



House of Commons
CANADA

Standing Committee on Procedure and House Affairs

PROC • NUMBER 051 • 3rd SESSION • 40th PARLIAMENT

EVIDENCE

Friday, March 18, 2011

—
Chair

Mr. Joe Preston

Standing Committee on Procedure and House Affairs

Friday, March 18, 2011

• (0905)

[English]

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

We have moved to a different study this morning. We're now studying the question of privilege relating to the statements made by the Minister of International Cooperation. We are back and we have all day for this study.

First of all, I have just a little bit of housekeeping business that I'd like to share with the group. Yesterday the Department of National Defence delivered a fair amount of documentation to this committee, for the members of the committee, on the program for the CF-35s. I recognize that we've been saying we weren't truly studying that, that it wasn't part of the privilege, but they have sent us the documentation. It is extensive and apparently has a lot of information for members.

The difficulty I'm faced with is that it is not 100% translated. Much of this is documentation from the United States and other English countries, so we would.... I guess it's at the will of the committee. There's a lot of information there. It is the practice of this committee to ask whether it can be tabled in its present format or whether we will send it for translation.

Mr. Proulx.

Mr. Marcel Proulx (Hull—Aylmer, Lib.): I find it disturbing that DND would have the gall to bring documents to a Canadian committee without making sure that the documents are in both official languages.

[Translation]

Mr. Chair, you know, you are one of the committee chairs who insists the most on the fact that everything...

[English]

Are you okay?

The Chair: I'm okay. I'm just turning myself on....

[Translation]

Mr. Marcel Proulx: You are one of the committee chairs who insists the most on having documents available in both official languages. We can discuss it with our colleagues in the Bloc Québécois and the NDP because, unfortunately, no one on the other side of the table would be concerned about the fact that it wasn't in French, since they understand English. But we have difficulty understanding when everything is in English. I think that we have to respect the Official Languages Act, Mr. Chair.

[English]

The Chair: Agreed, and I would share with the members that I've been told it could take up to six months to translate the number of documents that are there. It's the chair's job to bring it to the committee and get a ruling from the committee, or get some help from the committee, on whether we'd like them now or we just follow—

[Translation]

Mr. Marcel Proulx: If it takes six months to have them translated, this means that the Department of National Defence has been working with these documents for months without the documents being bilingual. Mr. Chair, it's an affront to the Department of National Defence employees who don't speak English. That means that they worked with documents that didn't weren't in compliance with the Official Languages Act.

[English]

The Chair: I can't tell you what happens at the Department of National Defence. I chair the procedure and House affairs committee.

Mr. Marcel Proulx: Fair enough. That's fair enough.

The Chair: I'll go to Monsieur Laframboise for comments.

[Translation]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): You will understand, Mr. Chair, that we are opposed to these documents being submitted if they are not available in both official languages. It's just further proof that the Department of National Defence and the government did not intend to submit them to parliamentarians. By not having them translated or submitted in both official languages, that means that they didn't intend to submit them to parliamentarians. So this is another breach of parliamentary privilege, Mr. Chair.

[English]

The Chair: Thank you, Monsieur Laframboise.

Mr. Reid.

[Translation]

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): Mr. Chair, I am also aware of the importance of both our official languages and the importance of complying with the rules concerning both official languages, which includes the rule that, in the absence of unanimous consent from the committee, it is unacceptable to circulate the documents in one language alone.

[English]

But I do think it would be helpful, if it would be possible, to circulate a list or an index of what these documents are so that we have some idea.... I don't even know how many documents we're talking about, for example, or how many pages.

I heard you say the word "extensive", but that could mean different things to different people, so if something of that sort could be done.... Obviously that would have to be in both languages.

The Chair: I'm looking to see if the index has been translated and if it is available to us that way. If it is, we will let you see the index, I guess. It appears to be in both official languages.

Mr. Scott Reid: So it's in order to circulate that?

The Chair: I think that may be appropriate, if that's.... Again, the chair would like the will of the committee, not the will of the chair.

Monsieur Paquette.

[Translation]

Mr. Pierre Paquette (Joliette, BQ): One solution might be to have the documents submitted as they are translated. That way, we wouldn't have to wait six months. I think that Parliament would have the resources to start to working on them. I don't know if a motion is necessary or if we can all simply agree to having the documents submitted to the House as they are translated.

[English]

The Chair: I like that idea.

Monsieur Lukiwski.

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

I just want to get on the record that while I totally agree that all documents presented before a parliamentary committee should be in both official languages—that's a given, and I accept that, and I agree with that, frankly—I want to point out that there has been a myriad of requests about more information regarding the purchase of the F-35s. As the chair pointed out, I think, unless I heard incorrectly, this information is relatively new to the government. It was compiled from nations like the United States and other primarily English-speaking nations.

There's no insult here. I sense the tone from people saying that this was disrespectful to the committee.

I think this was just an attempt to say there has been information requested and we've received some; it's not in both official languages, but if you'd like to get your hands on these documents and start examining them—as you have been requesting for months now—they are available to you.

That, I think, is the point the chair was trying to make. Certainly it's the government's position that if you want to see the information, it's available. If you don't want to see it until it's translated, fine; your will will be done.

● (0910)

The Chair: I'll take an intervention from Mr. McGuinty, and then let's wrap this up. I think we have a path we could follow here, but let's try....

David.

[Translation]

Mr. David McGuinty (Ottawa South, Lib.): Mr. Chair, I am astonished by Mr. Lukiwski's comments. There are seven million francophones in this country. We've been waiting for answers from the government on this matter for four months. It would seem that Mr. Lukiwski thinks that it's appropriate to deliver in one official language documents that were requested over four months ago now. It would be appalling if he dared insist that these documents be accepted now. It would be to the detriment of Canadians.

[English]

Mr. Chair, was any explanation given to you whatsoever when these documents were forwarded to this committee? Is this pursuant to the requests made to the government on October 6, deadline November 24, to return these documents? Is this all the information that parliamentarians have been asking for now for over four months?

After hearing for two days from you, Chair, and rightly so, and from ministers, that this committee was not seized whatsoever with the F-35 issue, even though it formed part of the opposition day motion and the Speaker's ruling, can you help us understand why this is happening today, on a Friday, four months after the request was made, and not in bilingual form in compliance with committee or government rules?

It just smacks of desperation, Mr. Chair. What's going on?

The Chair: Mr. McGuinty, I can tell you that I spent a great deal of time looking at this issue last night. I felt I should bring it to the committee and not deal with it myself.

A letter from the minister came with the documents, explaining them. I've quickly breezed through it, so without reading it, I certainly won't try to quote from it.

I think we're at the point where we should ask the committee....

Monsieur Paquette had a great thought: as the documents are translated, we could distribute them to committee. What we can get to you we will get to you. The index, and perhaps the letter from the minister, which is in both official languages, we could get to the committee as quickly as possible.

Mr. David McGuinty: On a point of—

The Chair: I'm only suggesting this—

Mr. David McGuinty: I hear you, sir.

I just wonder, if it's not a matter that is related to a procedure and House affairs committee motion that this committee is seized with, why—

The Chair: This still is that committee.

Mr. David McGuinty: Why wouldn't this go to the Department of Finance, where the original request was made to the government back in October, November, four months ago, to get this information delivered?

The Chair: It is my understanding that finance received the same documents.

Mr. David McGuinty: Thank you, sir.

The Chair: It's my understanding: don't hold your chair to that.

Mr. David McGuinty: I understand. Thank you for your understanding.

The Chair: Mr. Lukiwski, very quickly, and then we will get to this. We are cutting into our witness time.

Mr. Tom Lukiwski: It will be quick, Chair.

I just want to say that I'm getting increasingly disturbed by Mr. McGuinty's continuous mischaracterizations of comments that I have made.

I stated quite clearly that I am in total agreement that all documents presented before committee—any committee in this Parliament—should be bilingual, should be in both official languages. I merely pointed out that there had been requests made, and that's why the documents....

When you received them in one language, you brought them forward to the committee. If they don't want to see them, that's their choice.

I agree that it should be in both official languages. That characterization, saying that I was trying to force it on this committee, is absolutely false and uncalled for.

The Chair: Okay, let's not get into debate. We've been around and we've got this done.

I can confirm that they've gone to the finance committee as well, so another committee can also deal with this.

Monsieur Paquette, you've offered a solution, perhaps, that we distribute these as they're translated.

Does the committee agree with that?

I see nods, but I'll verify today that we're all in agreement with this. Okay, then that's what the committee will do.

Mr. Scott Reid: The table of contents, Mr. Chairman?

The Chair: We'll send it out by e-mail very quickly, the table of contents and the letter from the minister. I know that the clerk has been working double-hard this week with this committee, so asking her to go through the book—

Mr. David McGuinty: How many pages are there, Mr. Chair? How big is this material?

The Chair: Can you guess?

Mr. David McGuinty: We received a foot of documents not translated here, is that right?

The Chair: We are sharing with you some that are, so....

Mr. David McGuinty: Okay.

The Chair: Again, I haven't gone through them myself to look at what is and what isn't. It's my understanding—

Mr. Marcel Proulx: [*Inaudible—Editor*].

The Chair: Yes, I understand, Mr. Proulx. I just used midnight to six for sleep, and I should not have. It won't happen again.

The committee will move on from there.

Just one other real quick thing. I'd like to thank this committee for the hard work it has done over the last couple of days.

I had a little bit of a health issue yesterday afternoon near the end of the committee and I wanted to thank in public Monsieur Proulx for first of all noticing that I was having a bit of distress, and his understanding and help with it.

Mr. Lukiwski also did a fantastic job of keeping me on track at a time when I really wanted to get out of here, and it worked.

I thank the committee for its indulgence. We'll see if we can't just get through a whole day of work without anything happening again.

Monsieur Proulx, my gratitude to you. It will be forever in my heart that all parliamentarians are great people.

Thank you.

● (0915)

Mr. Marcel Proulx: Thank you.

You would have done the same thing had I been in distress.

The Chair: I would hope that's the case.

Professor Franks, it seems so long since we've seen you. We're here, of course, on a different motion of privilege this morning, and I know you have some stuff to share with us on it.

Do you have a short opening statement today?

Dr. Ned Franks (Professor Emeritus, Department of Political Studies, Queen's University, As an Individual): I do, sir.

The Chair: How short might it be today?

I've taken an amount of your time this morning, and we have a minister coming in at the end of the hour.

Dr. Ned Franks: And I can't take any of his time.

The Chair: Her time.

Dr. Ned Franks: Her time, sorry.

The Chair: Then I ask you to be as brief as possible.

Dr. Ned Franks: I shall.

The Chair: If I cut you off, I'm not being rude. I just want to get to a round of questioning. All right?

The floor is yours.

Dr. Ned Franks: I began my remarks by trying to identify the steps in the process. I'll just go through what has happened and then I'll raise the question.

As I understand what transpired, the basic facts are not seriously in dispute. Events proceeded more or less as follows.

One, a letter was submitted to a House of Commons committee, and the letter, signed by both the minister and the two senior public servants, had a handwritten “not” inserted into it, which reversed its meaning.

Two, the minister appears at first to have told a parliamentary committee that the department did not recommend that particular grant, as the “not” in the letter indicates.

Three, it appears that when the senior public servants signed the letter, the handwritten “not” was not in it, and it was inserted later.

Four, in response to questions, the minister said she did not know how the offending “not” got into the document.

Five, the minister also later admitted that the offending “not” was put in on her instructions, but she does not know who put it there.

Six, opposition members accused the minister of deliberately misleading the House.

Seven, the minister, I believe, responded that she was not lying, but rather because she did not know who exactly put the “not” in the letter, she had answered the question truthfully, and the parliamentary secretary supported that.

Next, in his first ruling on the affair, Speaker Milliken observed that:

The full body of material gives rise to very troubling questions. Any reasonable person confronted with what appears to have transpired would necessarily be extremely concerned, if not shocked, and might well begin to doubt the integrity of certain decision-making processes. In particular, the senior CIDA officials concerned must be deeply disturbed by the doctored document they have been made to appear to have signed.

The Speaker could not take the full body of evidence into account at that point, so he did not rule that there was a prima facie case.

Finally, when the Speaker was apprised of the full body of evidence through a report, he did not go so far as to determine a prima facie case of contempt; rather, he recommended that it be referred to this committee.

I shall remind the committee that contempt of Parliament is the gravest offence that Parliament can find a private person, an official, a member, or a minister guilty of committing. The House can, after it finds a person guilty of contempt, one, leave it at that, which is the normal practice, with the finding of contempt considered adequate punishment in itself; two, expel the member or declare the seat vacant, and members have been expelled on four occasions, including Louis Riel twice, and Fred Rose, who at the time, 1947, was already in prison for contravening the Official Secrets Act; and three, the House can incarcerate the offending person, a punishment that last occurred in 1913.

I'm not going to go into the question here of whether the minister, in the added “not” case, Bev Oda, is guilty of contempt of Parliament, except I probably will, to observe that, as I understand it, she has, among other things, admitted to having misled the House. As the lawyers would put it, *res ipsa loquitur*, the thing speaks for itself. The doctrine of ministerial responsibility is at the core of the power and accountability of our parliamentary system. It does not matter who put the “not” in the letter. It was done in her name and apparently on her instruction. The act of doing it was falsifying a

document. It fundamentally misrepresented the advice given to the minister by senior public servants. Nor does it matter whether the minister's signature was put there by a machine; it still remains her signature, and she holds responsibility for it being there.

Having said that, I want to point out to the committee that this is the second time in the not too long past that there has been a misrepresentation of the advice given by senior public servants to ministers...a misrepresentation by the minister to the House of what happened. The first was the issue of the advice given by Canada's chief statistician, Munir Sheikh, to his minister about the utility of a voluntary as compared to a compulsory survey. In that event, Mr. Sheikh had to resign to protest the misrepresentation of advice. I can go into that in more detail, but it's just history here.

● (0920)

Second, on this one, the public servant whose advice was misrepresented by having the “not” put in there did not resign, and it was a much smaller issue, because the compulsory survey is the core and heart of Statistics Canada's work for Canadians, for Parliament, and for everybody who needs to use statistics.

The issue of a grant like this is a much smaller issue, but again the advice given by two very senior public servants was misrepresented.

I do not believe that Canada has yet developed an adequate way to deal with ministers who break the bond of trust by misrepresenting the advice given to them by public servants. I would like to see Parliament be more active in ensuring that such a mechanism is developed.

Whether or not Ms. Oda lied to Parliament is the easy question. What to do when ministers misrepresent the advice they have been given by senior public servants, the core issue in both the Munir Sheikh and the Bev Oda affairs, is the hard one.

Thank you, Mr. Chairman.

The Chair: Thank you.

We will go to—

Mr. Tom Lukiwski: Mr. Chair, a point of order.

The Chair: Certainly, Mr. Lukiwski.

Mr. Tom Lukiwski: I'm just wondering if we could get copies of Mr. Franks' opening statement.

The Chair: Do we have those available? Yes. We'll make sure that gets distributed.

We'll go to a seven-minute round. Is it Mr. McKay first?

Mr. Marcel Proulx: Is it bilingual?

The Chair: My understanding is we wouldn't distribute it if it were not in both official languages.

Welcome, Mr. McKay, to our committee.

Hon. John McKay (Scarborough—Guildwood, Lib.): Thank you, Chair.

Thank you, Professor Franks.

There's little or nothing you've said with which I disagree. *Res ipsa loquitur*: the matter does speak for itself.

I was interested in your parallel between the Munir Sheikh census issue and the misrepresentation of what civil servant advice was given.

I don't know whether you've had an opportunity to read the material that was in the original grant, but it's quite complimentary to the work of Kairos and quite fulsome in its praise for the work of this particular organization. It's signed off by quite a number of organizations who actually reviewed the application. Then CIDA is made to be blamed for the initial decision.

The minister has since changed her version of those facts, but the Speaker said that these documents were doctored to make it look as if the decision was made by the CIDA officials and that they would be rightly disturbed.

Is it your view that Margaret Biggs is in a particularly awkward position and that possibly she should tender her resignation for being misrepresented by the minister?

Dr. Ned Franks: It's a good question. I tried to make a distinction there between the Munir Sheikh one and the CIDA one because the compulsory survey is the heart and core of the work of Statistics Canada. Statistics Canada has had an internationally high recognition because of the work it does based on that. The doctoring of a document for one single grant doesn't have the same impact on CIDA as the shift to a voluntary survey does for Statistics Canada.

Ms. Biggs could have resigned on a matter of principle here, but I don't think it had that level of salience to the organization.

If I can just say one more thing here....

• (0925)

Hon. John McKay: Yes.

Dr. Ned Franks: On the part of Parliament, I think that it is an even more serious matter, but that is the question of Parliament itself being entitled to get the truth and accuracy from its witnesses, including ministers.

Hon. John McKay: I don't disagree with you on the order of magnitude, the difference between what Minister Oda did to Margaret Biggs as opposed to what Minister Clement did to Munir Sheikh. The magnitude is different, but the point is the same.

The point is that a civil servant, a faithful civil servant, a capable civil servant, an intelligent civil servant, giving the best possible advice, is made to appear in public as having given the exact opposite advice that they gave to the minister. That goes directly to your core point, which is ministerial accountability.

Am I interpreting your remarks correctly?

Dr. Ned Franks: Yes. All I will add is that if every time a senior public servant's advice is misrepresented they have to resign, I'd think we'd soon run out of competent senior public servants courageous enough to give their advice even when it disagrees with their minister's.

Hon. John McKay: I don't disagree with you on that particular point.

I wanted to go to another area, which has to do with why we're here. There has been a finding of prima facie breach of privilege. Privilege is a core concept in a functioning parliamentary democracy.

It's so important to a functioning parliamentary democracy that everything else stops while the issue is dealt with. It takes priority over all else.

That issue presumably would then translate into a committee in that all other matters in the committee would stop while the issue that's referred to the committee is dealt with. If a privilege issue is referred to the committee, it's dealt with as a priority over all other issues.

Would you be of the view that any delaying motions, any dilatory motions, any filibustering, and any other matters that would delay the committee arriving at a report in a timely fashion, as instructed by the House, would in fact be a fresh form of contempt?

Dr. Ned Franks: There's an expression in the law, "pith and substance"—I'm not lipping—and the issue here is does Parliament ever stop playing games between the parties? Or when does it stop? That's the other one.

Any motion that is acceptable under the orders of the House of Commons, and that the Speaker recognizes as acceptable, is acceptable. In the Standing Orders, matters of privilege take precedence over almost all other business, and have to be debated immediately they are introduced. That's correct.

I'm not going to go down that route, because yesterday and again today I have been trying to make the point that there are in Parliament matters of substance of utmost importance to the governing of the country and to what government can and cannot do through legislation. There's also a constant battle between the parties, which sometimes degenerates more into games than into useful argument.

I have tried to suggest, in the previous discussion on the release of material and what is a cabinet confidence, that the rulings of the Speaker have some differences in them and that it's up to this committee to start the process of resolving them. I do not want to get into the question of whether the games between parties are good or bad on this issue.

Thank you.

• (0930)

The Chair: Thank you, Professor.

Thank you, Mr. McKay.

Mr. Lukiwski, for seven minutes, please.

Mr. Tom Lukiwski: Thank you, Chair.

Thank you, Professor Franks, for being here again.

Professor Franks, I note you start off by saying in your opening statement that, as you understand what transpired, the basic facts are not seriously in dispute. With all due respect, I would challenge some of what you consider to be fact here, sir, and I just want to go over a litany of some of the statements you have made that I do not believe are factual.

Your second paragraph says that the minister first appears to have told the parliamentary committee that the department did not recommend the Kairos grant. That in fact, sir, is not true. At the December 9 committee meeting, Minister Oda—11 separate times—told the committee that it was her decision and her decision alone not to fund Kairos. At no time during that committee did she infer, imply, or state outright that it was a departmental decision. She has always stated it was hers. So I would suggest, sir, that your statement of what you consider to be fact is not factual.

In paragraph 3 you say:

It appears that when the senior public servants signed the letter, the handwritten “not” was not in it

—which is true—

and that the “not” was inserted later.

That is true.

In other words the altered document purports to indicate the public servants supported the opposite of the actual recommendation that they approved and signed. This becomes public knowledge.

That, sir, is not true. As Minister Oda has explained on several occasions, the document she received from CIDA was an internal document, not a parliamentary document. In other words, in lay person's language it would be like an inter-office memo. It was a memo from CIDA officials saying that in their opinion, they recommended funding of the grant to Kairos.

When the minister received it, she made her determination that she did not wish to fund Kairos. She told her staff to relay that information back to CIDA. Then she left it with the staff to do that. One of the staff members put the word “not” in there and sent it back so that the CIDA officials would know the minister did not want to fund Kairos. There was no misrepresentation. There was no deception involved there. In fact, Margaret Biggs, the president of CIDA, has stated before committee that she completely understood what the minister's intentions were. The “not” was, in basic terms, irrelevant. It was not meant to deceive, in other words.

I dispute your contention that it was intended to deceive. That is what paragraph 3 refers to.

In paragraph 4 you say, “In response to questions the minister says that she does not know how the offending 'not' got into the document”. That again is an incorrect statement. She never was asked the question: Do you know how it got there? She was asked the question: Do you know who inserted the “not”? She answered truthfully, saying, “No, I do not”. She did not know at that time because she had merely instructed her staff to convey her wishes back to the committee. Your statement there is not correct, in fact.

I just point those out, sir, not because I'm suggesting in any way, shape, or form that you are trying to cloud the issue. It's just that, unfortunately, you have an impression that perhaps many others have, and that's why the minister will be here for two hours today to fully clarify everything that happened, but it is important for this committee to understand that some of the statements you're putting down there purportedly as facts were in fact not as you indicate they were.

● (0935)

Dr. Ned Franks: I accept that totally, with one qualification. My understanding is that the two senior public servants signed the document and then subsequently the “not” was put in. In other words, they signed the document saying that the grant should be made, and the document, once signed by the minister, had reversed that intention.

I believe that, in the law, that is not a good thing to do. I believe that if the minister had wanted to make it absolutely clear, there should have been an additional letter saying “I cannot sign the document. I do not support this and therefore it's rejected.”

Apart from that, I agree that my statements are not correct, and I apologize. What I tried to do.... And you'll notice I was very cautious in what I said there, that this is my understanding. I appreciate your correcting me on them all.

Again I raise the question, and I won't back down on this: Isn't the significant issue that the document, as it was presented to the committee in its original form, had the “not” in it and the two signatures, which implies, insofar as I know the law, that those signatures were put on to support the document as it was presented?

Mr. Tom Lukiwski: How much time do we have left?

The Chair: You have two minutes left, Mr. Lukiwski.

Mr. Tom Lukiwski: Thank you.

If I may, Professor, respectfully, I don't agree with that. In fact, even Ms. Margaret Biggs, the president of CIDA, admitted and has stated publicly that the document they sent over, the internal document—this inter-office memo, in other words—did not have a place in it for the minister to register her disapproval of the recommendation.

They admitted that was something they should have corrected, and they're taking steps to correct it, so that now, the documents—either recommending or not recommending a grant—that go to a minister from CIDA would have an opportunity, a space, where the minister could say “Yes, I agree with your recommendation” or “No, I do not agree”.

Mrs. Biggs says that was the root of the problem here. She didn't have a problem. CIDA officials themselves did not have a problem with the manner in which Minister Oda replied to them indicating her displeasure and her disapproval.

So I guess my point is—and this is where we could debate, and I don't think it's necessary to debate it—that if the CIDA officials did not have a problem, if they understood completely the minister's wishes, they were not offended by her inserting the word “not”, because they understood that was just a transmittal of intention of the minister to not fund Kairos. If they didn't have a problem with that, if they understood what the minister's wishes were, why then should we have a problem with that?

Dr. Ned Franks: I think the answer is again very simple. Perhaps it is indeed simply a lack of an adequate procedure in the department; nevertheless, a document was submitted to the committee that purported that three people agreed with that document, whereas two people had signed it not agreeing to it. I'll leave it at that.

The Chair: Thank you very much.

Monsieur Paquette, seven minutes.

[*Translation*]

Mr. Pierre Paquette: Thank you, Mr. Chair.

Professor Franks, thank you for being here today. I think your testimony was most enlightening.

I would like to begin by saying that, the minister lied and that's factual. On April 23, 2010, in response to a question on the order paper—so, it's written down; it's not something that was said or that could have been interpreted—she said that the decision not to fund KAIROS was made by CIDA. On December 9, so several months later, she said the opposite in committee. But, we have on paper the fact that she said that it was CIDA's decision and that she had endorsed it. So, as you mentioned, we are faced with two cases of misrepresentation on the part of senior public servants, simply to support the government's position.

You mentioned Statistics Canada and the matter of the mandatory long form. Obviously, here in committee and in the House, we are talking about Ms. Oda's false statement, and also about false written statements that imply that CIDA supported the government's decision to cut funding to KAIROS. In addition to the lie, we are dealing with the falsification of a document because, regardless of whether there was a place on the form for Ms. Oda to indicate that she didn't want to fund KAIROS, all she had to do was not sign the document. Instead of that, someone added a "not" and she signed it. The two other people who had signed previously without the "not" discovered later that they had signed a document that had been falsified after the fact. I feel there is a governance problem there.

First, in British parliamentary system, trust is the basis of support to the government. In this case, the trust of parliamentarians was breached. I would like to know whether you think that we could go so far as a contempt of Parliament based on the facts and how Ms. Oda acted. Secondly, there is the ministerial responsibility that concerns the way Ms. Oda behaved in this matter. Shouldn't she resign?

I am asking you this question because I saw, at the end of your presentation, that you were not willing to go so far as to recommend it to us. But could this go so far as contempt of Parliament concerning the government's governance and to a demand for the resignation of the minister who breached the trust of parliamentarians?

• (0940)

[*English*]

Dr. Ned Franks: The thing that puzzled me about it is the absolute silliness of presenting a document—which I still believe was falsified—to a parliamentary committee that purported to represent the consent of the three signers and actually did not.

I shouldn't say "consent", but the "opinions", because it is the duty of public servants to implement the orders of their ministers. And that I do not think is in dispute here. I think that CIDA can perfectly and happily live with the decision that was made there, even though it was against the advice of their officials.

I do consider the presentation of that document in that form to be a very serious offence against what Parliament is entitled to get as documents. Misrepresentation of that sort is very serious. And it doesn't, in my mind, matter who put it there; it's the minister's responsibility that it was there. And it doesn't matter whether CIDA had another kind of document or not. The letter could have been rewritten very easily. That takes a few minutes or seconds.

What matters is that the letter that came before the committee had in it the appearance that three people had agreed and recommended a decision, whereas only one of them had done it. Now, that's a problem. And sure, at one level it's a secretarial and administrative problem, but at another level it's Parliament getting something that was not an accurate representation of what had happened.

[*Translation*]

Mr. Pierre Paquette: Something struck me in your presentation, and I would like you to explain it further.

In point one, you say, "This change reflected the views of the Prime Minister on the desirability of the grant." So you imply that the Prime Minister did not want KAIROS to have the grant.

The problem is not so much that the government cut the funding—although that constitutes another problem we could debate—as the way in which it was done. This was presented as being the result of a recommendation from CIDA, which wasn't the case.

