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

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**EVIDENCE**

**Thursday, February 4, 2016**

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

Thursday, February 4, 2016

•(0850)

[English]

**The Clerk of the Committee (Mr. Michel Marcotte):** Honourable members of the committee, good morning.

I see a quorum.

I must inform members that the clerk of the committee can only receive motions for the election of the chair. The clerk cannot receive other types of motions, cannot entertain points of order, nor participate in debate.

[Translation]

We can now proceed to the election of the chair.

Pursuant to Standing Order 106(2), the chair of our committee must be a member of the official opposition.

[English]

I'm ready to receive motions for the chair.

**Mr. Joël Lightbound (Louis-Hébert, Lib.):** I nominate Blaine Calkins.

**The Clerk:** It has been moved by Mr. Joël Lightbound that Mr. Blaine Calkins be elected as chair of the committee.

Are there any other motions?

Is it the pleasure of the committee to adopt the motion?

(Motion agreed to)

**The Clerk:** I declare the motion carried.

Mr. Calkins, congratulations on being elected as the new chair. You can come here if you want.

**The Chair (Mr. Blaine Calkins (Red Deer—Lacombe, CPC):** Thank you very much.

At this point I think it's standard practice to allow the clerk to continue on with the election of the vice-chairs of the committee, so I will turn it back to the clerk to do so.

Thank you very much for your confidence, colleagues. I look forward to working with all of you constructively on this very important committee.

**The Clerk:** Pursuant to Standing Order 106(2), the first vice-chair must be a member of the government party.

[Translation]

I am now ready to receive motions for the first vice-chair.

Mr. Jeneroux, you may go ahead.

[English]

**Mr. Matt Jeneroux (Edmonton Riverbend, CPC):** I'll make the motion. I nominate Mr. Lightbound.

[Translation]

**The Clerk:** It has been moved by Mr. Jeneroux that Mr. Lightbound be elected as first vice-chair of the committee.

Are there any further motions?

Is it the pleasure of the committee to adopt the motion?

(Motion agreed to)

**The Clerk:** I declare the motion carried and Mr. Lightbound duly elected first vice-chair of the committee.

Pursuant to Standing Order 106(2), the second vice-chair must be a member of an opposition party other than the official opposition.

[English]

I am now prepared to receive motions for the second vice-chair. Are there any motions?

**Mr. Raj Saini (Kitchener Centre, Lib.):** I nominate Daniel Blaikie.

**The Clerk:** Mr. Raj Saini moved that Mr. Blaikie be elected as second vice-chair of the committee.

Are there any other motions?

Seeing none, is it the pleasure of the committee to adopt the motion?

(Motion agreed to)

**The Clerk:** Congratulations, Mr. Blaikie. You're now elected second vice-chair of the committee.

**The Chair:** Colleagues, I don't know if we have much more to do on the agenda today or what we can do, other than perhaps moving to routine motions.

Mr. Clerk, are we prepared to move to routine motions? Do we have any documentation from the previous version of these?

**The Clerk:** We can, for sure, if it's the desire of the committee, and I have paper copies for those who don't have them.

Just for your knowledge, with this new Parliament, committees have started to be paperless committees. More and more, we'll be inviting you to use your iPad, go to the website, and consult the documents, but since we're working on routine motions, I have copies here of those motions that were adopted by our committee in the previous session.

**The Chair:** Does everybody have a copy? We'll just wait for a moment.

● (0855)

[*Translation*]

**The Clerk:** Standard practice is to proceed motion by motion, but if you would like to change the order, you may. We go through each motion. A member moves one of the motions, the committee discusses it, and then we proceed with a vote.

[*English*]

**The Chair:** Colleagues, as the clerk has indicated, I'll try not to be talking too much. I'll leave that up to you guys for further discussion. I'm looking around the table and I think I'm the only one who's been here before.

I would advise that we go through these one by one. These things aren't terribly complicated.

Because of the change in the composition of the House and the change in the size of the committees, committees that used to have 12 members now have 10. That was the way we ended in the last Parliament. As we go through the routine motions, because parties have changed their positions around the table—as a matter of fact, every party has changed its relative position around the table—we're going to have to take a look at those paragraphs in particular dealing with speaking orders. We're going to have to ask ourselves what we would normally like to do.

