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

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**EVIDENCE**

**Tuesday, December 10, 2013**

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**Chair**

**Mr. Pat Martin**



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

Tuesday, December 10, 2013

• (0845)

[English]

**The Chair (Mr. Pat Martin (Winnipeg Centre, NDP)):** I call the meeting to order. This is the 10th meeting of the Standing Committee on Access to Information, Privacy and Ethics.

Mr. Angus, I see you have your hand up.

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Yes, I just want to speak to the business at hand.

**The Chair:** Well, the committee business is what we're doing first. That's correct. We'll be dealing with the witness list for our next study following this, but there are three items of committee business.

You have the floor, Mr. Angus.

**Mr. Charlie Angus:** Thank you, Mr. Chair.

We have a couple of motions this morning.

Mr. Chair, I think the role of our committee in ensuring compliance with the law and the importance of access to information is one of the primary mandates of our committee. So when anyone monkey wrenches with the federal responsibilities of access to information and the maintaining of records as are the legal obligations of the government, then it is something that is really important be dealt with.

I'm very concerned about the mishmash of excuses and stories we've been given regarding Mr. Benjamin Perrin, the Prime Minister's lawyer, and what happened to his e-mails. As to the importance of these e-mails, I think everyone would agree that they are crucial for understanding the extent of the collusion and cover-up.

**The Chair:** I'm reluctant to interrupt you, but technically I gave you the floor. You would have to move your motion. The motion is in order and notice has been given, but I'd ask you to move the motion and perhaps even, to set the context, you might want to read the motion into the record.

**Mr. Charlie Angus:** Okay, excellent. Thank you.

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

**Mr. Mathieu Ravignat (Pontiac, NDP):** I just would like to be on the speaking list.

**The Chair:** To be added to the speakers list is Mr. Ravignat.

**Mr. Charlie Angus:** My motion states:

That, in relation to the case of public office holder Benjamin Perrin's emails in the PCO and PMO being deleted and then found, and pursuant to Standing Order 108 (3)(h)(vi), the Committee undertake a study on whether government initiatives including proper protocols, legal obligations were fulfilled in this case;

That the study include how governmental departments and ministries preserve all communications including but not limited to emails, text-messages, decisions, and recommendations;

That the Committee invite the Information Commissioner to take part in the study to discuss her recommendation on a duty to document;

That the Committee invite both the PMO officials, PCO officials and President of the Treasury Board to explain governmental protocols in relation to preserving governmental communications including Benjamin Perrin's emails; and

That the committee reports its findings back to the House.

You will note that I've asked to bring in the Information Commissioner. I think the Information Commissioner will play a key role. The Information Commissioner has grown increasingly concerned about this government's interference with their legal obligations for access to information. The Information Commissioner has spoken of the need, the duty, to document, so that if e-mails or records are removed, there's an explanation, there's a trail we can find for explanation. I believe this would certainly help all of us in dealing with the issue of Mr. Benjamin Perrin.

The story that the Prime Minister and his parliamentary secretary have tried to foist on Canadians is that this illegal deal that happened in the Prime Minister's Office was a private deal, that it was a gift; it was a case of Mr. Nigel Wright having a bleeding heart for a relatively onerous senator, and the two of them went off in a corner and did not tell anybody. In fact, the Prime Minister told us there was no legal agreement, and of course we now know that is not true.

We don't really know the extent of what the Prime Minister knew before May 15, but according to the RCMP affidavits, the Prime Minister must have been fully briefed after May 15. The RCMP affidavits provide a very different picture of what went down in his office than the Prime Minister has given us in the House of Commons.

What we see in the RCMP documentation is that Ben Perrin, the Prime Minister's lawyer, played the key role in setting up this legal agreement. A five-point legal agreement was put in place that was arranged between Ms. Payne, the lawyer for Mike Duffy, and the Prime Minister's lawyer. The question is how Mr. Perrin would have engaged in this if he wasn't authorized to do so. Lawyers don't just go off and cook up side deals when they're working for the Prime Minister of the country. Certainly any e-mails for Ben Perrin would tie us back to whether or not the Prime Minister was involved.