You referred to the Prime Minister. Here's what I think happened. Hon. Bev Oda signed the document recommending the grant and, when the Prime Minister found out about it, he told her that he did not want the government to fund KAIROS. At that point, she had no choice but to falsify the document. Whether it was her or someone else, it doesn't matter.

You said that this change reflected the view of the Prime Minister. Yes, the minister is responsible, but don't you think that the Prime Minister is also a responsible party in this whole matter?

Dr. Ned Franks: I don't think so, because the principle of ministerial responsibility applies to the minister, in this case, Ms. Oda.

The matter of the Prime Minister's intentions is something else altogether. I think that the concerns must be with the minister herself, and not the Prime Minister. It's Bev Oda's signature, and not the signature of Mr. Harper, that appears on the document.

Mr. Pierre Paquette: I would just like to mention the fact that the Prime Minister did not ask her to resign, as was the case for the member for Beauce or the other member whose name escapes me, just shows that he might be somewhat responsible. But we'll never really know this.

You mentioned that machine-made signatures were just as valid as handwritten signatures. I would like you to talk about this a little more, because it was raised by the public servants who tried to minimize the importance of the mistake.

[English]

Dr. Ned Franks: Ministers have to sign thousands of documents, and even deputy ministers do. The Clerk of the Privy Council has to sign probably hundreds of thousands. And normally the act of using that signature machine is a very carefully managed and guarded act, so that only documents that that person feels should be signed are signed.

As I understand it—and I can be corrected on this—in the law it's irrelevant whether the signature is made by a machine or by hand. As long as it's done under the authority of the person whose signature it purports to be, it is construed as the personal signature of that individual.

● (0945)

The Chair: Thank you.

Mr. Martin, seven minutes for you today.

Mr. Pat Martin (Winnipeg Centre, NDP): Thank you, Mr. Chairman.

Thank you, Mr. Franks.

Thank you for reminding us in your opening remarks of the gravity of this situation. It's not a matter to be taken lightly. In fact, it's the highest voice or opinion we can render on an issue: to find someone in contempt.

Also, thank you for pointing out that Parliament is not always correct, that Parliament has been wrong in the past, and that Louis Riel was a hero, not a traitor, and probably should never have been found in contempt of Parliament.

So as we go into this study, I think we should be aware of the gravity of what we're about to undertake.

I take your point that the scale of the offence is irrelevant. The magnitude, the scope of it, may not be as expansive as the issue of the long-form census, but I liken it to an employee who steals stationery. An employee may be disciplined for that, even though it's a minor offence, but you just don't know what else is going on.

I guess my question to you, Mr. Franks... It's plausible, in the way we've outlined things, that Minister Oda did follow the advice of her senior staff and did sign off on the Kairos grant, and somebody else, some other party, came along after the fact, even after she had applied her signature to it, and inserted the word “not”.

We have a feeling that Prime Minister Harper uses his cabinet as more of a focus group than any meaningful power anyway, so somebody from the PMO could have intercepted this and added the word “not” after Minister Oda had dutifully followed the recommendation of her staff. Is that not true?

Dr. Ned Franks: We at this point—and that's me as a citizen of the country and you as parliamentarians—do not know how the “not” got there. What we do know is that the minister did not repudiate that “not”. I don't think there is any more issue than that.

The letter was presented, purported as being a letter supported by the intentions of three officials—two in the department, and the minister—and it turns out that the intention of the letter as presented

supported only the views of one of those three. I think that is all that needs to be said on that.

Mr. Pat Martin: All we need to know...

Dr. Ned Franks: The whodunnit is for somebody else to look at. The fact that it was done is the one that I think must concern you people today.

Mr. Pat Martin: Thank you for that.

I think there's kind of dual function for this committee. One is to condemn the misrepresentation—what we believe is the deliberate misrepresentation by the minister—but the second is to come to the defence of the senior public servants who did their job, etc.

You point out in one of the paragraphs that you were unable to read into the record that we do not have a good mechanism for dealing with this sort of dilemma in Canada. In Britain, the secretary to the cabinet has been known to take ministers to task when they lie about the advice they've been given or otherwise betray the trust and honour of the public service. Can you expand on that a little?

Dr. Ned Franks: Senior public servants in Britain are much more intimidating creatures, I believe, to members of Parliament—and even to cabinet ministers—than they often are in Canada. Somebody like the current cabinet secretary has immense influence, has survived I believe four prime ministers, and in many ways is a counter-power to the elected politicians.

It's part of something where I believe Dicey went very seriously wrong in saying that ministerial responsibility is the only responsibility in our system, because the British, long before the Canadians, recognized that in some measures the public servants were autonomous and had to make their own decisions on their responsibilities, which were different from the ministers'.

Now we have recognized that in Canada, with the introduction of the accounting officer principle by this government in their legislation. The accounting officer approach does not extend to things that are non-financial and non-administrative, like the giving of a grant here, and I think that's right that the minister should have the final decision, but we do not have a mechanism that allows a civil servant who feels that his or her advice has been misrepresented by a minister to express that publicly.

● (0950)

Mr. Pat Martin: I agree. You would think that might be the role of the Clerk of the Privy Council, but in this country their official title is the deputy minister to the Prime Minister.

Dr. Ned Franks: Yes.

I think that the Clerk of the Privy Council—and we've had very good ones—has too many hats. He is the guardian of the Constitution, he's the deputy minister to the Prime Minister, he's the secretary to the cabinet and the guardian of cabinet records, and he's the head of the public service, and I believe these often come into conflict. The problem is that in that relationship of speaking truth to power, where often the role of the minister on the other side is speaking power to truth, sometimes these roles can get mixed up.

I've never worked out a way of resolving the dispute. It was one Justice Gomery felt very strongly about in his work on the sponsorship affair. His recommendation, which was that the Secretary of the Treasury Board become head of the public service, wasn't accepted, and probably, in my view, is unworkable.

Mr. Pat Martin: Good.

Misrepresenting the intent—

The Chair: You have 20 seconds, Mr. Martin.

Mr. Pat Martin: Misrepresenting the intent of that letter had a political motivation, I believe. Can you speculate as to what advantage there may be to the government for the public to think that CIDA wanted to end Kairos' funding, not the Conservative Party?

Dr. Ned Franks: I attribute no motives to people in this. I just believe that there was a better way for the minister to have said that she didn't agree with it, and that's as far as I can go on it.

The Chair: Thank you.

Mr. McKay, I think we can try a two-minute round. So you have two minutes, Mr. McKay, for your questions and answers.

Hon. John McKay: Thank you, Chair.

Professor Franks, you go through eight or nine paragraphs in which you come to a conclusion. Your conclusion is at the end, on page 4, where you say:

Whether or not Ms. Oda lied to Parliament is the easy question.

You seem to be buttressing your opinion with respect to what the Speaker said on February 10:

Any reasonable person confronted with what appears to have transpired would necessarily be extremely concerned, if not shocked, and might well begin to doubt the integrity of certain decision-making processes. In particular, the senior CIDA officials concerned must be deeply disturbed by the doctored document they have been made to appear to have signed.

That is further compounded by the minister's responses in order paper questions when it says it's "the CIDA decision not to continue funding".

Do you think, on the face of it, Professor Franks, that this is in fact a prima facie case of misleading Parliament?

Dr. Ned Franks: You're asking me to go beyond what I consider my remit. I had a very short time to write this, and that's one of the reasons why in my chronology I said this is how I think I see it or how it appears, and I don't know.

When I get down to the question of the signature I either look at it as a miserable farce—that there was a better way for the minister to overrule the advice of her public servants, and for some reason either she wasn't given good advice on how to do it or she did in a hurry and it was done in error—or else it was done intentionally to do what it appears to do: misrepresent the advice she was given by the public servants. I don't which is the answer there.

The Chair: Thank you, Professor.

Mr. Reid, you have two minutes for questions and answers.

• (0955)

Mr. Scott Reid: Thank you.

I'm unfortunately going to have to change the nature of this question, given the amount of time.

You said in your conclusion that whether the minister lied is the easy question. I think it's easy because the answer is no. At no point do I find her saying that the department instructed her or advised her not to fund Kairos.

I'm just reading here from the House of Commons. The question was asked and she said:

After due diligence, it was determined that Kairos' proposal did not meet government standards.

She did not say "was determined by officials"; she said "was determined".

In committee, she stated:

The department puts forward to the minister a recommendation. They don't make the decision; they put forward a recommendation. So at every step of the way it's the recommendation that comes forward. The ultimate decision, however, is made by the minister.

It's "by the minister".

She said:

I sign off on all of the documents.

She said:

I did not say I was the one who wrote the "not".

She said:

The responsibility of the department is to give its best advice to the minister. The minister then has the discretion to make the ultimate decision. As I've indicated, we had discussions with the department regarding this file.

She said:

Mr. Rae, I did not put the "not" in. I did not sign the document. The document reflects the decision of the minister.

She said:

No, I made the decision. The document then reflects the decision of the minister.

She said:

I personally did not sign that document. I made the decision. I gave my decision, and the document then would reflect—

She got cut off by Mr. Rae part-way through that answer.

She said:

It's my signature, which is either pen-signed or personally signed. I do not sign, as any minister does not sign, every document required to be signed—

So at no point does she ever say that she was advised this. There was one point at which Mr. Dewar seemed—

The Chair: Thank you, Mr. Reid.

Mr. Scott Reid: —to be confused, but she never said it, ever.

So how can it be said that she lied? How can that be clear to you, Professor Franks?

The Chair: Thank you, Mr. Reid.

Dr. Ned Franks: May I respond to that, sir?

The Chair: If the next questioner allows you in his time, that will work, but other than that—

Dr. Ned Franks: It will be a 30-second response.

The Chair: Well, we'll see if we have time for you to respond at the end, I guess.

Monsieur Laframboise.

[*Translation*]

Mr. Mario Laframboise: Thank you, Mr. Chair.

Professor Franks, in your presentation, you said that you would instead observe—and Mr. Reid raised this—that, as you understand it, the minister admitted that she misled the House. As the lawyers said *res ipsa loquitur*, the facts speak for themselves. I am going to refer to Speaker Milliken's two rulings.

In his ruling of February 10, he said: “In particular, the senior CIDA officials concerned must be deeply disturbed by the doctored document they have been made to appear to have signed.”

In his ruling of March 9, he said: “...I have taken great care to study the evidence in view of the very serious allegations regarding the conduct of a minister, who as a result has been subjected to harsh and public criticism...”

You mentioned that we are aware of the seriousness of the incident, but Speaker Milliken also mentioned the gravity of the situation that the minister has put herself in.

Do you think that, if our committee decides that there was contempt of Parliament, that would be exaggerated?

[*English*]

Dr. Ned Franks: We have two sides to the question here. One side says that the minister said that she never supported the grant and tried to make that clear, and did to Parliament, is correct. The other side is saying that the document presented to Parliament, which purported to represent the agreement of three individuals to something, is not correct.

The second one, in my view, is a contempt of Parliament; the first is not. I can't see any consensus coming out of this with the two different views.

Again, I apologize for the errors in my presentation, but I was writing it in haste to try to get something on paper so we could discuss it. I appreciate the government side pointing those out to me.

Thank you, sir.

The Chair: Mr. Martin, two minutes for questions and answers.

Mr. Pat Martin: Well, we are splitting hairs and putting everything Minister Oda said under a microscope, as we should, given the gravity of the situation. There's something kind of Chrétienesque about Minister Oda's comments throughout, and it's hard to nail it down, but we do expect ministers to conduct themselves at the highest standard of honesty.

I mean, do you accept that a minister could be in contempt if the offence is by omission rather than commission, if the minister allowed us to believe what a logical person would believe in reading that document, that the CIDA officials recommended not funding?

• (1000)

Dr. Ned Franks: I'm going to give you an Irish answer to that, this being the day after St. Patrick's Day.

Mr. Pat Martin: A Catholic Irish answer....

Dr. Ned Franks: There are things that are offensive, and those, normally, the courts of law will not rule on. Then there are things that are harmful, on which they will.

The issue that faces the committee here is do these problems, in both issues of contempt of Parliament, reach the point of actually harming the parliamentary system, rather than being just offensive? And on that I think you people have to exercise your judgment. I cannot give you any advice except that I think that's the issue you have in front of you.

Mr. Pat Martin: That's very helpful. Thank you.

The Chair: You have 30 seconds if you want to....

Mr. Pat Martin: You used the term “breaking the bond of trust”. When you break faith with the Canadian people, does that in itself not undermine the position of trust given to cabinet ministers under their oath of office?

Dr. Ned Franks: I might, if I dig back into my 60 years' memory on this, find one or two places where I felt a cabinet minister had actually broken the bond of trust. But by and large, I have the utmost respect for the politicians of Canada, even when I've firmly and basically disagreed with them. And on that side, I can say that I have the utmost respect for everyone around this table. And I wish you luck in your deliberations.

The Chair: Thank you, Professor, for helping us in doing so. And thank you for coming today.

We will suspend for two minutes while we change our witnesses.

•

_____ (Pause) _____

•

• (1005)

The Chair: I call this meeting back to order, please.

Thank you, all.

I did forget something in my opening comments this morning, if the minister will just give me a second.

We switched studies today. We're into this study on this question of privilege. I shared with the group back on Thursday morning my conversation with the Speaker on prime facie. He suggested that the study we were doing over the previous two days could speak for itself. I asked him about this one, and he suggested to me that his ruling also stated that it is a prime facie case. I asked him how we would tell if we could get further, and he said, “I'm not sure you would. It's a prima facie case.”

I thought I'd best share that.

Hon. John McKay: Chair, I would question the appropriateness of the chair sharing a private conversation with the Speaker.

The Chair: Well, as I've said, the convention has been that the Speaker would come to this committee—

Hon. John McKay: I understand the convention, Chair, but—

The Chair: —so I took it on myself to have that conversation.

Hon. John McKay: Well, it may well have been that you took it on yourself to have a conversation. The issue is sharing the conversation in public, because that may well prejudice any finding the committee might wish to make.

The Chair: Mr. McKay, I did make the statement earlier in the week also.

Hon. John McKay: I understand.

The Chair: I was just reiterating it. I heard no objection at that time.

Hon. John McKay: You can take it from me that this is an objection, and I don't think it's actually appropriate that a chair share a private conversation with the Speaker or with anyone else, even absent the person being able to come before the committee to put their version of the conversation. I just think it's inappropriate.

The Chair: Well, thank you. I take that advice, Mr. McKay.

Okay, I have a couple of other speakers on this.

Go ahead, Mr. Martin.

Mr. Pat Martin: Mr. Chairman, on the same point, for the supposedly independent chair to try to set the tone of the hearings of this committee even before we hear from the first witness sabotages and undermines the work of this committee.

I can't believe, frankly, that you would misuse and abuse your position and your office as a supposedly independent chair to try to set the tone and comment on what may or may not be the outcome of our deliberations here today.

The Chair: Mr. Martin—

Mr. Pat Martin: It's one of the most blatant abuses of your office that I've seen any chairman avail themselves of.

The Chair: Thank you, Mr. Martin. I'll take that as good advice and thank you for it and will suggest that it is the chair's responsibility for the flow of this committee and—

Mr. Pat Martin: I'd like to make a motion that we strike your comments from the permanent record of this committee.

The Chair: I have a motion on the floor.

I know we wanted to hear from the minister today, but speaking to the motion...?

Mr. Scott Reid: Well, look, I don't think we should be dealing with the motion. I think it's a ridiculous motion. I think we should be hearing from the minister.

But since Mr. McKay has seen fit to challenge the propriety of your discussing a conversation you had with the Speaker of the House of Commons, and since Mr. Martin has seen fit to do something that just seems very peculiar, striking it from the record.... I mean, we're televised, so I'm not sure what purpose that serves.

I'm also not sure that it's very wise to start going along and saying we're going to selectively edit out things that have been said. Talk

about a dangerous road to go down, that is it. We're debating this, so I think it's reasonable for me to proceed in this fashion.

• (1010)

The Chair: We're debating the motion. I just want to get there.

Mr. Scott Reid: The argument that you've engaged in some kind of action that goes beyond the bounds of any propriety that Mr. Martin has seen...that's just ridiculous. He doesn't believe what he is saying there, obviously.

But I just want to point out that if we're on the theme of outrageous things that have been done in this committee, that are unprecedented, we have the example of the motion that was given yesterday, that was done at an in camera meeting, then in public, to secretly shut down this committee, to secretly pre-write the report, to presuppose—in a manner that I must say in ten years I really have never seen, and none of us have—that here is what the report is to say.... Here is what it is to say: it is to condemn the government, it is to condemn the government in a whole variety of ways...the draft report must contain the following conclusions, right...? And it goes on and lists those off—

Mr. Pat Martin: Mr. Chair, a point of order on relevance.

The Chair: Mr. Martin.

Mr. Pat Martin: I'd like to question the relevance of my colleague Mr. Reid's debate, as he is supposed to be debating my motion, which is to strike your opening comments from the permanent record of this committee, in that they were biased and unbecoming of the chair. If he wants to debate the draft report of a previous hearing, it should be under some other heading.

The Chair: If the chair were to apologize and fall on the will of the committee for us to move forward, would that be a...?

Mr. Scott Reid: Mr. Chair—

The Chair: Mr. Reid, I know you were still debating, and I'm not supposed to—

Mr. Scott Reid: I'm still in debate here, Mr. Chair—

Mr. Pat Martin: Agreed.

An hon. member: Agreed.

Mr. Scott Reid: Well, Mr. Chair, I just want to finish my comments.

Mr. Chair, yesterday there was a draft report to be no more than two pages long, making it impossible to produce a dissenting report. There was no summary of evidence because the evidence contradicts what—

Mr. Pat Martin: On a point of order—

The Chair: We have a point of order.

Mr. Pat Martin: —could I ask the chair to rule on the previous point of order? You offered your apologies. I sensed there was agreement for that course of action.

You didn't rule on the relevance of what Mr. Reid seems to be gearing up to, a filibuster type of presentation here. I believe it's irrelevant.

Mr. Scott Reid: I have one comment and then I'll be silent, Mr. Chair.

The Chair: Very quickly, get back to relevance, Mr. Reid, and we'll move on, I think.

Mr. Scott Reid: This does deal with the propriety of your comments, which was the reason for the motion, and here is my question. It is my recollection that in the past you have shared conversations you've had with the Speaker. No one has found it objectionable. I am willing to bet—but only you can answer this question—that the Speaker did not say to you, “This is given to you in confidence and I don't want this shared with the committee”.

However, it seems reasonable, if that's the fear of Mr. Martin, that we go back and confirm that with the Speaker, and that would settle the matter as to whether this was in fact some sort of terrible breach of confidence, as Mr. McKay has suggested.

The Chair: Thank you, Mr. Reid.

Monsieur Proulx.

Mr. Marcel Proulx: I was going to suggest, Mr. Chair, that if Mr. Reid wants to get into another filibuster today, as they did yesterday, to let us know, because there might be other things that are more important that we could do outside this room.

The Chair: I'd like us to move on, if we could, please.

Mr. Marcel Proulx: Thank you, sir.

The Chair: Is it the will of the committee that we move on, and has Mr. Martin dropped his motion?

Mr. Pat Martin: We haven't heard you apologize.

The Chair: Then I do, Mr. Martin, whatever it takes. *Mea culpa*. What other languages can I use? Let's move on.

Minister, welcome. I believe you have an opening statement. We have you as a guest for a couple of hours today. We'll take your opening statement and then go to rounds of questions.

Hon. Bev Oda (Minister of International Cooperation): Thank you, Mr. Chair.

I'm grateful for the opportunity today to respond to the Speaker's ruling to address the confusion surrounding the Kairos application. At the outset, first let me state that I take full responsibility for the confusion created, and I apologize for that.

I'm here today to explain to this committee and to the public why I initially didn't understand how my answers were creating confusion. I told the foreign affairs committee I did not know who specifically in my office had printed the word “not” on the Kairos departmental decision memo. I have also said that it was done at my direction. The confusion centres on how those two statements fit together. I'm here today to address that single matter of confusion, and the Speaker has given this specific mandate to this committee.

To fully explain this confusion I believe we must answer three questions. Why did I reject the Kairos application? How was my decision communicated to CIDA officials? And lastly, why didn't I elaborate further when I testified at the foreign affairs committee why I did not know who specifically inserted the word “not”?

Let me address the first question. Why did I reject the Kairos application? The Kairos application first came to me as a 19-page background document containing the CIDA staff analysis of the proposal and commentary from CIDA staff and Canadian ambassadors located in regions included in the proposal. CIDA officials also prepared a separate two-page decision memo for my signature. To be clear, these were internal documents from CIDA officials to me as the minister.

Before reaching a decision I spoke to CIDA officials and to my political staff. While both documents contained some positive aspects, they also contained aspects of concern to me. For example, over \$880,000 was to be used for advocacy, training, media strategies, and campaign activities here in Canada. I believe that is not the best way to spend public funds intended to help those living in poverty in developing countries. We believe that CIDA's role is to make sure there's more food on the table for the hungry, more girls and boys in school, and more medicine in parts of the world that need it most.

We receive hundreds of proposals annually, but we cannot fund them all. My responsibility as minister is to prioritize those that best meet the objectives of Canadians and deliver value for aid dollars. So after careful consideration I decided to reject the Kairos application. At no time did I speak to Minister Kenny, the Prime Minister, or any staff from their offices, nor did I receive any advice or direction from them. The decision was mine and mine alone.

Now I will turn to the second question. How was my decision communicated to CIDA officials? To fully answer this question I think it's important to understand the process used at that time by CIDA to seek a decision from the minister. First, an internal background document like the one I referred to earlier is sent to the minister. As well, a separate decision memo is sent containing a summary, a departmental recommendation, and a line for the minister to sign. The practice is that officials ask my office to provide written responses to proposal recommendations, making clear my decision. When decision memos come to me they have already been signed by the president of CIDA and another CIDA official.

In the Kairos instance I spoke to both my staff and CIDA personnel over the course of two months before arriving at and then communicating my decision. In this case I explained my concerns and sought further information from CIDA. They knew I was not likely to approve the application. These facts are not in dispute by my staff, or by CIDA officials. After due deliberation, when I felt I had enough information about the proposal, I telephoned my chief of staff and informed her that I had decided to reject the application. I then gave her direction to follow through on my decision with the department.

●(1015)

As Minister of International Cooperation, whether I'm travelling or in Ottawa I have a duty and responsibility to oversee CIDA. Every decision I make has to be communicated back to CIDA officials, and often, upon my direction, I must rely on my staff to follow through on my decisions. I speak to one of my political staff, who then communicates my decisions to CIDA via the decision memo drafted by CIDA officials. To give you an idea of scope, last year I dealt with over 750 memos.

In December, when I appeared before committee on this issue, I did not know who specifically in my office inserted the word "not" or who operated the auto-pen. Subsequently, after that committee, my former chief of staff, Stephanie Machel, told me she inserted the word "not", following the normal practice at that time. She then instructed one of two authorized departmental officials in my office to use the auto-pen—in this case Claudette Rioux—to mechanically sign the document.

Having a paper record of decisions is critical, and it's not always possible for me to personally sign a decision memo. As a result, my office uses an auto-pen to mechanically reproduce my signature when I am unable to personally sign a document. This is a device employed by ministers across government, and it's my understanding that previous governments have used the same process.

When I made the CIDA decision, CIDA decision memos didn't provide an option whereby I could disagree with CIDA recommendations. Decision memos simply presented the recommendation of CIDA officials and offered a signature line. To overcome the absence of a disagree option, if I made a decision to disagree, my staff would insert the word "not" or "do not" in the recommendation line. However, to an outside observer, not knowing the process followed it might appear that someone who had earlier signed the document was unaware that the word "not" was inserted. That is not the case because in fact the same signed decision memo is returned to the very same officials who had initially signed the memo.

There has never been confusion regarding this practice. These decision memos are intended for internal use only, and CIDA officials did not raise any concerns about how my decision was communicated to them. Also, as is common practice in government, a ministerial decision is thereafter publicly referred to as the decision of the government or the relevant department or agency. I have apologized for the confusion and know now that I should have provided a fuller explanation of this process.

This then brings us to the third question: why didn't I elaborate further when I testified at the foreign affairs committee that I did not know who specifically inserted the word "not"? Put another way, why did I answer the precise question asked instead of providing the information that the committee was trying to ascertain?

When I told the committee that I didn't know who had printed the word "not" on the Kairos application, I did not know who specifically in my office had printed the word "not" and had signed the document. In hindsight, I wish I had been clearer in my answer by explaining the process I've described today and had offered to give the names once I had the information. My answer made sense to me then, because I knew the usual process undertaken. There was no

intention to mislead the committee members. I now realize that from someone else's perspective it was confusing, as the Speaker has said.

People listening to my answers might have thought that I signed the document and, after that, someone had added the word "not". That didn't occur to me because I knew that wasn't what could have happened. At the time, I did not see the confusion that my answers would cause, and I apologize for creating the confusion.

In conclusion, Mr. Chair, my original answers were truthful, accurate, and precise, but were not clear. I'm here today to rectify any remaining confusion.

●(1020)

I have a great respect for Parliament and the members I serve with, including the Speaker, and I have faith in parliamentary procedures.

Mr. Chair, I never have—nor would I ever—jeopardized my reputation or my integrity. I have served my constituents and my country honourably with that same integrity. At no time would I ever intend to mislead anyone.

Thank you, and I look forward to the questions.

The Chair: Thank you.

We'll go right to questions.

Mr. McKay for seven minutes, please.

Hon. John McKay: Thank you, Minister, for those remarks.

It begs the question as to why for the last three months we've had to pursue this issue. You've had, really, since December 9 to give the clarifying remarks you've just given.

Why wouldn't you have just simply, once the confusion started to arise—confusion, as you describe it—said what you said today? I'm assuming that what you said is that Stephanie Machel, your chief of staff, signed the document. Is that correct?

Hon. Bev Oda: That's what I just articulated. It was my chief of staff at that time, Stephanie Machel. As I indicated in my opening presentation, I was unaware that my answers were confusing and were giving rise to confusion.

I recognize now that my answers could have been more complete. I could have explained the process, and that's why I'm here today, to answer all of your questions with the truth and the facts.

●(1025)

The Chair: I'm sorry, Minister, but, Mr. Martin, did you have a point of order?

Mr. Pat Martin: I think we would benefit from a copy of the minister's comments as well. The minister's staff seem to be circulating them to all the media. If they're available to the general public, why doesn't this committee have the benefit of having a copy of it?

The Chair: Mr. Martin, I don't know that because I've not been given one, so—

Mr. Pat Martin: Could you ask if we might have one, please?

The Chair: We'll find that out.

Minister, would you like to finish your answer?

Hon. John McKay: You stopped the clock, did you?

The Chair: We did.

Hon. John McKay: Minister, that wasn't the question. The question is, why did it take three, four months, 90-odd questions in question period, a couple of privilege motions, and endless debate in order to get us to this point, where you finally yield up a name, Stephanie Machel?

I don't understand. Given that the level of confusion, after you and I first had our exchange, was in fact quite heightened by your responses, why didn't you take the opportunity, either in the House or outside of the House, to say what you just said?

Hon. Bev Oda: As I've explained, I recognize now the confusion that has been created. I'm here to answer your questions.

