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# Standing Committee on Access to Information, Privacy and Ethics

EVIDENCE

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Chair: Ms. Rachael Harder





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• (1550)

[English]

**The Chair (Ms. Rachael Harder (Lethbridge, CPC)):** I will call the meeting to order.

**Mr. Michael Barrett (Leeds—Grenville—Thousand Islands and Rideau Lakes, CPC):** Madam Chair—

**The Chair:** I'll acknowledge the hands that are up if you'll just give me a moment. I would like to lead with a statement.

I would like to provide a short summary with regard to the mandate of this committee. One of the observations I made during our last discussion concerning motions was that there seems to be some confusion around what exactly this committee exists to do.

Given the title of this committee, I think it can be assumed that we have the ability to look at anything having to do with ethics or anything having to do with privacy, and that actually isn't the case. I'd like to take a moment to describe exactly what the mandate of this committee is, if you'll indulge me, and we will move forward from there.

You have a document from the analysts. I have discussed this further with them. It is a document called “Background Information”, which was sent to every single one of you. “Work for the committee” is the subject. Within that, the mandate of this committee is described, including the four commissioners and what they exist for.

The first page within that document describes how matters can come about or come under study by this committee. There are two ways. One, issues can be referred by the House of Commons, such as, let's say, a piece of legislation. We would have the responsibility of studying that. The second way things can come to this committee, of course, as you know, is through members of the committee. You can put forward motions and then we would accept them or not accept them for study, based on the will of this committee.

With regard to the mandate, the committee actually studies and reports based on the four commissioners who exist. Of course, the commissioners are the Information Commissioner of Canada, the Privacy Commissioner of Canada, the Commissioner of Lobbying of Canada and the Conflict of Interest and Ethics Commissioner.

Based on the document that the analysts have provided, which I'm going to briefly go through, if you'll indulge me, paragraph 108(3)(h) of the Standing Orders says that the committee's mandate is to study matters related to the officers I've just listed: the Office of the Information Commissioner of Canada, the Office of the Privacy Commissioner of Canada, the Office of the Commissioner of

Lobbying of Canada and the Office of the Conflict of Interest and Ethics Commissioner.

Pursuant to the Conflict of Interest Act, matters related to the Conflict of Interest Code for Members of the House of Commons are studied by the House of Commons Standing Committee on Procedure and House Affairs. That's an important distinction to understand. There are times when it is appropriate to bring matters to this committee, and there are other times when they are actually best sent elsewhere, for example to PROC, the Standing Committee on Procedure and House Affairs.

Further to this, when we look at the mandate of the four different commissioners, we can see that the Information Commissioner of Canada helps individuals and agencies that believe institutions have not respected their rights under the act. The Information Commissioner of Canada ensures that the rights of federal institutions and concerned third parties are respected. The commissioner ensures compliance with access to information. I leave that with you.

The mandate of the Office of the Privacy Commissioner of Canada covers the personal information-handling practices of government institutions and the Personal Information Protection and Electronic Documents Act, PIPEDA, which deals with how private sector organizations protect this information.

This is an important distinction, if I may take a moment to stop here. The Privacy Commissioner of Canada is not restricted to public office holders only, nor to federal institutions. The Privacy Commissioner of Canada, under PIPEDA, can take on the responsibility to look into private sector matters. The scope of privacy is larger than that of the other three commissioners, and that's an important thing for this committee to be aware of. Where we have a fairly small mandate, perhaps, from the other three, privacy expands it.

The third one here is the Commissioner of Lobbying of Canada. Derived from the Lobbying Act, this is to ensure transparency of the lobbying of federal public office holders. This is with regard to lobby groups, of course, being held accountable in terms of the way they are lobbying public office holders, but then, of course, public office holders are also held accountable with regard to whether or not they receive gifts and such from a lobbyist. That's important for the Commissioner of Lobbying of Canada.

