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Chair: Mrs. Salma Zahid



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• (1545)

[English]

The Chair (Mrs. Salma Zahid (Scarborough Centre, Lib.)): Thank you. I call this meeting to order.

Mr. Sukh Dhaliwal (Surrey—Newton, Lib.): Madam Chair, [Inaudible—Editor].

The Chair: Okay, Mr. Dhaliwal, but I have to give my ruling first. Then I will come to you.

Mr. Sukh Dhaliwal: [Inaudible—Editor].

The Chair: We'll pick up where we left it last week. I have to give my ruling, and then I'll acknowledge you.

Welcome to meeting number 64 of the House of Commons Standing Committee on Citizenship and Immigration.

Today, pursuant to the order of reference of Wednesday, November 16, 2022, the committee will resume consideration of Bill S-245, an act to amend the Citizenship Act (granting citizenship to certain Canadians).

Before proceeding any further, I will return to the matter raised by Mr. Kmiec during the committee's last meeting on Wednesday, May 3. He described a situation in which a member of the public appears to have gained detailed knowledge of the package of potential amendments to Bill S-245, which was distributed to members of the committee and was understood to be confidential. He suggested that this matter relates to parliamentary privilege and asked the chair, in accordance with the usual practice for matters of privilege in committees, to decide whether the matter indeed relates to privilege.

Several other members have spoken to this. I asked the committee to allow me to consider the matter further with the understanding that we would get back to the matter at today's meeting. Thank you for giving me the time since the last meeting.

I would like to inform members of the committee that, based on the procedures and rules, the matter at hand pertains to potential amendments and subamendments to a bill that are understood to be confidential once they are distributed to the committee and until they are moved at the committee. Based on what the committee heard on Wednesday, May 3, it appears that such confidential information may have been shared with members of the public.

As such, I agree with Mr. Kmiec that the matter he raised indeed relates to parliamentary privilege. That's my ruling on that.

With that, I have a speaking list: Mr. Dhaliwal, Ms. Kwan and Mr. Redekopp.

Go ahead, Mr. Dhaliwal

Mr. Sukh Dhaliwal: Thank you, Madam Chair.

Madam Chair, pursuing the same grounds you mentioned, Mr. Kmiec raised a matter last week that we should all take very seriously. It is, of course, a concern to all members here. That's why on Thursday I put in a notice of motion and moved:

That, pursuant to Standing Order 108(2), the committee invite Randall Emery to appear on the current study of Bill S-245, An Act to amend the Citizenship Act (granting citizenship to certain Canadians).

It is very important to hear from the witness so that he can provide us with more information and context on this matter before the committee. Hearing from the witness first will better inform the drafting of the report, and I hope all my colleagues on both sides will be able to support this and understand the intent. Perhaps it's a misunderstanding, but we won't know until we get the witness in front of this committee.

With that, I would ask for the support of my honourable colleagues on both sides.

Hon. Michelle Rempel Garner (Calgary Nose Hill, CPC): I have a point of order.

The Chair: Go ahead, Ms. Rempel Garner.

Hon. Michelle Rempel Garner: Madam Chair, I'm just wondering about this procedurally. My understanding is that when a breach of privilege has been found, as you've just ruled, typically the order of business that happens in committee is that a motion is then moved to remedy the breach of privilege. I'm just not sure if the order is appropriate.

That said, I don't think my colleague will find any argument with his particular motion. I'm just wondering if perhaps the better approach is for the motion regarding privilege to be moved, and perhaps we could include his request therein.

• (1550)

The Chair: Thank you, Ms. Rempel Garner.

I have given my decision and now, as a committee, we have to go to the next step. Mr. Dhaliwal has moved a motion that also relates to the ruling I have given. It relates to privilege.

As the chair of the committee, I do not have the power to make a decision. I have given my ruling.

We have a motion before the committee. Let's deal with it and then we will go to the next steps.

Is there any debate?

Yes, Mr. Dhaliwal.

Mr. Sukh Dhaliwal: If there's no other debate, I certainly would—

The Chair: I have a speaking list.

I have Ms. Kwan.

Ms. Jenny Kwan (Vancouver East, NDP): Thank you very much, Madam Chair.

Before I speak to the motion, I want to first touch on an issue with your decision.

What you found is that the matter raised relates to a matter of privilege. However, it is my understanding, Madam Chair, that you have not found that privilege was violated at this committee. I just want to make sure that was the case.

With respect to the motion from Mr. Dhaliwal, I certainly support the motion to call the witness to come before the committee to provide clarity on the question of privilege. To be sure, if that motion passes, the motion is to call the witness to speak before the committee on the question around privilege and not to revisit, I assume, the issue around Bill S-245. If I'm incorrect, I would like to have some clarity on that. I think that's an important motion from this perspective.

I had the chance to review the Hansard from Mr. Kmiec that was made at the last committee meeting. He seemed to indicate that he believed a breach of the committee's privilege has occurred. I will quote from it:

What I have heard about the Liberal NDP compromise is that they will offer subamendments—

That has just happened.

—to the NDP amendments to increase the connection test to 1,095 days—

The subamendment made the reference back to the substantial connection test.

—only for parents—

We just removed grandparents.

—and by right vs. grant.

His comments appear to be outlining the process of how things occurred, and certainly that is how....

In my engagement with my stakeholder groups, I advised them that the NDP intends to move amendments to address the connections test issue and that there are a number of areas I would like to pursue. However, there was only agreement to move forward on the 1,095 days and the parents, not the grandparents. All of the stakeholder groups certainly knew that, and that is something I have informed them of all the way through. Most stakeholder groups were advised.

It is my view that it's highly likely that the individual may well have.... I'm assuming that this is a very sophisticated individual who actually talked to every single party, in all likelihood, and got information on what their intentions were.

My intentions have been open and on the public record from day one in terms of what I would like to do to amend Bill S-245 and bring forward amendments that are indeed out of scope to address the lost Canadian issue once and for all. Negotiations and discussions with the government side were something I started even before this year to see whether or not we could find a way to move forward on that. These discussions had been under way.

When it was clear that the government wasn't going to move on some of the items I would like to see go forward, I did inform the stakeholder groups I was connected with to let them know and to ascertain whether or not this was something we would still want to proceed with. That's as clear as day.

It is entirely possible that the individual in question may well have talked to a variety of people, gotten this information and been able to piece together what the procedure is. To me, that is not surprising at all, nor does it show that privilege has been breached.

What we are talking about here for privilege to have been breached is for the documents to have been shared. I can assure this committee once again, as I did in the last committee, that the documents the clerk sent to committee members were not shared by my office at any time—not by me or by my office at any time.

• (1555)

I don't mind bringing this individual forward. What I am concerned about, though, is this. I feel this is a tactic being exercised as an attempt to distract from the work we're doing and to delay the work we're doing. We're under a tight timeline, as all members know. We have to report back to the House on this work, and we have a 30-day limit set from previous committee meetings, by way of extension.

There's no surprise here. I know that some people at this committee meeting would not want to see the out-of-scope amendments dealt with. I'm disappointed about that, because it certainly seems to be a change of position, but that said, that's what they want to do. I think efforts are being made to prevent our being able to report to the House in a timely fashion. That's my greatest concern.

To get to the bottom of this issue, I think what would be required is for documentation to be provided to prove that in fact a breach has occurred. I do not believe it has.

Madam Chair, what I would also like for committee members to receive is the email that Mr. Kmiec provided to you at the last meeting. I requested that from the clerk, and I was advised that it was handed to you, Madam Chair, as a casual act, as opposed to it being tabled as a document. However, what I thought I saw at the committee was that the document was tabled. That seems not to be the case. I think it would be appropriate for that document to be shared with all committee members so that we can see exactly what the suggestions are in full.

Madam Chair, is a motion required for that document to be shared by the clerk with all committee members? If it is, I'll be happy to move it at the appropriate time.