Mr. Chair, I felt that it was important that Canadians understand how their tax dollars are being spent. My response has always indicated that I felt that was my primary responsibility, and that's why I'm here today to answer the questions, to give you the facts, and to give a full explanation.

Hon. John McKay: Minister, you left the confusion hanging for three months. Parliament had to pursue it quite vigorously just to get you to this point.

When Stephanie Machel used the arm on your behalf, did she at the same time insert the "not"?

Hon. Bev Oda: I have since learned that she inserted the "not" and then instructed the CIDA official, who was authorized to utilize the mechanical device on my behalf. She has indicated she was the one who inserted the word "not" onto the document—

Hon. John McKay: Did she do it at the same time she signed the document on your behalf?

Hon. Bev Oda: As I indicated, there were two people. She inserted the "not"; she then transferred the document to the CIDA official to affix my mechanical signature.

Hon. John McKay: What I don't understand, Minister, is whether in fact you signed the document or had the document signed on your behalf, and actually at one point approved of the grant?

Hon. Bev Oda: No, I did not approve the grant.

Hon. John McKay: Is there a gap in time between when you signed the document, which would have approved the grant, and the insertion of the "not"?

Hon. Bev Oda: I want to make sure that we're accurate. I did not personally sign the document, as I clearly explained. That was done through my direction, through Stephanie Machel, that an official of CIDA, authorized to use the automated device, affix my signature there.

I made the decision, and I clearly stipulated that I made the decision. I gave directions to my chief of staff, and she then, after committee, told me that she put the word "not" onto the document and had the document signed automatically.

Hon. John McKay: But that wasn't the question, Minister. The question, Minister, was this. Is there a gap in time between when you approved of the grant and when you disapproved of the grant?

Hon. Bev Oda: I did not approve the grant, Mr. McKay. Clearly, I've stipulated this many times when I appeared before—

Hon. John McKay: Then the only answer, Minister, in order to avoid even more confusion—

Hon. Bev Oda: Mr. Chair, could I answer, please?

The Chair: Let the chair interrupt for second, if I can, please.

Mr. McKay, you were not here yesterday. We've solved a lot of the ability of witnesses to answer questions and to keep a little bit of decorum here by your addressing your questions through the chair and the witnesses addressing their answers back. Then we don't get into the interruptions.

So let's try that again today, folks, if we can.

Hon. John McKay: Well, Chair, through you, would you ask the —

The Chair: Well, you can ask, assuredly.

Hon. John McKay: —the minister whether there is a gap in time between when you approved and when you disapproved of this grant?

Hon. Bev Oda: Again, Mr. Chair, I reiterate what are the facts and what is the truth: at no time did I approve the grant. As I indicated, I rejected the proposal from Kairos. I made the decision. It was my decision. Once I made that decision, I then talked to my chief of staff. At no time did I or anyone at CIDA approve the grant. CIDA made a recommendation to the minister. I made the decision to reject the proposal. At no time was there an approval of that proposal.

● (1030)

Hon. John McKay: Why, then, did you leave it out there in the order paper questions? When you say, in response to Mr. Pearson's order paper question and Madame Jennings order paper question, "The CIDA decision not to continue funding KAIROS was based on the overall assessment of the proposal, not on any single criterion", why did you leave it out there, the misinformation that this was a CIDA decision, when in fact it wasn't a CIDA decision?

Hon. Bev Oda: It was not misinformation. As I've stipulated in my presentation—as is common practice, not only of our government but of previous governments, and I would suggest other governments as well—once the minister who has the statutory authority to make decisions, particularly in this case on the utilization of taxpayers' dollars, makes the decision, then it becomes and is referred to publicly as the decision of the government or the department or agency it relates to. There was no misleading. It's common practice. It's the way things are done normally when you are in government. Also, the decision of the minister becomes the decision of the government, becomes the decision of the department, becomes the decision of the agency.

The Chair: Thank you, Mr. McKay.

We'll go to Mr. Lukiwski for seven minutes.

Mr. Tom Lukiwski: Thank you very much.

And thank you, Minister, for being here.

Let's clear up a couple of things right off the top before I get to what I think is the real question here.

Just to try to get it perfectly clear for Mr. McKay and others in the opposition who don't seem to understand, correct me if I'm wrong here. What I heard you say, Minister, is that the word "not" was inserted on an internal document before your signature arm went on the document. Correct?

Hon. Bev Oda: Yes, those are the facts I was told.

Mr. Tom Lukiwski: So hopefully Mr. McKay was listening to that. I know he's in conversation with a staff member. The "not" was inserted and then the signature arm...which clearly indicates your signature did not approve the Kairos funding.

Hon. Bev Oda: That's correct.

Mr. Tom Lukiwski: Thank you.

Secondly, it seems there is a continuing misconception by members of the opposition, perhaps even members of the general public, that the term "CIDA decision" implies that it was the officials who made the recommendation or made the decision, not you. My understanding is that when you, as minister of CIDA, make the decision, it then becomes a CIDA decision. Correct?

Hon. Bev Oda: That's correct.

Mr. Tom Lukiwski: So when you have always maintained that it was a CIDA decision, that was an accurate statement reflecting your decision. Correct?

Hon. Bev Oda: Yes, as is common practice in government.

Mr. Tom Lukiwski: I would ask this question to Ms. Biggs. Do you support that from the minister, that interpretation, that a CIDA decision becomes a CIDA decision once the minister makes the final approval?

Ms. Margaret Biggs (President, Canadian International Development Agency): Once the minister makes a decision, it is the decision of the agency, yes.

Mr. Tom Lukiwski: So it then becomes a CIDA decision?

Ms. Margaret Biggs: Yes.

Mr. Tom Lukiwski: Thank you.

Where there's confusion, Minister, quite frankly, is whether or not—and that's why I asked those two questions to begin with—you ever tried to mislead Parliament, the public, or anyone, in fact, as to your intentions. In other words, we've heard time and time again from members of the opposition, and this is reported in the media as well, that you had misrepresented yourself. Others have been even more critical. Mr. Martin, yesterday, during a panel show I did with him, said you lied on two occasions. Canadians may feel that you lied as well.

Can you please clearly and concisely state this before this committee? Was it ever your intention to imply, infer, or suggest that it was a CIDA official decision, in order to deflect criticism over not funding Kairos? Did you ever make those inferences, implications, and suggestions, or have you always stated it was solely your decision?

Hon. Bev Oda: I have clearly indicated, every time I was asked, that it was my decision and my decision alone.

Mr. Tom Lukiwski: Have you ever, in question period or in answers to question papers, said anything different? Have you ever, at any time, stated that it was CIDA officials...?

•(1035)

Hon. Bev Oda: No, I have not. As indicated, I would have referred to it as a CIDA decision only, following common government practice, after the decision was made public. There was no intention to mislead in any way any committee or any member of the House. And in response to every question I have been asked on this, I have told you the truth—the facts. There was no intention to mislead in any way.

Mr. Tom Lukiwski: I would ask Ms. Biggs whether or not there was any confusion on her part or on the part of any of her officials as to the position of the minister. To make it more specific, Ms. Biggs, did you at any time feel that the minister was trying to mislead the public or Parliament by inferring or suggesting that it was your decision to not fund CIDA rather than the minister's and the minister's alone?

Ms. Margaret Biggs: I can speak to my own understanding, which was that the minister's decision to me was quite clear, sir.

Mr. Tom Lukiwski: Thank you. So there was no confusion. You did not feel at any time that the minister was trying to deceive you, the public, or Parliament.

Ms. Margaret Biggs: The minister's decision was very clear to me and to my department.

Mr. Tom Lukiwski: Thank you.

I'm sorry, I didn't want to try to put you in a political hot seat. But the inference from the opposition continually has been that there was deception involved here, that the minister was not only trying to deceive Parliament but was trying to deceive you and your agency. Thank you for the clarity on that.

How much time do I have, Chair?

The Chair: You have two and a half minutes.

Mr. Tom Lukiwski: Minister, you said that it was common practice in your department to handle internal documents in the manner you just suggested. In other words, if a document came across your desk recommending approval of a grant, and you disagreed, you would insert the word "not" or "not to be funded", or something like that.

Could you please expand upon that and maybe let us know, and let the committee know, how many times, since you say this was common practice, you might have done this without ever causing the kind of furor and brouhaha we seem to have before us today? How common was this common practice?

Hon. Bev Oda: That was the practice that was utilized. As the president of CIDA indicated at the foreign affairs committee, this was a common process that was undertaken. There was no confusion among CIDA officials. When the documents were returned to the department, they understood clearly that this was the only way available to the minister, considering the document format that was utilized at that time. It has since been corrected. There is clearly a place to indicate disagreement with recommendations from the department. The process was common. There were other incidents.

I would also ask the president, Ms. Biggs, to explain the format, the review they undertook, and the format of the documents we currently use.

Mr. Tom Lukiwski: I have a final question, before we get to Ms. Biggs, because I know we're short on time. Was this a common practice that was utilized by previous governments as well?

Hon. Bev Oda: Ms. Biggs could answer to that. I don't have an accurate answer as to the practices of former governments.

Mr. Tom Lukiwski: Thank you.

Ms. Biggs.

Ms. Margaret Biggs: Chair, as I stated on December 9 at the Standing Committee on Foreign Affairs, it was quite normal for recommendations to go to a minister and for a negative decision to be returned to the department. That was understood to be consistent with the practice of government.

The second point would be that I have now been made aware that there were some other examples of when the minister's decision not to agree with the department's recommendation was conveyed in the same manner.

Third, I initiated a review of all the formats for our memos shortly after I started as president. At the time this memo was written and this decision was taken, we were in the process of improving the memo format in order to have greater clarity around the information in the memo and the decision box.

The Chair: Thank you very much.

We'll move to Monsieur Paquette for seven minutes, please.

[*Translation*]

Mr. Pierre Paquette: Thank you, Mr. Chair.

Thank you, Ms. Oda and Ms. Biggs, for appearing before the committee.

First, I have to say that the confusion you are talking about is not relevant for us. We have never questioned the fact that it was your decision and your government's decision. We have never challenged the fact that the government is entitled to make its political choices, even if we disagree with those choices. Our problem is that the word "not" was added after CIDA officials had signed the document, as you confirmed. This would allow us to infer that CIDA's management was agreeing to the government's decision. That's the first thing. Here's the problem. The problem is not determining whether it was your decision or not; we know that it was your decision or the decision of the Prime Minister.

First, adding the word "not" to the document that had already been signed implies that CIDA's management was in agreement. Second,

you made a statement that contradicted your response on April 23, 2010 to a question on the order paper, namely, that it was CIDA's decision not to fund KAIROS. So, it was false.

The confusion comes not from the fact that we didn't quite understand whether you were the one who put in the word "not", because you knew who had done it. That isn't the problem. The problem in this matter comes from the fact that, for weeks, you and your parliamentary secretary let it be understood that CIDA's management approved the government's and your decision. There's the problem. That's what we're trying to understand.

First and foremost, why not simply refuse to sign the document? The two CIDA officials signed the document in September and you received it in November. Why not simply refuse to sign it if you didn't agree with the officials, rather than falsify the document and then sign it? Why didn't you content yourself with not signing the document, which seems quite normal to me? If the minister doesn't sign, there would be no grant, so the \$7 million would be cancelled, and we wouldn't have this scheme before us. I have here this sheet that has made the rounds.

So, I'm waiting for your response.

• (1040)

[*English*]

Hon. Bev Oda: First of all, let me thank you for the question, and let me also apologize if members of this committee did not receive a copy of my opening presentation, because in that presentation I clearly indicated that it was a request from CIDA officials to the minister's office and myself to return the document and to indicate clearly in writing the decision I would have made.

In the case where I may have disagreed with the recommendations made by the CIDA officials, this was common practice. It was the way we indicated and relayed the minister's decision. The format at that time, as was explained earlier, did not allow for any other way to indicate in writing, following the request for decisions to be relayed to them in writing. Consequently, this was the practice undertaken at that time, and I'm here to explain that.

I explained it in my opening presentation and I clearly have indicated this was the way that was undertaken. As was indicated, it was normal. As indicated, the CIDA officials clearly understood that this was a way of reflecting my decision back to them. They expressed no concerns. There was no confusion on their part.

[*Translation*]

Mr. Pierre Paquette: Let's just say that I'm having a lot of trouble following you. The document was signed by two CIDA officials on September 25, 2009. So, two months later, you took cognizance of the document. You had your chief of staff add the word "not" and then you signed it. You sent the document back to CIDA management.

First, how is it that the CIDA officials didn't change the date if they read the document on November 20 or 25? At that time, you let it be understood that you had approved the department's decision at the outset. I have a lot of trouble believing that.

Secondly, why not take the time to rewrite the memo to make sure that the signatures were provided with full knowledge of the situation? There's something that isn't quite right there. This is a little too amateurish for us to believe you.

Why not rewrite a clean memo, with signatures that would be dated when the decision was made, which would be around November 17, 2009? Ms. Biggs, why didn't you completely change the date given that, when you read the document, you were supporting the government's decision again? Something just doesn't add up.

[*English*]

Hon. Bev Oda: I disagree.

I can understand that there's confusion; I can understand that there may be misunderstandings that have arisen by a very crude process, as I've indicated in my opening presentation. However, again I reiterate that this was the way in which we would relay ministerial decisions to the department. I've also been very clear, as has Ms. Biggs, that this was the normal practice. I've also indicated that there was no confusion from the department, understanding that a recommendation came to the minister, the minister made a decision, and consequently, as requested, a response in writing reflecting the minister's decision was passed back to the department. Everyone who was involved understood what the process was, understood that it was the minister's decision, and understood that this was the practice undertaken at that time.

•(1045)

[*Translation*]

Mr. Pierre Paquette: If I may, I would like to conclude by adding the following.

From everything we have learned, my interpretation of the facts is this: you signed off on the recommendation made by the senior officials at CIDA. When the Prime Minister found out, he told you that he disagreed. You then had to falsify the document and, ever since then, you have been caught up in all these excuses of yours. I think that, not only have you lied to the House, you have also falsified a document. As a minister, you should accept your responsibility and resign. End of story.

[*English*]

Hon. Bev Oda: Mr. Chair, as I've indicated very clearly, speculations on the part of members are unfounded. I've come here today willingly, looking for an open and balanced hearing, willing to respond with the truth and with the facts. Speculations are truly unfounded, and as I've clearly, clearly stated, there was no direction, advice, or conversation with the Prime Minister or any of his staff regarding the Kairos application.

It would be unreasonable to expect that the Prime Minister or other ministers, who are very busy on their own part, would have discussion on every specific application. As I've indicated, I dealt with more than 750 proposals and recommendations coming to me last year, and I have also indicated that there was no advice or direction from any other office. I asked for advice from my own staff, my own political staff, I asked for information from CIDA staff, and I concluded that this was not in the best interest of Canadians because I believed that our Canadian aid dollars should be

used to reduce poverty and to improve the lives of those living in poverty in developing countries.

Mr. Chair, let me say that I am here with the truth and the facts, and I cannot address false speculations in any other way.

The Chair: Thank you, Minister.

Mr. Martin, you have seven minutes.

Mr. Pat Martin: Well, Minister, I don't know if I can express how frustrated we are that after three months of grilling you, after three months of questions in question period and appearances before parliamentary committee, now, at the eleventh hour, with a gun to your head, one hour away from being one of the few people in history to be found in contempt of Parliament, we finally find out who this phantom flunky is who signed the document. You were asked that question specifically, and I take you at your word that maybe at the last committee hearing you didn't know who signed it, although I find it hard to believe that she was your chief of staff.

When did you learn that Stephanie Machel, or whatever her name is, is the one who signed it? And why didn't you reveal that to avoid this tribunal today?

Hon. Bev Oda: Mr. Chair, through you, let me say that I've come here today willing to cooperate—

Mr. Pat Martin: No, no. When? Date? Date?

Hon. Bev Oda: —and to provide—

Mr. Pat Martin: When did you learn?

Hon. Bev Oda: I have indicated—

The Chair: Minister, excuse me just one second.

Hon. Bev Oda: Sure.

The Chair: Mr. Martin, we'll have a little decorum—

Mr. Pat Martin: I'm not going to let her use up my seven minutes

The Chair: I've stopped the clock.

Mr. Pat Martin: —regurgitating her—

The Chair: I've stopped the clock while I'm making this dissertation to you.

I shared with the others before we started—and I know you were here yesterday. Please try to go through the chair rather than arguing directly with witnesses.

Mr. Pat Martin: All right.

The Chair: It will look a lot better, it will work a lot better, and you'll get straighter answers.

Mr. Pat Martin: Through you, Mr. Chairman, was Kairos ever discussed at any cabinet meeting or any subcommittee of cabinet? Was the funding of Kairos ever discussed at any cabinet meeting or any subcommittee of cabinet, yes or no? I don't want cabinet confidences, just yes or no.

Hon. Bev Oda: Very clearly, I can say, in all honesty, with the facts, that no, it was not discussed at any cabinet meeting or sub-cabinet meeting. But Mr. Chair—

•(1050)

Mr. Pat Martin: Where were you, through the chair—

Hon. Bev Oda: If you will allow me to actually—

Mr. Pat Martin: That was the answer to the question I had.

My next question is this. Where was the minister when the document was signed?

Hon. Bev Oda: I was in transit. I was travelling, actually, back to my riding on that particular day. I was in my car, driving, when I had the telephone conversation. However, Mr. Chair, if you will allow—

Mr. Pat Martin: Did the minister direct Stephanie Machel—

Hon. Bev Oda: Mr. Chair—

Mr. Pat Martin: I got the answer to my question. Now I'm asking another specific question.

Hon. Bev Oda: Mr. Chair, I would like to answer a question of Mr. McKay's that has not been answered yet, if I could.

Mr. Pat Martin: Mr. McKay is not even here.

Listen, I want to know—

An hon. member: He's right there.

An hon. member: Mr. McKay's over here.

Mr. Pat Martin: I want to know if it was the minister who ordered Stephanie Machel—

The Chair: Excuse me—

Mr. Pat Martin: —to sign that document, to change the document.

The Chair: Excuse me, I have a point of order. I'll go to it, and then I will have another little discussion.

Go ahead.

Mr. Scott Reid: I have the distinct impression that the question required more than the amount of information given before Mr. Martin interrupted. But we can't determine that unless she can finish her answers. So unless Mr. Martin wants to be sworn in as a witness, I think he should just let the people answer the questions.

The Chair: Thank you, Mr. Reid.

Mr. Pat Martin: [*Inaudible—Editor*]...my questions as meaningless.

My next question—

The Chair: I've stopped the clock, but let me please finish this, all right?

Thank you.

That was not a point of order. Mr. Martin, please try not to interrupt. The interpreters have a very rough time if you're speaking over top of other people, and the chair has a very rough time if you're speaking over top of him.

In my standard practice, and it will be the practice of this committee again today, the length of the question is about the length of the answer. We try to go that route. I understand that you're trying to ask some quick questions, and I'll try to hold the minister to quick

answers, and we'll do our best with that. Let's not talk over top of each other.

Mr. Pat Martin: I would appreciate very much if we could keep the answers roughly the length of the question.

The Chair: That's what I'll try to do, Mr. Martin.

Mr. Pat Martin: My next question—

The Chair: Well, we still—

Mr. Pat Martin: —to the minister, through you, Mr. Chairman, is whether it was her who specifically told Stephanie Machel, from her phone in the car, to insert the word “not”.

The Chair: Go ahead, Minister.

Hon. Bev Oda: Mr. Chair, through you, if I could answer an unanswered question that was posed to me—

Mr. Pat Martin: No, no, answer the question I put to you, Minister.

Hon. Bev Oda: I will answer that question, but I do—

Mr. Pat Martin: I don't care about your opinions on other things.

Hon. Bev Oda: I'm here to give you the facts and to answer your questions. You asked me a question I have not provided the answer to, and I would like to answer that question first—

Mr. Pat Martin: Yes or no, did you direct Stephanie Machel to insert the word “not” from your phone when driving back to your riding?

Hon. Bev Oda: Mr. Chair, in full cooperation, I will answer that question—

Mr. Pat Martin: Please.

Hon. Bev Oda: —if I get an opportunity to answer the—

Mr. Pat Martin: No, no, you don't get to pick and choose.

Hon. Bev Oda: —unanswered question, please.

Mr. Pat Martin: Answer that specific question.

Hon. Bev Oda: I will answer that specific question.

The Chair: Stop.

I'll be happy to gavel and let us settle down before we move on. The minister is committed to two hours here today. I think there's lots of time for questions asked and questions answered. Let's make sure of that.

Mr. Martin, you will get this round, plus others, while the minister is here.

Mr. Pat Martin: That's not the point, Mr. Chair.

The Chair: I have a point of order—

Mr. Pat Martin: Mr. Chairman, could I speak to that? That is not the point. I'm very deliberately trying to keep my questions very short and very succinct. Rather than answer the question I put to her, she wants to talk about some other subject. With all due respect, she's the witness here, and she does not have the right to remain silent. She does not have the right to plead the fifth in this format. So when a question is put to her—

The Chair: Mr. Martin, can we just—

Mr. Pat Martin: —she has to answer it.

The Chair: Agreed, Mr. Martin, but we do not have the right to be rude or to talk over top of each other. So let's attempt to, again, talk through the chair—

Mr. Pat Martin: Fair enough.

The Chair: —and try to keep it fair...

I have a point of order from Mr. Reid.

Mr. Scott Reid: Mr. Martin doesn't have the right to override an answer before she's given it and then say that she can't come back and answer a question he asked earlier because he's lost interest in it. He has to accept answers to questions, even if they aren't the ones he wanted to hear, before moving on to something else. There's a real distinction—

The Chair: That is not procedural, but thank you for that. Let's try to keep that in mind.

Mr. Martin, go.

Mr. Pat Martin: Through you, Mr. Chairman, I would like to ask the minister if she specifically told Stephanie Machel to insert the word “not” from her phone in her car when she was driving home to her riding that day. Yes or no.

The Chair: Minister, go ahead on that one.

Hon. Bev Oda: If I could answer that, I would say no, I did not specifically tell her to insert the word, and I did not tell her where to insert the word. I asked her to—

Mr. Pat Martin: Good enough.

Hon. Bev Oda: —follow through on my decision. And the assumption was that she would use whatever was the normal practice at that time to indicate my decision, which I articulated to her. My direction to her was to follow through on that direction.

• (1055)

Mr. Pat Martin: Thank you, Minister. Thank you for that answer.

When you testified before the committee prior to this, you said you had no idea who inserted the word “not”. Would it not be reasonable to assume, if you specifically directed your chief of staff to not fund Kairos, that it was she who inserted the word “not”? Why didn't you say, “I'm not sure who actually wrote 'not', but I directed my chief of staff to cancel or to turn off the funding to Kairos”?

That's not even a question.

My next question is this. When did you learn about Jason Kenney's speech accusing Kairos of being anti-Semitic?

Hon. Bev Oda: First of all, let me put on the record, Mr. Chair, through you, that assumptions of what my answers may or may not be before I've had an opportunity to give the answer...

As I said, I'm here to give the facts and the truth—

Mr. Pat Martin: You've been very helpful.

Hon. Bev Oda: —so I would appreciate an opportunity to respond to the question.

Mr. Pat Martin: When did you learn, through the chair—

The Chair: Mr. Martin—

Mr. Pat Martin: Mr. Chairman, when did she learn about Jason Kenney's speech accusing Kairos of being anti-Semitic?

If you have a date—

The Chair: That's the question that's been asked.

Mr. Pat Martin: That's a question.

The Chair: The minister is attempting to answer it and then you speak over top.

Mr. Pat Martin: I don't need a monologue. There are two answers. Either give me the date or say, “I don't know”.

The Chair: I think when you take a minute to ask the question, I'm going to allow the minister a minute or so to answer it.

Mr. Pat Martin: I didn't take a minute.

The Chair: You did. You went off on one thought and then went back, but that's a different thing.

Mr. Pat Martin: It only takes time when I have to explain all my questions to you.

The Chair: Out of respect, Pat, if you're speaking over top of other people, we have to have them explained anyway.

Minister, please.

Hon. Bev Oda: I became aware of Minister Kenney's remarks that he made in Jerusalem through media reports of that speech. I had no knowledge that he was making—

Mr. Pat Martin: Before or after?

Hon. Bev Oda: I did not have any—

Mr. Pat Martin: Was it before or after you denied the funding?

Through the chair, was that before or after you cancelled the funding to Kairos?

Hon. Bev Oda: It's my recollection that Minister Kenney made the speech in Jerusalem after the decision was made by me. Also—

Mr. Pat Martin: I have a question for Ms. Biggs, through the chair.

Do you believe that Kairos is an anti-Semitic organization?

Ms. Margaret Biggs: Mr. Chair, I don't think my opinions are what matters—

Mr. Pat Martin: I'm asking you the question. You don't have any option. This is the thing.

Perhaps the chair could remind the witnesses that in this Westminster Parliament you do not have the right to remain silent. The offsetting right is that what you say can't be used against you. You have to answer the question. It's not optional.

The Chair: When you're asking the opinion of witnesses, I think they do have the right to not offer the opinion.

You are looking for facts, Mr. Martin. I think you can ask those, but when you're asking for opinion, I think you're beyond...

Mr. Pat Martin: I have another question.

The Chair: You have about 14 seconds, so I'll let you have them.

Mr. Pat Martin: Why did you not just return the document?

You left the document for two months. Why didn't you just not sign it, if you were trying to cancel the funding to Kairos?

Surely, that document for funding required your signature. You could have avoided all of this controversy by letting it die, letting it gather dust, and never dealing with the damn thing.

Hon. Bev Oda: Mr. Chair, I think I responded to that question when it was posed to me by Mr. Paquette.

I will again reiterate the facts in response to Mr. Martin. They will not change, because it is the truth. They are the facts.

The request from CIDA was to return in writing a document to reflect the minister's decision. The common practice at that time, limited by the format that was used at that time, was to insert the word "not" or "do not".

Mr. Pat Martin: That only happens in your department. You have one screwed up department, believe me, because that's a terrible way to conduct business.

Hon. Bev Oda: Mr. Chair—

The Chair: Mr. Martin, your time is well done. I'm allowing the minister to answer your last question. Then we'll move on to the next questioner.

Minister, end the response so that we can move to the next one.

Hon. Bev Oda: As I said, I think the record will show that I answered that question.

If there are more specific details that Mr. Martin would like to ask of me regarding that, I'm sure in the next round we could get to those.

Also, Mr. Chair, if I could, Mr. Martin asked me when Ms. Machel would have followed through on my decision, or when I would have talked to Ms. Machel. I talked to Ms. Machel the next day, after my appearance at the foreign affairs committee. At that time, she told me she had inserted the word "not" onto the document and asked for the automated signature to be applied.

• (1100)

The Chair: Thank you, Minister.

Monsieur Proulx, five minutes, please.

[*Translation*]

Mr. Marcel Proulx: Thank you, Mr. Chair.

Thank you, Madam Minister. Thank you for coming to testify before the committee this morning.

Madam Minister, I have a copy of the Order Paper in my hands, containing a question to which you replied that CIDA recommended that the funding for KAIROS be cut.

Madam Minister, is it not reasonable to believe that you wanted us to understand that the decision came from CIDA?