I've been a member of the ethics committee before. The ethics committee does receive witnesses, but not the way a natural resources committee or a justice committee does that normally receives three, four, or five witnesses at a time. Typically, the ethics committee is dealing with one of the commissioners or is doing a study and is dealing with one or maybe two witnesses.

Typically, when we have witnesses, we have them speak for about 10 minutes each. If we're going to have one witness, and we divide our committee time up so we have one witness for the first hour and one witness for the second hour, that gives us about 50 minutes remaining that we need to divide up among the political parties and among the members of this committee. I've always been critical in the past, because I think every member of the committee at some point in time should have an opportunity to ask questions of a witness. I don't like it when somebody has a question and wants to engage... It's our privilege as members of Parliament to talk to a witness if we choose to. Every one of us here is elected, and no matter how much we won by, we won. So I'll be fairly strict when it comes to making sure that every member who wants to ask a question has an opportunity to do so. That being said, I'll be fairly flexible to make sure that everybody has an opportunity to get their questions in and receive answers. That's kind of my style, and I'll seek your guidance and your counsel on that as we go along if there's something that I need to change or something that I need to do differently to make the committee more harmonious. I'm a big

advocate of protecting our privileges as members of Parliament and making sure that we have an opportunity to discuss and debate. That's very important to me.

I think there are a bunch of routine motions here that are not contentious in any way, shape, or form. One that we need to take a look at is number four, on working meals. This is very important. Experience tells me that we're going to be quite busy, and there's a good chance that you're going to be very busy before you even get to a meeting that starts at 8:45 in the morning. I would advise that we take the opportunity. As much as I'm not a member of Parliament who likes to go after the largesse of government in any way, shape, or form, I do appreciate convenience, and we're all going to be very, very busy as time goes on, and this will be a matter of convenience.

The other one we need to look at is on rounds of questioning. This is one that follows routine motions from the previous iterations of this committee. It allots time to members as to when they will have an opportunity to ask their questions. I know the procedure and House affairs committee has already adopted their routine motions, and I think several other committees have adopted the same practice that the procedure and House affairs committee has. My advice would be that we give that a try to see how that goes at the start. If we choose to change it, we can change the routine motions anytime we want to or anytime the majority of the committee members want to. That would just be my advice. I think it's a pretty fair and reasonable way to proceed. At this point in time, I'll leave it up to the members of the committee to discuss this business. We'll then make plans moving on from there.

The only other part I think we might want to take a look at, which changes from time to time, is on the notice of motions, number 8 in this particular document. This is fairly standard, but sometimes at committee meetings there is debate on how it is implemented. Perhaps the clerk would like to advise us on this. This particular issue is about how information or how issues can be brought before this committee. There are certain things that the committee can discuss at any point in time that it chooses to. There are certain things that require notice of motions to be brought so there are no surprises at the committee table.

● (0900)

Those would be things such as motions that would significantly change how the committee does its business, what its schedule is, who the witnesses are, and things like that. We might want to have some discussion on that, but at this particular point in time, I'm going to stop talking and take my direction from you.

Is there anybody who would like to speak to any of this?

Mr. Kelly.

**Mr. Pat Kelly (Calgary Rocky Ridge, CPC):** Thanks, Blaine.

Again, are you looking for a motion and for a vote on each of these items one by one?

**The Chair:** I would entertain a motion... I think what we should do is look at them one by one and adopt them individually. If that's the will of the committee, I think that's how we should go through it.

**Mr. Pat Kelly:** Okay. Let's start.

**The Chair:** Why don't we start with number one, if that's okay.

Is everybody happy with the services of analysts from the Library of Parliament? That's fairly important. They're sitting back there. I'm sure they would like to join us at the table.

**Mr. Wayne Long (Saint John—Rothesay, Lib.):** Can I just jump in for one thing, Mr. Chair?

**The Chair:** Mr. Long.

**Mr. Wayne Long:** You were saying that for working meals it was number four, and I think it's number five. You talked about another one, and you were off by a number, so I just want to make sure we have the same thing.

**Mr. Rémi Massé (Avignon—La Mitis—Matane—Matapédia, Lib.):** I'm going to propose an amendment. That's why there would be some desynchronization of the correct numbers.

**Mr. Wayne Long:** Okay.

**The Chair:** Yes, I'm working off a different document than you are, Mr. Long.

I'm fairly versed in Roman numerals, so—

**Voices:** Oh, oh!

**The Chair:** —yours would be distribution of documents in number four, and working meals would be number five. I'm not working off that document. We need to work off a common document, so let's decide which document you want to work from.