We see also from the RCMP affidavits that there is a level of secrecy and attempts to obscure any attempt to follow the trail. We have Benjamin Perrin following up an e-mail to Nigel Wright advising that Janice Payne wanted the agreement in writing. It stated: "I explained that was not happening. We aren't selling a car.... She seemed to get it..."

Again, it raises questions. What kind of legal advice is the Prime Minister relying on when a deal is being struck that is potentially illegal and his lawyer is telling his chief adviser that we're not putting any of this in writing. We see also where Nigel Wright and Mr. Perrin are going back and forth. Again, the line is that they don't want to give Mike Duffy his marching orders through the lawyer. They don't want it in writing; they'll do it over the phone.

The five-point agreement that Mr. Perrin negotiated is the subject of a criminal investigation. When the Prime Minister's office was contacted by the RCMP, clearly the importance of those e-mails is very clear.

● (0850)

According to Corporal Horton, in his affidavit on page 21, when he asked about the Ben Perrin e-mails, "I was advised that the e-mails of Benjamin Perrin were no longer available because he completed his tenure at the PMO in April 2013, before the relation that Mr. Wright reimbursed the money to Senator Duffy. Internal practice within the PMO is that a person's account and e-mails are removed from the computer server once their employment ends."

Corporal Horton, who is leading a criminal investigation, was told by the Prime Minister's Office that it's standard operating procedure to flush the records of the Prime Minister's lawyer the second he walks out of the building. We also see the Privy Council then is put up to parrot the same lines, where the Privy Council said in their letter to the RCMP that it is "operating protocol" to "close and delete e-mail accounts of departing employees of the PCO and the PMO as a matter of course."

Certainly one of the reasons we want to have the Privy Council and the Prime Minister's Office here is to find out whether it was Ben Perrin who flushed and shredded, virtually shredded, his e-mails before he left the building, or whether it was the Privy Council who went in and did that. We also need to find out why the Privy Council would claim that it is standard operating protocol to delete e-mails of the Prime Minister's lawyer when this would be actually an indictable offence under the Access to Information Act, under obstructing right of access, section 67.1, which states:

- (1) No person shall, with intent to deny a right of access under this Act,
  - (a) destroy, mutilate or alter a record;
  - (b) falsify a record or make a false account;
  - (c) conceal a record; or
  - (d) direct, propose, counsel or cause any person in any manner to do anything mentioned in paragraphs (a) to (c).
- (2) Every person who contravenes subsection (1) is guilty of (a) an indictable offence and is liable to imprisonment...or to a fine not exceeding \$10,000 or both.

We're being told now by the Prime Minister's Office and the Privy Council—and my honourable colleague on the government side keeps talking about this bureaucracy. The Privy Council is the Prime Minister's operating, functioning, bureaucracy. It is his staff.

The Privy Council has a legal obligation to all Canadians to ensure that the highest standards of government are followed. We're told that they take it as a matter of course to break the law. That's a very serious claim to make. I guess they would prefer to be seen breaking the law, flushing e-mails rather than having a paper trail that ties the Prime Minister to charges of breach of trust, fraud, and bribery. We need to look at that.

We also see that the Privy Council claimed, when they were first approached by the RCMP, that the e-mails were deleted. The RCMP clearly didn't believe the Privy Council. Again I think that's extraordinary. They didn't believe that the Privy Council or the Prime Minister's Office was telling the truth because they went back to them, not once or twice, but three times and asked, "Where are those e-mails?"

I think the pressure...and this is speculation on my part, but this is why we need to bring witnesses....

We're being given two options: either the Privy Council allowed these e-mails to be flushed, or there was an attempt to obstruct a police investigation. The Privy Council said it was normal operating procedure to close a deleted e-mail account, but then the story changed and they said that Ben Perrin may have done that without authorization. Well, which is it? This is again why we need to discuss this.