[*English*]

Hon. Bev Oda: Mr. Proulx, no, I think I've given, actually, the facts here. The CIDA recommendation....

I acknowledge—it was clearly recognized—that CIDA's recommendation was to fund Kairos. I was very clear also that I made the decision not to accept the recommendation of CIDA but to reject the proposal before us.

On the document that you're referring to, as I've explained, common government practice means—as has been testified to by the president of CIDA—that once the minister makes the decision, it becomes the decision of the agency.

So I've never misled, or intended to mislead, anyone.

[*Translation*]

Mr. Marcel Proulx: Madam Minister, here is the reply to the question: "l'[a]gence a déterminé que la proposition [...] de KAIROS ne correspondait pas aux priorités du gouvernement."

If you were the one who said no, would the reply not have been that "the minister" had told the agency to deny funding?

With the wording of the sentence: "l'[a]gence a déterminé que la proposition", it seems clear to me that you were trying to put the blame on the agency.

[*English*]

Hon. Bev Oda: No, there was never an intention.... We work very well with the department. We have a clear understanding on how decisions are relayed. My decisions are relayed back to the department. There was no misunderstanding, and clearly there was no confusion.

As I have also stipulated this morning, now I realize that confusion from...someone not familiar with our practice...it may have led to confusion.

[*Translation*]

Mr. Marcel Proulx: Thank you.

[*English*]

Hon. Bev Oda: Consequently, this is what I'm trying to clear up this morning.

[*Translation*]

Mr. Marcel Proulx: Thank you.

Good morning, Ms. Biggs.

You have worked in the Public Service for a long time. I am not trying to say that you are old, but that you have a lot of experience in the Public Service, because you have worked with other ministers and in other departments and agencies.

You signed this funding recommendation and, subsequently, someone added the word "not". Don't you think that that comes down to putting words in your mouth that you did not want to say?

In your experience, what happens in other departments or agencies when a minister receives a recommendation that he or she does not want to accept? Is the common practice not for the minister to just cross out the recommendation document itself or simply to return it with no signature. Isn't that the common practice?

[English]

Ms. Margaret Biggs: Chair, as the deputy head, what's important from an accountability point of view is that the analysis and advice coming from the department to the minister is clear and that it goes to the minister.

Secondly, it's important that the decision and the direction from the minister to the department is clear.

[Translation]

Mr. Marcel Proulx: I accept that, Madam. But my question was whether, in your experience elsewhere or in other aspects of your career, it is common practice for a minister simply to return a document unsigned or even to go one step further and cross it out, to make sure that there are no misunderstandings or misinterpretations.

•(1105)

[English]

Ms. Margaret Biggs: As I've said previously, my recommendation to the minister on this issue before us was clear. The decision from the minister back to the department on this issue was also clear.

Mr. Marcel Proulx: Mr. Chair, I apologize to the witness, but that's not the question. I would like the witness to answer my question.

For a recommendation the minister doesn't want to approve or doesn't want to accept, is it not common practice for that minister to either strike that sheet of paper on which the recommendation is made or simply return the recommendation paper "upstairs", as they say in the department, without signing it?

The Chair: Mr. Proulx, your time is up. I'll take the answer.

Ms. Margaret Biggs: It's important, as the deputy, to make sure that I understand what the minister's decision was. The best practice—and I think the minister would agree to this—would be to have "do not agree" written below the signature line. That would be clearer. However, the minister's decision in this regard on this issue was never in doubt or confusing for me.

Mr. Marcel Proulx: You haven't answered my question.

The Chair: Thank you.

Mr. Albrecht, five minutes, please.

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

I want to thank the minister and Ms. Biggs for being here today, and I also want to thank CIDA for the fantastic work they do on behalf of Canadians around the world. I think every Canadian can be proud of the work that CIDA does in developing countries, alleviating suffering for literally millions of people. I just want to get that on the record.

There are probably dozens, if not hundreds, of NGOs in Canada. I'm assuming that virtually every MP here has met with NGO representatives in their riding with great ideas to address human

suffering. I have three questions related to the number of requests that must come into your department. I don't know what the number of requests is, but could you tell us, Minister or Ms. Biggs, how many proposals do come to your office in a given year? Is it possible for your office to approve every single submission that is given by NGOs? Finally, do you think Canadians believe that you should simply rubber stamp every one of those great applications that comes across your desk?

Hon. Bev Oda: Thank you very much for the question.

Mr. Chair, let me answer two of the three questions, and I'll allow Ms. Biggs to answer the question regarding the number of proposals that come in.

Mr. Albrecht, I don't mean to correct you, but there are more than hundred; there are thousands—

Mr. Harold Albrecht: Even better.

Hon. Bev Oda: —of development and aid NGOs in Canada. As you point out, they all do very good work. It is not possible for CIDA to fund all of the requests that come before it. That's why my role, as the minister, is very important: to ensure that we're using development and aid dollars to achieve the best results; to use the dollars in a way that Canadians expect of us; to ensure that those dollars are going to the people who we intend to help and to make sure that we're going to have a long-term sustainable result that will make a difference in their lives. This is my responsibility as the minister and this is what I base my decisions on.

I will now ask Ms. Biggs to respond to your question regarding the actual number of proposals.

Mr. Harold Albrecht: Thank you.

Ms. Margaret Biggs: Chair and member, I don't actually know the exact number of proposals that the agency receives every year. With respect to Canadian non-governmental organizations, there are over 500 or 600 in Canada with whom CIDA has had a relationship. So that would be a base number for this particular program.

Mr. Harold Albrecht: Okay.

I want to just follow up, Mr. Chair, on that question, then.

If there are 500 or 600 NGOs that CIDA has had a relationship with over the years, for any given NGO that has had funding from CIDA for 5, 10, 15 years, is it reasonable for them to expect that in any given year they would automatically be renewed? If that is a given, to me it would seem that with the myriad number of requests that come across your desk, it would be impossible to ever open the door to NGOs that are doing good work and that may actually have a plan to address human need in other areas.

•(1110)

Hon. Bev Oda: Mr. Albrecht, I would like to answer that question, since it's my responsibility to ensure that Canadian funds are being used in the best way possible and that we're getting value for our aid dollars.

Previous experience would be of benefit, with knowledge of the countries to be served, best practices, and how to achieve results. However—and this has been clearly stated—our government does not believe there is an entitlement by NGOs to continuous funding from CIDA. We're looking for results.

Every organization, if they had been previously supported by CIDA, is assessed against the results that were achieved by the previous funding, the proposal as to what they look for as objectives to achieve, and how they're going to make a difference. Because you received CIDA funding previously, there should be no expectation that the funding will continue. It's assessed fairly against results.

The Chair: Thank you, Mr. Albrecht. Your time has expired.

Thank you, Minister, for that.

Monsieur Laframboise, you have five minutes, please.

[Translation]

Mr. Mario Laframboise: Thank you. Madam Minister, last April 23, in reply to question 106 on the Order Paper, you said: ...the CIDA decision not to continue funding KAIROS was based on the overall assessment of the proposal, not on any single criterion.

Is that your answer? Does it reflect the Order Paper?

[English]

Hon. Bev Oda: If you're reading from the actual transcript, Mr. Laframboise, I certainly won't dispute that. However, I would like to have an opportunity to explain why the answer was given and phrased in such a way.

[Translation]

Mr. Mario Laframboise: No, that's fine. You said that there is some confusion. But last February 14, you made this statement in the House of Commons: If some were led to conclude that my language implied that the department and I were of one mind on this application, then I apologize.

You acknowledged, at least in connection with your reply to question 106 on the Order Paper, that your language could have been misinterpreted and that it could be concluded that CIDA and you were of one mind. Is that the reply in your statement?

[English]

Hon. Bev Oda: If that is the interpretation that was taken from that response, I again refer you to the fact of government policy, that decisions become—

[Translation]

Mr. Mario Laframboise: Ms. Oda, I read the statement you made in the House last February 14. Speaker Milliken referred to it in his ruling on March 9. He quoted you verbatim. I don't think that you will be going back on that.

In your reply last April 23, you mentioned that CIDA's decision not to continue funding KAIROS was based on an overall assessment. That seems to say that the decision was CIDA's. That is the important point. In his ruling on March 9, Speaker Milliken said: ...in view of the very serious allegations

regarding the conduct of a minister, who, as a result, has been subjected to harsh and public criticism which has been potentially damaging to her reputation.

Therein lies the problem, Madam Minister. It is not that you said no. It is the way in which you tried to pass the blame to CIDA. This morning, Emeritus Professor Franks told us this: [I simply] observe that she has, as I understand it, admitted to having misled the House. As the lawyers would put it: *res ipsa loquitur*. The thing speaks for itself.

The distinguished professor has no partisan axe to grind. The fact that you tried to pass the blame to CIDA is very serious. You corrected yourself later. You said it yourself. The problem is that you are telling us that there is some confusion, while a distinguished professor says that you deliberately misled the House. That is what I feel you did, Madam Minister, and it is very serious. There is only one thing for you to do and you should do it: you should resign. As Professor Franks says, you misled the House.

Do you agree with the distinguished experts who say that you misled the House?

• (1115)

[English]

Hon. Bev Oda: I will not agree. There was no intention to mislead the House. I gave the facts. I used common phraseology.

If phrasing could have been better, if it led to confusion, yes, I will say that I could have done a better job of making sure the phrasing and response actually reflected and was in response to the information that was trying to be ascertained. There was no intention to mislead the House when I referred to the CIDA decision.

As I have clearly articulated, once the decision is made, it's common practice...and I would thereafter always refer to any decision that I made as a CIDA decision as the agency's decision.

[Translation]

Mr. Mario Laframboise: Ms. Oda, you do not understand. This is not a matter for your interpretation. You misled the House. That is the reality. The fact that you do not grasp it is even worse, Madam Minister. You are not worthy of the position you hold. The reality is that it that you did not see that you were trying to pass the blame to CIDA, though that is what you did. You tried to correct the situation, but the harm had already been done, madam.

[English]

The Chair: Monsieur Laframboise—

[Translation]

Mr. Mario Laframboise: The harm had been done to democracy.

[English]

The Chair: —your time is up.

I will give the minister a short time to answer that.

Hon. Bev Oda: Mr. Chair, as I've said, I would never intentionally mislead the House. I have come today with the facts and the truth.

Mr. Chair, this is, as I say, a very serious situation that I find myself in. That's why I'm here before committee, to give you the truth, to give you the facts. I don't diminish in any way the seriousness.

I would believe that upon hearing the facts and the truth in a fair and open meeting today, you will find that I have not intended to mislead the House.

The Chair: Thank you, Minister.

Mr. Martin, for five minutes.

Mr. Pat Martin: Mr. Chair, through you, the minister would have us believe that there is no harm and no foul in all of this. She comes here with a sort of O.J. Simpson defence, this Hail Mary pass that's trying to salvage something of her credibility and to laugh it off as a harmless mistake, as some innocent misunderstanding.

I mean, honestly, what planet do you live on, Minister?

You've painted a picture, by your actions, that Kairos' funding was denied because CIDA thought they shouldn't get the funding. That's the picture you've painted. It's the fabrication that you've allowed to stand and that you've vigorously defended right up until this moment, where this tribunal may well find you in contempt of Parliament.

You've now had this miraculous conversion on the road to Damascus that all of a sudden you do remember—that, ah, yes, it was Stephanie Machel who you instructed to insert the word “not”. The very day after you misled the foreign affairs committee, you learned the facts: who actually did this.

It doesn't paint a very good picture, Minister.

Reasonable people would conclude that Kairos lost its funding because Margaret Biggs and others said they didn't believe Kairos should be funded any longer, whereas we believe Kairos lost its funding because of some ideological prejudice on behalf of Jason Kenney, who somehow got it in his mind that Kairos is anti-Semitic, which is insane.

Now, listen, you've said that it's common practice to insert “not” or “do not” because there is no option on your forms for “minister disagrees”.

By the way, I learned this because I managed to get a copy of your presentation. You gave it to the clerk in one official language, which is not very helpful to us because she's not allowed to circulate it. I had to get a photocopy of the stuff that your guys distributed to the media.

The Chair: Mr. Martin, we do have the opening statement in both official languages.

Mr. Pat Martin: Did you always?

The Chair: No. We did just get it, but we have it.

Mr. Pat Martin: You just got it. I see.

I went and asked the clerk for a copy, and she said she couldn't give it to me because it was in only one official language—English.

I've never seen a minister make a presentation in this Parliament circulated in one official language. It's unprecedented. If my colleague Yvon Godin were here, his head would explode.

Minister, you've maintained that it's common practice to insert “not” or “do not”. If that's the case, will you table examples? I don't believe any department could be that sloppy and that reckless and that irresponsible. If the forms didn't have a “disagree” option, why didn't you print some new forms?

I mean, who is driving the bus down there, Minister? You're either a very, very poor minister or an equally poor liar.

An hon. member: A point of order, Mr. Chair.

• (1120)

The Chair: Mr. Martin, that was three minutes' worth of questions.

Mr. Pat Martin: I'm asking the minister to table those examples, if she will.

The Chair: I'll ask the minister to answer the question.

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

The Chair: Certainly.

Mr. Scott Reid: I think at the very conclusion of his comments Mr. Martin used an unparliamentary word. I'm sure he'll want to withdraw it in order to give the minister time to respond.

The Chair: I will give the minister time to respond. Mr. Martin can deliberate on your comments.

Minister.

Hon. Bev Oda: Thank you, Mr. Chair.

Mr. Pat Martin: Will you table the documents, Minister?

Hon. Bev Oda: If I could respond, please, without being interrupted—

The Chair: Sure you can.

Hon. Bev Oda: —I'd appreciate that, Mr. Chair.

Mr. Pat Martin: Well, Mr. Chairman, I don't want a three-minute answer.

The Chair: I have my doubts, Minister, but we'll...

Mr. Pat Martin: I asked a simple question: will she table the documents?

An hon. member: Yes or no?

Mr. Pat Martin: Yes or no?

Hon. Bev Oda: Mr. Chair, I've heard your instructions. I am allowed approximately the same amount of time for the response as the question that was posed.

Mr. Pat Martin: I want to see one other example of where somebody has, by hand, inserted the word “not” in one of these \$7 million funding arrangements.

The Chair: Why don't we let the minister answer the question? If you're unhappy with the answer—

Mr. Pat Martin: Because I'm afraid she's going to roll on and on from her talking points there and try to defend the indefensible. That's what I'm concerned about.

The Chair: Minister.

Hon. Bev Oda: Thank you very much.

As I said, Mr. Chair, I have faith in the parliamentary procedure. I have come to this committee willingly, in full cooperation, and I would hope that I would receive a fair and balanced hearing here. I have come in good faith.

Mr. Pat Martin: Will you support your comments with documentary evidence?

Hon. Bev Oda: Allegations, name-calling, etc., are not what was asked of this committee.

Mr. Pat Martin: No. I am asking for documentary evidence.

Hon. Bev Oda: I would suggest to you that I've come with the facts. I've come with the truth.

Mr. Pat Martin: I am challenging the veracity of that truth, Mr. Chairman.

Hon. Bev Oda: In response to the question just posed to me, I would say to you that I have clearly stipulated, outlined, that this was used. Madam Biggs has indicated that it has been used. It was common practice between the agency and myself.

Mr. Pat Martin: If that's true, it's a hell of a way to run a business, Mr. Chairman.

Hon. Bev Oda: Mr. Chair, we are here to provide the truth and the facts. This is what we are doing.

Mr. Pat Martin: She's building the case that she's a lousy minister. That's if we're to believe her testimony.

The Chair: Thank you, Mr. Martin. Your time is up.

I'll go to Mr. McGuinty.

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

Madam Minister, I am going to ask you a couple of snap questions, and then I'm going to turn to Mrs. Biggs, if I might.

Can you just remind us, how many applications did you say you reviewed? Did I hear the number 760?

Hon. Bev Oda: I was informed by the department that I actually went through 758. I think that's the number.

Mr. David McGuinty: Okay, 758.

Hon. Bev Oda: I'd have to look it up to double-check.

Mr. David McGuinty: Terrific.

You're here today with your chief of staff and a phalanx of supporters. That's normal and I guess average procedure here in terms of your appearance.

The Conservative government, the Harper regime, is very effective at doing good research. I'd just like to follow up on Mr. Martin's question. Can you table, or can Mrs. Biggs table, a single other project funding application with the word "not" inserted? Of the 758 that you have approved or reviewed, can you please table today a single other instance?

Mrs. Biggs, in your recollection, since you're the head of CIDA, is there a single other instance where this has occurred?

Hon. Bev Oda: Can I respond?

Mr. David McGuinty: Please.

Hon. Bev Oda: And then I will let Ms. Biggs respond.

Mr. McGuinty, I'm here. I've given you the facts. I've explained the process.

Mr. David McGuinty: No doubt.

Hon. Bev Oda: I've described the format.

Mr. David McGuinty: No doubt.

Hon. Bev Oda: If you require additional...over and above what I say is the truth, with a description of the process, a description of the format, if you request that, I would say to you that we will fully cooperate.

I think, Mr. Chair, you have processes followed on documents, etc.

Mr. David McGuinty: Through you, Mr. Chair, thank you very much.

I'll take that as "I don't know", or you—

Hon. Bev Oda: We will work with the wishes of the committee.

Mr. David McGuinty: Right.

Mrs. Biggs, you know, for nine years I had the privilege of serving in a job at your level in this federal government as a deputy minister equivalent. It was a great privilege. I do know—I do know, having worked with CIDA for many years on different projects—that it is not common practice at all for a minister to instruct a staff person to write in the word "not". It is normal procedure for a minister to either strike off the full sheet, perhaps even write a giant "no" on the cover of the sheet, and simply—as my colleague Mr. Proulx said—send it back upstairs with a very clear indication.

Now, you were asked repeatedly, Mrs. Biggs...and this is a factual question, not a matter of opinion. I know that the government doesn't want you to answer this question. It's not a matter of opinion. Is it common practice that ministers strike off or write a giant "no" or simply don't sign the document and send it back to your office for CIDA funding proposals?

I don't want to hear about new forms and new requirements and new boxes. It's a simple question. On December 9.... We just want to know, is it common practice?

• (1125)

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

The Chair: Certainly, Mr. Reid.

Mr. Scott Reid: Now, it may very well be the case—I don't know because I haven't heard the answer yet—that some of the things that Mr. McGuinty wants to exclude from the answer might be germane to the answer. I don't know, but I don't think he can presuppose and slice out relevant information in order to build a narrative.

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

Mr. David McGuinty: Mr. Chair, that's the ninth time Mr. Reid has tried to pass off interventions as points of order. It is the ninth time in a row you tell him it's not a point of order. Maybe you can get him under check.

Ms. Biggs, through you, Mr. Chair, could we go back to the answer?

The Chair: I'd remind members—

Mr. Scott Reid: I'm not the procedural expert that Mr. McGuinty is—

The Chair: Ms. Biggs, please.

Ms. Margaret Biggs: Chair, as I indicated earlier today, I am aware of other circumstances where Minister Oda's decision and direction to the department included the insertion of the words “not” or “do not”. That's a point of fact.

On your second issue, it would be clearer and less confusing if the minister's decision and direction was written “do not approve”, “do not agree”. That would be a clearer way of communicating it.

Mr. David McGuinty: No doubt it would be a clearer way. That's not the question I asked you, Ms. Biggs. Through the chair, that's not the question I asked you.

Now you've revealed here that there are other instances where this Conservative minister and this Conservative government have inserted the word “not”. Is that the case?

Ms. Margaret Biggs: Yes, I said that.

Mr. David McGuinty: Do you have that information here today? What funding proposals?

Ms. Margaret Biggs: No, I don't have it here with me.

Mr. David McGuinty: Can you tell us which funding proposals they were, as a matter of fact?

Hon. Bev Oda: As I indicated, Mr. Chair, through you, we would be willing to cooperate with the request of the committee. I understand there are procedures under which you would follow...

Mr. David McGuinty: Mr. Chair, if I could, through you, I'm going to ask Ms. Biggs again, and I think this is probably the fourth or fifth time.

I'm not denying that you're getting close to answering the question. We're getting there; we're inching our way forward. I wouldn't worry too much, Ms. Biggs, about some of the other pressures you may be under. I think it's really important for you to answer this question.

Is it normal practice for ministers to strike off funding approvals, or write “no”, or send it back upstairs unsigned? Isn't that the normal practice—

The Chair: Thank you, Mr. McGuinty.

Mr. David McGuinty: —in terms of the funding proposals coming to you?

The Chair: Your time is up. We'll allow an answer.

Ms. Margaret Biggs: It is a practice for ministers to convey their decisions to the department, and they do use different means. You can write “do not agree”, strike it across, as you said, “no, do not agree”, initial it, and date it.

It would not be, in my view, a good practice to just send a document back. Then it's not clear to the deputy what the decision of the minister actually was. My preference would be to have a written decision.

The Chair: Thank you.

Ms. Margaret Biggs: Sorry, Chair, I am trying to answer the question.

The Chair: Mr. Lukiwski for five minutes, please.

Mr. Tom Lukiwski: Thank you very much.

Let's just see if we can clarify a few things here, because again, it seems there's a concerted attempt by the opposition to muddy the waters a little bit and continue down their narrative line that somehow the minister has misled the House.

First, Minister—and please correct me if I'm wrong—whenever a minister, in your case the minister responsible for CIDA, makes a decision, it then becomes the CIDA decision. Correct?

Hon. Bev Oda: Correct.

Mr. Tom Lukiwski: So when you have responded on numerous occasions saying it was a CIDA decision not to fund Kairos, that was an accurate statement. Correct?

Hon. Bev Oda: Yes.

• (1130)

Mr. Tom Lukiwski: Thank you.

Mr. Franks, professor of political science at Queen's, was here earlier today. He made a number of statements in his opening comments that he later apologized for, saying they were incorrect. They had many of the same misconceptions that the opposition has and perhaps members of the general public. They were factual inaccuracies. He stated that. He apologized for that.

I mention that because Mr. Laframboise and other members of the opposition seemed to be going down the same line, saying they believe you deliberately misled Parliament. I would point out just because the opposition thinks so or says so doesn't make it so.

Once again, did you at any time suggest, infer, nudge, nudge, wink, wink, try to give any impression whatsoever, to either Parliament or the general public, that the decision to not fund Kairos was a decision made by CIDA officials, or did you always, at every opportunity, tell them that it was your decision, and your decision alone, by your statements in the House and outside the House?

Hon. Bev Oda: I can clearly testify that I have never—never—alluded to, referred to, or insinuated in any way that it was a CIDA decision in the frame that you've asked the question. I've always referred to a CIDA decision once the decision was made and became public. There's no intent to mislead, misdirect, or misinform in any way.

It was common practice. That is something that I do almost on a daily basis. I know what decisions I make. I make those decisions. Those decisions are mine alone. Once I've made those decisions, I automatically refer to them as CIDA decisions, because CIDA only makes recommendations and gives advice to the minister. The decisions are mine to make.

Mr. Tom Lukiwski: Thank you.

I have a question for Ms. Biggs.

I mentioned that Mr. Franks was here earlier. Mr. Franks was concerned that the document we're all referring to here, this internal document—I referred to as an interoffice memo—the recommendation document, was a forgery because of the insertion of the word “not” and the minister's penned signature.

Ms. Biggs, did you or any of your officials feel, upon receiving that document back from the minister, that your advice had been altered or that in fact this was an attempt to deceive or to forge a document? Did you have any impression or opinion, at that time, that this was not anything more than the minister merely conveying her displeasure and disapproval of the recommendation?

Ms. Margaret Biggs: When a decision is made by the minister, I am usually notified about it verbally, because I'm in communication with the minister and her chief of staff at all times. In this case, her decision was delivered to me verbally, so to be honest, I wasn't focusing on the document.

Mr. Tom Lukiwski: But you weren't concerned that it was a forged document.

Ms. Margaret Biggs: The minister's decision, to me, was clear. I didn't focus on the document.

Mr. Tom Lukiwski: Thank you.

By my clock, Chair, we have about a minute left.

Minister Oda, you had said earlier that there were a couple of questions, one in particular from Mr. McKay, that were left unanswered, and you wanted to answer. You have an opportunity now. I'd certainly give that to you.

Hon. Bev Oda: Thank you very much, Mr. Lukiwski.

I think I've provided the information. The question was this: When did I speak to and find out that Stephanie Machel, my chief of staff, actually was the person in my office who inserted the word “not” and instructed the officials to use the auto-pen? I've now answered saying that it was the day after I appeared at the foreign affairs committee.

That was the question. I wanted to make sure that I gave a fact. It's a factual answer, and it is the truth.

Mr. Tom Lukiwski: Thank you.

The Chair: Thank you, Mr. Lukiwski.

We'll go to Monsieur Paquette.

[*Translation*]

Mr. Pierre Paquette: Thank you, Mr. Chair.

Let me go over the chronology again. On November 27, you decided, against the advice of your senior officials, not to fund KAIROS. That made waves. What made more waves is that, in Jerusalem on December 16, 2009, your colleague Jason Kenney said that the grant had been cancelled because KAIROS was anti-Semitic. In your statements, precisely to distance yourself from this charge of having made a purely ideological decision on the Conservatives' antiquated values, you state and you write that CIDA made the decision.

Let me remind you that, on April 23, 2010, you said this in the House:

The criteria for the funding for KAIROS is 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.

The criteria referred to must be CIDA's. But we know that, under CIDA's criteria, KAIROS would have been funded. So we are looking for other criteria, probably those of the Harper government, and your own. I would like to know which criteria you were referring to during question period in the House on April 23, 2010. Were they CIDA criteria? Let me re-read the sentence for you:

KAIROS did not meet the criteria. It did not get the funding.

Were you not referring to CIDA criteria though we know very well that CIDA's recommendation was positive? Please answer.

• (1135)

Mr. Mario Laframboise: That is a very good question.

[*English*]

Hon. Bev Oda: Thank you very much.

I want to be clear here that, as I indicated, I had no conversation about or knowledge of Minister Kenney's speech or even that he was going to Jerusalem.

Mr. Chair, regarding the criteria used, as I have indicated about the criteria we look at, there is no single criterion for these kinds of decisions—

[*Translation*]

Mr. Pierre Paquette: I am asking you if the criteria you were referring to were CIDA criteria or your own.

[*English*]

Hon. Bev Oda: I would suggest that the criteria, the judgment, the recommendations, and the information that's gathered always should be not only from me but also from the agency. The best use of development dollars should be according to following best practices so that impacts can be achieved. We have that responsibility. I alone don't have that responsibility; it's a shared responsibility with the agency.

The agency, over many, many years, of course, has done good work, and what we are trying to do, as you understand, is focus it. We're trying to make sure that we maximize the results we are achieving.

[*Translation*]

Mr. Pierre Paquette: Madam Minister, will you concede that, because of the way in which it was written, everyone thought the criteria were CIDA's? This was your answer to question 106:

...the CIDA decision not to continue funding KAIROS was based on the overall assessment of the proposal, not on any single criterion.

I do not accept the parliamentary secretary's interpretation. An overall assessment of a non-governmental organization's proposal looks at the whole proposal before the decision whether or not to fund it is made. The way in which this is written clearly indicates that the funding application was turned down as a result of CIDA criteria, and that is false. The application was turned down, by the minister and by the Prime Minister for strictly political reasons. That is the reality.