Thank you, Madam Chair.

The Chair: Thank you, Ms. Kwan.

Before I go to Mr. Redekopp, I have some answers to a few things Ms. Kwan has raised.

First, you mentioned, when you started, the ruling I have given. Just to make it clear to all the members of the committee, I will read a paragraph from page 1,060 of *House of Commons Procedure and Practice*, third edition, so that everyone is clear about the power I have and what I can and cannot do. It says:

The Chair of a committee does not have the power to rule on questions of privilege; only the Speaker has that power. If a member wishes to raise a question of privilege during a committee meeting, or an incident arises in connection with the committee's proceedings that may constitute a breach of privilege, the committee Chair allows the member to explain the situation. The Chair then determines whether the question raised in fact relates to parliamentary privilege.

That's what I did, and that's the power I have. I wanted to read that paragraph so everyone is clear.

You have raised another issue in regard to the email that Mr. Kmiec handed over to me. Mr. Kmiec did not table that email in the committee proceedings. That's why it was not circulated to all the members. He just handed that to me.

If any document has to be circulated to all members of the committee, it has to be tabled. That's why the clerk has not circulated that email to all the members.

These were some of your questions.

Next on the list is Mr. Redekopp.

• (1600)

Mr. Brad Redekopp (Saskatoon West, CPC): Thank you, Madam Chair. I appreciate your ruling.

As for the motion that's on the table, I think it makes sense that we would hear from him.

I just want to address quickly that Ms. Kwan mentioned a tactic—that this is a tactic, I think she's implying, to stall or something like that. This is not a tactic. This is a very serious potential breach of parliamentary practice and privilege. It's something that, regardless of what committee it happened in, is a very significant issue. It's also precedent-setting, and I think we need to deal with it accordingly. It doesn't matter what issue is before us today. I think it's incumbent on us as MPs to stop and deal with this issue.

I wanted to make sure that was that on the table.

I would like to propose an amendment to this motion. After what has been proposed by Mr. Dhaliwal, we would add the following:

, following which, the committee report to the House of Commons the potential breach of privilege resulting from the premature distribution of notices of amendments to Bill S-245, An Act to amend the Citizenship Act (granting citizenship to certain Canadians), to a member of the public before clause-by-clause consideration and amendments and subamendments were moved at committee.

I believe the clerk has this wording, not with Mr. Dhaliwal's piece but with this piece, so that can be sent around.

Essentially what we're doing is saying, yes, let's get Mr. Emery. Let's bring him to committee. Let's talk to him. Then, following that, we will write a report and report it to the House. That's essentially what my motion is saying.

The Chair: Thank you, Mr. Redekopp.

Just one second, please. I have Mr. Brunelle-Duceppe on the list, but before I recognize him, I want to check with the clerk to see if he has received the text.

Okay. He will circulate this amendment to all members.

I have Mr. Brunelle-Duceppe and then Ms. Kwan.

[*Translation*]

Mr. Alexis Brunelle-Duceppe (Lac-Saint-Jean, BQ): Will we get the document in French?

[*English*]

The Chair: Yes. The clerk will get that document circulated.

Next is Ms. Kwan.

Ms. Jenny Kwan: Thank you.

I didn't hear clarification from you, Madam Chair, on the appearance of Randall Emery. It's for him to come before committee to address the question of privilege only. Am I correct in understanding that?

The Chair: The motion that Mr. Dhaliwal had put on notice, and the motion he moved, says:

That, pursuant to Standing Order 108(2), the committee invite Randall Emery to appear on the current study of Bill S-245, An Act to amend the Citizenship Act (granting citizenship to certain Canadians).

That's the motion that Mr. Dhaliwal has moved. Mr. Redekopp has moved an amendment. Now we have an amendment on the floor. We have to deal with the amendment and then proceed to the main motion.

I have Mr. Redekopp.

Mr. Brad Redekopp: Just briefly, before we proceed, I want to clarify.

You will have received an email. It has my amendment. If you delete the word “that” and add the words “following which”, that would be my amendment, which you should have seen in that email.

The Chair: I have Mr. Dhaliwal.

Mr. Sukh Dhaliwal: Chair, I want to thank Mr. Redekopp for bringing this forward. Earlier, I mentioned that the report is going to Parliament anyway. This witness will help. The intent was there.

The Chair: Thank you, Mr. Dhaliwal.

The clerk is working on getting it circulated.

Okay. The clerk has circulated the amendment moved by Mr. Redekopp to all the members, in both languages.

I have Ms. Kayabaga.

Ms. Arielle Kayabaga (London West, Lib.): Thank you, Madam Chair.

Could we suspend for just a minute to look over the amendment and then get back to you?

• (1605)

Mr. Sukh Dhaliwal: We want two minutes.

Ms. Arielle Kayabaga: Yes, two minutes.

The Chair: If members like, I will suspend the meeting so members can have a look at the amendment moved by Mr. Redekopp.

The meeting is suspended.

• (1605)

(Pause)

• (1610)

The Chair: I call the meeting to order.

We have the amendment that has been proposed by Mr. Redekopp on the floor.

Go ahead, Ms. Kayabaga.

Ms. Arielle Kayabaga: Thank you, Madam Chair.

I just want to put on the record that I think the purpose of this motion is to hear the witness at committee to make a decision. We would like to keep the two motions separate, so we will vote down the amendment, and then they can move the motion if they like.

The Chair: Is there any further discussion?

Go ahead, Mr. Redekopp.

Mr. Brad Redekopp: I have a question. If this gets voted down....

Okay, that's fine.

The Chair: Mr. Clerk, please take a vote on the amendment proposed by Mr. Redekopp.

(Amendment negated: nays 6; yeas 5)

The Chair: The amendment is defeated, so we're back to the motion moved by Mr. Dhaliwal.

Go ahead, Mr. Redekopp.

• (1615)

Mr. Brad Redekopp: Madam Chair, I have another amendment. I would like to add at the end of this "at the next meeting". I think it's important that we get him here as soon as possible.

The Chair: Can you please repeat what amendment you are moving?

Mr. Brad Redekopp: At the end of the motion, add the words "at the next meeting".

The Chair: Mr. Redekopp has moved an amendment to the motion proposed by Mr. Dhaliwal.

Go ahead, Ms. Rempel Garner.

Hon. Michelle Rempel Garner: I think this amendment, with what my colleague is doing, states something that procedurally would have to happen anyway. My understanding is that the appearance of this person is related to the matter of privilege. Otherwise, Mr. Dhaliwal's motion would not have been ruled in order. It's

very uncommon for motions to be moved during a clause-by-clause reading, but because it's a matter of privilege, it takes precedence.

My assumption is that because the appearance of the witness is related to the matter of privilege, we can't move forward on clause-by-clause—which we want to do—until he appears and privilege is disposed of.

I think what I'm saying to colleagues is that the amendment states the obvious, and I support it for that reason.

The Chair: Ms. Rempel Garner, the motion moved by Mr. Dhaliwal relates to the issue we have and the issue on which I have given my ruling. That's why we are dealing with it.

If we finish and vote on this motion today, we can deal with the clause-by-clause and invite the individual in the next meeting. That's what I've been advised by the clerk. If we have to deal with the clause-by-clause, we can deal with the clause-by-clause after we are done with this motion.

Hon. Michelle Rempel Garner: Sure.

The Chair: That's what I wanted to clarify.

Go ahead, Mr. Dhaliwal.

Mr. Sukh Dhaliwal: Madam Chair, you have already clarified this. Off record, I was talking to one of my friends on the other side about this being an important bill. The amendments have been made, so let's do the clause-by-clause, because we should not interrupt the movement of the bill. Senator Martin has brought it forward, and so much work has been done.

You have already given the ruling, so we should proceed with the clause-by-clause, but at the same time, we should bring in the witness ASAP.