The question though is when finally the Privy Council coughs up these e-mails, we won't know if these emails have been altered or interfered with. I'm hoping the RCMP will demand a forensic audit of how these e-mails came to be, because they were sitting in the Prime Minister's Office for six months, being kept from the RCMP with the possible collusion of the Privy Council. When they finally coughed them up, they said that they had been holding them all along.

Now I've heard crazy stories from the government side that well, they were on some server and somebody's backlogged, or well, you know, there are so many variations and servers we actually can't track information.

They lost the privacy data on half a million Canadians so I guess they're saying, "Hey, cut us some slack here. We lose information all the time."

● (0855)

It's not credible that they lost track of the e-mails of the Prime Minister's lawyer. It's also not credible that they said they were holding them all the time, that they were frozen, as Ms. Isabelle Mondou stated, because of other litigation. The Privy Council legal department would have had an obligation to know any of the legal files that Benjamin Perrin was involved in. If they were going to hold all his e-mails on related litigation, they would have known where they were. They would have had them all the time. It's simply not credible that the second time the RCMP came, they were still claiming they didn't have them and they didn't know where they were.

Mr. Chair, we are looking at a very serious issue here. We're looking at whether or not the Access to Information Act was interfered with and undermined in a criminal manner, not by some low-level bureaucrat, not like the youngster who tried to shut off access to information. What was his name? I forget his name now.

**The Chair:** The dumpster diver? I don't remember his name either.

**Mr. Charlie Angus:** He's lost to history.

We're talking about the senior legal department of the Prime Minister's Office being involved in potentially illegal acts to suppress information in an RCMP investigation into the Prime Minister's Office. This is something our committee needs to investigate. We need to talk about this.

I'm asking my colleagues on the other side not to continue participating in the cover-up. Don't hide this. Don't go in camera. Don't do what they did when they ordered Senator Gerstein and the crowd to shut down the Senate investigation into Runia and Gerstein.

What was being done before in the back rooms is now being done in open public, as this Prime Minister, who's very politically wounded, attempts to do anything to interfere with any process that will get to the bottom of the criminal acts that were committed in his office. I'm asking my honourable colleagues.... Their careers are on the line too. Don't go down with this Prime Minister. He's done. He's broken his trust with the Canadian people. I'm asking you. You have to go back to your voters, and some of you are going to be in it pretty tough if you have to explain why you sat in this committee meeting and went in camera and tried to shut down an investigation on whether criminal acts were being committed by your boss. Don't do it. Work with us.

• (0900)

**The Chair:** Thank you, Mr. Angus.

Next on the speakers list is Mr. Calandra.

**Mr. Paul Calandra (Oak Ridges—Markham, CPC):** Thank you, Mr. Chair.

That ridiculous speech is exactly why a committee like this is not the appropriate place for something of this important nature, Mr. Chair. Of course, I will be voting against this motion.

First and foremost, Mr. Chair, this is a motion that belongs in front of government operations and estimates, with respect to the computer systems and e-mails of Mr. Perrin. I'll note that—

**Mr. Mathieu Ravnat:** I have a point of order, Mr. Chair.

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

**Mr. Mathieu Ravnat:** I'm wondering if my honourable colleague is actually challenging a ruling that this motion is in order. He seems to be thinking that this motion is not in order at this committee and should belong to another committee, but you've already pronounced that this is in order and can be before the committee.

I'm not sure about the point being made by my honourable colleague. Clearly, what he's trying to do is dodge this issue

completely, and no doubt in his next breath he will propose a motion to go in camera.

It's not particularly sporting for the Christmas season to be putting into question the fact that this motion—

**The Chair:** In fact—

**Mr. Mathieu Ravnat:** —is in order.

**The Chair:** If I could speak to that, Mr. Ravnat, as far as its being a point of order, the motion as put forward by Mr. Angus is entirely in order and within the mandate of.... This, in fact, is the access to information committee. The motion, as I read it, deals with the duty to document an element of the Access to Information Act and the duty to retain those documents, also an aspect of the Access to Information Act. So your point is well taken.