Furthermore, it is not just the opposition that considers that you expressed yourself very clearly. The document was not made public by CIDA, the government or the minister. It was made public under the Access to information Act. The document clearly shows that, in September, CIDA's recommendation was positive. According to CIDA's criteria, KAIROS' funding application should have been accepted.

You decided, for political reasons and because of the values you hold, but that I certainly do not share, to say no. That is not at issue in the slightest. So you added the word "not".

Ms. Biggs, Madam Minister, what I still do not understand...

The Chair: Mr. Paquette...

Mr. Pierre Paquette: Why did you not at least initial the word "not"? That is what is done when dealing with a major contract. We are talking about \$7 million, which is a lot of money for KAIROS. [English]

The Chair: Your time is up. I will give the minister a moment to respond.

Hon. Bev Oda: Thank you very much.

Mr. Chair, I've been very, very clear, when we were in discussion of this decision, in all my articulations, in all my responses, and in all my public statements, that this was my decision. It is my responsibility to make those decisions. It was my decision and mine alone. I don't know how I can be clearer on that.

Regarding referencing the decisions I make as a CIDA decision, I think I have clearly answered questions to clarify how that confusion.... The common practice is that once the minister makes a decision, it becomes the government's decision, and it becomes the department's decision and the agency's decision.

Mr. Chair, to the third point, in response to whether a reference to a single criterion...these decisions cannot be made on a single criterion. Depending on the proposal, the nature of the proposal, the country in which the work is being undertaken...these all factor into the decision-making process.

• (1140)

The Chair: Thank you, Minister.

Mr. Martin, five minutes, please.

Mr. Pat Martin: Mr. Chairman, as I see it, the minister's offence is twofold. First, she has deliberately misled—I believe she has deliberately misled—Parliament, this committee, and the general public, whether by omission or commission, and one is as serious as the other. There's a point in law that says a person can be presumed to have intended the probable outcome of his or her actions.

You knew the probable outcome of your actions.

Through you, Mr. Chairman, she knew that the world would believe that CIDA cancelled Kairos' funding, not that the politically ideological opinion of the cabinet had found its way into what should be an impartial analysis of an application for funding by an NGO.

The second offence, which is almost as bad, in my view, is that she has kneecapped her senior officials. She has cut the legs out from

under the bureaucrats, who are just trying to do their jobs. This is what Ned Franks told this committee about today: we don't have a good mechanism for dealing with this kind of dilemma in Canada. If this were Britain...the secretary of the cabinet has been known to take ministers to task when they lie about the advice they have been given, or otherwise betray the trust and honour of the public service, as he put it.

Unfortunately, there is no such check and balance in our Canadian parliamentary system, in that the Clerk of the Privy Council is actually Deputy Minister to the Prime Minister, so nobody is going to come rushing to the defence of people whose opinions were misrepresented by their minister. That, to me, is as offensive as and of a scale of the contempt she has shown for Parliament by deliberately misleading the House of Commons.

I'll ask her one more time if she will table the examples, the documents. If this is a normal, frequent, and common practice in her department, will she table those documents? I would ask you, Mr. Chair, to ask the minister or direct the minister to do so.

The Chair: The minister has already shared with this committee and asked through the chair that they give the documents to this committee for distribution.

Mr. Pat Martin: That's good enough then.

She would have us believe it's a common and frequent practice to use the auto-pen. What percentage of the 758-some applications are dealt with by auto-pen in a given year?

Hon. Bev Oda: I can't give you that information.

I'll ask Madam Biggs if she's able to give you that information.

The Chair: That may be a good idea.

Madam Biggs.

Ms. Margaret Biggs: I'm sorry, I can't.

The Chair: Will you endeavour to get that to us if you can?

Ms. Margaret Biggs: Yes.

Mr. Pat Martin: Just for our purposes, is it rare or frequent? Do 80% get signed by auto-pen? Do 10% get signed by auto-pen? Give us an idea.

The Chair: Do you want to venture a guess?

Hon. Bev Oda: I don't want to venture a guess, Mr. Chair.

Mr. Pat Martin: Come on.

Hon. Bev Oda: I'm here with the facts. I'll try to—

Mr. Pat Martin: We expect ministers to conduct themselves with the highest standard of honesty. She misled the foreign affairs committee when she said she didn't know who put in the word "not". She was on the phone to her chief of staff saying, "Cancel the Kairos funding."

A fulsome answer to Mr. McKay's question at the foreign affairs committee would have been, "I don't know who actually pencilled in the word "not", but I directed Stephanie Machel to do it." That would have been a fulsome, honest answer—none of this splitting hairs and weaseling around.

You should be the minister of weasel words, instead of the minister of CIDA. You're disappointing us profoundly.

The Chair: Have a little respect, Mr. Martin, please.

Mr. Pat Martin: Where is the auto-pen physically kept in your office? Is it kept in a locked drawer?

Hon. Bev Oda: Mr. Chair, just to notify you, I will take as much time to answer as the full question that was posed to me, please.

Mr. Pat Martin: Where is the auto-pen kept in your office physically?

Hon. Bev Oda: First of all, let me say it is physically housed in one of the smaller offices within the area in which my staff are located.

Mr. Pat Martin: Is it under lock and key?

Hon. Bev Oda: The device is under lock and key.

• (1145)

Mr. Pat Martin: How many people have the right to use it?

Hon. Bev Oda: As I indicated, two public servant officials, CIDA officials, are authorized to use the auto-pen in my office.

Mr. Pat Martin: Do they only unlock that sealed box to use the auto-pen on specific instruction from you yourself?

Hon. Bev Oda: No. As I indicated, I give instructions to my political staff, who are the minister's staff. I indicate my decision to my staff, who are then asked to follow through on the process required to indicate—

Mr. Pat Martin: How often does that occur?

The Chair: Mr. Martin, your time is up. Thank you.

We'll move now to a bit of a cleanup round. We've had three rounds, as is the normal practice of this committee. We'll try to get questions from those who have not been able to ask questions yet today.

I'll recognize Mr. Young.

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

Minister, the coalition majority today you've been witness to has been trying to hide information from the public in a number of ways—points of order, motions, and cutting off witnesses repeatedly.

When you were cut off earlier today, were there any specific questions you didn't get a chance to give a complete answer to that you would like to completely answer now?

Hon. Bev Oda: Thank you for the opportunity.

I think I have done my best, to the best of my ability, to provide the factual answers to provide the truth. I have tried to answer every specific question that was posed to me as a question. I think I've done that thoroughly. I want to put some facts on the table.

I would never deliberately mislead anyone—anyone in the House or any member of the committee. I sit here before you bringing you the truth and the facts. I recognize that my reputation and integrity are being questioned here. I would tell you that this is the value I live by, I have lived by throughout my life, and I live by every day, whether I am before a committee, in the House, answering questions, or meeting with constituents. This is something that I value very highly.

I also want to put on the record that through a fair and balanced hearing, with open minds willing to hear the facts, understand the explanation of the process undertaken, and understand the limitations of the format used at that point in time, there is no cause to move further. I believe we have done what the Speaker instructed us to do to clarify confusion that may remain.

Mr. Terence Young: Thank you, Minister.

Madam Biggs, were you ever unsure of the minister's decision on this Kairos funding matter?

Ms. Margaret Biggs: No.

Mr. Terence Young: Thank you.

Do you ever make the final decision on matters like this?

Ms. Margaret Biggs: There are some decisions the minister has delegated to the department. On these issues, no, the minister has the authority to make the decision.

Mr. Terence Young: So the decision memo sent to the minister was clearly a memo to get a final decision.

Ms. Margaret Biggs: Yes, it was a memo with a recommendation to seek a decision.

Mr. Terence Young: Thank you.

What is the difference between recommending a proposal and ministerial approval?

Ms. Margaret Biggs: Well, a recommendation is a recommendation. It's advice coming from the department and it does not have any authority. The authority comes when the decision is made by the person who has the authority to make the decision.

Mr. Terence Young: Thank you.

Minister, we just heard from expert witness Professor Ned Franks that ministers are required to sign thousands of documents, and you made reference to 758 decisions you were required to make. Were they for CIDA or for different organizations as well? Was that just for CIDA?

• (1150)

Hon. Bev Oda: They were just proposals made to CIDA for funding requests through normal channels and through the different branches of CIDA.

Mr. Terence Young: Can you please explain what would happen if you approved every proposal that was put before you for a decision?

Hon. Bev Oda: I can't speculate what would happen—

The Chair: Excuse me, Minister.

Excuse me, Mr. Young, but I have a point of order.

Mr. Proulx.

Mr. Marcel Proulx: Thank you, Mr. Chair.

Mr. Chair, there are 10 minutes left. I was wondering if the Conservative regime members would be generous enough to let the opposition parties ask additional questions, seeing as there are only 10 minutes left.

The Chair: Well, of course, taking time out for the points of order will also take time away from that. It was my thought to give a round to the members who hadn't had a chance to ask questions and then do some one-off questions, if time still allowed.

Mr. Marcel Proulx: I see.

The Chair: We may have just used that time, but let's hope we didn't.

Mr. Young, you have about a minute left.

Mr. Terence Young: Thank you, Chair.

Would you like to answer that question, please, Minister?

Hon. Bev Oda: I couldn't speculate as to what may happen. What I do know, which is a reality, is that even though our government has doubled its international assistance, even though we met a commitment to double our aid to Africa, we are not able to respond positively to every proposal that is received by CIDA. Consequently, this requires advice from the department and a decision by myself as the minister.

The Chair: Thank you, Mr. Young.

Mr. Armstrong.

Mr. Scott Armstrong (Cumberland—Colchester—Musquodoboit Valley, CPC): Thank you for being here, Minister. I'd like to say that when I was brought up, I was brought up with manners. I will ask you questions and I expect you to answer the questions, and I will give you the appropriate time without interrupting, unlike some people on this committee who have done so today.

In my background, I have never been a minister of a government, but I have led organizations and I was a school principal with a fairly large staff. When you lead an organization, many people from many components of your organization will come and ask for a lot of things. The hardest decisions one has to make—and I'm going to ask you if you agree with this—are the ones on budgets. There are a lot of good ideas that are brought to you, and you have the last say. Is that appropriate, as a minister of a federal department?

Hon. Bev Oda: Let me say, Mr. Armstrong, as you know, that I was also a school teacher, so I was faced with those same kinds of situations that you may have encountered as a principal. That's quite correct; I would agree with you that not everyone can be responded to positively. I would also suggest to you that because of understanding that decisions have to be made, these are very hard decisions that have to be made. This is also in light of the responsibility to have best use of public funds.

Again, development is a very complex world. It takes many factors, depending on what initiatives you're looking at, what sectors you're looking at. Things vary, and they vary from country to country. As I said, these are very difficult decisions; they're hard decisions. I don't make these decisions lightly, and I particularly don't take decisions lightly when I am not agreeing with a recommendation from CIDA officials. They are experienced; they give good advice. However, the buck stops here. I'm responsible for making the decisions on how to get the best value for public funds in developing countries to help reduce poverty.

Mr. Scott Armstrong: Right, and the rationale behind this is that as the minister—it's the very highest level of the department—you

are almost solely aware of the pressures and resources that are being asked of all components of your department, whereas people underneath may not be. So when a recommendation comes up through the department and you have to choose to reject that, do you take more time?

I know that as a principal, when the staff or parents came to the school and asked me for money, for budgetary...or to make a decision and I was going to disagree with them, I took more time; I tended to spend a lot more time making that decision than if I was going to agree with them. Is that accurate?

Hon. Bev Oda: As I just answered, these are difficult decisions, particularly when you cannot respond positively. As I say, my responsibility is the best use of tax dollars. I have to be responsible and accountable to taxpayers on how CIDA is utilizing the money, to meet their expectations, to see a difference for the millions who are living in poverty and for the millions who are facing a food crisis, so consequently I would agree with you.

• (1155)

Mr. Scott Armstrong: With instances happening worldwide, like what happened in Haiti, which your department was very involved in—and I think there has been resounding approval for the way your department handled that—and with issues like what happened in Pakistan, not only do you have to be concerned with what is happening, but you also have to make budgetary decisions on what may happen.

In some years, I'm assuming, when there have been problems like we've had in the last couple of years worldwide, you have to be very, very judicious in how you spend taxpayers' dollars, and maybe things have to change, whereby some organizations don't get the support they got in previous years.

Hon. Bev Oda: Exactly. These are, as I say, difficult decisions. This is why I have discussions with CIDA staff and my staff.

A good example would be Haiti. I clearly articulated, soon after the Haiti earthquake, when the Prime Minister of Haiti was here and we were told how many schools had been destroyed, that I wanted to ensure that if we put Canadian dollars toward rebuilding schools, they were going to be built to a standard that would withstand future earthquakes. I didn't want to see Canadian dollars going to build a school that... Haiti gets natural disasters on almost a yearly basis. I said that this was not the best use of taxpayers' dollars. I said we wanted to build a school that would withstand the floods, the cyclones, etc., that Haiti faces.

Mr. Scott Armstrong: I have one last question—

The Chair: Sorry, but I'm going to stop you there.

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

The Chair: We have about enough time left for one round of one-minute questions.

We'll start with Mr. McKay, question and answer, and then we'll move around.

Hon. John McKay: Well, this is offensive, the way this thing works.

Madam Biggs, in your assessment, is there anything that would have led you to believe that Kairos is an anti-Semitic organization?

Ms. Margaret Biggs: My dealings with Kairos were on the proposal that they submitted to us and that was the—

Hon. John McKay: The question is, is there anything in your assessment that leads you to believe that it's an anti-Semitic organization?

Ms. Margaret Biggs: There was nothing in the analysis that I saw on the—

Hon. John McKay: Thank you.

Ms. Margaret Biggs: —program proposal.

Hon. John McKay: Thank you.

Madam Minister, you said that Minister Kenney didn't check his speech with you first. Who speaks for the government? You or Minister Kenney? He said specifically that Kairos was “de-funded” because they're an anti-Semitic organization. So who speaks here for the government? You or Minister Kenney?

The Chair: Thank you.

You have eight seconds to finish that one.

Hon. Bev Oda: Each minister speaks for their particular responsibility and their particular area. Together, as cabinet, we form government, so every individual minister's contribution is as a spokesperson for the government as a whole.

The Chair: Thank you, Minister.

Mr. Lukiwski for one minute, question and answer.

Mr. Tom Lukiwski: I honestly don't have a question.

Again, I just want to make a commentary and see whether or not Minister Oda will agree. What we came here to try to ascertain is, number one, whether Minister Oda misled Parliament, misled a committee, and tried to mislead the Canadian public. The minister has responded to all those questions, stating that no, she has not.

Mr. Marcel Proulx: A point of order.

The Chair: Yes.

Mr. Marcel Proulx: Mr. Chair, I have a lot of respect for you.

The Chair: Thank you. I appreciate that.

Mr. Marcel Proulx: I am one of the ones who have said in the past that you have been a very fair chair of this committee. This morning seems to be the exception. This is obviously a way of running out the clock.

In the last 15 minutes, you gave us one minute and 10 seconds. You gave the Conservative regime members 12 minutes. Now you're back to them without going to the Bloc or the NDP.

The Chair: I would have got to them.

Mr. Marcel Proulx: I know you would have. I know you're full of good intentions, except that in the last 15 minutes you've given much more to the Conservative members, and I don't appreciate that, Mr. Chair.

The Chair: Thank you, Mr. Proulx.

Mr. Marcel Proulx: Okay.

The Chair: I'll certainly share with you. You are a standing member of our committee. It has been our practice whenever we have witnesses for a longer period of time, two hours in this case, that we'll do three rounds. We then try to give those who did not have a chance to ask questions a chance to ask questions. If there's a small amount left, you know my standard practice is to try to do some one-off questions around the table to try to finish the time.

There is no, what do we call them, routine motions at the Standing Committee on Procedure and House Affairs. It's one of the committees that does not have routine motions. This came by way of a vote among the members of this committee that there aren't routine proceedings. I'm using precedent and I'm using standard practice that this chair uses to share. I recognize there are some members at the table today—

• (1200)

Mr. Marcel Proulx: Mr. Chair, with all due respect—

The Chair: Yes.

Mr. Marcel Proulx: Those were not one-off questions. That was five minutes you gave to Mr. Young. You gave five minutes to Mr. Armstrong, and now we're running out the clock for sure.

The Chair: I do see it is noon.

We will excuse the witness.

We will be back here at one o'clock.

• _____ (Pause) _____

•

• (1300)

The Chair: I will call the meeting to order.

I'll give a minute or so for the cameras to be taken from the room, or to become less obvious.

We have returned from our suspension. We have Mary Corkery, from the group Kairos.

Ms. Corkery, I understand you have just a couple of opening words, and then we'll go to questioning. Welcome today, by the way.

Ms. Mary Corkery (Executive Director, Canadian Ecumenical Justice Initiatives (KAIROS)): Thank you very much, Mr. Chair.

I was offered a minute to explain Kairos. Kairos, Canadian Ecumenical Justice Initiatives, is a coalition formed by eleven churches and church-related organizations to carry out their justice work in Canada and overseas. We have a significant program of justice work focused on, in particular, indigenous communities and migrant workers in Canada. Our program overseas is focused at this point on human rights and sustainability.

There you go.

The Chair: There we go.

Mr. McKay, are you starting? Seven minutes for you, sir.

Hon. John McKay: Thank you, Chair.

Thank you, Ms. Corkery, for coming.

Kairos has a long funding history with the Government of Canada, I understand some 35 years. You've probably put in a number of applications for funding over those years. And you have had a pretty good, I would say, working relationship with CIDA up until recently.

Could you tell us when the application for funding was put in and what indications you had that you were actually going to be getting the funding?

•(1305)

Ms. Mary Corkery: I would just say that we still, to our knowledge, have a good relationship with CIDA.

We put the 2009 application in, in March 2009. We did have a back-and-forth with staff at CIDA on a number of questions regarding content, for the period between March and the end of the summer. And it got quite quiet. So we were pretty shocked when we did hear that it was being de-funded completely.

Hon. John McKay: How did you hear that it was not going to be funded?

Ms. Mary Corkery: I received a phone call at about 2:30 on November 30, 2009, and was told that the program would no longer be funded. I asked at that point, none of it? I was told, no, not any of it. So I was quite shocked, and I asked, why are we being de-funded? I was told, It has been decided that you don't meet CIDA priorities.

Hon. John McKay: Were they specific as to what CIDA priorities your group didn't...?

Ms. Mary Corkery: No, at that particular moment the woman I was speaking to said, "I have no further information"—on any question I had. So we had no information for about a week after that, except that something appeared in *The Globe and Mail* that said we didn't meet priorities, that new themes had been introduced.

Hon. John McKay: Do you know who you were speaking to at the time?

Ms. Mary Corkery: Who I was speaking to at CIDA?

Hon. John McKay: Yes.

Ms. Mary Corkery: I do. It was Victoria Sutherland.

Hon. John McKay: Okay. Did she give you any indication at the time that you didn't comply with CIDA's priorities?

Ms. Mary Corkery: Yes. She said it had been decided that Kairos didn't meet CIDA priorities.

Hon. John McKay: But was she specific?

Ms. Mary Corkery: No, as I said, when I asked what priorities, I was told, "I have no further information."

Hon. John McKay: Was there any indication that CIDA, as an agency, had actually approved of your application?

Ms. Mary Corkery: No.

Hon. John McKay: Okay. So at that point you weren't aware that CIDA had actually approved of your application, and you only learned subsequently that CIDA, as an agency, had actually approved of your application?

Ms. Mary Corkery: No. In the conversations we had in the period between March 2009 and when we learned of having all our funding cut, our sense in conversations was that things had gone very well, that all the questions asked of us had been answered, and

that it was merely a question of people being busy, not there to attend to work, a backlog.

Hon. John McKay: So at that point, up until the phone call, you thought you were going to be getting your funding. You got the phone call. The reasons were not given to you as to why you didn't "meet the priorities".

Was there any other communication between you and the government?

Ms. Mary Corkery: No. In fact, what I did ask when I received the phone call was whether Kairos would receive something in writing, because we hadn't informed our partners. We had two and a half hours from our end of funding.... We didn't receive anything until December 4—it was dated December 3, but it arrived on December 4—and it was quite general.

Hon. John McKay: When was Minister Kenney's speech?

Ms. Mary Corkery: December 16.

Hon. John McKay: Was that the first real indication you had of a reason as to why you weren't going to get the funding?

Ms. Mary Corkery: Well, we saw something in *The Globe and Mail* during that week before December 4 in which the minister was quoted as saying we didn't meet priorities, the new themes that had been introduced at the end of September 2009, and those were food security, children and youth, and economic growth, so—

Hon. John McKay: Did anything in *The Globe and Mail* article give you any indication that you were going to be accused of being an anti-Semitic organization?

Ms. Mary Corkery: Well, no.

Hon. John McKay: Did Minister Kenney approach you at all prior to his speech in Israel?

Ms. Mary Corkery: No. The one piece that is missing is that we did receive a letter, dated December 3, which we got on December 4, which said that CIDA has to make decisions, and that's for efficiency and effectiveness, and also for our priorities on food security, children and youth—

•(1310)

Hon. John McKay: Thus far, Minister Kenney has not been able to make himself available to this committee. If Minister Kenney were sitting beside you, what would you like to say to him?

Ms. Mary Corkery: Well, I would like to say it's been very harmful to Kairos for him to come out and say on December 16, in Jerusalem, at the Global Forum for Combating Antisemitism, that there were three ways in which the Government of Canada was proud of fighting anti-Semitism, and the second one was de-funding Kairos. We did feel that must have been a mistake at the time and waited for some kind of apology, and asked for that. But it has never been apologized for or retracted.

Since then Mr. Kenney has on several occasions said in public that we are de-legitimizing Israel. Those things are not true and totally misrepresent our position. In fact, our policies are very close to the policies of the Canadian government.

Hon. John McKay: Is that it?

The Chair: Well, two seconds, so....

Mr. Young, you have seven minutes.

Mr. Terence Young: Thank you.

I think Mr. Albrecht was going to go ahead of me. We may be sharing the time, if that's okay.

The Chair: I'm sorry.

Mr. Albrecht.

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

I want to thank Mrs. Corkery for being here today. It's good to have you here.

I think it's important to remind members, and also Canadians, that we're not here to discuss the decision made by the minister. I think we all agree that it is incumbent on ministers to make the kind of decision Minister Oda made.

In your opening comments you made the statement, perhaps in your response to Mr. McKay, that Kairos has had funding for 35 years. You also used the term "de-funded". I think, in reality, what happened was that there was an application in process that wasn't funded. To me, that's different from having your funding cut off in the middle of a contract.

Earlier today, in our conversation with Minister Oda, she indicated that there are literally thousands of NGOs in Canada, and CIDA itself has dealt with I think some 700 of those on an on again, off again basis over the course of CIDA's history. I think all of us will agree that the recent events—tsunamis, earthquakes, flooding, and so on—around the world have seen many of these NGOs come to the table and do really good work on behalf of Canadians. In fact, I'm sure that every MP around this table has had NGOs of various stripes in their constituency offices sharing great ideas as to how they could help alleviate human suffering somewhere in the world, be it in a developing country or as a result of a natural disaster.

We also recognize that because of the number of applications, and Minister Oda indicated that this morning, it's literally impossible for any government agency to meet all of the expectations, even in one particular ministry, let alone government-wide, when the Minister of Finance is charged with the responsibility of developing a budget.

So do you think, simply because of a 35-year historical relationship with any funding agency, be it the United Way at home in a local riding or a member who's applying to CIDA for funding, that it is realistic for that applicant to assume that, simply based on historical track records, they would automatically receive that funding in the next year? I'm just trying to get to the heart of this word you used, "de-funded".

If you could respond to that, I'd appreciate it.

Ms. Mary Corkery: I must say that I never used "de-funded", which isn't maybe a correct word, at any rate, other than that it was

what the government, different government ministers, used. So we picked it up.

Kairos has no sense of entitlement that we should get funding. I think what the NGO community in Canada is looking for, Kairos among them—but we are not at all alone in this—is some kind of timely and substantial response to applications that is accountable to official development assistance that frames what overseas aid is about. In this case, we haven't had that. We don't know why we were de-funded, or why we didn't receive funding. We received two and a half hours' notice. There was no time to talk to the partners who are doing excellent work for human rights, for a study on climate change, or for a group of women in the Democratic Republic of the Congo who are working to stop rape as a weapon of war. We weren't able to even let these people know that they weren't going to get any funding.

To date, there have been many different reasons put on the table as to why we've not been funded. There is, we think, a question of accountability and transparency for aid, and that concerns citizens whose money it is, and it includes the NGO community in particular.

• (1315)

Mr. Harold Albrecht: But you would agree, Ms. Corkery, that it would be proper, in the interest of fairness, to allow an NGO that perhaps had not received funding in the previous 10 years, but based on their track record...to now apply for funding and actually receive it. That would automatically, unless we have an unlimited budget, mean that some other agency would need to be discontinued in their funding.

Ms. Mary Corkery: Yes. I think the question is some accountability for the priorities that defined this decision. The minister has said that she recognizes that CIDA had recommended Kairos for funding. It was quite a strong recommendation, based on consultations overseas and consultations with their own experts on results management, gender, and the environment, and it included foreign desks, so—

Mr. Harold Albrecht: On that point, you've listed a number of examples of the good work that Kairos partners have been involved in. Is there anything stopping those individual partners from approaching CIDA directly and getting direct funding to actually put in place, on the field, projects to alleviate human suffering and alleviate poverty, as opposed to making it part of a larger envelope of funding that needs to be administered by an umbrella group?

Is there anything stopping an individual partner of Kairos to approach the minister directly or to approach CIDA directly for a specific project that may be worthwhile?

Ms. Mary Corkery: That's a good question.

The kinds of groups we work with are pretty close to grassroots groups. They're women's groups, student groups, and community regional groups that are working to protect their water, to protect their land, and working to save lives through human rights work. They don't have the infrastructure to do a whole lot of international grant applications.

I think the most important thing is the value-added of NGOs like Kairos. We have years of experience and expertise. We have close relationships with people in the south. We have a particular role of supporting people's work in the south and educating the Canadian public about that work.

That's why CIDA has funded NGOs. Up to now, there are, as you know, hundreds that are funded, and that compliments the work of government.

The Chair: Thank you, Mr. Albrecht. Your seven minutes are up.

Monsieur Laframboise.

[*Translation*]

Mr. Mario Laframboise: Thank you.

Good afternoon, Mrs. Corkery.

You said that your organization is a coalition of 11 churches and church-related organizations. Can you name them?

[*English*]

Ms. Mary Corkery: That's a good test. Certainly, this will be a test. There are seven churches: the Quakers; the Mennonites; the Christian Reformed Church in North America; the Presbyterian Church; the Evangelical Lutheran Church in Canada; the Catholic Church; the United Church; and the Anglican Church—did I count seven?—and four church-related organizations that do international development work. That also includes religious communities in Canada.

[*Translation*]

Mr. Mario Laframboise: Thank you.