The Chair: Thank you.

Go ahead, Ms. Rempel Garner.

Hon. Michelle Rempel Garner: Again, just to put it on the record for my colleagues opposite, I believe the point of my colleague's amendment to the original motion was to try to codify what we just said, which was to get this all disposed with so we can expedite the clause-by-clause of the bill.

Unfortunately, because it was voted down, we will now have to vote on a separate motion and dispose of that motion ahead of this one. What we were trying to do was what Mr. Dhaliwal said, but because they voted it down, we now have to address everything separately, which creates more blockages.

I just want to put on the record that what we were trying to do was give us more time and be expeditious, but here we are.

The Chair: Thank you, Ms. Rempel Garner.

Go ahead, Mr. Maguire.

Mr. Larry Maguire (Brandon—Souris, CPC): My understanding from the last meeting we had was that.... I appreciate your ruling, Madam Chair. From that, I felt that, procedurally, we would not be able to proceed until the witness had actually appeared here before us. Of course, without any knowledge of your ruling or the witness being notified, which we couldn't do until now, I thought we wouldn't be able to proceed today at all.

I think the amendments that have been brought in may clarify that a bit, but I am concerned. I understand from what you just said that we have a ruling that indicates we can proceed. I wonder if you could just clarify that.

• (1620)

The Chair: Go ahead, Mr. Genuis.

Mr. Garnett Genuis (Sherwood Park—Fort Saskatchewan, CPC): First of all, it's good to be back at this committee. I'm sorry that it's under some less than ideal circumstances, given that we're talking about a privilege issue.

I was just going to say that parliamentary privilege refers to the privileges that allow members of Parliament to do their jobs. If there has been a violation of privilege, then that violation of privilege is impeding members' ability to do their jobs. That's what we're considering in the context of this privilege debate.

It would seem odd to me to go on with the item of business in which the violation of privilege occurred and put aside the privilege violation, because that violation of privilege materially impacted, or could have materially impacted, the proceedings that were happening. That's why it's a breach of privilege. If it is a breach of privilege, then it matters to the considerations under way. If it matters to the considerations under way, then you have to deal with the privilege issue. You can't just revert back to the considerations under way as if nothing had happened.

That said, I think we're probably all agreeing on this amendment. I just want to make the broader point in the context of the discussion. I support the amendment to have the witness come right away.

The point is that, based on your ruling, it seems to me it's a given that there has been an impact, or there could have been an impact, on the clause-by-clause proceedings. That means we have to attend to the privilege issue as a priority because that will help us contextualize other steps the committee needs to take on the issue from which the privilege point arose.

The Chair: Thank you.

Go ahead, Ms. Rempel Garner.

Hon. Michelle Rempel Garner: Thank you.

Just for colleagues, I'd like to explain that the reason a motion related to privilege supersedes the course of proceedings for a clause-by-clause is that the point of privilege relates to the clause-by-clause study. Because the finding of privilege relates to the clause-by-clause study, we have to dispose of it before we move forward with the clause-by-clause study. It actually impacts the proceedings of the clause-by-clause. Otherwise, it wouldn't precede this. Procedurally, we have to dispose of this and dispose of it quickly.

I wanted to point out that procedural matter for my colleagues; that's all. We have to dispose of this so we can go on to that. Our intention is to do that quickly, but we have to understand what happened here because it materially impacts how we're reviewing amendments.

The Chair: Thank you, Ms. Rempel Garner.

Next I have Ms. Kwan and then Mr. Dhaliwal.

Go ahead, Ms. Kwan.

Ms. Jenny Kwan: Thank you very much, Madam Chair.

I just want to be very clear in saying that your ruling indicated that the question raised was related to a matter of privilege but that there has been no ruling made that a violation of privilege has been found. In fact, you made no such ruling. The motion moved by Mr. Dhaliwal was to invite a witness who may have some information related to this, as he was cited in the email provided by Mr. Kmiec, which indicated that the question of privilege was being raised. Having him come before the committee as soon as possible to answer questions related to the question of privilege is I think a wise thing to do and a valid thing to do.

That said, where we are at today is that a violation of privilege has not been established. I don't think there has been one, and I think it is quite plausible that the information provided when citing the witness, Mr. Randall Emery, may well have been gathered from a variety of sources and put together to make it seem like he had received the amendment package outside of receiving it from the clerk as we did.

Getting clarity on that would be useful. However, I just want to reiterate the point that no violation of privilege has been established at this committee; nor do I necessarily believe that all committee members think a violation of privilege has been established.

• (1625)

The Chair: Thank you, Ms. Kwan.

I just want to clarify that, as chair, I have no power to make that assumption. What we can do is report. We are in that process in regard to what was raised by Mr. Kmiec. This motion, which has been moved by Mr. Dhaliwal, relates to that. That is why we are dealing with this motion.

I have Mr. Dhaliwal next and then Mr. Genuis.

Go ahead, Mr. Dhaliwal.

Mr. Sukh Dhaliwal: We're just going off the motion. I thought we were working on only the motion, but when it comes to clause-by-clause and all this, first things first: It's not only you who cannot make the decision regarding privilege. The committee cannot make this decision either. The committee can only send a report. The Speaker is the one who makes the decision. When it goes to the Speaker, the question of privilege takes precedence over everything else, but in committee, we can start and continue to work on different things we need to do.

I think we should focus only on the motion right now. Then we can go to other stuff like clause-by-clause and whatnot. That should be a separate issue.

Let's finish the wording on this motion and then go from there.

The Chair: Thank you, Mr. Dhaliwal.

Yes, we have a motion and we have to deal with that before we proceed any further.

I have a speaking list. Once we have exhausted the speaking list, we will vote on the subamendment that has been moved by Mr. Redekopp and then go on the main motion as amended or not.

Next on the list is Mr. Genuis, and then it's Ms. Rempel Garner.

Mr. Garnett Genuis: Thank you, Madam Chair. I'm going to respond to a couple of comments that were made.

Ms Kwan is right that the chair has not ruled on the question of privilege, but that's simply a correct description of the jurisdiction of the chair. The chair does not rule on questions of privilege. The chair has made a ruling that is in effect as far as the chair can go in acknowledging the seriousness of this matter and its relation to privilege.

What is appropriate, then, is for the committee to forward the issue onward in a timely manner for a further adjudication determination. I think that needs to happen quickly. The committee needs to proceed in a way that accords with a recognition of the seriousness of the issue. That means, as the amendment says, having the hearing for witnesses right away. As we're going to propose, it means preparing the report and allowing the committee to move on.

The issue is that one can't simply go back to the issue from which the privilege question arose. It's legitimate for a member to have the opinion that there wasn't a violation of privilege. That's an opinion. That's an opinion I disagree with, but it's an opinion.

The point is, given the recognition of the seriousness of this, we can't go back to that item until the matter is considered and resolved. That's why I think it's important to first adopt the motions we need to adopt today, to hear from the witness, to proceed with the report and then to allow the ruling to happen. This is the flow that needs to take place.

Again, it's an intricate piece when you come to privilege questions, but everybody has a role to play. The Speaker would make a finding of a prima facie case. However, even then, if the Speaker makes that finding, that typically refers it to a committee.

All of these are steps in the process. I think making that happen quickly, in the proper order, is what we're saying needs to happen.

Thank you.

The Chair: Thank you, Mr. Genuis.

To clarify for all members, Mr. Dhaliwal's motion has not passed yet. We had an amendment that was voted down, and now we have another amendment. That's what we are debating.

Next will be Ms. Rempel Garner and then Mr. Redekopp.

• (1630)

Hon. Michelle Rempel Garner: Thank you, Chair.