Mr. Calandra, please proceed, but with the knowledge that we are having a legitimate debate on an issue that's legitimately before us.

**Mr. Paul Calandra:** Yes, Mr. Chair.

I'm not challenging your ruling on the motion. I'm just suggesting that this is something that would be better undertaken at government operations and estimates. I note, Mr. Chair, that you were actually present when the Privy Council testified at government operations and estimates, if I'm not mistaken. I believe that was last week, Mr. Chair.

**The Chair:** Yes, the Standing Committee on Government Operations had the PCO in to speak about their supplementary estimates.

**Mr. Paul Calandra:** I was told a lot of questions were asked with respect to this particular case. It is my opinion, although I'm not going to challenge the chair, that's the better place for this. Mr. Chair, as you know we of course in our throne speech identified the many different levels of computer systems, servers, e-mail accounts, the fact that each department has different systems at play, as being an issue that we wanted to try to resolve to make it much easier for the public service and for members of Parliament to do their jobs by bringing that down to one system.

I want to take a second to read the letter from Isabelle Mondou, assistant secretary to the cabinet, legal operations, dated September 1, 2013. This letter was to assistant commissioner Gilles Michaud, commanding officer, national division, Royal Canadian Mounted Police.

Dear Assistant Commissioner Michaud:

I write to draw your attention to an issue related to the emails of former Prime Minister's Office ("PMO") staffer Benjamin Perrin.

The Privy Council Office ("PCO") and Shared Services Canada provide technical services to the PMO, including email and network services. It is the operating protocol of the PCO to close and delete email accounts of departing employees of the PCO and the PMO as a matter of course. Consistent with this protocol, upon Mr. Perrin's departure at the end of his employment in late March 2013, the PMO was provided a notice that his emails had been deleted from the computer server.

At the time of Nigel Wright's departure from the PMO in mid-May 2013, the PMO contacted the PCO's technical services and asked that email accounts for Mr. Wright be frozen and preserved. The request to freeze and preserve email accounts was repeated for other relevant staff, as noted in your recent ITO.

I'll take a brief second to refer to the ITO from Corporal Horton. Page 21 of the ITO states:

Rob Staley, legal representative for the PMO, advised my office that he had clear orders from the Prime Minister to provide complete cooperation with the investigation, and to provide any assistance or documentation the RCMP requested. The PMO employees (current and former) whose e-mails I deemed relevant, have all provided privacy waivers through their legal counsel, relating to the content of their e-mails.

I'm going to go back to the letter now: "In September 2013"—

• (0905)

**The Chair:** We have a point of order by Mr. Angus.

**Mr. Charlie Angus:** Could he read the next sentence where it says that Mr. Perrin's e-mails were deleted when he left.

**The Chair:** That's not a point of order, Mr. Angus.

**Mr. Charlie Angus:** That's the next sentence.

**The Chair:** Mr. Calandra has the floor. He can read whatever lines he wants.

**Mr. Paul Calandra:** Thank you, Mr. Chair. It sounds like a little desperation on that side over there, Mr. Chair.

The letter states:

In September of 2013, in connection with your investigation, the PMO asked the PCO to make available to the RCMP the emails of certain individuals requested by the RCMP. That list included Mr. Perrin. In response to that request, we advised the PMO, who we understand informed the RCMP, that Mr. Perrin's emails had been deleted from the server and were no longer available. This advice was repeated during the email production and search process itself in mid-September 2013.

We understand that last week the RCMP sought further confirmation from the PMO's counsel that Mr. Perrin's emails were not available from any other source, including from any back-ups. On November 28, 2013, the PMO relayed this request to the PCO to confirm our prior advice on the availability of Mr. Perrin's emails.

In response to this inquiry, on November 29, 2013 we found that Mr. Perrin's emails had in fact been retained due to a litigation hold in an unrelated matter. On learning that Mr. Perrin's emails were in fact available, we informed the PMO on November 30, 2013. The PMO and the PCO agreed to inform you as soon as possible.