You said that you were informed of the decision in a telephone call at 2:30 p.m. on November 30. You had just a few hours to communicate with your members. Did it happen the same way in previous years? Did you always get your answer in a last-minute phone call?

• (1320)

[*English*]

Ms. Mary Corkery: I would say that it hasn't happened to Kairos and its predecessor coalitions in this way. I think it would not be a normal process.

My understanding is that if a group was about to have its funding cut, especially completely, there would be some indication, there would be some way to know that this might be coming, and there would be questions that would indicate that. I don't know what the practice is right now, but CIDA has provided transition funds, as we would ourselves if we decided not to fund a particular partner in a particular year.

You would never cut them off suddenly, which would be very harmful to their work. You would work with them to make a transition plan. So none of those things happened.

[*Translation*]

Mr. Mario Laframboise: As I understand it, you had no indication. When you were told over the phone simply that you would be receiving no funding, were you told about CIDA's

recommendation? How did it happen? Was it a long conversation or a very quick one?

[*English*]

Ms. Mary Corkery: As I explained, it was a very brief conversation. When I asked further questions, the person who was speaking to me said, "I have no further information at this time. It has been decided that your work no longer meets CIDA priorities." That's all I remember about it, and of course we were very anxious.

When we did receive the information from the minister, the letter said that we would of course receive a further letter from CIDA about this, which we understood would be the substantive explanation of why we were cut. It wouldn't have to be all that long, but it would have to say Kairos was cut because of this reason, not that CIDA has to make decisions on the basis of efficiency, effectiveness, and priorities.

By the way, those priority themes were introduced at the end of September, seven months after we had made our application. So if we had any indication that our application needed to conform to those themes, we could certainly have rewritten the application.

[*Translation*]

Mr. Mario Laframboise: Given the documents that we have seen subsequently, you will have realized that CIDA's recommendation was positive.

The minister made the decision. To start with, she indicated that the recommendation came from CIDA. But the agency's recommendation was to fund you so the minister subsequently corrected herself.

How did you react when you found out that it was not a CIDA recommendation, simply a political decision on the part of the minister?

[*English*]

Ms. Mary Corkery: When Kairos learned for certain that CIDA had recommended the application—I believe it was in December 2010—I received a phone call from the media, from a person at Canadian Press, asking me to comment on the documents released under access to information. We said we couldn't respond because we didn't have them. She then sent some but not all of the documents.

We knew we'd had a stellar evaluation by the independent consultant hired by CIDA to evaluate us after our last program, and a very good audit. We were able to see the recommendations from CIDA as a department and the actual comments from experts on environment, gender, the Middle East, and Africa. There was certainly a very strong affirmation of the work of Kairos and everything we had said.

So we didn't understand why we were cut. We didn't see the reason there. We understood that governments had to make decisions for efficiency and effectiveness. It said we already had the CIDA evaluation by the independent evaluator, Susan Harvie. It said that Kairos was cost-effective, worked through coalitions, achieved results, had very good judgment, and met the priorities of CIDA, the Official Development Assistance Accountability Act, the millennium development goals, and aid effectiveness priorities.

We had also seen the recommendations from foreign desks and others who were familiar with our work. There were comments that Kairos' work in the Congo was certainly very helpful, and Kairos' work in the Middle East seemed to be a step in the right direction and in keeping with their policies. It made it even more confusing for us.

• (1325)

The Chair: Mr. Laframboise, thank you.

Mr. Martin is next for seven minutes.

Mr. Pat Martin: Thank you, Ms. Corkery.

We're trying to understand this too, although you understand the main purpose of our committee is to try to determine if the minister misled us about these details. You've already added to our body of information by sharing with us that you've seen an evaluation that was a "strong affirmation" of the work you're doing.

Have you seen those documents?

Ms. Mary Corkery: Of course. We were given a copy of our evaluation. It was completed in February 2009, just before we submitted our application. That's another reason why we felt very confident going into a new application with an evaluation of that nature. It was very thorough and included going overseas to visit partner groups and consultation with experts in Canada.

Mr. Pat Martin: How big a document is it when you apply for funding of that size? Is it a fairly substantial document?

Ms. Mary Corkery: It is. This is just our own report on the last program. So it's a lot of work.

Mr. Pat Martin: The minister, in her testimony to us today, said she was presented with a two-page memo and a 19-page document containing the CIDA staff analysis of the Kairos proposal. The 19-page memo reviewed the positive and negative aspects of the application.

Were you aware that CIDA saw negative aspects in your application as well?

Ms. Mary Corkery: Oh, it wasn't 100% positive; if it were, even we wouldn't believe it. But there certainly were, for instance, questions like how some of the results expected are too much, too broad, and should be narrowed in.

Mr. Pat Martin: I see.

Ms. Mary Corkery: So there were questions.

Mr. Pat Martin: You said there was commentary specifically about the Middle East. What did you mean by that? Or was that in your evaluation?

Ms. Mary Corkery: No. I don't have those documents here, the access to information documents, but there was certainly one comment I recall that said it's a step in the right direction.

Mr. Pat Martin: I'm sorry...? That it's a step in the right direction...?

Ms. Mary Corkery: Yes. It was from the desk for the Middle East and North Africa.

Mr. Pat Martin: I see.

Now, as one of the negatives the minister pointed out as justification for not funding you, she said, "For example, over \$880,000 was to be used for advocacy, training, media strategies, and campaign activities in Canada" and "that is not the best way to spend public funds", etc. Were you aware that this component of your application drew criticism from CIDA officials?

Ms. Mary Corkery: No, we weren't, and that's not the way we would frame it. That's the public engagement part of our program. We're very proud of having public engagement, and traditionally CIDA has always been very proud to fund public engagement, because it's the education in Canada that allows the stakeholders to see what their money is accomplishing.

Traditionally what Kairos will do is bring our partners here so that they themselves can speak in their own words to communities across Canada. We've done that almost every year, I would say. They talk about the issues from their point of view, and they talk about what they're doing to make change, which touches a bit on one of the things that Mr. Albrecht mentioned earlier: that we need to get aid to people, that we need to give humanitarian aid. Kairos doesn't provide food aid. We don't do emergency aid work. It's very important to do that and it's great to see that our government is committed to that.

A large part of what CIDA funds is long-term development: getting to the root causes of change and supporting those people who have a lot of expertise and skill on the ground and who we trust to carry out work. We bring those people here when we can and tour them across Canada. Yes, we do have media to advertise our events, and we have what we call an education campaign that we try to get out through the churches and through communities. That has been one of the strengths of Kairos—

Mr. Pat Martin: Thank you.

Ms. Mary Corkery: —to help Canadians understand aid.

Mr. Pat Martin: I'm sorry to interrupt. I don't disagree with you, but again, we have to try to focus on what we think was misrepresenting why they scrapped your funding.

I'm a member of a group called the Canadian Parliamentary Coalition to Combat Antisemitism. I know that Kairos made a presentation to this committee—

Ms. Mary Corkery: No. Kairos did not make a presentation. My understanding is that the United Church made a presentation, but we did not.

• (1330)

Mr. Pat Martin: Fair enough, and thank you for that correction.

Having dealt with the issue of anti-Semitism for the last two years with this committee, though, it strikes me that one of the most damaging and even slanderous things you can say about someone or some organization is accuse them of anti-Semitism. It's like being accused of being a child molester or something. It's in that category of hurtful things that put you in the uncomfortable situation of having to go around to those same people who heard something and deny that you're anti-Semitic.

Can you expand a bit on what impact this has had on your organization?

Ms. Mary Corkery: Well, you'll probably be surprised at some of the impacts. After Minister Kenney made that comment on December 16, we received a lot of media attention. The phone was ringing off the wall. But basically, people who didn't know us came onto our website to look at our program in the Middle East, our policies, and our documents, and said "That's excellent". We got a lot of new funders and a lot of new supporters.

Mr. Pat Martin: Well, that's interesting.

Ms. Mary Corkery: People know that Kairos is not anti-Semitic. It has been very affirming to us how much the public has supported us and has said that's not true. And those who didn't know are looking up our work, examining it, and saying "No, it must be something intended to silence you when you're speaking out about human rights issues".

The Chair: Thank you very much.

Thank you, Mr. Martin.

Mr. McGuinty, for five minutes, please.

Mr. David McGuinty: Thanks, Mr. Chair.

Mrs. Corkery, thank you for being here.

I want to follow up on my colleague's questions.

Mrs. Corkery, isn't it a condition of the grant application at CIDA that you must show how you will conduct engagement and outreach, as a salient part of the application and the granting process? Isn't that one of the top five priorities at CIDA?

Ms. Mary Corkery: You know, those priorities keep changing, so I'm not sure today, or at any one day, exactly where that is. Traditionally, though, it has been a very important part.

CIDA too depends on having an informed electorate, an informed citizenry. I know that people refer to Canadians as taxpayers, but we think of—

Mr. David McGuinty: Citizens.

Ms. Mary Corkery: —citizens participating democratically.

So yes, it's always been important, and I believe there was a time when it was required. I'm not sure if that's the case at this moment.

Mr. David McGuinty: Okay.

Mrs. Corkery, you rhymed off the groups that are involved, the churches and so on. I'm sure you would find a reflection of all of those churches and groups in probably every caucus, every party in the House of Commons.

Can you help Canadians understand roughly how many million Canadians would be in the umbrella group represented by these churches at Kairos?

•(1335)

Ms. Mary Corkery: There's been no recent census on this. The last census that actually gave us any information on that, on people's declared affiliation with churches, was in 2001. At that time, those people who indicated support for the Kairos churches would have indicated a support of approximately 18 million people.

Now, that's a long time ago.

Mr. David McGuinty: Sure.

Ms. Mary Corkery: That's ten years ago.

Mr. David McGuinty: We can round it up or round it down, but it's still 18 million people, right?

So when Minister Kenney stands up and gives a speech that is...

Let me just go back for a second.

Mrs. Corkery, I recognize your last name, and I'm sure you might recognize my last name; I think we come from probably similar Irish ancestry. If there's anything that Canadians of Irish ancestry understand, it's the scourge of sectarianism that ripped Ireland apart for 450 years.

I want to just go back to the speech Mr. Kenney gave, where he levelled extreme charges against your group and, through your group, the 18 million Canadians who are represented by the churches.

I'm going to ask you this straight up. I know how divisive this kind of sectarian talk can be, so I don't ask this question flippantly, Mrs. Corkery. I want you to answer it as honestly and as deeply as you wish. Are you anti-Semitic?

Ms. Mary Corkery: No.

Mr. David McGuinty: Are your members anti-Semitic?

Ms. Mary Corkery: No, not to our knowledge.

Mr. David McGuinty: Is your board of directors anti-Semitic?

Ms. Mary Corkery: No.

Mr. David McGuinty: What could possibly lead this government, after your support from the Trudeau government, the Mulroney government, the Campbell government, the Turner government, the Chrétien government, the Martin government, and five years of the Harper regime...? What could possibly possess this government, this regime, to turn on a dime and not make the announcement here—not have the courage of their convictions to make the announcement on Canadian soil—but to do it in Israel; what could possibly possess Mr. Harper to instruct his Gobot Mr. Kenney to make such a speech and slander 18 million Canadians?

I'm sure you've had months, if not a year, to think about this. What could possess them to do this after 35 years of service?

By the way, I worked with Kairos. When I was in Africa in 1988 to 1990, I saw the work on the ground in villages. I saw the health care clinics you were helping to support. I'm not sure about my Conservative colleagues, but I saw it on the ground when I was working for UNICEF.

What could possibly possess Mr. Harper to have done this?

Ms. Mary Corkery: I'll just make one clarification. That doesn't sound like it was Kairos work. We don't work with health clinics. It may have been some other aspect.

Mr. David McGuinty: It might have been the vaccine campaigns, but I remember coming across many of your volunteers on the ground.

In fact, Mr. Albrecht's very church is involved with your group. The Mennonite Central Committee and its subsidiaries are very strong supporters of this organization.

Mr. Harold Albrecht: Just for the record, Mr. Chair, I am not a member of a Mennonite church.

Mr. David McGuinty: Thank you.

Can you answer the question for me, Mrs. Corkery?

Ms. Mary Corkery: Mr. Chair, I can't answer that question. It's speculation. I don't know. Kairos doesn't know.

That's one of the things that is disturbing to the public and to the NGO community. Our fear is that using such language will make other people afraid of speaking out or doing their work. But we don't know why.

Mr. David McGuinty: Do you think that the 18 million Canadians who were supportive of Kairos through its churches deserve to be offended by the comments made by Mr. Kenney on the instructions of Mr. Harper?

Ms. Mary Corkery: I don't think that's a question. I think it's more of a statement, so I don't think I can answer.

Mr. David McGuinty: Do you agree with the statement that 18 million Canadians have a right to be offended by that comment?

The Chair: Mr. McGuinty, you're over your time. I'll allow Ms. Corkery to answer if she likes.

Ms. Mary Corkery: I think anybody has the right to be upset by what has happened. Whether they are or not, I don't know. For Kairos it's a question of standing our ground and saying it's not true. That seems to be sticking.

Mr. David McGuinty: Ms. Corkery, good for you.

The Chair: Mr. Young, you have five minutes.

Mr. Terence Young: Thank you, Ms. Corkery, for being here today.

I've talked to clergy in my home riding of Oakville. We have one synagogue in Oakville. I call the rabbi my rabbi, although I'm an Anglican. We've discussed this issue at length.

I have some questions about a section from one of your documents on the website about ending partnerships, which is a difficult thing to do. It says:

Kairos partnerships in the work of global justice are generally long term. However, they are not necessarily forever. This policy helps ensure that partnerships may be ended, if need be, in a transparent, equitable and fair manner.

There are some circumstances listed that may lead to the ending of a partnership. I'll just read you the first one, if I may. It says:

Changes in the political, social, or economic context—and our analysis of how Kairos can most effectively help—indicate that we need to give priority, with our limited resources, to new areas of work.

Isn't that really what CIDA has said to Kairos? If you replaced the word "Kairos" with "CIDA" you'd say, "our analysis of how CIDA can most effectively help"—you know that the minister's priorities are food, medicine, education, and aid in Africa, for example, rather than advocacy—and, "indicate that we need to give priority, with our limited resources, to new areas of work".

So when CIDA ends a relationship, it's really doing what Kairos does when it has to end a relationship.

• (1340)

Ms. Mary Corkery: I think it's not the same. We have laid out a process in our partnerships paper and policy on how we would go about changing a partnership, ending a partnership, or establishing a new one. The key parts of it are transparency and accountability to the partners. We would tell them why we had done it.

On the implication here, you mentioned advocacy at the end—that Kairos is not doing aid or not.... There are a lot of implications here that we aren't assisting people with food security, which is not true. We are.

Mr. Terence Young: I didn't imply that.

Ms. Mary Corkery: No. The minister has said a number of times, "We would choose to do this. We make decisions for efficiency and effectiveness", implying that we aren't. You mentioned advocacy, implying that our money goes to advocacy.

When Kairos received money from CIDA over the years, we always spent the money for the purposes for which it was received, which include overseas programs and public education. If that were not the case, the auditors might have slipped up once, but they wouldn't slip up regularly. We had an excellent audit and excellent reviews.

Mr. Terence Young: You were informed that your funding was not to be renewed on November 29.

Ms. Mary Corkery: No, it was November 30.

Mr. Terence Young: How did you inform your members and your partners? Did you put it on your website? Did you send out letters?

Ms. Mary Corkery: I phoned a number of people on the board. I don't remember exactly, but I assume we sent an e-mail out. We phoned partners. We spent the time to phone and talk with them.

Mr. Terence Young: When did you do that?

Ms. Mary Corkery: I would have to go back and talk to our staff. It was over a period of time, because one of the things we look at is that partnership isn't only about money; it's also about collaborating with people, listening to their understanding of what the root causes of underdevelopment, poverty, and human rights issues are. We said to them, "We will continue to work with you. We will try to find money to support you." And we did.

Mr. Terence Young: Thank you.

Who are your solidarity partners? Can you tell me about some of your solidarity partners, and what they do, and what your relationship is with them?

Ms. Mary Corkery: We have changed that title. We have indicated under "solidarity partners" that they are people whose work we respect, whose work we like, but we don't have any money to give them, as opposed to a "funded partner".

Mr. Terence Young: But prior to that, you did fund them? You funded them before but you don't now?

Ms. Mary Corkery: It could be either. It could be either we funded them before and don't support them now, or that we have never given them funding but we respect their work and we collaborate with them—we do research together, we discuss issues, do education.

Mr. Terence Young: And it's similar with the advocacy partners?

The Chair: Mr. Young, I'm very sorry, but your time is up. Thank you.

[Translation]

Mr. Paquette, the floor is yours.

Mr. Pierre Paquette: Thank you, Mr. Chair. Thank you for coming here, Madam.

What is KAIROS' overall budget?

• (1345)

[English]

Ms. Mary Corkery: It depends. Our budget keeps changing. Right now our budget is—

[Translation]

Mr. Pierre Paquette: Can you give us an idea?

[English]

Ms. Mary Corkery: —about \$2.5 million. But in 2009, when we were supported in part by CIDA, it was almost \$4 million.

[Translation]

Mr. Pierre Paquette: It was \$4 million.

[English]

Ms. Mary Corkery: Yes.

[Translation]

Mr. Pierre Paquette: You mentioned a grant of \$7 million. So were you asking CIDA for more money?

[English]

Ms. Mary Corkery: No, actually that proposal was over four years.

[Translation]

Mr. Pierre Paquette: I understand.

[English]

Ms. Mary Corkery: The proposal was 2009 to 2013, and the proposal included CIDA support of \$1.6 million per year, a contribution of \$500,000 per year in cash from Kairos and our supporters.

[Translation]

Mr. Pierre Paquette: So the loss of the contribution from CIDA is a heavy blow for you. Do you receive any public funding other than CIDA's?

[English]

Ms. Mary Corkery: Yes. In fact we have raised more funds this year than probably ever before. So our partners are the ones who have lost out the most.

We raise money from all of our member churches and organizations who make contributions. That's our core funding.

We receive funding from religious communities; from foundations; from individuals, many of whom are monthly donors; from community groups; and from unions. And we have a fund we call the justice fund, begun by religious communities but on which others are assisting, which provides a capital fund and we have the interest from that. So we have quite a diverse source of funds, especially to fund our work in Canada, which isn't funded by CIDA.

[Translation]

Mr. Pierre Paquette: When you were called on November 30, 2009, you were told that KAIROS no longer met the criteria.

[English]

Ms. Mary Corkery: My recollection was that the statement was that it has been decided that Kairos no longer fits CIDA's priorities.

[Translation]

Mr. Pierre Paquette: CIDA priorities.

[English]

Ms. Mary Corkery: That was the statement on that day.

[Translation]

Mr. Pierre Paquette: So, contrary to what Mr. Young said, it can be clearly shown that your application did fit CIDA priorities before. In fact, CIDA's two senior officials had accepted and signed off on the grant application. So the criteria that KAIROS did not meet were those other than CIDA's. Have you been told what those criteria were? Have you received a document providing details of the inadequacies in your application, have you received anything substantive, and in writing?

[English]

Ms. Mary Corkery: No, that's the problem, and we were certainly waiting. As I've said, the first letter from the minister, which was dated December 3, did say there would be a follow-up letter from CIDA, and we assumed that would be a substantive explanation. That is the confusing thing, what you've mentioned. The fact is that everything about our audit, our evaluation, and the CIDA recommendations seems to indicate that we do meet CIDA's fundamental priorities.

When we learned of the new themes CIDA was working under, food security, youth and children, and economic growth, we did submit another application a year later—which is already a year old, March 10—that addressed those.

What the CIDA evaluator pointed out are the fundamental priorities that frame what Canada's aid program is to fund, and that is outlined in the Official Development Assistance Accountability Act, as reducing poverty, incorporating the perspectives of the poor themselves, and ensuring human rights, and—

[Translation]

Mr. Pierre Paquette: Thank you. Your testimony shows precisely the confusion that the minister has created and why we think there must be disciplinary measures against her.

• (1350)

[English]

The Chair: Mr. Martin, five minutes for you.

Mr. Pat Martin: Thank you, Mr. Chairman.

I'm still looking for places in your proposal or in the evaluation of your proposal that might have set off Minister Kenney, or anyone in the Conservative government, to this wild conclusion that you're somehow anti-Israel. I do notice in your evaluation—I think I found the clause you are making reference to—that the Middle East and the North Africa bureaus of the Department of Foreign Affairs commented on your proposal, and they say this:

Canada is committed to the goal of a comprehensive, just and lasting peace in the Middle East, including the creation of a Palestinian state living side by side in peace and security with Israel.

Kairos projects in the region are a step in the right direction.

That doesn't seem to be critical at all. It seems to be that the Middle East office and bureau, and the North Africa bureau, think that you're doing positive work.

I notice later in appendix B, given in the memorandum to the minister, it talks about Gaza and the West Bank. It goes on in depth about that. But at the bottom of that paragraph, it says:

Kairos proposal focuses on human-rights-based projects of four Palestinian and Israeli peace organizations of the Jerusalem Center for Women, Bat Shalom, Falastiniat, and Sabeel Ecumenical Liberation Theology Center.

Are any of these four organizations known to be controversial or extremist, or anti-Israel I suppose is my question?

Ms. Mary Corkery: No, they're not anti-Israel or extremists.

I think what the issue may be is that they work on human rights. They do name issues of criticism in terms of some of the actions of the Israeli government, not the right of the Israeli state to exist, which certainly Kairos has always supported and our partners have always supported.

It has happened that there have been critiques of groups that speak out as Kairos has. Kairos has called for an independent and viable Palestinian state—

Mr. Pat Martin: That's the official position of the Government of Canada.

Ms. Mary Corkery: I was just going to say that our positions are parallel, really, to the Government of Canada. They include a critique of the settlements as making it impossible to have a viable state.

Mr. Pat Martin: Could there have been a report published by one of these four organizations—well, the two Palestinian ones, I presume—that may have been over the top or hypercritical of Israel?

I'm just looking for some reason.... If some report was circulated that was very condemning of the actions of the Israeli government from an organization that you were helping with Kairos, do you think that might be what got under Jason Kenney's skin to order his junior minister to scrap the funding for Kairos?

Ms. Mary Corkery: I don't know what Minister Kenney's role may have been. I don't know what his motivations were. From the point of view of Kairos, the positions taken by our partners are ones that, while not always exactly the same as ours, certainly are not extremist and certainly not dangerous or harmful to Israel.

Mr. Pat Martin: I understand that. Again, we're just seeking to understand how this could happen. I don't know of a more credible

organization than Kairos. Virtually all of the mainstream churches in Canada and their members are not going to be engaged in something that Jason Kenney would find unpalatable.

There's a long history and tradition of the minister of immigration, as a senior minister, pushing around the minister for CIDA, and I'm not just talking about this Conservative government. It's just the way things work at cabinet, that the minister of immigration has a lot more power. They tend to raid budgets. They tend to dictate policy that is really out of their jurisdiction and into CIDA's aid jurisdiction.

It's not inconceivable that this same dynamic is playing out in this cabinet, where a very prominent minister, like Minister Kenney, a man who would be king, is in fact pushing around a junior minister like Minister Oda and imposing his will.

● (1355)

The Chair: Thank you, Mr. Martin. Your five minutes are up.

We have about five minutes left, so I'll entertain a one-minute question from each.

Mr. Proulx, you have a one-minute question and answer, please.

Mr. Marcel Proulx: Thank you.

Before I forget, is it Monday, Room 253-D, televised? Are we here again Monday morning, instead of Room 212?

The Chair: Monday morning is the report. We're in 112-N.

Mr. Marcel Proulx: Why wouldn't we be here with the television? It's in public, isn't it?

The Chair: Consideration of a draft report by a committee is almost always done in camera, but with the will of the committee we'll—

Mr. Marcel Proulx: We worked in public yesterday. We'll talk about it.

The Chair: You now have 30 seconds.

[*Translation*]

Mr. Marcel Proulx: Thank you.

Mrs. Corkery, in Quebec, KAIROS may be known or it may not, but, where it is, it is mostly—as far as Catholics are concerned—through the organization Développement et Paix, correct?

How many Catholics do you think the organization Développement et Paix could reach in Quebec?

[*English*]

The Chair: You have about ten seconds.

Ms. Mary Corkery: Kairos doesn't have that kind of structure. The members of Kairos are the churches and the church organizations. We've just begun a new program of friends and companions. I couldn't say how many supporters there are in Quebec. There certainly are people. I've spoken there. I've spoken on the west island and others have been involved with ROJeP

The Chair: Thank you.

Mr. Lukiwski, you have a one-minute question and answer, please.

Mr. Tom Lukiwski: If I may, Chair, I have a bit of a commentary. I won't take up the rest of the time for others who may have questions.

In response to Mr. Proulx's observations that perhaps the draft report should be done in public is that Mr. Proulx, being an experienced parliamentarian, should know. Particularly since he's a member of the procedure and House affairs committee, he would recall that there is obviously a point of privilege before the House now dealing with releasing of draft reports. They are always done in camera. He should know that. If he doesn't, then I will just point that out to him. I would suggest that any discussion to the contrary would be completely out of order.

The Chair: Thank you.

I will move on to Monsieur Laframboise.

[*Translation*]

Mr. Mario Laframboise: I have a quick question for you.

If I understand you correctly, you submitted your application in March 2009 because there was a favourable analysis in February.

From March to November 2009, did you have any discussions with CIDA? Were there any comments, or did CIDA ask you for any clarifications on your application?

[*English*]

Ms. Mary Corkery: Yes. As I said earlier, between our submission of our proposal in March 2009 and the end of that summer, there were questions. We worked back and forth by phone and fax with questions asked by CIDA. Our understanding is that all the questions were answered by early July, I think.

The Chair: Thank you.

Mr. Martin, you have one minute for question and answer.

Mr. Pat Martin: I don't really have any questions.

The Chair: Well, then, we'll thank our witness.

Thank you for coming.

Ms. Mary Corkery: Thank you very much.

The Chair: Ms. Corkery, you did a great job today. Thank you for sharing all your information with us. We'll excuse you.

We'll suspend for about three minutes.

- _____ (Pause) _____
-
- (1400)

The Chair: We would like to get started back with our next witness, if we can have the room come to order. I'll give about 30 seconds for that to happen.

Mr. Walsh, it seems like hours since we've last seen you. It's great to have you back. Thank you very much.

I understand you have a bit of an opening statement on this study, so I'll let you go ahead, and then we'll go to rounds of questioning.

Mr. Rob Walsh (Law Clerk and Parliamentary Counsel, House of Commons): Thank you, Mr. Chairman.

I have an opening presentation to make. I encourage you to stop my presentation when you've had enough or if you think members may want to ask some questions rather than listen to me any longer.

Lawyers, as you know—hopefully you don't know from direct experience—when they have clients who are faced with an action brought against them in the courts, have to advise the clients as to what the case is that might be brought against the clients for the clients to consider whether they want to go forward on a guilty plea or a not-guilty plea.

In a trial, at the end of the trial, the lawyer on one side will summarize the evidence and then make arguments from that, and the lawyer on the other side will summarize the evidence and make arguments from that. Of course, in their summaries they will summarize the evidence in a way that's most favourable to their client.

