot come along and deal with something after it's already in debate; you have to raise it at the time.

This amendment was brought up, was circulated. The appropriate time to challenge it would have been at that time, and not after the debate has started to then decide that given that the debate isn't turning out the way we planned, we would now like to find that the whole thing has been out of order. There simply is no process for that. So you don't have to make a ruling in order for this to remain in order.

I want to make this point very clearly, because one of the tactics that I've seen used numerous times by the opposition, when they're acting as a coalition, is that they will insist, whatever is going on, that there be a ruling that it's in order, and then they'll declare that we override the chair, making it out of order, so that they can then go and suspend every single rule here. This misunderstands profoundly what the nature of a chair's ruling is and where the rules apply in the absence of rulings.

The rules exist, whether or not the chair says he's making a rule. When the chair is trying to interpret the rules, that's one thing. When the rules are written down and are black-letter, there's no way of overriding these things. There's no way of suspending them just

because we decide, as a group or as a majority, that they are not permitted.

I'm just encouraging you, Chair, not to let yourself be bullied—not that I think you're subject to being bullied, quite frankly—or badgered into a position where you would be aiding and abetting this completely unparliamentary tactic of saying “I demand to know whether this is in order”, and then “I challenge your ruling”, and then we get the predictable vote.

It's not as if it's a mystery how the votes will go on this committee. They're always a one-person majority on that side, ramming through everything without any regard for what the minority thinks.

Anyway, there is no point of order, really no requirement for a ruling, nor can there be on this matter.

The Chair: Thank you, Mr. Reid.

Mr. Young, you have the floor on the amendment.

Mr. Terence Young: Thank you, Chair.

Just let me recollect my thoughts. I thought I was being persuasive. I'll try harder.

From Mr. McKay's definition, it's quite clear that Minister Oda never expressed or never showed any contempt for the House, because she never had any. There is no evidence that there was any intent to cause a misunderstanding or confusion. An intent is what the law requires. This is what the common law requires, this is what parliamentary law requires—that the person have intent.

If every minister or member of Parliament who caused a misunderstanding, who caused some confusion—

• (1225)

Mr. David McGuinty: Mr. Chair, I have a point of order.

The Chair: On another point of order, Mr. McGuinty.

Mr. David McGuinty: Thank you, sir.

Mr. Chair, it's important. You've been asked to rule on the admissibility of this amendment—

The Chair: Since we are debating it, Mr. McGuinty, I think it's obvious what has been done there. It was read into the record by Mr. Lukiwski.

Mr. David McGuinty: Yes.

The Chair: I asked for debate on the amendment, and we put a speakers list together, which even includes your name.

Mr. David McGuinty: Not on this amendment, sir.

The Chair: I'm sorry, your name is down here. Okay, it includes some of the members of your party then, if not you. I see your name here, but maybe there's a second one here—

Mr. David McGuinty: But not on this amendment.

The Chair: So we started discussing it. I think that certainly is self-explanatory, what we're doing here. We're speaking on the amendment.

Mr. David McGuinty: I understand, sir, but I'm asking if you ruled on the specific question put to you by my colleague from the Bloc Québécois some ten minutes ago.

The Chair: We keep coming back to it. The answer is that when the amendment was put forward by Mr. Lukiwski, I suggested we debate it. A speakers list was formed. We've started to debate it. That stands on its own, Mr. McGuinty. You can go from there.

Mr. David McGuinty: Where in the Standing Orders, sir, does it say that my colleague from the Bloc Québécois does not have the right to first of all put the question to you once the debate has begun, and where in the Standing Orders does it say that he's not able to challenge your ruling once that question is put to you? Can you point out specifically in the Standing Orders—

The Chair: I'm sorry, I don't have the Standing Orders in front of me, Mr. McGuinty.

Mr. David McGuinty: I have them right here. I'll give them to you.

The Chair: By all means.

The answer here is that we have certainly done business in this way for a long time. I recognize you're not normally here, but this committee tends to work in a fairly collegial manner and moves things forward. I don't remember in my time as chair ever having to say at the start of a debate, "Here's my ruling," so that we can start the debate. That's not the case, and it isn't the case in our Standing Orders that the chair must make a ruling to start a debate.