Obviously, "you" is the assistant commissioner of the RCMP:

We understand that the PMO's counsel will contact you with a view to making Mr. Perrin's emails available to you without further delay and we stand ready to assist you in any way possible.

We regret that we previously failed, even if inadvertently, to accurately inform you and the PMO about the availability of Mr. Perrin's emails. We apologize for any inconvenience it may have caused. Yours truly, Isabelle Mondou.

As I said, she is the assistant secretary to the cabinet, Privy Council.

That information was, as I said, released on December 1, Mr. Chair. Later on that day when unscripted, unprompted, and presumably not beaten up by his people in the leadership of his party, the Liberal member for Wascana, Mr. Ralph Goodale, tweeted "beyond apologies to the PMO+RCMP", so, beyond apologies to the PMO and the RCMP, "the Privy Council Office owes its biggest apology to all Canadians".

The member for Wascana, himself a privy councillor, somebody who actually knows how government works, unlike the members opposite who have never actually served in government.... As I noted, Mr. Chair, I guess losing 16 elections straight would make me bitter, too, but thankfully, I've not had to lose 16 elections straight

like the members of the NDP have. I can appreciate that they don't understand—

**The Chair:** It's a perfect record almost.

**Mr. Paul Calandra:**—how government actually works and how the Privy Council works, Mr. Chair. I can appreciate that, so that's why I think it's important that we take the time to do that today.

I am surprised, of course, that this motion, or parts of this motion, are not being brought forward to the other committee, government operations and estimates, as well, Mr. Chair.

I should also note, Mr. Chair, because the member for Timmins—James Bay made reference to it, on page 72 of the exact same documentation, of course, Corporal Horton's documentation says: I'm not aware of any evidence that the Prime Minister was involved in the repayment or reimbursement of money to Senator Duffy or his lawyer.

Mr. Chair, what we have here is one of two things. You would have to believe that what the NDP and the Liberals are saying, which they seem to not want to say, is that the public servants who work in the Privy Council Office and, by extension anybody else involved in this, are liars. They don't want to say that, so they try and couch it that it's the Prime Minister's Office that somehow browbeat and forced the public service into being liars.

• (0910)

**The Chair:** Thank you, Mr. Calandra.

On a point of order, Madame Borg.

[Translation]

**Ms. Charmaine Borg (Terrebonne—Blainville, NDP):** Thank you, Mr. Chair.

Mr. Calandra seems to be saying that we are blaming all public sector employees. But that is completely false. We are simply asking for clarification on the protocols in place to determine if they are, indeed, being respected. We are not accusing public sector employees. We are trying to get answers to our questions, which are completely legitimate. Canadians are asking these same questions. He says that we are pointing the finger at public sector workers, but that is completely false.

[English]

**The Chair:** I think that's more of a point of clarification, perhaps, than a point of order.

Mr. Calandra, you have the floor.

**Mr. Paul Calandra:** That's a rather long point of clarification, Mr. Chair.

Again, Mr. Chair, the member for Timmins—James Bay, in talking to the motion, alluded to how he believes that the public service surrounding the Prime Minister impeded an RCMP investigation, thereby broke the law, and therefore cannot be trusted.

**Mr. Charlie Angus:** Mr. Chair, on a point of order, the issue of breaking the law has to do with access to information. It is unlawful to delete any e-mail or document once a formal access to information request relating to the subject is received or anticipated by the department. It also states that any attempt to remove it—

**Mr. Paul Calandra:** Chair, is that a point of order?

**Mr. Charlie Angus:** —is an indictable offence. That's the issue.

**Mrs. Patricia Davidson (Sarnia—Lambton, CPC):** No, it's a speech.

**Mr. Charlie Angus:** My colleague might not hear or he might be trying to misrepresent. The issue of breaking the law has to do with the fact that they said it's normal operating procedure to delete e-mails. That's an indictable offence.