On Mr. Redekopp's amendment about having the witness proposed by Mr. Dhaliwal attend the committee at the next meeting and why this is important.... Again, this is not partisan. This is just my perspective as a legislator. Right now, in the review of this bill, we are considering amendments that are allowable because of a special motion in the House of Commons that allows this committee to consider amendments that are far beyond the original scope of the bill. It went through the House of Commons.

These amendments are highly technical. They affect the scope in which citizenship can be conferred to people. To date, the debate on these amendments with officials has been about asking a lot of questions on impact.

The amendments that have been brought forward weren't shared with all members of the committee to start with. We have been trying to do our due diligence, step by step, with the officials to understand the impact. Also, we understand that at the heart of this bill there is broad consensus, but the amendments are broad.

My concern as a legislator, and why privilege has to be dealt with first, is this. If somebody outside of the committee, as the chair has noted, received these amendments in such a way that wasn't in accordance with the rules, and we haven't disposed of this and are trying to dispose of this, then it raises questions about the impact, the scope and the intent of the amendments. That's why privilege exists. It's not a "gotcha" moment. It's a safeguard to ensure that the legislative process is followed appropriately.

Mr. Dhaliwal, I'm assuming, is asking this person to come to committee so he can understand what happened. I would like to know as well. However, we can't go forward and continue to look at amendments that might be impacted by a potential breach of privilege. I think that's what my colleagues are saying here.

If my colleagues want to follow along in everybody's favourite green book—here's a plug for a bestseller on amazon.ca—page 154 deals with this issue. Just to clarify for my colleagues, I want to summarize everything that's happened to date. It starts off outlining the scope of what the chair can and can't do:

Unlike the Speaker, the Chair of a committee does not have the power to censure disorder or decide questions of privilege. Should a Member wish to raise a question of privilege in committee, or should some event occur in committee which appears to be a breach of privilege or contempt, the Chair of the committee will recognize the Member and hear the question of privilege....

This is what our chair did with Mr. Kmiec last week. That's step one. Again, this relates to the sharing of confidential amendments outside of the committee during clause-by-clause.

It goes on to say:

The role of the Chair in such instances is to determine whether the matter raised does in fact touch on privilege and is not a point of order, a grievance or a matter of debate. If the Chair is of the opinion that the Member's interjection deals with a point of order, a grievance or a matter of debate, or that the incident is within the powers of the committee to deal with, the Chair will rule accordingly giving reasons.

What I believe the chair has said here—and it's my understanding—is that this matter does in fact touch on privilege. That's what has happened today.

It continues:

If, in the opinion of the Chair, the issue raised relates to privilege...the committee can proceed to the consideration of a report on the matter to the House.

I'm assuming that my colleague is inviting this fellow in the motion because it is of substance to our determination on this issue. Because the matter of privilege that is being considered potentially touches on the clause-by-clause consideration of this bill, we have to dispose of this. The committee has to decide whether or not it's privilege before we move on.

● (1635)

That would be my interpretation here. I think we can dispose of this quickly, I really do, but that is why my colleague is calling for this. Let's get this person here, let's question him and let's dispose of the issue. That's where my colleague Ms. Kwan has a difference of opinion on what happened, but because the chair has ruled as she did today, it is now our responsibility to deal with this as the first matter in front of our committee. This is one of those moments where....

From time to time in committees, you'll see members of all political stripes using procedural tactics for one thing or another, but in this instance, that's not the case. This is a matter that materially impacts how this committee.... We're legislators. We're making laws. I'm giving an impassioned non-partisan speech, but we have to consider whether or not privilege was broken, because it has an impact on how we are debating amendments.

These are the sorts of things that lawyers look at down the road. We should make sure that in all of our deliberations of law and the legislative process, we are adhering to procedure so that we are respecting the structural integrity of how Parliament functions and works. I ask my colleagues to play it by the book on this one, I really do.

Let's get this guy here, let's dispose of this and then let's move on to the clause-by-clause review. I think that's reasonable. That would give everybody, regardless of how they feel about this issue, some comfort that we're handling this matter with appropriateness and transparency. That would be my preference, so yes to my colleague Mr. Redekopp's motion. We have to dispose of this.

Thank you, colleagues.

The Chair: Thank you, Ms. Rempel Garner.

Next on the list is Mr. Redekopp, and then it's Mr. Maloney.

Go ahead, Mr. Redekopp.

Mr. Brad Redekopp: Thank you, Madam Chair.

My colleagues Ms. Rempel Garner and Mr. Genuis were talking about timeliness, essentially. That is the basis of what I am talking about in my amendment. I want to reiterate—it's what my colleague was just speaking about—that this is a very important, pertinent issue that we need to deal with as quickly as possible.

I'm concerned that the way the motion is written doesn't convey that. In fact, it doesn't even mention this issue. It mentions Bill S-245.

That's my concern. We need to do something to put a little more teeth, if you will, into this motion so that we make sure it's done in a timely manner and as quickly as possible. The next meeting would be the one to do it at. For all the reasons that have been stated already, we need to deal with this first, or as quickly as we possibly can. It does affect what we do in some other deliberations potentially.

We've had a lot of very good questions. Unfortunately, we didn't get a chance to discuss a lot of the NDP amendments with the NDP. That's partly why we ask a lot of questions of the department officials who are here and who are probably bored out of their minds at the moment.

We appreciate your being here and the answers you have given so far.

It's important that we ask those questions about the bill. However, we also have to be careful that there aren't improper influences happening to us as well. We've all had different people contacting us about this bill. It's one thing if somebody has an opinion and they share it with us or with our office, but if that person has been privy to very detailed information about amendments, it can change things. It can impact, in an unfavourable way, what we choose to do, potentially.

I know there are particular stakeholders who have been phoning us repeatedly, sometimes multiple times a day. That isn't necessarily helpful for us. Some of those things can be wrongly influenced by somebody having information that they shouldn't have.

That's the core issue, getting back to the privilege we're speaking of today. That's why I think it is important that we put a time condition on this. It's so that we don't end up at the end of June and find out that we don't have a chance to get the witness here.

That's why I want to see us have some kind of time limit so we get this done very quickly. My preference would be to do it right away, this week, and then we can dispose of it and, as we said, move on to the substance of the bill. As we all know, there is a deadline to get that done, which I believe is June 15. We still have some time and that's a good thing. However, we do need to get that done. That's the timeliness factor and why that needs to be done quickly.

I also want to address the question of whether there has been a breach.

Madam Chair, you rightly stated that you are not the arbiter of that. You do not decide whether there has been a breach, but you decide whether there is enough evidence to support an investigation into that. That's what you've done, and that's good.

There was some mention from Ms. Kwan about the document that was not tabled, and that was the choice of the person who had the document. From what I understand, in that document—I think Ms. Kwan alluded to some of this—there were very specific references to specific amendment numbers. Even if somebody generally understood that government amendments are typically numbered G-1, G-2, G-3 and so on—even if they understood that basic concept—they would have no way of knowing, for example, that G-3 is specifically about this versus G-5 being about that. They wouldn't know that. That level of information, which is what I recall seeing in the document, is very specific. To me, that is very indicative of a potential breach. Somebody, somehow, passed that information on to them. That's why I think it's important that this be reviewed in more detail.

The other thing that was in that document, as I recall, was a bit of a strategy: that A is going to happen and then B will happen, or there will be a motion for this and then an amendment for that. There was a bit of a plan, if you will, that had been created and devised.

• (1640)

That is essentially what was in this document, which, when it was received, seemed a bit interesting. Then, lo and behold, when we had our last meeting, the plan that was outlined in that document was in fact exactly what happened. Clearly this person not only had access to information they shouldn't have had, but also had access to the strategy, if you will, that was going to be used by the person moving that.

I'm not sure that was necessarily part of a breach. I don't know. That's what we'll have to study, because that part I'm not exactly clear about. Certainly having some of that information, I believe, was clearly a breach of privilege. However, as was said before, we around this table certainly reserve the right to agree or disagree that it was a breach, because at this point we haven't had the full disclosure. I also believe that's why it's so important to have this witness come, because they're the one who knows. They know the answers

to these questions, and every one of us needs the opportunity to ask these questions to find out the truth about where this came from.