Mr. McKay tabled a motion. Mr. Lukiwski amended it. Usually in a friendly manner in this committee that's what happens. Mr. McKay didn't say "No, no, no." Nobody on the floor said "No, it's not in order." I said "Let's debate it." We made a speakers list and we started through it. Five or six speakers in, I started to get points of order. That's a fairly good recap of where we are.

Mr. David McGuinty: That's your side.

The Chair: As a standard practice this is exactly how this committee functions.

Mr. David McGuinty: Except that you received, Mr. Chair, a specific request from my colleague from the Bloc Québécois to make a ruling on whether or not this is admissible.

The Chair: I am suggesting that because we are debating it, Mr. McGuinty, I have already said that.

Mr. David McGuinty: Really? When did you say it?

The Chair: Let's say it's implied. I didn't say this morning, "Oh boy, I'm going to have toast." I just had toast.

Mr. David McGuinty: But your first reaction this morning when Mr. McKay put forward his motion was to say you wanted to rule it inadmissible.

The Chair: As the chair, when I see something that I think is inadmissible, I will rule. When I see something that isn't, we'll carry on and function as a committee.

Mr. David McGuinty: So your decision is that it is admissible.

The Chair: Yes, or we wouldn't be discussing it, Mr. McGuinty.

Mr. David McGuinty: So as a result of that, you are challenged in terms of your decision, which you've just now formally given.

The Chair: I guess I'm challenged well after the fact, but I guess that's the case.

Mr. David McGuinty: And that is admissible. Our reading of the rules is that there is nothing precluding your ruling being challenged, and as a result of that being put to you, Chair, there can be no further debate. A vote must be taken in terms of the rules.

The Chair: On the same point of order, we can take another view. We'll not debate on it, but....

Mr. Reid.

Mr. Scott Reid: On the same point of order, Mr. McGuinty has very convincingly demonstrated to everybody in the room that the Standing Orders indeed are in the room. He said "I'll show them to you." Good for him. But he hasn't shown the actual rule that he appears to have just invented saying that if anybody calls for a ruling on anything, interrupts on a point of order to say they want a ruling on something, they can use it, for example, to shut down and terminate debate.

If that were actually allowed in the rules, we wouldn't have debates. Everything would get shut down right away. Once a group within had decided that they had a majority, they would get someone to.... This is completely outside the practices and rules of this place. That's why he hasn't actually cited anything from the Standing Orders to back up his quite frankly preposterous case.

• (1230)

The Chair: Thank you, Mr. Reid.

Monsieur Laframboise, on the same point of order.

[Translation]

Mr. Mario Laframboise: Yes, I want to comment on the same point of order, Mr. Chair.

We can ask whether an amendment is in order at any time, accepting that the decision is yours to make. Even more so because, since this morning, the rules we have always abided by have not been followed. We waited an hour for the Liberal motion to be translated. The Conservative party was able to bring forward a motion that was accepted on the spot. Normally, documents are sent beforehand.

In my opinion, you should have declared this amendment out of order, as you first did with the motion. I am giving you the opportunity to ask the committee to consider whether this motion is in order. I think that the committee should discuss the decision you have made.

[English]

The Chair: Since we're debating an amendment to Mr. McKay's motion, I will defer to the will of the committee and ask that question. I consider the amendment to Mr. McKay's motion to be in order, and I hear from you that you do not.

Mr. Lukiwski, on that? I'm about partway through.

Mr. Tom Lukiwski: Yes, on that.

Hon. John McKay: Excuse me, Chair.

As much as I would like to speak on this—

The Chair: I'm about to go to the decision.

Hon. John McKay: I thought you just made the decision, actually—

Mr. Tom Lukiwski: Mr. Chair, on a point of order, I thought you recognized me, not Mr. McKay.

Hon. John McKay: —in which case, neither Mr. Lukiwski nor I can speak on this. It is simply will it be sustained or not.

Mr. Scott Reid: He doesn't say it should be now. He doesn't say "I've ruled, this is my ruling".

Hon. John McKay: He just did.

Mr. Scott Reid: No, he didn't actually. This is like Simon Says. If you don't hear the magic words "Simon Says"—

Mr. Marcel Proulx: Why does he have the floor, Mr. Chair?