**The Chair:** Again, Mr. Angus, I think you're engaging in debate more than a point of order, but a clarification has been made.

Mr. Calandra, you have the floor.

**Mr. Paul Calandra:** Is it okay to continue, Mr. Chair?

**The Chair:** You have the floor.

**Mr. Paul Calandra:** I note the generous time you allow for points of order.

**The Chair:** Mr. Calandra, I have to hear whether there is in fact a point of order in the intervention made by any one of our colleagues.

**Mr. Paul Calandra:** Sure. I'm going to make sure that I file that in my memory so that I make sure my points of order are just as clear, Mr. Chair. Thank you for that clarification.

What you'd have to then believe, Mr. Chair, and what the NDP and the Liberals are saying, is that the public service impeded a potential criminal investigation, that they deliberately hid e-mails from the RCMP, and that Ms. Mondou, I suppose, is part of a conspiracy of the public service to not only misinform the Canadian public but also to hide evidence from the Royal Canadian Mounted Police.

Mr. Chair, I do not believe Ms. Mondou or the people who work in the Privy Council Office are criminals. I do not believe they are liars. I do not believe they impeded an RCMP investigation. I believe them when they say they made a mistake. It is clear by the documentation of Corporal Horton and the ITO, on page 21, that the Prime Minister immediately ordered the assistance of his office and immediately ordered the freezing of all e-mails associated with this. It goes on further to say:

The PMO employees (current and former) whose e-mails I deemed relevant, have all provided privacy waivers through their legal counsel, relating to the content of their e-mails. The PMO has also waived solicitor-client privilege for those e-mails.

We've seen that as well.

Basically, what this motion comes down to, Mr. Chair, is a complete witch hunt of the people who worked in the public service and nothing else. They are afraid to say that.

**Mr. Charlie Angus:** Bring in the witness.

**Mr. Paul Calandra:** They are afraid to say that.

Again, as I say, I do not believe that the people who work for the House of Commons, the people who are in front of us, and the people who work in the Privy Council Office are all liars. I do not believe them to be cheaters. I do not believe them to be the type of people who would break the law. I think they deserve far more respect than the opposition are prepared to give them.

As I said earlier, Mr. Goodale, the member for Wascana, seemed to accept that premise before he got back to the House of Commons and was told to think differently, certainly not by his leader, because his leader really doesn't talk very often—

• (0915)

**Mr. Mathieu Ravignat:** A point of order, Mr. Chair.

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

**Mr. Mathieu Ravignat:** I would just note that Mr. Goodale is not here to defend himself.

**Mr. Paul Calandra:** He doesn't have to. It's in an e-mail.

**Mr. Mathieu Ravignat:** To ascribe feelings or ascribe arguments to a person who is absent is not particularly sporting, nor is it particularly useful. We can't hear from that individual.

**The Chair:** It's more of an editorial comment than a point of order, but thank you, Mr. Ravignat.

**Mr. Paul Calandra:** I'll reread Mr. Goodale's comments then, just so I make sure that I appropriately quote him. Mr. Goodale, the Liberal member of Parliament for Wascana:

Beyond apologies to the PMO+RCMP, the Privy Council Office owes its biggest apology to all Canadians.

That was exactly what Mr. Goodale said. I can read it again for you, Mr. Ravignat, if you want to make sure. Let me do that for you:

Beyond apologies to the PMO+RCMP, the Privy Council Office owes its biggest apology to all Canadians.

That was Ralph Goodale who accepted, of course—

**Mr. Mathieu Ravignat:** Sorry, Mr. Chair. Could you read that one more time?

**Mr. Paul Calandra:** Sure. Let me do that.

**Mr. Mathieu Ravignat:** What's definitely not clear is that you can extrapolate from that one quotation everything that you've actually said about what Mr. Goodale has done. I'm quite pleased to hear it again because we need to know that it has really nothing to do with the way you're arguing your point.