Mr. Lightbound.

**Mr. Joël Lightbound:** The one from the 41st Parliament is the one we're working on, I gather. These are the routine motions adopted by the committee in the previous session.

**The Chair:** That's the one I'm working from, but I will work from the one the committee wants me to use.

**Mr. Joël Lightbound:** Yes, that's the one we can work with.

**The Chair:** Can we make sure that everybody at the committee has that?

Mr. Long, do you now have the same documents that your colleagues have?

**Mr. Wayne Long:** Yes.

**The Chair:** Is everybody prepared to proceed with this document? Okay. I have agreement on that.

On article I, services of analysts from the Library of Parliament, could we have a mover of this routine motion?

Mr. Jeneroux.

**Mr. Matt Jeneroux:** I so move.

(Motion agreed to [See *Minutes of Proceedings*])

**The Chair:** Would the analysts please join us at the table.

At this point in time, if the committee will indulge me, I would allow the analysts to introduce themselves. Then we'll move on with the next motions.

Go ahead.

**Mr. Maxime-Olivier Thibodeau (Committee Researcher):** Thank you, Mr. Chair.

My name is Maxime-Olivier Thibodeau. I've been an analyst for the committee here for five years.

I'm accompanied by my colleague, Chloé Forget, who will replace me or take over when I leave in a few weeks on parental leave. Normally, I would be accompanied by Michael Dewing, who is a very seasoned and competent analyst, who will be working on this committee as well.

We are at your service. It will be our pleasure to support your parliamentary work related to this committee.

**The Chair:** On behalf of the committee, congratulations on what's coming up in your very near future.

**Mr. Maxime-Olivier Thibodeau:** Thank you.

**The Chair:** We hope that goes very well.

Let's move on to article II.

**Mr. Joël Lightbound:** We'd like to propose an amendment to have a different article II regarding a subcommittee on agenda and procedure. We'd like to say: That a subcommittee on agenda and procedure be established and be composed of the chair, the two vice-chairs and a government member.

**The Chair:** We have a motion on the floor. Do you want to speak to it any further, Mr. Lightbound?

**Mr. Joël Lightbound:** No. This is only to have a subcommittee that would look at the agenda and the various procedures.

• (0905)

**The Chair:** This is fairly routine. This is changing, because I believe the government side is changing a little bit of how committees operate. This is a departure from the last 20 years or so.

Are there any issues on this? Does anybody want to speak to this?

Mr. Jeneroux.

**Mr. Matt Jeneroux:** Would you mind repeating the exact wording?

**Mr. Joël Lightbound:** We're stating that a subcommittee on agenda and procedure be established and be composed of the chair, the two vice-chairs, and a government member. That's a total of four.

**The Chair:** Mr. Massé.

**Mr. Rémi Massé:** Do we need to say it in French as well, or will the translation be done accordingly?

**The Chair:** We have tremendous translation, both simultaneous and later on as they go through the documents to make sure that we get this right. I have every confidence that it will be done appropriately.

**Mr. Rémi Massé:** Perfect.

**The Chair:** Seeing no other people to discuss this, let's vote on the proposed amendment.

(Amendment agreed to [See *Minutes of Proceedings*])

(Motion as amended agreed to [See *Minutes of Proceedings*])

**The Chair:** Article II has been adopted with the new text.

Article III is the distribution of documents. It reads:

That only the Clerk of the Committee be authorized to distribute documents to members of the committee and only when such documents exist in both official languages.

This is a very standard practice, and it needs to be defended at all times at this committee.

Mr. Bratina is moving this motion.

(Motion agreed to)

**The Chair:** Next is working meals. Article IV reads:

That the Clerk of the Committee be authorized to make the necessary arrangements to provide working meals for the committee.

Are there any contentious issues there?

Could somebody move that, please? It's very important to me personally.

Mr. Long so moves.

(Motion agreed to)

**The Chair:** Article V is about witnesses' expenses. It reads:

That, if requested, reasonable travel, accommodation, and living expenses be reimbursed to witnesses not exceeding two (2) representatives per organization; and that, in exceptional circumstances, payment for more representatives be made at the discretion of the Chair including, if requested, reasonable childcare expenses be reimbursed.

This is moved by Mr. Blaikie.

(Motion agreed to)

**The Chair:** Article VI is about staff at in camera meetings. It reads:

That, unless otherwise ordered, each Committee member be allowed to be accompanied by one staff person at an in camera meeting and in addition each party shall be permitted to have one party staff member in attendance.