An hon. member: Are you chairing this meeting?

The Chair: We all seem to be able to just speak over the chair when he starts speaking, so I'll just wait for order.

Thank you very much.

I was in error. I did recognize Mr. Lukiwski when Mr. McKay's name was up next, but I've suggested that we can perhaps resolve this by saying that I've ruled this amendment in order, and we'll carry on with debate, if that's the case, if you're all happy with that.

Hon. John McKay: Now, that is challengeable. It is not debatable. Your decision now is not debatable, and therefore I along with Mr. Laframboise, whoever, challenges that ruling—

The Chair: That's what I needed to hear to move forward.

Hon. John McKay: —and the obligation now is to take a vote.

The Chair: Great.

The vote is that we sustain the chair...

Mr. Harold Albrecht: A recorded vote.

The Clerk of the Committee (Ms. Michelle Tittley): Members are voting on the motion that the decision of the chair be sustained.

The Chair: Let's finish this piece and we'll go on to discussing. Either way we'll have a motion to discuss.

(Ruling of the chair overturned: nays 6; yeas 5)

The Chair: It was not sustained.

We'll now go back to the original motion, Mr. McKay's motion.

Mr. Scott Reid: Mr. Chair, I'd like to move an amendment to Mr. McKay's motion. The second paragraph, the one that I noted, is problematic because it's based on other evidence. I'd like to move that this be deleted, and when you're finished doing that I'll then speak to the motion.

The Chair: All right. We have an amendment from Mr. Reid to remove paragraph 2 of Mr. McKay's motion.

Hon. John McKay: Do you consider that to be in order, sir?

The Chair: I do.

Mr. Reid, on the amendment.

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

Let me just read what the second paragraph says, and you'll see, I think, why I think it should be removed. By the way, there are some odd capitalizations and there's a grammatical error in here. I think it should be a lower-case "s" in "speaking".

That the parliamentary secretary, speaking for the minister, was himself misled when he spoke in the House on behalf of the minister, saying that "the Kairos application did not meet agencies' priorities". We now know this also to be untrue. The parliamentary secretary has done the honourable thing and apologized to the House, as he too was misled.

We don't know that he was misled. I suspect if he was brought before this committee he would say he wasn't misled. He might say he misunderstood. You can see the distinction there. And because I know I'm going to be challenged on relevance or something, the reason I mention the distinction is that "misled" involves an outside agency.

If, Mr. Chair, you misled me as to the location of today's meeting by telling me it's in Room 112-North, then it is—

•(1235)

The Chair: Which I may have....

Mr. Scott Reid: No, actually, in all fairness, the reason I was late was based on my having misunderstood. That's actually a good example.

So the thing is, you misled me by telling me that. Now, you might have done it intentionally: I think I'll play a joke on Scott, so I'll tell him it's 112-North. You could do it—

The Chair: He's discussing his point here.

Mr. McGuinty, is that a point of order?

Mr. David McGuinty: Yes, I have a point of order.

Maybe, Mr. Chair, we could ask Mr. Reid whether he intends to filibuster until 1 p.m., because then we could all get on with other business.

Mr. Harold Albrecht: You're the one bringing all the points of order.

The Chair: I have a number of people on the speaking list. I'm certain that after Mr. Reid there will be plenty.

Thank you so much.

Mr. David McGuinty: So he's not filibustering, sir, or...?

The Chair: You know, that's the mind-reading skill that I haven't quite yet developed, Mr. McGuinty. It's getting there, but...

Mr. Terence Young: I had the floor when you interrupted it so many times, Mr. McGuinty—

Mr. David McGuinty: Thank you very much, Mr. Chair. I appreciate it. Thank you for your indulgence.

The Chair: Mr. Reid.

Mr. Scott Reid: Thank you.

If we all had the mind-reading skills that Mr. McGuinty expects the chair to have, writing this would be so much simpler. We'd be able to find out whether or not Mr. Abbott had been misled. We could look into his brain, find out those answers, and come back and say, "Based upon our mind-reading skills, we've discovered how he feels."

We don't have those skills. We rely upon testimony. We rely upon certain rules we have, accepting everything that is said by a member in this place as being truthful.

We don't have him here. We don't have that information, right? So we are relying upon our imaginations to say that he was misled.