**The Chair:** In the interest of clarity perhaps, Mr. Calandra, would read it one more time.

**Mr. Paul Calandra:** Sure. Let me do that for you, Mr. Chair. I can read that for you again, and I'll do it slower. I understand the member might be having difficulty with the translation:

Beyond apologies to the PMO—

Mr. Goodale is suggesting here, and I'll kind of translate what he's saying:

Beyond apologies to the PMO+RCMP, the Privy Council Office owes its biggest apology to all Canadians.

Just so I can help the member and the other NDP members understand what he's saying, Mr. Goodale is saying that upon receiving the letter from Isabelle Mondou, the assistant secretary to the cabinet, and receiving the information, which of course was made public immediately, the Liberal member, Mr. Goodale, suggested that the Privy Council—this is the public service—owed an apology to the Prime Minister's Office, as well as to the RCMP.

I guess it's up to the member for Wascana to explain what happened in the 24 hours between his being in his riding and coming to the House of Commons. What changed his mind on that, Mr. Chair, I'm not sure. The hon. member sits on the same side of the House as he does and he might want to move over a couple of desks and ask him what changed his mind.

**Mr. Mathieu Ravnignat:** I don't know what...[Inaudible—Editor]...far.

**Mr. Paul Calandra:** Mr. Chair, it's just because we have this information here. We have the letter from the Privy Council. We have many pages of the ITO available to us. Because of the importance of what the NDP are trying to do here, Mr. Chair... Basically, what both the NDP and the Liberals are doing, Mr. Chair, are using their parliamentary privilege of immunity to say that these people, these public servants, are criminals.

• (0920)

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

**Mr. Charlie Angus:** Mr. Chair, on a point of order, Mr. Calandra can live in the gutter as much as he wants, but the issue here is whether laws were broken. We're not naming any individual. Perhaps if he wants to cover up the breaking of the law, as they did with the Prime Minister, and the Prime Minister misleading the House and their lawyer and all the senior Conservative staff...

They shouldn't be trying to drag the civil service into their criminal activities. It's their staff. The civil service have nothing to do with it. They would not mind bringing them, but I think their concern is that if these people testify, the fingerprints might go back to where the criminal activity occurred. I think that my colleague, who is defending this criminal activity on a daily basis, needs to be honest with Canadians.

**The Chair:** Thank you, Mr. Angus.

I don't see a point of order in there, but just to focus the debate somewhat more, we should be aware that the motion we're debating calls for a study into whether government initiatives include proper protocols for the duty to document, etc. It's a more broad-reaching examination, I think, that's being asked for, about whether the policy and the protocols actually conflict with the law, with the requirements under the Access to Information Act.

I don't see any accusations of criminal activity directly in that, but both parties seem to be extrapolating a further meaning maybe than actually exists.

You still have the floor, Mr. Calandra.

**Mr. Paul Calandra:** Thank you, Mr. Chair. I didn't want to interrupt that long point of order and your dissertation.

I'm extrapolating from what the member for Timmins—James Bay said, Mr. Chair, in defending the need to bring this motion forward. It was actually the member for Timmins—James Bay who accused the Privy Council Office of breaking the law. It was actually the member for Timmins—James Bay who suggested that it was impeding an RCMP investigation, Mr. Chair.

It is the member for Timmins—James Bay who suggested that the professional public service, an independent public service, somehow was breaking the law and, as I said, impeding RCMP investigation.

Those aren't my words, Mr. Chair, and that was in the member for Timmins—James Bay's dissertation as to why this motion would be brought forward.

On the points that you raised, Mr. Chair, as I've said earlier, I think that some of the portions of this motion are better served at the government operations and estimates committee where the Privy Council does appear, and you would know that because of course, last week, you participated in the government operations and estimates—

**Mr. Mathieu Ravnignat:** Mr. Chair, could I have a point of order?

**The Chair:** If it is in fact a point of order—

**Mr. Mathieu Ravnignat:** I think what we need to do is clarify the mandate of this committee, because what my honourable colleague is essentially trying to do is say that this motion belongs somewhere else.