What I propose to do today is not summarize the evidence favourable to either side, but just summarize the evidence as to what I think is out there that the committee ought to consider. I would preface that first by saying that, as other witnesses have said, this is a very important matter where a member, in this case a minister, is accused of deliberately misleading the House—by “House”, I include the committee. I would only offer this comment, if I may, on your behalf, as the Law Clerk of the House: as serious as the offence is, and for good reason, the evidence ought to be weighed in a manner that's serious and balanced and is convincing at the end of the day.

The motion to the House is that the matter concerning statements by the minister be referred to this committee. It doesn't say what statements. So the first question I had to ask myself in preparing for this meeting is what statements we are talking about.

If you look to the ruling by the Speaker, it seems to me the Speaker in this case didn't come to any conclusion as to whether there had been any misleading, but he did come to the conclusion that there had been some confusion for members caused by the minister's statements or non-statements and that he thought this was a matter this committee should look into more profoundly and report to the House, hopefully with a resolution to that confusion so that in future the facts are clear.

The facts may be clear at this point, after all the testimony the committee has heard, but having clarified the facts, the committee is still arguably entitled to go back and see if there was at any point in time a misrepresentation made to the House that ought not to have been made, a misrepresentation that was deliberately made, and one on which members had to rely and govern themselves for some period of time until it was corrected.

So with that preface, let me first begin by saying it seems to me that there are two statements, for lack of a better term, that give rise to the charge of misleading the House: one is the statement made in the committee meeting of December 9, and the other is the statement in the House that this CIDA decision was the result of an examination of the merits of the application by the CIDA officials.

The statement in the House was initially made by the parliamentary secretary to the minister, not the minister. The parliamentary secretary later corrected himself. He made his initial statement on March 15, and he later corrected himself on December 13. Arguably, after December 13 there was no confusion about that aspect, as the parliamentary secretary had apologized for his error. However, between March 15 and December 13, a period of several months, the House was left to understand that the statement by the parliamentary secretary was the truth, and the question this committee might ask itself is whether the minister in that period of time could have or should have intervened at some point and made the record clear. I'm not aware of any statement made by the minister in the House or elsewhere, in the committee, doing that.

Before I go further, I should point out that I have not looked at what statements may or may not have been made elsewhere by the minister or parliamentary secretary or any other member of the government. This claim for misleading the House is based on what is said in the House or at committee. It is with respect to that record that I am making my remarks today.

• (1405)

On the statement in the committee, the question asked of the minister was whether she inserted the word “not” in the document. She said she did not. The question was not asked to her whether she might know how the word “not” found its way into the document. Accordingly, she did not have any testimony before the committee on that point.

The issue this committee has to address is the standard of truthfulness that's to be expected of ministers—and frankly, of any witness—when they appear before committees. Is it good enough that a witness seemingly has to wait for the right question—or from the witness's point of view, perhaps the wrong question—to be asked and then respond truthfully? When it's evident from the question or a series of questions what the interest of the committee is, should the witness volunteer information that may go beyond the terms of the question but would provide a more complete and full answer to the committee? I'm not answering that question now, but I raise it to you: that is the question the committee has to ask itself regarding that testimony.

Going back to the other issue, of whether the decision was based on the recommendation of the CIDA officials, that too is something for the committee to assess as to the gravity of that oversight. It's an offence by omission rather than commission, if you like. I have not found any statement on the record where the minister said what the parliamentary secretary earlier said. So in that sense there was no statement by the minister that could be said to cause the House to be misled.

Arguably, there was an opportunity to make a statement that would have clarified the situation earlier than December 13, 2010, when the parliamentary secretary made his apology to the House and clarified his earlier statement.

I'll leave it at that for the moment, Mr. Chairman, and take questions.

• (1410)

The Chair: Super. Thank you for doing that for us.

Mr. McKay, you have seven minutes.

Hon. John McKay: Thank you, Chair.

Thank you, Mr. Walsh, for coming in to assist us here.

One of the issues is the timeline. On December 9 I asked a question—according to Mr. Lukiwski I didn't ask the right question—and according to today's testimony the minister apparently knew 24 hours later what the answer to the question was. It has now been more than 90 days since the minister has known the answer to the famous “not” question.

In your view, does the period of time that elapsed between December 9 and March 18 contribute to contempt toward the House?

Mr. Rob Walsh: Forgive me if I don't answer the question in its own terms.

Whether it's contempt is for the committee to decide. But in looking to the witness's position, 24 hours later, as you say, the witness learned what she could have said, didn't say, and might have said, perhaps because she didn't know the facts at the time she was before the committee. In any event, she learned what the facts were soon after but didn't say anything for some extended period of time. You have to ask yourself what that piece of information is about, and how important it is to the larger issues before the House.

There can be oversights by witnesses all the time, as you know—myself included, God forbid. After you leave the committee you realize you didn't mention this and so, and perhaps should have done so. You hope to heck no one noticed or that it was inconsequential. One doesn't come running back to the committee to correct it.

Hon. John McKay: You have to agree that this piece of information has taken a life of its own. It has been the subject of numerous editorials. It has been the subject of numerous questions. Apparently there were numerous opportunities she could have taken to clarify this item.

Doesn't that contribute to her contempt toward the House?

Mr. Rob Walsh: Mr. McKay, speaking now as legal counsel in the context I earlier suggested I would be doing this, I have to stay within the confines of what we're here about, which is an allegation of misleading the House. There may have been a whole host of comments about that document and the insertion of “not”, in a variety of places, particularly in the media. It's an intriguing notion and has all the elements of something one wants to sleuth through and find out how it got there, but what is it relevant to?

It seems to me that certainly where a document is signed by the parties to it, and the document is of a contractual nature, and someone afterwards changes that document in a material respect, and then takes that amended document and attempts to use it to advance some gain of a fraudulent nature, you're into a serious, serious misrepresentation.

If, however, the document was an internal document—and you've heard the testimony of the minister this morning that it was the way they did business on that occasion, and I admit it may not be a very good way of doing business, but that was the way they did business on that occasion, that it simply reflected the ultimate decision—then one might ask oneself whether it's all that critical how that “not” got into the document and whether she was or was not fully truthful on how that “not” got into the document.

Hon. John McKay: It does represent a document of seven million dollars over four years, and it is a rather significant document, as most people would understand seven million dollars to be. I know around here that's not even a rounding error, but nevertheless to the people involved it's quite significant. So the real question here is what message the minister was trying to convey.

It appears that the message she was trying to convey in the first instance is actually the message that the parliamentary secretary communicated—namely, that this did not meet the agency's current priorities. He was quite emphatic about it, and only after the fact, when he learned that he was wrong, did he apologize. So the parliamentary secretary to the minister found out after the fact and he at least did the honourable thing.

Similarly, the documents in the order paper questions clearly left the impression that this was a CIDA decision, not the minister's decision, and those were allowed to stand for now over a year. The effluxion of time would surely move one to believe that had we not actually brought a motion, a motion in privilege, we would still be misled as to what the import of these documents might be. Is that a fair observation?

• (1415)

Mr. Rob Walsh: It's an observation you might well make as a member of this committee, but it wouldn't be my place to make that same observation, except to bring your attention to the evidence, which includes question 106. I think you're saying the answer to that by the minister was incomplete, and it was an occasion, like other occasions you might suppose, when she could have indicated more fully that the decision was not one that included the concurrence of the CIDA officials. The question itself really doesn't go to that point, and we can only in perhaps a legalistic way say that. The question doesn't really go to whether the CIDA officials supported the funding or not. But I take your point, and that's the kind of consideration you, as a member of this committee, are going to have to weigh, along with your colleagues—the gravity to give to that.

Hon. John McKay: You said in 2002 that when you have a series of facts that “lead you to draw inescapably the conclusion that the member must have known”....

We have a series of facts: we have order paper questions; we have access to information; we have question period; and we have now two appearances before committee. And it's only under almost threat of torture that we actually get some response to very simple questions. Doesn't that lead one to an almost irresistible conclusion that these are constituent elements of contempt, that in fact there was an intention here to mislead the committee, intention to mislead members of the House, and that impairs their ability to function?

Mr. Rob Walsh: Mr. Chairman, I would agree with Mr. McKay to the effect, as I said earlier, that if you show a pattern of incomplete

answers or even partially mistaken or false answers, after a while you've got to say that this is not an accident; the person must have done this by design.

In the case here, I haven't traced the question period occasions when this question or something like it may have been asked. But to the extent that there were a number of occasions when critical information was omitted, yes, that may support a pattern indicating that it was by design that the information was omitted.

That's your judgment to make as to whether you think there's a sufficient pattern here of a kind that warrants the conclusion that it was intentional.

The Chair: Thank you.

Go ahead, Mr. Lukiwski.

Mr. Tom Lukiwski: Thank you.

I wish we had more time.

I do want to go back to a couple of things you said. I agree with Mr. McKay on one thing. I think the question here really is one of intent. Was there an intent to mislead the House? I think you've verified that this is the crux of the issue before us.

What we heard in testimony today was that the famous document with the word “not” inserted was an internal document rather than a parliamentary document. I categorize that as more of an inter-office memo than anything else. This document was intended to communicate, between the officials at CIDA and the minister, the minister's intention to fund or not fund Kairos.

As you've stated, it may not have been the best method by which to communicate. But when the minister told her staff to communicate back to the CIDA officials who sent in a recommendation that she did not accept their recommendation and in fact did not wish to fund Kairos, that's when the “not” was inserted, and the signature arm, after that point, went in.

There was no confusion. There was no deception intended. There was no intent to mislead CIDA officials. And that point has been verified by the president of CIDA herself, who said that this was a normal course of action and that they understood completely what the minister's intentions were when they received this document back in their possession.

Given that, Mr. Walsh, would you not agree that if there was no intent to deceive, and certainly if the recipient of the document, that being Ms. Biggs, said that she understood that the intent of the word “not” being inserted was to communicate the minister's wishes and that there was not, she felt, any intent to deceive, that would dispel the argument that there was an intention to deceive, which the opposition seems to be promoting?

●(1420)

Mr. Rob Walsh: Not quite. Showing the intent might be conclusive of the question. Not being able to show the intent may not be conclusive insofar as we are all responsible for the normal conclusions or the natural, reasonable conclusions one may draw from our actions or statements or omissions from statements. To some extent, you have to look at the whole pattern of events. If this is considered a material consideration, what this “not” in the document means—which, by the way, I think is to some degree a red herring—then you have to ask yourself if the intent is here to mislead the House in that document. You ask yourself not just if there is evidence of a direct intent but whether there is evidence of opportunities to make it clear that there wasn't and that the opportunities were not taken for that purpose.

Then after a while, as I was saying to Mr. McKay, it might be the reasonable conclusion that there was an intent here to mislead, because there were opportunities to clarify the issue and they were not taken.

Mr. Tom Lukiwski: I would go back again to Ms. Biggs' testimony. She said that from CIDA's perspective, there was no confusion whatsoever. They fully understood that this was a decision taken by the minister, and they supported it, as they always do.

I would also point out that the minister said on many occasions at committee on December 9 that it was her decision, her decision alone, not CIDA's and not CIDA officials. She said that it was solely her decision, which should have clarified any confusion at the time.

Although you haven't reviewed all of the transcripts, I can assure you that all of the review I have done has found that on no occasion did Minister Oda ever say the words “CIDA officials” when responding to either a verbal or a written question. She stated, and I believe quite correctly, that when the minister of CIDA makes a decision, it then becomes a CIDA decision. And she has consistently stated that the CIDA decision was to not fund Kairos.

I cannot see where there could be any intention to deceive, based on her answers to any of those questions.

Mr. Rob Walsh: In my view, the critical consideration here, going to your point, is not just reading the document, but asking yourself what use was made of the document.

This is not unlike the element of the Afghan detainee controversy, where one of the points of privilege was the legal opinion letter put out by the Department of Justice, which the mover of the motion argued was itself a breach of the privilege of the House. You may recall that the Speaker's ruling was that a letter of opinion is not a breach of privilege, but what use you make of that letter might be a breach of privilege.

Anybody can express an opinion. That's what lawyers do for a living. An opinion was expressed in that letter, but what use you made of that letter might then constitute an interference.

Now, you look at this document. Well, I understand the testimony that it's seen as an internal document to the agency. The CIDA officials are not complaining about being misrepresented by that document, so you ask yourself—this is the lawyer talking—who has an interest in this document? Who has an interest who might complain and say: “That misrepresents my view. That misrepresents

what has been used to misrepresent my view”? Well, obviously, the officials at CIDA would be the first ones who might say that, and they aren't saying that.

Mr. Franks this morning talked about and gave great weight to the fact that the minister is responsible for falsifying the CIDA document. That was the word he used: “falsifying”. He talked about a presentation of that document in a very serious manner, a very serious representation. He talked about a presentation of the document's submission to the committee and so on. The fact as I understand it is that this document was never presented by the minister to the committee. It was never used by the minister to advance any particular point of view.

What happened, I understand—and I consulted the clerk of the foreign affairs committee this morning—is that there was a discussion in the committee about this document, at some length. They came to the end of their deliberations—they were doing a report—and somebody said, “Gee, if we're going to refer to this document, perhaps we should have it”. At that point, what was produced was the last page of the document, and the report of the committee has appended to it only the last page of that document.

So the document came into the public realm, I understand—and I stand to be corrected—through an access to information application, and as a result it has been the subject of much discussion ever since. But in fairness to the minister, it seems to me, one has to acknowledge that, to my knowledge, according to the record, she never used the document to advance some erroneous or misleading information. It simply came to the surface. It was an internal document of the government, and yes, she is embarrassed by it, and she has had to explain herself a lot ever since—much discussion about that “not”—but I don't see it as being determinative of the question of an attempt to mislead the House.

●(1425)

The Chair: Thank you.

Thank you, Mr. Lukiwski.

Monsieur Paquette, seven minutes.

[*Translation*]

Mr. Pierre Paquette: I would just like to review the timeline here.

I was the House Leader of the Bloc Québécois, when this matter came to light during the winter of 2010. We asked a number of questions. The minister's version of the events, which she claims has remained unchanged, is difficult to believe.

On November 27, 2009, she rejected CIDA's recommendation and the word “not” was inserted at her request. Whether she was the one who inserted the word, or whether someone else actually did, is not really that important here.

On November 30, 2009, KAIROS officials received a telephone call and were informed that they did not meet the funding criteria. They were not told that it was a CIDA decision, only that they would be getting a more detailed report. KAIROS never did receive that report. Over the winter of 2010, one question arose: why did KAIROS lose its funding?

At the time, the government—the parliamentary secretary as well as the minister—implied that the decision to cut the funding was made by CIDA, ostensibly because KAIROS did not meet its criteria.

You mentioned the statement made on March 15, 2010 by the parliamentary secretary and the answer to question 106 on the Order Paper of April 23, 2010. I would like to call your attention to an answer given on that very same day, that is April 23, 2010, in the House:

The criteria for the funding of KAIROS is 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.

Everyone believed that the minister was talking about CIDA's criteria. Yet, she knew full well that this was a political decision, and although I disagree with it, it is entirely legitimate nevertheless

The controversy subsequently subsided a bit and was no longer a topic of conversation. Of course, there are always new issues that can stir up some indignation on our part.

On December 9, at the same time as the document containing the infamous word “not” obtained under the Access to Information Act was released, the minister appeared before the committee and announced that the decision to end the funding had always been hers.

The controversy was rekindled. Vague questions were asked. It wasn't until February 14 last, more than one year later, that the minister clarified the situation. Doubts had persisted for this entire period of time.

The opposition parties were not alone in questioning this version of the facts. Indeed, the following day, virtually every editorial in Canada and Quebec called for the minister's resignation.

Do you not think that the amount of time that elapsed gives us sufficient reason to find that the minister took advantage of the situation, at the very least, to suggest that the decision was CIDA's and not hers, and that CIDA's criteria, not her own criteria, factored into the decision? Do we not have sufficient reason to think that?

Mr. Rob Walsh: You used the word “sufficient”. You asked if the amount of time that elapsed was sufficient reason to find that the minister was in contempt. That is up to you to decide.

Are we convinced that the minister really had the opportunity to explain the situation, but chose to say nothing? Why? She appeared before the committee to provide some explanations. Were her explanations convincing, or not? That is for you to decide.

As Mr. McKay asked earlier, is there sufficient evidence here to find that Ms. Oda is guilty of misleading the House?

Mr. Pierre Paquette: I would like to ask another question.

This morning, the committee heard from Mr. Franks. He stated that in reviewing Ms. Oda's case, the committee needed to take into account the fact that a precedent already existed, namely the circumstances surrounding the cancellation of the long form census. Mr. Clement too had inferred that Statistics Canada had suggested to him that the mandatory census form be eliminated. The matter even led to the resignation of the chief statistician.

In your opinion, what can the committee learn from the fact that this is not the only time a minister attempted to justify decisions made for political reasons? The Conservatives are within their right to make decisions like this, even though we may disagree with them and even though this is a minority government. However, to suggest that the recommendations originated with senior officials, when this is not the case, is another matter entirely. It was very clear in Mr. Clement's case. He stated as much on more than one occasion.

Can we take into consideration the overall context in which this situation unfolded?

• (1430)

Mr. Rob Walsh: Yes. It is up to you to decide whether these other matters are relevant to your finding. It is up to you to determine whether these other incidents, such as what happened at Statistics Canada, are merely versions of the same thing. That is up to the committee to decide.

Mr. Pierre Paquette: I will let my colleague Mr. Laframboise wrap up.

[English]

The Chair: Monsieur Laframboise, a minute and a half.

[Translation]

Mr. Mario Laframboise: Earlier you mentioned this morning's appearance by Professor Franks. Oddly enough, you seem ambiguous. Professor Franks seemed satisfied to point out that on the issue of contempt of Parliament, the minister had, to his knowledge, admitted to have misled the House. As lawyers would say, *res ipsa loquitur*: the facts speak for themselves.

In his ruling the Speaker referred to the minister's statement of February 14, 2011, in which she said: “If some were led to conclude that my language implied that the department and I were of one mind on this application, then I apologize.”

She acknowledged that some people may have been led to believe that CIDA and her were of the same mind where this matter was concerned. She apologized because that was not the case. As far as Professor Franks was concerned, the issue was clear. He did not say that this was a case of contempt of Parliament, but rather that the minister has misled the House. Yet, you don't seem to be convinced of that. I'd like you to clarify your position for us.

Mr. Rob Walsh: I cannot say that here, as a law clerk and parliamentary counsel. Mr. Franks is a private citizen and a former professor who is highly respected. He is entitled to have his point of view. I, however, am restricted in that it is not my place to make decisions that are up to the committee. I believe my role is to find evidence that is relevant to the issue before the committee, and that is whether the minister misrepresented—

Mr. Mario Laframboise: Whether she misled the House.

Mr. Rob Walsh: —whether she did or not. Mr. Franks has a different take on the situation, but that is for him to say.

[English]

The Chair: Mr. Martin for seven minutes.

Mr. Pat Martin: Thank you, Chair, and thank you, Mr. Walsh, once again, for helping to bring clarity to our deliberations.

I appreciated your opening remarks, that one of the first prerequisites we have to lay down is what standard of truthfulness we expect. I hope that we would expect the highest standard of truthfulness from any witness, but especially a minister of the crown. I also thank you for your comment about guilt by omission or an offence by omission as much as commission. I think as we wrestle with this, that's what it seems to be coming to.

Also, this idea that you have to ask the exact, right question or you're not going to get any answer...I call it the Rumpelstiltskin effect. Others might even call it the Mulroney effect, because others have used this excuse to be less than truthful, frankly.

Could there be any doubt, when Mr. McKay asked the question at a foreign affairs committee meeting, about what he really wanted to know? He asked, "Who put the 'not' on the document?", and she said, "I have no idea, I don't know."

She actually directed her chief of staff to overturn the recommendation of the CIDA officials for the funding of Kairos. It would be reasonable for her to assume that the person she directed to overturn it changed the document to reflect her orders.

I think that's guilt by omission. I think she should have volunteered. She could have said, "I don't know who inserted the word "not", but I told my chief of staff to reverse that recommendation by CIDA." That would have been fully truthful. Do you agree?

•(1435)

Mr. Rob Walsh: If I may articulate a standard that I think I had occasion with other committees to articulate, and that is for witnesses, it's that you don't just answer a question within the four corners of the words used by the member posing the question, particularly when the question is one of a series. It's quite evident what the objective is in this series of questions. It's quite evident what's of interest to the committee. While we may in other contexts talk about not having to give evidence that's self-incriminating, we're not here concerned about that sort of thing. There's no possibility of incriminating in that sense here.

I would think it was a duty, not just of the minister but of every witness you have in front of your committees, to be sensitive to what the members' interests are and to answer the questions fully. If you have information that's relevant to what's being asked, it should be volunteered, notwithstanding the fact that it's technically not within the four corners of the question asked.

That's a general rule of practice. I'm not here commenting on Ms. Oda and whether she should or should not have answered your question differently.

Mr. Pat Martin: No, but it isn't an unreasonable expectation as a general rule, and it will be up to us whether we apply that general rule to what we have heard.

The intent to mislead the committee began with her less than fulsome answer to Mr. McKay, but she carried on and continued to attempt to mislead the House by allowing this misunderstanding to linger—I don't have the dates any more—from March till December, with ample opportunities to correct the misunderstanding.

We were led to believe there's no political motivation associated with denying Kairos their funding, that it was the recommendation of CIDA. If you have to figure out the motivation, I think there is a strong political motivation that began when this information was released through a freedom of information request. It was in their interest for the public to believe the denial of Kairos' funding was a legitimate recommendation of CIDA and not some off-the-wall, arbitrary political motivation, such as not liking this organization because they think they're anti-Israel. That was the motivation we seem to be arriving at here.

Mr. Rob Walsh: Mr. Chairman, of course I can't comment on what may or may not have been the motivation of the minister or anyone else involved in this matter in whatever they did or did not say, but I take Mr. Martin's point about it being of interest to Canadians generally, the basis on which funding is or is not provided. That is what the minister is responsible for. It is not unlike a situation where a minister says he or she made a certain decision based on legal advice, and then the committee wants to see the legal opinion.

The short answer to that is it doesn't really make any difference what the legal opinion is. The minister made a decision. The minister is responsible for the decision, and the minister should explain what it is about the law that led him or her to that decision.

The minister is the one who is accountable, and to examine the advice given is to go into the entrails of government operations, which may or may not be appropriate, depending on the circumstances. In this case here, as I said earlier, who put the "not" in the document—

Mr. Pat Martin: Who put the "Rama" in the *Rama Lama Ding Dong*?

Mr. Rob Walsh: That did pass through my mind, but I thought I wouldn't say that.

Mr. Pat Martin: I knew it wouldn't be right for you; I did it for you.

Mr. Rob Walsh: The committee has to weigh how important that is in a situation where we are talking about deliberately misleading. It is a serious offence. It's a hanging offence. It's a capital offence, and we reserve capital punishment—when we had it, anyway—for serious offences, and there was a very long and elaborate process for determining whether in fact the offence was committed.

I can only say to the committee that for your own sake and for the integrity of the parliamentary system, at the end of the day the readers of your report should be as convinced as you are from the evidence you have that in fact this was a serious misleading of the House in this "not" issue and not an incidental failing of a kind that might be forgivable. I'm not making a comment. I'm just raising the question for you.

However, when you get to the other issue about whether the funding was decided by the officials or decided at the political level, yes, there was that period of time when the minister arguably could have corrected the error made by the parliamentary secretary and that error was not corrected until the parliamentary secretary apologized and acknowledged his error. Even there the minister never did say the officials were overruled. Some of you might think that should have been what the minister did, to indicate that this was a decision made at the political level and not a decision based on recommendations from the officials.

How important is that? That's your call. That is for you to decide. All these months went by and no clarification was offered. How many of the debates of the House were led off in the wrong direction because you didn't have the full information in front of you? Those are the kinds of questions, it seems to me, you ought to be asking yourselves, not the mere, incidental fact that there was a period to give the whole truth, but there was a period to give the whole truth on an important matter, a matter that was important to the House and this committee, and our proceedings were denied an opportunity to consider the matter fully because the minister was not fully truthful. You have to weigh that sense of gravity, I think.

• (1440)

The Chair: Thank you.

Thank you, Mr. Martin.

We have time for about a four-minute round.

Mr. McKay for four minutes, questions and answers.

Hon. John McKay: Thank you, Mr. Chair.

The ordinary dictionary definition of “contempt” is that it's “beneath consideration or worthless or deserving of scorn”. It's a disrespect, in this particular case, for Parliament. We have special rules in Parliament that require truthfulness—truthfulness within the four-square concept of truthfulness. We have special privileges that are accorded to members of Parliament. We operate in a public atmosphere, and we expect that all witnesses who come before us are truthful to the point where it may even be adverse to their own interests.

In that standard, I would suggest, sir, that the expectation of a minister to speak truth to Parliament is in fact higher than for a citizen coming and sitting in the same place that you are. We expect the ministers to tell the truth, and to tell the truth completely and fully, because we are impeded in doing our work if in fact we don't get that work done.

So that's the standard I'm inviting you to comment upon. When a minister replies to an order paper question to the member from London North Centre, is that a full and complete answer? Similarly, with the member from Notre-Dame-de-Grâce, is that a full and complete answer? Or are both members left with the impression that this was actually a CIDA decision?

It's not until we actually come to the December 9 point that we find out that in fact CIDA recommended the grant. So up until that point, we all believed it was CIDA's decision to deny the grant. Isn't that a reasonable conclusion to make?

Then we find out on the famous “not” question that within 24 hours she could have cleared the whole thing up and saved herself a whole lot of grief. Then the parliamentary secretary, when he's cited for contempt, says, actually, “I didn't know.” That was part of the press release. That was all part of the entire information that I was given.

So given this very high standard that applies not only to members of the public coming before the Parliament of Canada, but even more so to ministers, isn't it a reasonable conclusion that at least on all four of those points, including in her testimony today, she falls far short of the standard that should be expected for those appearing before a committee or speaking in Parliament?

The Chair: Mr. Walsh, you have one minute to answer all of that.

Mr. Rob Walsh: Mr. Chairman, there are a couple of issues there.

One, you began by referring to a dictionary definition of “contempt”. Dictionaries have tried, since Samuel Johnson's time, to give objective meaning to words, but we all know that many times words are applied in a way outside of the dictionary. “Contempt” means whatever the members of Parliament think it means in a given context, and I wouldn't rely too much on dictionaries. If you think it's contemptuous of your function, it's contemptuous of your function, and that's the end of the debate.

On the matter of standards, I would think that it would be a higher standard on a minister than a private citizen, because if nothing else, on many occasions members of the House are relying on representations from the member in making their vote and their decisions. It could be legislation; it could be another matter. The minister, of course, is the person in the House who has all the information, so you need to depend on the minister to give you the information.

Hon. John McKay: Okay. I'll give my last minute to Mr.—

• (1445)

The Chair: Thank you.

Since your time ended at four minutes, and it's four minutes and five seconds, I'll go to Mr. Lukiwski.

Mr. Tom Lukiwski: Thank you.

Mr. Walsh, just going back again to your comments and your introduction on the Speaker's referral of this issue to committee, you mentioned, I think quite correctly, that the Speaker did not attach any blame whatsoever. In fact, I don't think he ever came close to an admonishment of the minister. He mainly said that he referred this to committee to try to clear the air, to try to clear up the confusion that has been caused.