Now, in all fairness, this does not say "deliberately misled", so there's no suggestion, as worded, that it...misled by Minister Oda, or who he was misled by. Nor is there an implication....

Well, there is, of course, an implication a mile wide that it's deliberate, but there's no.... It's not stated overtly that...misled deliberately as opposed to not deliberately.

The point is that "misunderstood" is a completely legitimate alternative meaning.

Now, given the fact that it's not possible to make an amendment to paragraph 2 that says "misled or misunderstood" without essentially obviating the purpose of paragraph 2, which was to be a list in the "bill of wrongs", the list of wrongs—

The Chair: Surprisingly enough, I have another point of order.

Mr. Proulx.

Mr. Marcel Proulx: Maybe it's not a point of order but more a point of information.

I just want to make sure that this is being recorded. I'm sure Mr. Reid will want to listen to himself again.

Is this being recorded, Mr. Chair?

The Chair: I believe we are in public, yes.

Mr. Marcel Proulx: Okay. Thank you very much.

The Chair: Mr. Reid.

Mr. Scott Reid: I suppose it means I can listen to the translator and I can hear myself in French—probably with a female voice—if I want to. Heaven knows, though, that I don't think any of us would really want to have to do that at great length.

Mr. Marcel Proulx: What's the relevance, Mr. Chair? What relevancy do his comments have?

The Chair: Are you raising this?

Mr. Marcel Proulx: Yes.

The Chair: After what you just asked?

Mr. Marcel Proulx: I asked you a point of information.

The Chair: Yes, okay....

Mr. Scott Reid: Mr. Chair, I want to get back to my comments, but I would just point out that "point of information" doesn't exist. I'm constantly hearing this from opposition members—and especially from Mr. Proulx, who ran for Speaker once.

There's no such thing as a point of information. It's like, "I don't know what's going on, so I'll just invent something that's supposed to take a higher rank in the order than everything else."

• (1240)

The Chair: Can I ask you to return to your comments relevant to the motion before us and the amendment before us?

Mr. Tom Lukiwski: He's just giving a point of information.

Mr. Scott Reid: Sorry, but I've been suffering with Mr. Proulx doing this for half a decade now. I've been meaning to bring it up at some point and say he needs to read the rule book; there is no such thing as a point of information.

Mr. Tom Lukiwski: What Speaker needs the rule book?

Mr. Scott Reid: At any rate, look, I actually do want to wrap up. I have to leave to go and chair the human rights subcommittee—

Some hon. members: Hear, hear.

Mr. David McGuinty: Bravo.

Mr. Scott Reid: I should get you guys on the human rights subcommittee. They don't like me as much as you do.

My point is simply that this paragraph is fatally flawed. It's not possible, for the purposes of the motion, to save it by changing the wording—even though I disagree with the purpose of the motion, which, as I mentioned, is effectively to taint the minister—and therefore the only solution is to just remove this paragraph entirely from the motion.

I'll let that go, Mr. Chairman. I actually could say a lot more, but I'll let it rest there.

Thank you.

The Chair: Thank you.

Mr. Lukiwski, you are next.

Mr. Tom Lukiwski: Thank you, Chair.

I want to just follow up a little bit on Mr. Reid's point on paragraph 2, because I agree.

The Chair: That's where we are. It's on the amendment.

Mr. Tom Lukiwski: It should certainly be deleted from this motion. How can we in all justification confirm that the former parliamentary secretary, Mr. Abbott, was misled when he hasn't testified to that? I find this to be quite extraordinary that the Liberals are trying to put words in Mr. Abbott's mouth and trying to suggest that they are factual. Nothing could be further from the truth.

Frankly, I'm very surprised, because when we developed the witness list for these hearings, I had predicted that Mr. Abbott would be one of the witnesses who the opposition would call. I suspect the reason he wasn't is because they finally determined, in their strategic overview and analysis of who would be the best witnesses to buttress their case, that Mr. Abbott wouldn't help their cause because he would probably say that he was not misled. But I was very surprised that they did not ask Mr. Abbott to attend the committee as a witness, as would have been their right.

But now, since they didn't, and he did not testify before the committee, this motion purports to put words into Mr. Abbott's mouth, which is not only unparliamentary but frankly is beyond whatever sort of scope of justice and common courtesy and fairness one could possibly imagine.