It's not so much about punishing somebody necessarily, because there could be legitimate faults in the way that some members run their offices. I don't mean that in a critical way. It could be a legitimate hole that needs to be plugged, if you will.

I love aviation, so I often watch—and some of you may have watched—shows in which there is a plane crash and they describe all the things that happened that led up to that plane crash. Often there are multiple things. It's not about assigning blame so much as it is about figuring out what went wrong and plugging the hole so that next time it doesn't happen.

That's kind of the same principle here. It's not so much about assigning blame to somebody. It's about figuring out why it happened and what flaws, if you will, there were in the system and then figuring out a way to plug those holes, to fix those flaws so that it doesn't happen again. I believe that's really important and a really important outcome of this.

That summarizes some of my thoughts for now. As I said, the main thing I want to do is make sure we have a timeliness associated with this so that we don't end up just delaying it and not dealing with it. I think that is very important.

Thank you.

• (1645)

The Chair: Thank you, Mr. Redekopp.

Just so that all members stay on that point, we are debating the amendment that has been moved by Mr. Redekopp.

I have two more people on the speakers list. Mr. Maloney is next.

Mr. Maloney, welcome to CIMM. I hope you are enjoying the meeting.

Mr. James Maloney (Etobicoke—Lakeshore, Lib.): Thank you. I am thoroughly enjoying this meeting. It's fascinating, and you are discussing a very good point.

Mr. Redekopp, you should watch the show *Mayday* if you're interested in aviation. That's the one you were talking about.

I agree with what Mr. Redekopp said insofar as this needs to be dealt with as quickly as possible. From what I can gather from listening to people around the table, everybody else thinks so too. I disagree that it has to be done now. If we look at the section from page 154 that Ms. Rempel Garner read, the words, taken literally, do not say that the ruling precludes this committee from proceeding with the clause-by-clause. In fact, my interpretation would be that it says the exact opposite.

What it says is that once you have made your ruling, Madam Chair, we can then consider having it go to the Speaker, which you have done. Procedurally, what we have to deal with right now is Mr. Redekopp's amendment and Mr. Dhaliwal's motion, and that's where we are.

Thank you.

The Chair: Thank you, Mr. Maloney.

Up next we have Mr. Genuis, and then it's Ms. Rempel Garner.

Mr. Genuis, go ahead.

Mr. Garnett Genuis: Thank you, Madam Chair.

I'm respectfully disagreeing with the direction of Mr. Maloney's comment.

I just remembered there's a rule when there's a violation of privilege: You have to bring the matter up at the earliest reasonable opportunity. It's not precisely defined in the Standing Orders, but the spirit of it is that you can't feel your privilege is violated, think about it for two weeks and then come back and move the issue. Privilege is supposed to have an element of urgency to it. There's something happening that is impacting the ability of members of Parliament to do their jobs. If it's an issue of privilege, it naturally follows that there's an urgency to it.

I'm going back over my memory of the privilege issues we've dealt with. One issue was that certain members were impeded in coming to the House for a vote because there were certain security protocols associated with it. I think a foreign leader was visiting. With the new security protocols, they were not able to get to the House to vote. Therefore, a privilege issue was raised because they were prevented from exercising their privilege, which is to vote. The urgency of that matter was in the fact that people were being prevented from voting, so it had to be dealt with right away. There are votes going on all the time. If you put that issue off and say, "Well, yes, people are being prevented from voting, but we'll deal with it in two months", in the intervening time, you have the continuation of the problem, which is people being prevented from exercising their privilege.

The House, right now, is debating a question of privilege involving foreign interference. It's obviously an urgent matter because foreign interference didn't just happen once to one member at one point in time. It's an ongoing concern. There are ongoing issues that have to be resolved as soon as possible, which is why members are required to bring things forward right away. In the House, on matters of privilege, privilege overrides everything. It is unlike everything else. It even overrides private members' business.

Speaker Regan previously ruled that, if the government adjourns debate on a matter of privilege, it comes back right away. It has a unique character within the Standing Orders in that the House is necessarily seized with it until it's dealt with. I think people understand that. It's because of the urgency and importance of the matter, and because of the importance of it being dealt with right way.

I don't know whether the process for consideration of that matter is as formally structured in the rules at the committee level, but I think it's important for us to act with an appreciation of what privilege means and what the practices of the House can teach us about our practices here in committee. If the matter is urgent and necessarily overrides the other things going on, then at committee we should say it is important, it is urgent and it is impacting the privileges of members.

It's particularly impacting the privileges of members in the context of clause-by-clause consideration of a particular bill. We need to understand what happened and how it can be resolved if we're going to take seriously the resolution of that privilege matter. It has to happen in that sequence and in a way that acknowledges the operating principles we get from the House, which are urgency, primacy and the need for the privileges of members of Parliament to be protected in order for members to do their jobs. If I don't have my privilege protected, I can't do my job and properly move things forward. For this committee to function, that privilege needs to be respected. That is a precondition for all the things that have to happen next. I think the principle of the amendment is to say, yes, we need to hear from the witness right away, because we need to get towards a resolution.

Mr. Redekopp has put forward an amendment. I understand it might come forward in a separate form that deals with the privilege issue. The other issue I have in general with this motion—I support it and let's move it forward—is this: I don't see this motion directly addressing the issue of privilege. It just says we're going to hear from a witness who is going to help us enumerate some facts. It doesn't actually lay out the process for resolving the privilege issue.

• (1650)

That's what we're supposed to be doing. Once the important issue of privilege has been determined, the committee, just as would happen in the House, must then respond to the issue of privilege accordingly. That's the right thing to do.

That's consistent with the long-running practice and traditions of the House, but it's not just the right thing to do because it's the traditional thing. It's the right thing to do because it's what protects the ability of our institutions to function on the matter that comes next.

First we establish that we've resolved whatever considerations or issues relate to the protection of the privileges of members, and then we can build on that secure foundation of privilege being respected and recognized to go on to the next step. It seems to me that the sooner the committee is able to take those steps, the sooner the committee is able to go on to next steps, so I would encourage that kind of prioritization.

I'll leave my comments there.

The Chair: Thank you, Mr. Genuis.

I have four people on the speaking list. I have Ms. Rempel Garner and then Ms. Kwan.

Next is Ms. Rempel Garner.

Hon. Michelle Rempel Garner: Thank you.

I want to respond to my colleague, Mr. Maloney, and walk through that line of thinking.

Mr. Maloney is right in that it's now the committee's job to determine whether or not this is a matter of privilege. That's what we're dealing with right now. Why I think the witness needs to come right away is that if he doesn't, I think I would raise another matter of privilege, and I want to walk you through my logic on that.

What we're discussing here is that, potentially, while a bill was in committee stage consideration and the potential amendments were in confidence—which is actually like a sacred part of the legislative process, and there are rules around it—these amendments were circulated to third parties without the knowledge or consent of the committee. There potentially could have been third party input during that stage of committee review, which is highly problematic. I don't understand if there are lobbying concerns here or what the issue was, but it's problematic, and there are rules around that process for a reason.

If we don't have this person here right away.... Let's game this out. Let's say that we don't have this person come before the committee, we don't deal with the privilege issue and we don't dispose of it. Let's say we get through the amendments and we refer the bill back to the House. There are procedural questions—and I would look for an interpretation—and potentially legal questions on the validity of those amendments should we rule on privilege later.

If we don't have this person come to the next committee and we don't dispose of this, then to me that's a breach of my privilege. This is why it needs to be done right away. Again, going back to why we decided to put that whole motion together, it was to deal with this at once so we can move on.