I request from the chair that we read the mandate of this committee, that the analysts tell us what our mandate is, so that we can be clear all around the table and Canadians who are listening to us can be clear about whether or not it's the responsibility of this committee to deal with access to information and information issues. I think that's only fair.

**The Chair:** I take your point, and I was just talking about this with the clerk. He was pointing out to me that Mr. Angus's motion makes reference to Standing Order 108(3)(h)(vi), which speaks specifically to our mandate studying government initiatives. That's the language used here. Standing Order 108(3)(h)(vi) is in fact: the proposing, promoting, monitoring and assessing of initiatives which relate to access to information and privacy across all sectors of Canadian society and to ethical standards relating to public office holders;

So I think subparagraph (vi) of the standing order that is the mandate of this committee speaks directly to or uses the same language as Mr. Angus's motion, actually, so therefore it's entirely in order.

• (0925)

**Mr. Mathieu Ravnignat:** Mr. Chair, I'm happy to hear that because a notice of motion that I've placed also refers to Standing Order 108, so it's very important for me to know whether or not—

**Mrs. Patricia Davidson:** This is ridiculous.

**Mr. Mathieu Ravnignat:** —my motion will be relevant when it comes to the floor, will be deemed relevant and will be deemed in order—

**Mr. John Carmichael (Don Valley West, CPC):** Debate, Chair.

**Mr. Mathieu Ravnignat:** —given that it's dealing with some similar issues, particularly access to e-mails and PINs and the right of Canadians to know that information.

**The Chair:** Well, we'll deal with that when you actually move that motion, Mr. Ravnignat, as to whether it's in order or not.

Mr. Calandra, you have the floor.



**Mr. Paul Calandra:** Mr. Chair, it seems to me that you're struggling to maintain some type of order in the committee, so I think I'll have a motion to move in camera to assist you in that matter.

**Mr. Charlie Angus:** Oh, here we go.

**Mr. Mathieu Ravignat:** Cover it all up.

**The Chair:** I'll take a recorded vote.

I am struggling to see what possible justification you could have, Mr. Calandra, for asking that this particular item of business be moved in camera. The in camera rule, as I understand it, is that it's to be used in cases of national security, invasion of privacy, commercial interests. It's not supposed to be the default position to save embarrassment to the government.

In my view, as the chair of this committee, it's been abused egregiously and throughout all of the standing committees, and I certainly don't want the public to think that this is normal in any way, shape, or form, because we can never allow it to become normal. It's a disgrace. In fact, it's a travesty.

I have no trouble controlling this meeting. We're having a good debate about a very important subject, Mr. Calandra, the public's right to know.

**Mr. Charlie Angus:** They have a right to know.

**The Chair:** They have a right to know what their legislators are doing, and they have a right to know how their legislators are voting on issues other than those with legitimate national security or some such justification. The in camera rule should not be trampled all over. It's abuse.

**Mr. Charlie Angus:** To protect corruption and cover-up: that's what they're doing, Mr. Chair, they're defending corruption and cover-up.

**Mr. Paul Calandra:** There's a motion, Mr. Chair, and you seem to be unwilling to control the committee—

**Mr. Charlie Angus:** They are going to use their majority to override the right of Canadians to know, just as they went after Senator Gerstein, just as they—

**Mrs. Patricia Davidson:** How does Mr. Angus get to blather on like this all the time?

**Mr. Paul Calandra:** Yes, Mr. Chair—

**Mr. Charlie Angus:** I'm participating. You don't even bother to participate.

This is about a cover-up.

**Mr. Paul Calandra:** There's a motion on the floor. Are you going to deal with it or not?

**Mr. Charlie Angus:** They're all involved in the cover-up. Look at their faces.

**The Chair:** The motion to move in camera is non-debatable. We'll have a recorded vote.

(Motion agreed to: yeas 7; nays 4)

**The Chair:** The meeting will be suspended briefly while we clear the room of the Canadian public and go under the black shroud of secrecy once again.

*[Proceedings continue in camera]*

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