I would suspect Mr. Reid is right. If asked the direct question, Mr. Abbott would say "No, I wasn't misled. I wasn't misled whatsoever. I might have misunderstood it, and I apologized later for making statements on which I was wrong, but I certainly wasn't misled."

There are many other points here, and if we're going to speak to these points, all 17 of them, one at a time, which I suspect we probably will, if given the time, I will make mention of many other inconsistencies in Mr. McKay's motion, and in fact not only inconsistencies but factual inaccuracies. This is one of them.

Point number 2 states categorically that the former parliamentary secretary to the minister was misled. How can he say that? How can they possibly allow this point to remain in this motion? He is stating something as fact that in fact is not true. No one knows whether Mr. Abbott was misled or not, but point number 2 in Mr. McKay's motion states categorically that he was misled. We cannot allow that to happen. We can simply not allow that to happen.

If this is left as is, we would in effect be condoning all committees to start putting words into parliamentarians' mouths. If we leave this in the motion and it is passed by the united opposition, in effect, we would be setting a precedent that states then that any committee can put words into another parliamentarian's mouth, draft it into a motion, pass it at committee, and then in fact it becomes almost the rule of the land. That would never be allowed in a court of law, never.

In fact this certainly isn't a court of law, Mr. McGuinty, I agree with that. If anything, it's a kangaroo court, thanks to the motions that you've been bringing forward. We simply can't do this. I hear time and time again that the members of the opposition get on their sanctimonious high horse and pontificate by saying that this is a government that doesn't respect democracy. What are they trying to do here by putting words into another member's mouth that are simply not true or probably would not be proven to be true? How can they possibly sit here and say, in all good conscience, that this is a legitimate motion? It's ridiculous. It's beyond ridiculous.

Mr. Speaker, I know you've got a speaking list, and I'll let others give their two cents' worth. But any fair-minded Canadian taking a look at this would understand fully, completely, and instantaneously—

• (1245)

Mr. David McGuinty: Isn't that filibustering?

Mr. Tom Lukiwski:—that this is nothing but political posturing by the opposition, who want to try to find a minister of the crown in contempt with nothing to substantiate their opinion.

Thank you, Chair.

The Chair: Thank you.

Monsieur Laframboise, I have your name next. Were you on my list?

[*Translation*]

Mr. Mario Laframboise: No, that's fine.

[*English*]

The Chair: All right.

Mr. McKay, you're next.

Hon. John McKay: With respect to what Mr. Abbott said, or didn't say, it's part of the record. I would deem what has been said in the House to be part of the committee.

On March 15, 2010, Mr. Abbott said, "CIDA thoroughly analyzed Kairos' program proposal and determined, with regret, that it did not meet the agency's current priorities."

On April 23, also part of the record of this committee, I would respectfully submit: "The criteria for the funding for Kairos are the same as the criteria for funding for anyone else applying for such funding. Kairos did not meet the criteria. It did not get the funding. There was no surprise there."

In both instances, I would suggest that Mr. Abbott was certainly repeating the speaking lines as provided by the media inquiry, which was that after completing due diligence it was determined that the organization proposal did not meet CIDA's current priorities.

All of this, I would respectfully suggest, is part of the record of this committee. Therefore, Mr. Abbott must necessarily have been misled with respect to this particular application. Otherwise, what would be the reason for his apology? He, I respectfully submit, was misled. He feels badly about it. He did not intend to mislead the House. It was not his intention because he spoke out of innocence, I would respectfully suggest. This was part of the larger message of the government that it was a CIDA decision, not a minister's decision.

An hon. member: It was.

Hon. John McKay: For whatever reason, the minister wanted to sell it as a CIDA decision, rather than as her own decision. Why she doesn't wish to own up to that decision, I don't really know. I don't know why for 13, 14, 15 months she kept continuing to spin the same story that it didn't meet CIDA criteria, when we know that it met CIDA criteria. Margaret Biggs said it met CIDA criteria, and she repeated just last week that it met CIDA criteria.

The core point here is that her own parliamentary secretary was caught up in this web of deceit, and he didn't know it. He had no idea that he was in effect a mouthpiece for the government to speak to this issue, to effectively mislead members of Parliament who were trying to do their job to find out what the real reason for the funding cut might be. That is the core point.