It's not contentious.

Mr. Jeneroux so moves.

(Motion agreed to)

**The Chair:** Article VII is about in camera meeting transcripts. It reads:

That one copy of the transcript of each in camera meeting be kept in the Committee Clerk's office for consultation by members of the Committee.

This is standard practice.

Mr. Blaikie so moves.

(Motion agreed to)

**The Chair:** For notice of motions, it reads:

That notice be required for any substantive motion to be considered by the Committee, unless the substantive motion relates directly to business then under consideration; that the notice of motion be filed with the Clerk of the Committee and distributed to members in both official languages at least 48 hours prior to the start time of the meeting where the motion may be moved.

So moved by Mr. Blaikie.

Is there any discussion on this?

Mr. Bratina.

**Mr. Bob Bratina (Hamilton East—Stoney Creek, Lib.):** In my past municipal experience, we had the activities of walk-on motions. This mentions 48 hours in advance. Is that an absolute standard for the committee?

**The Chair:** I will speak from my personal experience and then I'll let the clerk address it and how it's administered.

In every committee that I've been on, and I've been on dozens of committees at the House of Commons, and on joint standing committees, this is a standard routine motion that we see all the time. It doesn't mean there are certain things that the committee can't discuss at any point in time. It just means that when we're going to depart from our working agenda in any significant way, a motion has to be presented in this fashion in order to do so.

That's my general interpretation of it, but I'll let the clerk expand on that with the more technical details.

**The Clerk:** That's exactly what it is.

If we're doing a study on, for example, bus transportation, and someone wants to move a motion on that topic, then you don't need notice because it's already part of the discussion topic. But if you say that you want the committee to do a study on birds, well, that's not really the topic of the day. The idea behind the 48 hours' notice is to make sure that every member knows what might come up out of the blue. It's just to prevent any big surprise.

**The Chair:** The microphones have frozen, colleagues. This one has, anyway.

You should know that we have some very fantastic people who look after our every need, so much so that we don't even have to turn our microphones on, usually, but in this particular case, if we have to, we have to. We'll blame this on whoever programmed the system, not the person operating it.

We're dealing with article VIII, notice of motions.

Mr. Bratina, are you satisfied with that? Then I'll ask the question.

(Motion agreed to)

**The Chair:** Article IX is about rounds of questioning.

I won't read this one out, because I think we're going to change—

● (0910)

**Mr. Joël Lightbound:** Mr. Chair, I think we've missed the reduced quorum provision. Perhaps we should do that before we move to rounds of questioning.

**The Chair:** Did we not do that article?

All right. Let's go back to it.

**Mr. Joël Lightbound:** It's the same one on reduced quorum that was in the former Parliament. It's article II in the document you have. I don't mind what number you want to place it at, but I just think we should adopt it before we move to the rounds of questioning.

I would like to move article IX, the reduced quorum provision.

**The Chair:** A motion has been moved by Mr. Lightbound. Is there anybody who wants to comment on this?

(Motion agreed to [See *Minutes of Proceedings*])

**The Chair:** Thank you very much. That takes us back to rounds of questioning.

Go ahead, Mr. Jeneroux.

**Mr. Matt Jeneroux:** I would like to make the motion so it's similar to the PROC committee, as you mentioned. I'll go through it, if that pleases the chair.

What PROC agreed to was seven minutes for the first four of round one, and that's Liberal, Conservative, NDP, Liberal, and then round two of five minutes for Conservative, Liberal, Conservative, Liberal, NDP. Sorry, the last one, number five of round two, is only two minutes according to PROC's decision. I believe they agreed to two. That's my proposal.

**The Chair:** Is everybody clear on what's being proposed?

**Mr. Nathaniel Erskine-Smith (Beaches—East York, Lib.):** I'm less clear just because the information I have from PROC says three minutes for the NDP at the end.

**Mr. Matt Jeneroux:** I meant three.

**The Chair:** The committee has heard the terms of the motion. Is there any further discussion?

Go ahead, Mr. Blaikie.

**Mr. Daniel Blaikie (Elmwood—Transcona, NDP):** I would humbly move to amend the round two speaking order to switch the last two spaces.