I'll just put my concern on the table, and perhaps my colleagues can allay my fears. I am concerned that if we don't have this person at the next committee, they're never going to come. We're going to get through all of these amendments and we won't dispose of this until after the bill has gone back to the House. With partisan hats off for a second, can you imagine, colleagues on the other side, if we had done that and leaked it to a third party group? There would have been hell to pay, and rightly so, because there's a reason we have these processes in place.

Look, we've been asking technical questions on very technical amendments that have basically been table-dropped on us by colleagues. We are trying to get this bill through as quickly as possible. These are really technical and big-impact amendments to a significant piece of.... Honestly, the Citizenship Act is more complex than the Income Tax Act in some ways. I am trying to review this to weigh, on balance, whether or not this is in the best interests of my community, which is what we are paid to do.

We need to know if there was a breach of privilege. I would probably be prepared to raise another point of privilege, I think, if we are not having this person come, to dispose of the matter of privilege. People can agree or disagree if there was one, but we have to put it to bed for the sanctity of the process we're working on right now. That's my two cents.

I would ask colleagues if the intent.... I just want to know: Do the Liberals want him to come to the next meeting? If it's no, then they will vote against this. That tells me they do not want to deal with the matter of privilege. That is highly problematic for me, not as a partisan but as a legislator. My colleagues opposite never want to be in this position where they are considering amendments to a substantive piece of legislation with a matter like this in front of them. It has impacts for our constituents.

If we're not going to deal with this, then why go through the charade? If you want to deal with it, have this person at committee the next time. If you don't want to deal with this and don't think there's a matter of privilege, then let's deal with that too.

• (1655)

My sense is that my colleagues want to get to the bottom of this. If that is in fact the case, let's accept my colleague's amendment and have this person at our next meeting, which I'm sure our lovely chair can schedule, because she always does that well. Then we can move on with life and hopefully get this bill through expeditiously.

Thank you.

The Chair: Thank you, Ms. Rempel Garner.

Next on the list is Ms. Kwan.

Ms. Kwan, please go ahead.

Ms. Jenny Kwan: Thank you, Madam Chair.

I don't have any trouble with the witness appearing at the next committee meeting. There seems to be quite a lot of assumption that, somehow, it's not what people want. I would love for the guy to show up. In fact, I would love it if he actually showed up today so we could get to the bottom of it. That said, I don't have any trouble whatsoever with him showing up at the next committee meeting.

The other thing I want to point out is that it seems that at this committee, there are always these questions of privilege. I recollect a situation in the past where a question of privilege was raised about an email sent that included government or ministerial officials. I recall I moved a motion in that instance to invite the law clerk to come and speak to committee—which took some time, by the way. We eventually had that come before committee, but we were able to still carry on with the work we needed to do while we waited for that information.

The Chair: Thank you, Ms. Kwan.

Next I have Mr. Brunelle-Duceppe.

[*Translation*]

Mr. Alexis Brunelle-Duceppe: Thank you, Madam Chair.

As usual, Madam Chair, I'm going to play the role of Quebecois sovereignist trying to find a compromise between the federalist parties on Canadian citizenship legislation. Described that way, it may seem funny, but that is nonetheless the situation in which we find ourselves.

I'm trying to find the common sense in it all. I just want to make my colleagues aware that, if the witness does not appear quickly, as per the Conservatives' request, we're going to end up with a committee that doesn't function. If we don't consider their proposal, we're going to lose more time than we thought we could gain.

I suggest my Liberal and New Democrat friends agree with the Conservatives. Let's get the witness to appear. Afterwards, we can delve into the essence of the work we have to do as a committee, which means completing study of Bill S-245.

As usual, my federalist friends, your good friend the sovereignist is trying to find a compromise for you.

• (1700)

[English]

The Chair: Thank you, Mr. Brunelle-Duceppe. I appreciate that.

I have two more people next on the speaking list: Mr. El-Khoury and Mr. Dhaliwal.

Go ahead, Mr. El-Khoury.

Mr. Sukh Dhaliwal: You can take me off.

The Chair: All right.

Go ahead, Mr. El-Khoury.

Mr. Fayçal El-Khoury (Laval—Les Îles, Lib.): Thank you, Madam Chair.

I'll remove myself from the speaking list because of what was said by my colleague. You can give my turn to another colleague.

Thank you.

The Chair: Mr. Dhaliwal, you also don't want to speak. Okay.

Seeing no further hands raised, we can vote on the amendment proposed by Mr. Redekopp.

(Amendment agreed to: yeas 11; nays 0 [See *Minutes of Proceedings*])

The Chair: Now we have the motion, as amended, moved by Mr. Dhaliwal.

Go ahead, Mr. Redekopp.

Mr. Brad Redekopp: Thank you.

Thank you for that, but I have another tweak that I would like to make to this motion. It has to do with the part that refers to Bill S-245. We talked about that a bit. I believe we need to change it so that we are referring to the potential breach of privilege rather than to Bill S-245 so that we don't have any problems with.... We have to be careful with our motions, because privilege motions take precedence over this, and I want to make sure that is done.

My amendment would be as follows. Replace where it currently says "current study of" with the wording from my original motion, which is "potential breach of privilege resulting from the premature distribution of notices of amendments to", and then it carries on. It would read as follows: "That, pursuant to Standing Order 108(2), the committee invite Randall Emery to appear on the potential breach of privilege resulting from the premature distribution of notices of amendments to Bill S-245, An Act to amend the Citizenship Act (granting citizenship to certain Canadians)". Then add my previous amendment, which I think was "by Wednesday" or "at the next meeting".

The Chair: Okay.

I will ask the clerk to circulate this in both official languages to all members of the committee. I will suspend the meeting for a few minutes so everyone has that in both official languages. Then we will proceed.

The meeting is suspended.

• (1700)

(Pause)

• (1710)

The Chair: I call the meeting back to order. I hope that all members have received, in both official languages, the amendment moved by Mr. Redekopp.

Go ahead, Mr. Dhaliwal.

Mr. Sukh Dhaliwal: Thank you, Madam Chair.

First of all, I'd like to thank my Quebec friend Mr. Brunelle-Duceppe for his thoughtfulness. I would also like to support Mr. Redekopp's motion. I think there is consensus in the room. Let's pass that amendment and the main motion as amended and carry on with our business.

The Chair: Thank you, Mr. Dhaliwal.

Mr. Redekopp, go ahead.

Mr. Brad Redekopp: Thank you, Madam Chair.

I appreciate that—

Ms. Jenny Kwan: I'm sorry, Madam Chair, but I have my hand up.

The Chair: Yes, Ms. Kwan.

Ms. Jenny Kwan: Thank you very much, Chair.

The Chair: I have Mr. Redekopp and then you.

Mr. Redekopp, go ahead.

Ms. Jenny Kwan: Oh, I see. Okay. I was speaking to the amendment.

Mr. Brad Redekopp: Just so we are clear, this also relates to timing. It's to make sure it's clear that this is not about Bill S-245 per se; it's more about the privilege piece. That's why this clarification needed to be made. It's also good for the witness to understand why he is coming to committee and for him to be clear that it's not so much about Bill S-245 as it is about this potential issue of privilege, so that he too is aware of why the committee is calling him. I think it's important to be fair to him so that when he comes he isn't blindsided by questions he wasn't expecting.

That's the reason I'm trying to clarify this. I think it's important that we are clear because, as has been said by others, it is a very significant issue. We need to get the best testimony we can so that, depending on where it goes past this committee, we have good information for those who will look at it afterwards to determine and make assessments about where this is going.

The Chair: Thank you, Mr. Redekopp.

Next I have Ms. Kwan.

Ms. Jenny Kwan: Thank you very much, Madam Chair.

On the language of the motion, I want to be sure that “notices of amendments” is referring to the clerk's package that has been distributed. Am I correct?