Otherwise, as I said, why would he have apologized? What is the point of an apology if in fact he didn't intend to.... In his case, I don't think he intended to mislead, but he in fact was caught up in a larger game plan by the government, for whatever reason, to download that responsibility onto the ministry itself.

As the Speaker observed in his first ruling, CIDA officials must be more than just mildly disturbed that they have been made to look as if they were the ones who made the decision.

Chair, you may have insight into this that I don't have, but I don't know and I don't understand why the minister didn't just stand up months ago and say "This was my decision, I made it, and this was the reason I made it", etc. She has let it hang out there for way too long that this is a—

• (1250)

The Chair: A point of order, surprisingly enough.

Mr. Tom Lukiwski: Yes, it certainly appears that Mr. McKay is trying to filibuster, because I don't believe this is germane to my amendment. Also, Mr. Chair, the opposition continually talks about filibustering this committee meeting. Mr. McKay could have made his point long ago. We understand it completely. There are other people on the speakers list, so I would suggest that he wrap it up, and let others speak.

The Chair: Thank you very much. It's not really a point of order, but thank you for getting that in.

Mr. Tom Lukiwski: Maybe it's a point of information.

The Chair: I think it might have been a point of information.

Hon. John McKay: I thank Mr. Lukiwski for that advice. It's very helpful to have Mr. Lukiwski on a committee like this. First of all, he tells you what questions you should be asking, because you've already asked the wrong questions. Apparently I've been asking the wrong questions all the time. Now he gives the advice that possibly I was going on a bit too long on the point.

I was only going on a little too long on the point, Mr. Chair, because I don't think the members on the opposite side actually have gotten the point thus far, and that is that the minister has misled the committee, has misled members of Parliament, and has impaired our ability to do the job.

So I thank Mr. Lukiwski for his generous contribution to my inadequacies as a member of Parliament. If Mr. Lukiwski could from time to time—

The Chair: Mr. McKay, I have a point of order from Monsieur Godin.

Mr. Yvon Godin: And you decide whether I have a point of order.

The Chair: I will decide that.

Mr. Yvon Godin: I know you have the capability at times to do it. But it's about seven minutes to one o'clock, and we will adjourn very soon.

The Chair: Yes.

Mr. Yvon Godin: I don't know whether we could deal with it, but it is that the analysts start to work on the document of the witnesses who came in, prepare the document, and when we come in on Thursday, we could finish those—

Mr. Tom Lukiwski: That was my amendment. You voted it down, for God's sake.

Mr. Marcel Proulx: That's because it was out of order.

Mr. Yvon Godin: Your amendment was to get rid of—

Mr. Marcel Proulx: You have to follow the rules.

Mr. Yvon Godin: Mr. Chair, his amendment was to get rid of this motion that was put to the committee. That's not what I'm saying.

I'm saying that with this up in the air, we'll continue on Thursday. At the same time, the analysts could start to work on the document to present what was put forward by the witnesses who came in front of us, which will be a continuance of it.

I'm not saying that we get rid of the proposal from the Liberal Party.

The Chair: We are getting close to the one o'clock hour.

Mr. McKay, were you finished?

Hon. John McKay: I'm going to take Mr. Lukiwski's advice and wind it up, because I'm getting close to the view that there's some possibility that they are actually understanding the point.

The Chair: Okay.

I have Mr. Proulx next.

Mr. Marcel Proulx: I didn't really ask to speak. It was a point of order that I had about half an hour ago in regard to—

The Chair: We're very efficient at getting names on the list.

Mr. Marcel Proulx: —Mr. Reid's qualifying the report we did on the previous point of privilege as a farce. I thought that was sufficient for him to be in contempt of this committee, but seeing that you didn't recognize me back then, I guess we'll let it go. He was frustrated, and I can understand that.

The Chair: I think you can probably understand frustration today.

Mr. Marcel Proulx: Somewhat.

The Chair: Mr. Blaney.