One of the properties of this committee that's different from many others is that we have an opposition chair. I think the government has rightly expressed a desire to work across the floor with members from other parties, and I think it would be appropriate in this context to ensure that there is some more time given somewhere to opposition members to speak, given that we have an opposition member in the chair.

I propose that we make the last spot in round two a Liberal spot, and the penultimate spot in round two an NDP spot.

**The Chair:** Mr. Blaikie, considering that is a switch with a Liberal speaking position, as proposed, I would look to the governing party members to see if they would be interested in that.

**Mr. Joël Lightbound:** We respectfully disagree with that amendment. Considering there's only one NDP member on this committee who already gets more time than probably each of us does individually as Liberals, we would respectfully disagree.

• (0915)

**The Chair:** Was that a friendly amendment, or did you actually move an amendment, Mr. Blaikie? We have to vote on the amendment, if it was an amendment. We know where it's going to go, but if you want it on the record...

**Mr. Daniel Blaikie:** I think I did move it.

**The Chair:** We have an amendment moved by Mr. Blaikie that the original motion proposed by Mr. Jeneroux be changed to switch the order of the last two on the round two.

Is there any further discussion?

**Mr. Nathaniel Erskine-Smith:** I would just note one thing, Mr. Chair, with all respect to my friend. When you look at the percentage of the breakdown between the three parties, you see that the NDP is at 13.5% overall and is going to have 17% of the speaking time already. I think we're already being pretty generous with the time as a matter of course.

**The Chair:** Absolutely. I appreciate that intervention, Mr. Erskine-Smith. For future reference just to make the committee proceed a little more smoothly, if you raise your hand, I promise I will recognize you, and if you start speaking after I recognize you, then it makes it a little easier for preparing the transcripts and the blues and stuff later on. If we could adopt that policy, that would be great.

(Amendment negated [See *Minutes of Proceedings*])

**The Chair:** That takes us back to the original motion proposed by Mr. Jeneroux.

Is there any further discussion on the original motion?

(Motion agreed to [See *Minutes of Proceedings*])

**The Chair:** That is unanimous. Thank you very much. The rounds of questioning and the times allocated have been discussed and accepted.

The last issue on my document that I see we have to deal with is article X, time allotted to witnesses:

That the witnesses from any one organization shall be allowed 10 minutes to make their opening statement; during the questioning of witnesses, there shall be allocated seven (7) minutes for the 1st round of questioning and thereafter five (5) minutes shall be allocated to each questioner in the 2nd and subsequent rounds of questioning.

It seems to me we've already dealt with the time in the previous routine motion, so I'm wondering if we need to amend this one to just deal with time allocated for witnesses. I think we would be better off if we did that.

Does somebody want to propose that?

**Mr. Pat Kelly:** Yes.

**The Chair:** Mr. Kelly, could I actually get some wording from you, sir?

**Mr. Pat Kelly:** That would require me to think about this carefully.

**The Chair:** If we just ended it right at the semicolon, I think we would be fine.

**Mr. Pat Kelly:** Yes, I think that will do it.

I would move to amend what is numbered as item number X on our paper, to delete all of the words following the semicolon after the word "statement".

**The Chair:** The committee has heard the terms of the motion proposed. Are there any concerns? Does anybody wish to speak to that?

(Amendment agreed to)

(Motion as amended agreed to [See *Minutes of Proceedings*])

**The Chair:** Good. Thank you very much.

Are there any other routine motions that committee members would like to bring forward at this time?

Seeing none, I think the committee has done its work today. When it comes to routine motions, those have been adopted.

I want to wish each of you great success as we work together on this committee. I hope we have a very cordial working relationship with one another. I'm excited about the fact that everybody here is new. I think that is a good sign of hopeful optimism going forward.

I will now ask the clerk if there's any other business we need to conduct at today's meeting.

It's up to the will of the committee. We don't have any studies. Our next committee meeting would be on the Tuesday morning when we return. We just adopted the routine motions. We would need a notice

of motion to actually deal with something. I'm looking forward to having somebody from the committee propose that.

We passed a routine motion dealing with a subcommittee on agenda, if I remember correctly. We could also meet as a subcommittee to discuss a potential work plan going forward for the committee in the very near future, and then resume this committee once we have a proposal from that subcommittee. Does that seem like the most reasonable and logical way to go?

**Some hon. members:** Agreed.

**The Chair:** That's what we'll do then.

This committee stands adjourned until it's recalled after the subcommittee on agenda has met and has a proposal for the committee.

The meeting is adjourned.

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