The Chair: Ms. Kwan, could you please repeat that?

Ms. Jenny Kwan: The amendment that was sent to us includes the words “notices of amendments”. I will just read the whole thing so that everybody knows what we are talking about:

That the motion be amended by replacing the words “current study of” with the following: “potential breach of privilege resulting from the premature distribution of notices of amendment to”.

The words “notices of amendment to” are referring to the amendments package that has been sent out by the clerk. Am I correct in my understanding of that?

The Chair: Could I ask Mr. Redekopp to please clarify that what you are saying in your amendment relates to the amendments package indicated by Ms. Kwan?

Mr. Brad Redekopp: Thank you, Madam Chair.

The short answer is yes. When the clerk released the different amendments.... We all submitted our amendments to the clerk. The clerk compiled them and submitted them back to us. That's the point at which the numbers are assigned to them and they are sequentially put in order. I believe that's the process. The putting them in order part is related also to the sequence the amendments follow in the bill itself—section 1, section 2, section 3, etc.

Those amendments are put in that order. They're numbered by the clerk and then they're sent out to those of us on the committee, and that's the point at which they are still confidential and are not something that can be shared outside of members of the committee. That's what's being referred to by “notices of amendments”.

• (1715)

The Chair: Thank you, Mr. Redekopp.

I have Ms. Kwan.

Ms. Jenny Kwan: Thank you, Madam Chair.

If I can finish, then, I'm fine with this amendment as long as we're clear to say that what we're talking about here is the package the clerk distributed after each party submitted their proposed amendments to the clerk for distribution to committee members.

The Chair: Thank you, Ms. Kwan.

Go ahead, Mr. Redekopp.

Mr. Brad Redekopp: Yes, I think that's the idea here, so I think we should be okay with it.

The Chair: Go ahead, Ms. Rempel Garner.

Hon. Michelle Rempel Garner: On this point, what I want to know.... Just hearkening back to what our colleague Mr. Kmiec disclosed at the last meeting, there were specific numbers that would have been related to the amendments as they were presented. To my colleague Ms. Kwan, I think that's what we're getting at here. Somebody doesn't come up with numbers like that with a crystal ball. They came from somewhere, and I think that's what we're trying to get at with this.

The Chair: Thank you.

Seeing no further debate, we will take the vote on the amendment moved by Mr. Redekopp.

(Amendment agreed to: yeas 11; nays 0)

The Chair: The amendment has been adopted. Now we have before us the motion moved by Mr. Dhaliwal, as amended.

Go ahead, Ms. Kwan.

Ms. Jenny Kwan: I'm sorry, Madam Chair. I think we have to vote on this motion first, and then I will have a motion to move as well.

The Chair: Thank you, Ms. Kwan.

Now we have the motion moved by Mr. Dhaliwal, as amended, on the floor.

Seeing no debate on that, I will ask the clerk to please read out the motion as amended.

The Clerk of the Committee (Mr. Keelan Buck): It reads as follows: That, pursuant to Standing Order 108(2), the committee invite Randall Emery to appear on the potential breach of privilege resulting from the premature distribution of notices of amendments to Bill S-245, An Act to amend the Citizenship Act (granting citizenship to certain Canadians).

The Chair: Add “at the next meeting”.

The Clerk: Yes, “at the next meeting”. Thank you.

The Chair: We adopted an amendment before this.

Can you start again and read the full motion as amended? We had two amendments.

The Clerk: My apologies. I missed the previous amendment.

I reads:

That, pursuant to Standing Order 108(2), the committee invite Randall Emery to appear on the potential breach of privilege resulting from the premature distribution of notices of amendments to Bill S-245, An Act to amend the Citizenship Act (granting citizenship to certain Canadians), at the next meeting.

• (1720)

The Chair: Thank you.

That's the motion as amended.

Mr. Brunelle-Duceppe is next.

[*Translation*]

Mr. Alexis Brunelle-Duceppe: Could you read it in French, please?

[*English*]

The Chair: Yes.

Please read it.

[*Translation*]

The Clerk:

That pursuant to Standing Order 108(2), the committee invite Randal Emery to appear on the potential breach of privilege resulting from the premature distribution of notices of amendments to Bill S-245, An Act to amend the Citizenship Act (granting citizenship to certain Canadians), at the next meeting.

Mr. Alexis Brunelle-Duceppe: Thank you.

[English]

The Chair: Thank you.

Seeing no debate, we will take the vote on the motion as amended.

(Motion as amended agreed to: yeas 11; nays 0)

The Chair: The motion moved by Mr. Dhaliwal as amended has been adopted.

Go ahead, Ms. Kwan.

Ms. Jenny Kwan: Thank you, Madam Chair.

I think it would be appropriate for all committee members to receive a copy of the email the chair received from MP Kmiec at the last meeting pertaining to this issue.

As such, I move a motion for that email to be distributed to all committee members.

The Chair: Thank you, Ms. Kwan.

We will hear from Mr. Dhaliwal and then Ms. Rempel Garner.

Mr. Sukh Dhaliwal: Thank you, Madam Chair.

I was just thinking, to get things moving, that I would love to see members support this and carry on with the bill.

The Chair: Thank you.

Go ahead, Ms. Rempel Garner.

Hon. Michelle Rempel Garner: Just for my colleagues, in the meantime, including my colleague Ms. Kwan, I think Mr. Kmiec may have read the email close to its entirety. I understand wanting to see a copy of it and I'm supportive of that, but I think he read it into the record at the last meeting. It would be in our blues for sure, so there is a public record of it. I'll just make that point.

The other point I would make, on behalf of our colleague from Quebec, is that this would be distributed in both official languages as well. The assumption is that this would happen.

Thank you.

The Chair: Ms. Kwan has moved a motion that it should be circulated. That is for the committee to decide. We will have a debate and then vote on that.

Go ahead, Mr. Maguire.

Mr. Larry Maguire: Thank you, Madam Chair.

My colleague alluded to the fact that it may be mainly available already in the blues. I believe my colleague Mr. Kmiec read a good deal of it, and his request would have been in Hansard.

Do you have a ruling with regard to whether or not it can be distributed if it wasn't formally presented by him in the House? Do you need some time to decide whether or not it can be distributed in the manner we're talking about?

Thank you.

The Chair: Thank you, Mr. Maguire.

For the question you raised, to clarify, it cannot be distributed until or unless it is tabled.

Ms. Kwan has moved a motion that it should be distributed. If, after the vote, that motion is adopted, I will get it circulated to the members after getting it translated into French. The email I was given by Mr. Kmiec is only in English. It was not in both languages.

We will hear from Ms. Kwan, then Ms. Rempel Garner and then Mr. Maguire.

Go ahead, Ms. Kwan.

• (1725)

Ms. Jenny Kwan: Just very quickly, Madam Chair, I know that Mr. Kmiec read part of that email onto the record, which we do have. However, we don't have it in its entirety. I think this whole exercise is premised on that. It would be useful and helpful for all committee members to receive it, and in a timely fashion, so that it will become part of the documentation for committee members to review before the witness appears on Wednesday.

Thank you.

The Chair: Thank you, Ms. Kwan.

Ms. Rempel Garner, go ahead, and then it's Mr. Maguire.

Hon. Michelle Rempel Garner: I have just a very brief question with regard to my colleague Mr. Maguire's question.

Chair, you don't require us to formally table that, do you? You already have a copy, so you're good. Procedurally, are we cooking with gas here?

The Chair: To answer your question, yes, I have the email provided by Mr. Kmiec in the English language. If the motion is adopted, I will have to get it translated into French, after which the clerk can distribute it. That's if the motion is adopted.

Next is Mr. Maguire.