We've heard through testimony today, direct testimony from the minister and Margaret Biggs, the president of CIDA, answers to all of the questions that appeared to have been causing the confusion: Who put the “not” in the document? Was there any intention of the minister to mislead by referring to the decision having been made by CIDA officials as opposed to CIDA?

The minister's contention, and I say quite rightly, when she said on a continuous basis and on a consistent basis that the decision was made by CIDA, was that as the minister responsible for CIDA, when she makes a decision, it becomes a CIDA decision. I don't think those are points that can be argued.

Obviously, the opposition is trying to suggest that by stating that it was a CIDA decision, it was an intention to mislead, because they interpreted that to mean CIDA officials. I can't help the opposition, frankly, if their interpretation is different from the intention of the minister.

I'm not asking you to really comment on that, but I am asking you to perhaps give a few observations, given all the testimony we've heard today, primarily from the minister and Ms. Biggs, on whether you think the confusion, with respect to those questions the Speaker was referring to that needed to be cleared up, has been addressed adequately.

Mr. Rob Walsh: Again, it's like the earlier use of *suffisants* used by Monsieur Paquette. Now it is "adequately". This is the judgment you have to make on whether they have been addressed adequately.

To go to your point about the use of terminology, such as "CIDA's decision" or "the department's decision", that's the parlance for talking about a decision that has been taken with the minister's approval. Typically, it's referred to as a departmental decision or a CIDA decision. That may be the common practice. I don't mean to suggest that it's not. It may be that in answer to question number 106, when the answer refers to "the CIDA decision", some members took that as indicative that the decision was based not only on the minister's approval or the minister's input but on CIDA's input. I can't answer for how members might have read that.

I don't think one should, however, allow this way of talking—"CIDA decision, departmental decision"—to be used as a shield to obscure the distinction between a decision taken or a recommendation coming from the professional level, the departmental level, and the ministerial decision, which is political. There is an important distinction there.

I think members give weight to whether a decision of the government is supported by the professionals whose careers are engaged in that field. They don't mean to say that it has to be followed, but they're interested to know if it is the case. When it's the case that the ministerial decision is not along the lines of what's recommended, that raises questions, understandably, from parliamentarians, who have a great respect for public servants and for departments of government.

The onus, then, is on the minister to explain why the minister did not follow the recommendation of the officials, keeping in mind that it is not the case that parliamentarians would know that a decision of the government was not in step with departmental officials. Arguably, parliamentarians have no right to know that, because the only ones accountable to the House are the ministers. They're the ones who make the decisions. If they decide they're not going to fund, they have to account for that. They can't either blame their officials for making the wrong recommendation or say, "Well, I did that because the officials told me I should do that." They're responsible. They're accountable.

The Chair: Thank you, Mr. Walsh.

We'll go to Monsieur Laframboise.

[*Translation*]

Mr. Mario Laframboise: Thank you, Mr. Chair.

Mr. Walsh, I am going to take a moment to read part of the ruling made by Speaker Milliken on March 9. Surely, you had a hand in it. You must have advised or counselled him on it. The Speaker said the following:

On February 14, 2011, the Minister of International Cooperation made a statement in the House to clarify matters related to the funding application for KAIROS. While acknowledging that the way in which this case has been handled was unfortunate, she asserted that she had neither intentionally nor knowingly misled the House or the committee. She also stated that:

If some were led to conclude that my language implied that the department and I were of one mind on this application, then I apologize.

The Speaker said it was true that she had never acknowledged being guilty of anything, but she did apologize for something that was misinterpreted. That is perfectly clear, and I think everyone recognizes that. The Speaker went on to say that he relied on a ruling made by the Speaker of the House in 1978. He then made the following comment:

It is with this principle in mind that I have taken great care to study the evidence in view of the very serious allegations regarding the conduct of a minister, who as a result has been subjected to harsh and public criticism [...].

There is something very important to keep in mind here, and my colleague Mr. Paquette has been pointing it out all day: it is not just the Bloc Québécois that is calling for the minister to step down. Editorial writers and other members of the press are also calling for her resignation. It is not a trivial matter when you try to attribute a political decision made by the Conservative government to CIDA.

That led to Professor Franks saying that, in his opinion, it was clear that the minister had admitted to misleading the House. After reading the Speaker's ruling and in light of the statement made by the minister on February 14, he believes that, regardless, she had admitted to misleading the House. I asked him if he found it unreasonable to go as far as raising the question of contempt of Parliament. His answer was that there were two sides to the issue. With respect to the political decision, he said it would be unreasonable. We all agree on that. She did indeed have the right, politically speaking, to say that she and the Conservative Party were against the idea. The other side of the issue, however, is the attempt to attribute that decision to CIDA. I understood you perfectly, and you said that it was not a matter of deciding how important the word "not" was. True, at the end of the day, what we, as parliamentarians, must try to figure out is whether we believe the minister when she says that she does not know what happened. However, all of her actions for over a year now lead us to believe that there was indeed an attempt to make us think that the decision was not one made freely by the Conservative Party but, rather, that it came from CIDA. Obviously, on that point, Mr. Franks said that there was a clear contempt of Parliament, in his view.

To a certain extent, you are telling us the same thing. No, you did not say that it constituted a contempt of Parliament, but you told us to weigh the evidence carefully and to be sure of our position before we go as far as to decide that there was a contempt of Parliament.

It is important to get the facts, and that is why it was important for me to hear what Professor Franks had to say. He is an expert, a professor emeritus, and above all, he does not have a political agenda. He simply pointed out that we were on a slippery slope and that an offence was committed. According to him, the minister did mislead the House, and part of what happened constitutes a contempt of Parliament.

I would just like you to confirm once again whether it would be unreasonable to go as far as to decide that a contempt of Parliament did occur.

• (1450)

[English]

The Chair: Monsieur Laframboise, you've really left no time.

But I'll give you a quick answer, Mr. Walsh.

[Translation]

Mr. Rob Walsh: My answer is the same as before: it is not for me to make a judgment on contempt. That is up to you.

Mr. Mario Laframboise: Thank you.

[English]

The Chair: Thank you very much.

Mr. Martin is not going to take this round, so we'll do one one-minute....

Mr. Proulx.

Mr. Marcel Proulx: Thank you, Mr. Chair.

Mr. Chair, now that you've recognized me, I'd like to move a motion. I move:

That the Committee now resume in public the consideration of instructions for the drafting of a report in relation to the question of privilege relating to the failure of the government to fully provide the documents as ordered by the House until 4:30 p.m.

The Chair: Is there discussion of the motion before us?

Mr. Tom Lukiwski: No discussion; if you want to put it to a vote, we agree.

Mr. Marcel Proulx: Pardon me, Mr. Chair.

The idea is to replace the time that we had scheduled this afternoon to discuss the Oda point of privilege, because that one we have until March 25, whereas the other one....

As a comment to the arguments we had yesterday about the motion that was tabled by my colleague, I would like to remind the committee that it was shown on the schedule yesterday as "Committee Business: Instructions for the drafting of a report".

That's what we were doing. We were giving instructions.

• (1455)

The Chair: Thank you.

I see no further discussion. You're....

Mr. Harold Albrecht: Mr. Chair, could I please have the motion restated? I'm not sure if he said it's starting at 4:30 or ending at 4:30.

Mr. Marcel Proulx: It's "until" 4:30.

Mr. Harold Albrecht: So ending at 4:30.

An hon. member: It will be public, correct?

The Chair: Yes, we will be public.

Can the chair, with the indulgence of the committee, have the discretion that if I need a break for a couple of minutes during that period of time, it will be okay?

Some hon. members: Agreed.

Mr. Marcel Proulx: Absolutely.

The Chair: Great.

Thank you, Mr. Walsh. Great to see you again. Thank you for coming. Write if you find work—all of the above.

Mr. Scott Reid: Why don't we all take a little break right now? Would that be acceptable if we just suspended for a few minutes?

I don't know about anybody else, but I wouldn't mind answering the call of nature.

The Chair: Well, if we have approval of the motion.... Is anybody opposed to the motion?

An hon. member: No.

[See *Minutes of Proceedings*]

The Chair: Would it be okay if we suspended until three o'clock? That would give us five minutes.

Let's do that. We're in public after that.

• _____ (Pause) _____

•

• (1500)

The Chair: All right. We're ready.

Mr. Albrecht, you're leading us off in the discussion on this.

We do have a timeframe to meet today, according to the motion. Let's see if we can do it.

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

We're all eager to move ahead with this.

Mr. Chair, there are a couple of points I would like to clarify, and it does speak to the motion in terms of the evidence that's either to be included or not, depending on the motion.

Earlier today, Mr. McGuinty mentioned that I'm a member of the Mennonite Church. Well, one might ask where he would find that kind of information. And it appears to me, Mr. Chair, that it was from his staff.

My question is this. Is that the kind of activity his staff are engaged in, spending their time researching what faith group members belong to? And is that meant to bolster their arguments for personal points?

Mr. Chair, I have never been a member of the Mennonite Church. I have strong relationships with many Mennonite individuals and many Mennonite churches, but in fact, Mr. Chair, I also have strong relationships with many Catholics, many Lutherans, many Anglicans, and I could go on. But my bigger concern, Mr. Chair, is that when I questioned Mr. McGuinty about the source of his information he said it was from my website. I can assure you, Mr. Chair, that my website contains no such statement. So where did he get his information? It turns out he got it from Wikipedia.

I'm wondering if maybe that's where Mr. Martin got his information about the Library of Parliament yesterday, but we'll leave that.

All members know that Wikipedia is a crowd-sourced, unverified source of information that is subject to manipulation. So the same as we saw yesterday, when the coalition banded together to exclude all expert witness on one matter of contempt, today we find their preferred source of facts, or gossip, is Wikipedia.

I ask the member, with all due respect, to apologize for his errors, to withdraw his earlier statement, and to assure this committee that other statements he has attempted to make over the course of these past three days were not sourced via Wikipedia.

The Chair: Thank you.

Mr. Harold Albrecht: Mr. Chair, I also would like to comment about the motion, specifically with regard to two points.

The Chair: Let's see if we can just deal with that bit of personal news before we deal with the motion.

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

The Chair: If you don't mind, Mr. McGuinty, I'll give you the floor for a short period of time.

Mr. David McGuinty: Mr. Chair, I deeply respect Mr. Albrecht's intervention. My staff had nothing to do with this. We did a cursory examination of the BIC website, which shows some links, and I apologize unreservedly to Mr. Albrecht if I have misrepresented any relationship he's had with any church.

Mr. Harold Albrecht: Thank you.

Mr. David McGuinty: I apologize deeply.

Mr. Harold Albrecht: I accept that, Mr. Chair.

I want to reiterate that this is no way distancing myself from good relationships with the Mennonite Church.

Mr. Chair, I want to speak to the motion.

The Chair: All right.

Now on to the motion?

Mr. Harold Albrecht: Yes.

The Chair: Okay, let's go to the motion.

Mr. Harold Albrecht: Well, to the motion as well, in relation to expert witnesses, Mr. Chair...

Here we see in the motion this limitation of two pages. I find it objectionable. After calling in members for two days of hearings on this one specific issue, members from across Canada, many witnesses, and three of our ministers—and in fact two of them came back again with less than a day's notice—I find objectionable

that we would actually try to limit the analysts' report to two pages. But that's not even as troubling as the last part of the motion, which actually asks us to include no summary of evidence. All of this time, all of this evidence that has been collected will not find its way into a report, Mr. Chair. I find that objectionable. I think it's an affront to democracy.

Thank you, Mr. Chair.

• (1505)

The Chair: Thank you.

Mr. Lukiwski.

Mr. Tom Lukiwski: Thanks.

Hopefully we can get to a resolution here quickly, and I mean that sincerely. I'm not here to filibuster. Those of you who know me....

Mr. Paquette, please hear me out.

Those of you who know me—as Mr. Proulx does, and others who have served with me on the procedure and House affairs committee—know that if I'm going to filibuster I announce it. I let members know. I have always done that. I am not intending to do that.

Yesterday, I was angry, and I'm still angry, at the motion as it was presented and at the content of the motion itself. However, having said that, I can assure you that from the government's perspective, we are committed to having a report tabled in the House on Monday, March 21, as was the motion that was approved. So I want to get something done today so a report can be tabled.

I would ask my colleagues from both the Bloc and the NDP to make comment on whether or not the motion as presented yesterday should be amended. Now, unfortunately two of the members who were sitting at committee yesterday are not here today. Madame DeBellefeuille had said yesterday that the Bloc might be open to amending or even deleting that last portion that says “no summary of evidence” to be attached. Monsieur Godin indicated the same willingness—at least, that's my interpretation.

I agree with my colleague, Mr. Albrecht, that arbitrarily limiting the report to two pages seems to be undemocratic, to say the very least, because based on testimony heard, in all probability it will go more than two pages.

Having said all that, I am obviously still aware that if the united opposition wants to have a finding that is contained in the main body of the motion—that is, stating that the government is in contempt—they can certainly do so. There is very little we can do to prevent that from happening, and I'm not going to filibuster to try to stop this motion from coming forward, as I said earlier. But I would like to hear from my colleagues in the Bloc Québécois, at least on those two points. Can we at least agree to have a report that includes a summary of evidence, and to also include a report that is not restricted to two pages or less?

With that, I certainly hope I can hear some commentary from my colleagues across.

The Chair: You're going to have to hear from Mr. Young first. He's next on the list. Monsieur Paquette will follow that.

Mr. Terence Young: Thank you, Chair.

When I look for subterfuge, I usually don't go to the top of a document; I usually go to the end, because that's where they like to hide it. And that's where the evil intent usually lies.

So I'm looking at the last line of this motion, and here's what it says: "That no summary of evidence be included in the draft report". Summaries of evidence are rich in detail, they're helpful in understanding the nuances of what went on at these proceedings, and they provide the Canadian public with an understanding of what went on here.

I ask myself, where do government proceedings not have summaries of evidence? I think in Cuba they wouldn't have summaries of evidence, because in Cuba they just knock on your door in the middle of the night and then you disappear and nobody sees you for years. Of course, that's the kind of thing that would happen in North Korea as well, the same kind of thing. There are no summaries of evidence because they just say what happens and hear what happens. And of course they don't have summaries of evidence in Iran because they're dictators—the ayatollahs and Ahmadinejad—and if you get on the wrong side of them, your life isn't worth anything, so they don't have summaries of evidence.

It's obvious here, Chair, that the coalition are using their majority to censor what Canadians hear. We've sat here for three days in this committee, at their request, and heard evidence from four ministers now. I didn't count the hours. I think it's about nine or ten hours. They don't want the Canadian public, through the media who are here today, to hear that.

Then I go to the top of the page, and maybe I should have gone there first, because at the top of the page it says, "That the draft report be no longer than two pages in each official language". This is an incredible attempt to silence Parliament. When you hear this much evidence on these committees, what you would normally get is a report that might be 15, 20, or 30 pages long. The opposition coalition are demanding that this committee produce a report that has no summaries and is no more than two pages long. This motion itself is one full page, and it's a foolscap page.

The opposition have the information they asked for, all the evidence we've heard in the last two and a half to three days now, and they have this. They complained about getting too much information after complaining they didn't have enough information.

Chair, if there is any contempt for Parliament here, it's contempt here and now expressed by the opposition coalition for this committee, and indirectly through this committee to Parliament. They're asking us to work in the dark. They're asking to leave Canadians in the dark regarding what we did here for these three days. I simply say to Canadians, here is the coalition. How do you like it so far?

Thank you.

• (1510)

The Chair: Thank you.

Mr. Paquette is next on this motion.

[*Translation*]

Mr. Pierre Paquette: We do not see a point to having a summary of evidence because everything is a matter of public record anyways. It will all appear in the committee's blues. What's more, it creates additional work for our researchers. This is a report that has to be handed in Monday morning so we can discuss it Monday morning.

We do not object at all to including a summary of evidence, but it is important to keep in mind that, given the time constraints, it cannot be an exhaustive summary. It should cover the key points made by each witness—we have no problem with that—but it should not be something that overwhelms the researchers and prevents them from doing their work.

Obviously, since there was no evidence, the crux would be the recommendations—so, two pages. I am not sure whether my Liberal colleagues would support this, but I would be prepared to simply remove two paragraphs, the first and the last. The crux clearly being the second paragraph, I don't think there is much we could take out there.

[*English*]

The Chair: Mr. McGuinty, you're next.

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

I'm glad we're having this discussion. It's an important one. I want to simply let folks, members, and Canadians know the reason why the "summary of evidence" not "be included in the draft report" was originally put in here. We've been informed by the table officers that the House of Commons cannot translate more than eight pages a day. We're working on a really tight deadline. We have until the 21st.

Here's the good news. My colleague Mr. Proulx had a conversation with the Clerk of the House, Ms. O'Brien, who informed him they are prepared to waive that rule. They will put all of the resources necessary into translating this text by Monday morning. So despite all the aspersions cast and all of the ghosts that have been divined by Mr. Young and others, the only reason this was put in here in the first place was to try to make the work of the drafters easier and more time-effective so we can get this done by Monday.

We are certainly prepared to entertain amendments to this motion, as we said yesterday. I said it openly here. We said it in the media. I say it again today. There are no ghosts. There's no question here of limiting debate. We've just had three full days of debate. We have all kinds of information in the public realm. If Mr. Young doesn't know, this has all been broadcast on TV. The transcripts are all available. It's all over the Internet, and the paper material is being published. So it's all available for any Canadian who wants to look at it and make up their own mind.

I would be prepared to entertain a friendly amendment, whether it's from Mr. Paquette in the Bloc, someone from the Conservative party, or Mr. Martin over here, that addresses this question of summary of evidence so we can get on with our job.

I implore my colleagues not to cast aspersions where they simply don't exist.

Mr. Terence Young: Why did you try to do it in camera?

The Chair: Gentlemen, it's been a long week. Let's end it on a nice note.

Mr. Lukiwski, you're up next.

Mr. Tom Lukiwski: Thank you, Chair.

I thank all of my colleagues for their interventions.

I believe I heard Monsieur Paquette say that the Bloc would be willing to eliminate the first and last paragraphs. Just so we're quite clear here, the first paragraph is: "That the draft report be no longer than two pages in each official language".

You will be willing to eliminate that?

• (1515)

[Translation]

Mr. Pierre Paquette: Yes.

[English]

Mr. Tom Lukiwski: And you would be willing to eliminate the last paragraph that states: "That no summary of evidence be included in the draft report".

[Translation]

Mr. Pierre Paquette: Yes.

[English]

Mr. Tom Lukiwski: If that is your position—

[Translation]

Mr. Pierre Paquette: Yes, but I also want the committee to know that the deadline is March 21. I do not necessarily want to state that explicitly—through an amendment—but no one is going to ask that it be exhaustive when we know they have barely two days to get it done. It is just that. Perhaps two pages was not long enough, but 25 would certainly be too long.

[English]

Mr. Tom Lukiwski: Perhaps I can conclude my remarks. I wasn't quite finished.

The Chair: Certainly.

Mr. Tom Lukiwski: Just so the opposition is quite clear of the government's position on this, we would support an amendment eliminating the two paragraphs we just discussed. I'm not sure what the NDP's position is. This is just to let you know exactly where we're coming from.

The Chair: I have kind of a friendly amendment on the table. Mr. McGuinty said he would accept the friendly amendment. Do I have that?

Mr. Pat Martin: I don't know what you're talking about anymore.

The Chair: I'm sorry.

Mr. Pat Martin: I thought we were trying to delete the first and the last paragraphs. Right?

The Chair: That's where we're at. That's the friendly amendment.

Mr. Pat Martin: Has somebody moved that as an amendment?

The Chair: Well, it's—

Mr. Pat Martin: There's no such thing as a friendly amendment at committees. It's either an amendment or it's not an amendment.

The Chair: Okay.

Mr. McGuinty called it that, and it's his motion, so I was just going along with Mr. McGuinty.

Mr. Lukiwski has moved that those two paragraphs be removed, the ones he identified.

Mr. McGuinty, are you okay with the changes to your motion?

Mr. David McGuinty: Well, it might be helpful, Mr. Chair, through you, if I could ask Mr. Lukiwski what he envisages in terms of length. We put down two pages. I think my colleague said he envisaged 25 pages.

We have two researchers who are going to work all weekend on this. Can we saw this off and say that an 8- or 10-page report, Mr. Chair, is a proper length? Sometimes the shorter the space, the more concise one has to be at making...

The Chair: I'm seeing the analysts say that. I'm seeing the clerk say that.

Mr. Lukiwski, are you...?

Mr. Tom Lukiwski: Yes, my only suggestion was to just leave—

The Chair: As an auctioneer, should I gavel down 10?

Mr. Tom Lukiwski: My suggestion is to just leave it to the analysts. Right? They have to get something back. We have to table this by Monday. The analysts are going to be the ones preparing the work. Where it ends up, in terms of the number of pages, I would certainly leave to the analysts. They're the ones who are going to be preparing it. I would just hate to see it restricted to two pages or less, because I sense that it'll be far longer than that. It may not be more than 8 or 10, but it might be. I leave that solely in the hands of the analysts.

The Chair: The analysts know that we have to have this report in our hands at 8:30 on Monday morning. We'll ask them to write a report that meets that time goal. Will that be okay?

Go ahead, Monsieur Paquette.

[Translation]

Mr. Pierre Paquette: We may not need to specify that, but I think the important thing is to have a draft report Monday morning. I would remind the analysts that their home life is extremely important.

[English]

The Chair: Mr. McGuinty.

Mr. David McGuinty: Well, then, if I might, Chair, I accept the friendly amendment as put. I guess we envisage an 8- to 10-page report.

Shall I reread the motion? Or can the clerk reread the motion that captures what it would read?

What motion would we pass here?

The Chair: Well, I'm envisioning that the first paragraph that starts with "That" is gone; "That the draft report be no longer than two pages in each official language" just isn't there, and that the paragraph at the bottom of the page is also not there.

Mr. David McGuinty: The motion would be that the draft report contain the conclusions of the committee, namely, one, two, three, four, five.

The Chair: Right.

Mr. Young, I had you on the speakers list. I saw your hand.

Mr. Terence Young: Chair, I just don't want the analysts to feel restricted in any way on the quality and the integrity and the comprehensiveness of the report.

Thank you.

The Chair: I'm seeing that the analysts share that with us.

Go ahead, Mr. Albrecht.

Mr. Harold Albrecht: Chair, by accepting the amendment, we no longer need to vote on it. We've all agreed that this is the new form of the motion. Or are we going to vote on the amendment?

I think there's a motion there.

• (1520)

The Chair: There is.

Mr. Harold Albrecht: Could we vote on the amendment, Mr. Chair?

The Chair: All right. First will be a vote on the amendment. That's to remove the two paragraphs.

(Amendment agreed to)

The Chair: All in favour of the motion itself?

Mr. Tom Lukiwski: Could you request a recorded vote, please?

The Chair: Okay. It will be on the motion as amended.

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

Mr. David McGuinty: Thank you, Mr. Chair, for your cooperation.

The Chair: You're very welcome. That worked better.

I declare the work of this committee finished for today. We will reconvene at 8:30 on Monday morning.

Mr. Marcel Proulx: That is Monday morning. Will it be in camera or in public, in this same room?

The Chair: It is for consideration of a draft report, so it will be in camera. I believe it will be in room 112-north, our standard committee room.

Mr. Marcel Proulx: Could the committee vote on that?

Mr. Tom Lukiwski: It's a point of privilege about releasing information in a draft report before us, for God's sake. It's got to be in camera.

Mr. Marcel Proulx: Right, because it wasn't allowed, but if it were allowed, there wouldn't be a point of privilege.

Mr. Tom Lukiwski: A draft report is in camera.

Mr. Marcel Proulx: Let's vote on this, Mr. Chair.

Mr. Tom Lukiwski: The chair has already ruled.

Mr. Marcel Proulx: Let's vote on this, Mr. Chair.

The Chair: I'd like you to give the chair a little while to look up that ruling. I'm not certain about draft reports. Is it okay if I give it to you on Monday morning?

Mr. Marcel Proulx: Yes. Could we meet here then, because if we are in public...?

The Chair: We don't know that.

Mr. Marcel Proulx: Why not?

The Chair: I'm sorry, I'll ask the clerk to answer that question.

Mr. Marcel Proulx: No, I'm sorry, I was asking the clerk.

The Clerk of the Committee (Ms. Michelle Tittley): As far as my research has indicated over this past week, most rooms are already reserved for other events on Monday, namely the budget.

Mr. Marcel Proulx: This would take precedence, wouldn't it? Committees have priority for these rooms normally.

Mr. David McGuinty: No. A matter of privilege has priority, Mr. Chair, over every other form of business in the House.

The Chair: At a committee, but we still have to determine the consideration of the draft report ever happening in public before and whether it can. So let's get to that and we'll do the housekeeping on where. If indeed we convene someplace and have to move, we could do that too, I suppose.

Mr. David McGuinty: After examination, Mr. Chair, if consideration can be done in public, we will have it in a public and televised room.

The Chair: No. At that point the committee will vote on whether we want to do that or not.

Mr. David McGuinty: Yes. I'm sure all parties will want to have this in public, Mr. Chair.

Thank you very much.

The Chair: Thank you.

The meeting is adjourned.

MAIL  POSTE

Canada Post Corporation / Société canadienne des postes

Postage paid

Port payé

Lettermail

Poste-lettre

**1782711
Ottawa**

If undelivered, return COVER ONLY to:
Publishing and Depository Services
Public Works and Government Services Canada
Ottawa, Ontario K1A 0S5

*En cas de non-livraison,
retourner cette COUVERTURE SEULEMENT à :*
Les Éditions et Services de dépôt
Travaux publics et Services gouvernementaux Canada
Ottawa (Ontario) K1A 0S5

Published under the authority of the Speaker of
the House of Commons

SPEAKER'S PERMISSION

Reproduction of the proceedings of the House of Commons and its Committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the *Copyright Act*. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a Committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the *Copyright Act*.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its Committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Additional copies may be obtained from: Publishing and
Depository Services
Public Works and Government Services Canada
Ottawa, Ontario K1A 0S5
Telephone: 613-941-5995 or 1-800-635-7943
Fax: 613-954-5779 or 1-800-565-7757
publications@tpsgc-pwgsc.gc.ca
http://publications.gc.ca

Also available on the Parliament of Canada Web Site at the
following address: <http://www.parl.gc.ca>

Publié en conformité de l'autorité
du Président de la Chambre des communes

PERMISSION DU PRÉSIDENT

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la *Loi sur le droit d'auteur*. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la *Loi sur le droit d'auteur*.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

On peut obtenir des copies supplémentaires en écrivant à : Les
Éditions et Services de dépôt
Travaux publics et Services gouvernementaux Canada
Ottawa (Ontario) K1A 0S5
Téléphone : 613-941-5995 ou 1-800-635-7943
Télécopieur : 613-954-5779 ou 1-800-565-7757
publications@tpsgc-pwgsc.gc.ca
http://publications.gc.ca

Aussi disponible sur le site Web du Parlement du Canada à
l'adresse suivante : <http://www.parl.gc.ca>