[*Translation*]

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

I have listened carefully to Mr. Godin's comments. Curiously, those comments seem to be coming close to a solution that seems very valid to me. Recently, right here in this committee, we have been able to see how professional the analysts' work is. Members from all parties have congratulated them on their work. Clearly, for the credibility of the committee, once our conclusions are established, it would be preferable to base ourselves on a document that has a certain balance than on one that I would call a mish-mash of propaganda. Far be it from me to call Mr. McKay's proposal a mish-mash of propaganda. That is not what I am saying. It just seems that the work of this committee should be based on an objective analysis of the testimony we have gathered.

I support Mr. Reid's motion, but, in order for the committee to be able to achieve the goals it has set for itself, it is certainly time to give the analysts a clear mandate. It seems to me that that would avoid a lot of hot air.

•(1255)

[English]

The Chair: I still have others ahead of you, Mr. Lukiwski.

Mr. Tom Lukiwski: I'd like to raise a point of order, please.

Mr. Chair, since you allowed Monsieur Godin to raise a point of order on recommending that the analysts start preparing a report based on witness testimony, I would certainly support that. That was the crux of my amendment. But let it be known for the record that the government also would strongly recommend that the analysts begin writing a report based on witness testimony; hopefully by the next time this committee meets, on Thursday of this week, we'll be able to take a look at the first version at least of their draft.

The Chair: I'll take that as a point of order at the moment.

Mr. Blaney, were you finished?

Mr. Steven Blaney: Yes, thank you.

The Chair: Okay, great.

Mr. McGuinty, you were next on my list.

Mr. David McGuinty: No, I'm not on your list.

The Chair: You're right: we did get to that earlier. I'm sorry.

Mr. Albrecht, you're next on my list.

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

In addition to point two here and, as has been stated on numerous occasions, attempting to put words in the mouth of a fellow parliamentarian, on that basis alone, I'd have difficulty supporting it. Every time the word "agency" is used in this document, and especially in point two, there's almost the underlying assumption that the agency is everybody but the minister. I need to remind this committee that the agency, CIDA, includes the minister. In fact, not only does it include the minister, but the minister is the head of the agency.

Hon. John McKay: That's not true.

Mr. Harold Albrecht: So we're playing games with this. If the minister, the elected representative, does not have input into the agency, then we're in a difficult position, because it's the elected representatives of this Parliament who make those decisions.

But on another point in point two, let's read this: "...the parliamentary secretary, speaking for the minister, was himself misled...". It goes on and then says, "We now know this also to be untrue". Well, which is "also" referring to? Is it referring to the minister being misled, or the next statement within that sentence? I think it's very poor wordsmithing and could be confusing.

So point two should be excluded for a number of reasons.

I just want to go back to what was pointed out earlier, which is that it was very unfortunate that this committee wasted an hour of its time waiting for translation when in fact we had four days that could have provided more than adequate time to get a motion to this committee and translation in order. We could have had at least another 45 minutes of productive discussion on this entire package.

Thank you, Mr. Chair.

The Chair: Thank you.

Mr. Lukiwski, you have the floor.

Mr. Tom Lukiwski: Thanks, Chair.

I'm glad I have an opportunity at the end of the meeting to respond to Mr. McKay's earlier comments, because he continues to...I wouldn't say mislead this committee, but certainly he's confused.

An hon. member: Well, that's good.

Mr. Tom Lukiwski: Let me just say that the Liberals continue to be confused on this issue, because he continuously says that the minister was in error when she stated that it was a CIDA decision, and that she should have stated it was her decision. I beg to differ.

In fact, if Mr. McKay was listening at committee—and I know he was—I can only come to the conclusion that he's trying to confuse or mislead this committee, because at committee during direct testimony, the minister stated on several occasions—and this was confirmed by Madame Biggs, the president of CIDA—that when the minister makes a decision concerning CIDA, it becomes a CIDA decision, bottom line. I asked her that directly. There should be no confusion. A minister's decision makes it a CIDA decision.

Mr. McKay also went on to ask why she didn't at any time state in the months preceding committee hearings that it was her decision. I would point out that at the December 9 committee meeting of the Standing Committee on Foreign Affairs she said on several occasions that it was her decision. The two statements are not contradictory; they are compatible. It was her decision; therefore, it became a CIDA decision.

•(1300)

The Chair: We are at our time. We will reconvene on Thursday at eleven.

The meeting is adjourned.

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