Mr. Larry Maguire: Yes, that's what I was wondering about. That is the proper procedure, then, for having this motion come forward. I agree with Ms. Kwan that it would be valuable to have that in our hands, particularly before the witness comes at the next meeting, hopefully. My colleague Ms. Rempel Garner indicated the imperativeness of that in her discussions earlier this afternoon in saying that it not be put off and that it be as soon as we can—at the next meeting, if at all possible.

That was the reason I raised this issue in the first place. It was just to have proper procedures and protocol in regard to it. I have no problem with taking the time to do the proper translation and to get that out to us in such a manner. I think we could proceed with that.

I just want to ask a question as well, Madam Chair, while I have the floor. I think some of us have other commitments at 5:30. Was it your intention to hold that today at the meeting? What's the procedure there?

The Chair: We started at 3:45, so we can go on until 5:45.

Mr. Sukh Dhaliwal: Let's get this passed.

Mr. Garnett Genuis: Motion adopted and meeting adjourned.

Voices: Oh, oh!

The Chair: The next speaker I have is Mr. Redekopp.

Mr. Brad Redekopp: My question has been answered. Thank you.

Mr. Garnett Genuis: On a point of order, I think you'd find unanimous consent if you—

The Chair: One second. Let Mr. Redekopp finish.

Yes, Mr. Redekopp.

Mr. Brad Redekopp: My question has been answered. I'm good.

The Chair: Okay. Thank you.

Go ahead, Mr. Genuis.

Mr. Garnett Genuis: I think you'd find unanimous consent to deem the motion adopted and the meeting adjourned.

A voice: No.

Mr. Garnett Genuis: No?

The Chair: We don't have unanimous consent.

Ms. Kwan has raised her hand.

Ms. Jenny Kwan: I'm sorry. That was just to say no.

The Chair: Okay.

We have the motion moved by Ms. Kwan. Seeing no further debate, we will take the vote.

Go ahead, Mr. Genuis.

Mr. Garnett Genuis: Madam Chair, could you just clarify how long it would take to translate the email before its distribution? Would it be here in time for...?

The Chair: Let me confer with the clerk about how long it will take.

As per the clerk, to answer the question raised by Mr. Genuis, it can take from one to two days to get this translated into French.

Go ahead, Mr. Genuis.

Mr. Garnett Genuis: Your expectation is that it will be distributed before Wednesday's meeting. I guess that's two days.

The Chair: The clerk is saying that it will be one to two days. Today is Monday. It cannot be distributed until it is translated. We will have to wait for the translation before this email is circulated to all the members.

Is that clear to everyone?

• (1730)

Mr. Sukh Dhaliwal: Yes.

The Chair: Okay. We can proceed to the vote.

(Motion agreed to: yeas 11; nays 0 [*See Minutes of Proceedings*])

The Chair: The motion moved by Ms. Kwan is adopted. We will get this translated into French. Once the translation is done, the document will be circulated to all members of the committee.

Go ahead, Ms. Rempel Garner.

Hon. Michelle Rempel Garner: Thank you.

I'd like to move another motion in the vein of my colleague Ms. Kwan's.

I think there is probably a bit more discovery we need to do around this matter. Obviously, I hope we will find out, through testimony and having the opportunity to question this witness, how they came to be in possession of this type of information. I think part of the exercise in making the determination on privilege on behalf of the committee—but also trying to look at a potential remedy, because that would be part of a motion as well I believe—is trying to find out what that chain of distribution was. Certainly, if censure needs to happen, censure can then be issued. Also, we can make sure it doesn't happen again.

What I would like to do is move that, if there exists any correspondence between members or members' staff and this individual wherein the amendments were distributed, that correspondence be tabled with the committee for consideration.

I'm open to suggestions on wording, but the intent here would be this: If there was indeed a forwarding of this to somebody, we give the opportunity for that person to perhaps table it with the committee for consideration, so we're not just spinning our wheels when this person comes to committee.

I hate to be a stickler on this stuff, but again, we're not considering a minor amendment to this legislation. To reiterate, what happened was this. We had this bill at a certain stage. There was a special motion that happened in the House of Commons, with debate in the House of Commons, to expand the scope of what we would be considering at this committee. We have been receiving, essentially, very complex and technical table-dropped amendments, and we've been forced to look at them on the floor on behalf of—I'm looking down the table here—the about 500,000 people we represent alone.

I'm not sure how many people my colleague Mr. Brunelle-Duceppe—

Mr. Alexis Brunelle-Duceppe: It's 100,000.

Hon. Michelle Rempel Garner: Okay, it's 600,000.

I want to know how this happened. How is it that I don't have the courtesy of looking at technical amendments when a third party did? I get that colleagues may discuss them among themselves. That's fine. They have that privilege, but the red line is this: We don't send these things to third parties when we're in the middle of the bill review.

I realize my colleague Ms. Kwan said there have been matters brought up before, but I don't believe we were in the middle of a bill review or clause-by-clause consideration at that time, particularly for amendments that needed a special motion in the House of Commons in order to be introduced at committee.

For those watching, what happened here is very serious. We have to protect procedure. When we don't have procedure followed, we have questions about the validity of the legislation that follows.

That would be my motion. I would add a date to the end of it as well, Madam Chair. Let's say those would be tabled by Wednesday.

• (1735)

The Chair: Ms. Rempel Garner, can you please read the text so the clerk can capture it? He has not been able to get the text of the motion.

Hon. Michelle Rempel Garner: I move that, should any relevant communications with—insert the name of the witness for Wednesday here—exist wherein committee members or their staff distributed amendments to this individual, those communications be tabled with the committee prior to Wednesday's meeting.

Thank you.

The Chair: I have quite a few people on the speaking list.

Ms. Rempel Garner has moved a motion. I have Mr. Redekopp, Mr. Brunelle-Duceppe, Mr. Dhaliwal, Ms. Kwan and Mr. Genuis.

We'll go to Mr. Redekopp.

Mr. Brad Redekopp: Thank you, Madam Chair.

I was going to do what you already suggested: get the motion clearly read out. I want to make sure the clerk has the motion.

Do we need to suspend for a minute to get the motion?

Mr. Sukh Dhaliwal: Madam Chair, on a point of order, I bring a motion forward, before you suspend the meeting, to adjourn the meeting.

The Chair: Mr. Dhaliwal has moved a motion to adjourn the meeting. It's non-debatable.

Mr. Garnett Genuis: He didn't have the floor, though.

Ms. Arielle Kayabaga: He's on the speaking list. He had the floor.

[*Translation*]

Mr. Alexis Brunelle-Duceppe: Excuse me, Madam Chair, why...

[*English*]

The Chair: Mr. Redekopp finished.

[*Translation*]

Mr. Alexis Brunelle-Duceppe: It's my turn next.

[*English*]

The Chair: Mr. Dhaliwal, you cannot, on a point of order, move a motion to adjourn.

We'll go to Mr. Brunelle-Duceppe.

[*Translation*]

Mr. Alexis Brunelle-Duceppe: I ask that we adjourn the meeting. I think that's enough for today.

To respond to my friend Ms. Rempel Garner, before doing that, I thought the Conservatives were going to be nice to me because I was nice to them.

First of all, on the motion and the way it was tabled, I didn't have the text in French. It's not written anywhere.

Then, if they start poking around in all of our staff, committee and MP communications, I guarantee you that the good times are going to roll. We can't start by acting like that, especially because we decided to have the witness, Mr. Emery, appear at the next meeting. Let's shed light on the subject based on what he says to the committee. After we've heard him explain what happened, we might have questions about communications between employees.

For now, can we stop this ridiculousness, adjourn the meeting and get ready for the next meeting with Mr. Emery?

I therefore request adjournment of the meeting.

[*English*]

The Chair: Thank you, Mr. Brunelle-Duceppe.

Mr. Brunelle-Duceppe has moved a motion to adjourn the meeting. Is it the will of the committee to adjourn the meeting?

Some hon. members: Agreed.

The Chair: Okay. The meeting is adjourned.

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