The mandate of the Office of the Conflict of Interest and Ethics Commissioner is to administer the Conflict of Interest Act, which applies to federal public office holders, and the Conflict of Interest Code for Members of the House of Commons, which governs elected members of Parliament. You have public office holders, which would be ministers, the Prime Minister, etc., and then you have, of course, the other act, which governs elected members of Parliament—for example, those who are around the table today. The act and the codes set out a number of obligations and prohibit various activities that involve conflicts between private and public interests or have the potential to do so.

I am going through this very briefly here, but if you have not already done so, please take the time to read through this document. Please take the time to understand what each of these commissioners is responsible for and to understand the different acts that give direction to these commissioners.

As chair, it is my responsibility to determine if a motion falls within the purview of this committee. To the best of my ability, I will consult with the analysts and I will make decisions accordingly, but my reading of the scope within the framework provided here is more narrow than some of the motions I currently have on the table. I offer this as a reflection piece to the committee.

I ask that you consider the mandate that has been outlined for you by the analysts. I also ask that you use that as a guideline when you put forward motions to this committee. This will help us in terms of a streamlined process. This will help me as the chair to honour the wishes of this committee to the best of my ability. It will also ensure that we are doing work in a productive manner.

I am going to hold the floor for one more moment, if I may.

With that, I would suggest that this committee hear from the four commissioners. Mr. Angus moved a motion during our first meeting, and it subsequently got withdrawn. I would like to offer a friendly proposal to the group, if I may.

We have several motions on the floor for studies, and of course we will move forward with those, but it will take a bit of time to set up the witnesses to come. While we're working on that and getting those witnesses lined up, and while we're preparing to take on those studies, my suggestion is that we take the next two meetings, let's say, and hear from these four commissioners, giving them one hour each to come to the committee to deliver a presentation and a summary of their mandate and giving us the opportunity to ask them questions. This would help us to better understand exactly what it is that each of them does and what our mandate is as a committee.

Again, what I would be proposing to you is that each of these four commissioners would have the opportunity to come before the committee for one hour each, and we would have the opportunity to ask them questions after they deliver their 10-minute remarks. Then, after hearing from the commissioners, we would of course continue with our first study, which will be decided by the subcommittee later today.

Would I have the approval of the committee to move forward with this? Is there anyone who would object to this?

Mr. Angus.

• (1555)

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Thank you, Madam Chair, for laying everything out and then completely stealing my thunder on my motion.

**The Chair:** I'm so sorry.

**Voices:** Oh, oh!

**Mr. Charlie Angus:** I've lived with slights all my life, and I can live with this one.

I think it's fundamental that we have the commissioners. I don't know if they all have to come at once, because if we are drawing in witnesses, there are going to be gaps. It's going to be difficult for our clerks to move them in, because they can also be busy.

The only amendment I would make is that we invite them as soon as they can come. I don't know if we actually should have to vote on it as a motion, because if we're not listening to the commissioners, what are we doing? I would suggest, having been on this committee for eight years, that we can hear from the Commissioner of Lobbying in an hour and the Information Commissioner in an hour.

For the Privacy Commissioner, I would say two hours, because they're dealing with big things, and if we're going to deal with the facial recognition study, we're going to need more time. I think Monsieur Dion has really laid down his ground rules. He's much more present than the previous one. I think giving him two hours would allow us to really find out what he does, because he has a lot to say. I think that would be fair, and I would leave it to the clerk to find that out.

I also want to add that Clearview AI has been hacked, so the importance of us getting onto the facial recognition technology when we have billions of photos, they have a client list.... I just wanted to let people know that they've just been hacked.

**The Chair:** Okay.

If the committee is in agreement with that, then I think we could move forward with putting the commissioners in place at their earliest convenience. I feel that the earlier we can listen to them, the better, because they really do set the tone or the mandate for this committee. I feel it is very important for us to hear from them.

Again, at the will of the committee, I am more than happy to accommodate the times you've outlined, Mr. Angus.

Mr. Barrett.

**Mr. Michael Barrett:** Once you've concluded, Madam Chair, whether or not your test of the room has been successful, then I have an item of business that I'd like to address.

**The Chair:** Okay.

Mr. Levitt.

**Mr. Michael Levitt (York Centre, Lib.):** I thank you, first of all, for your overview. For those of us who haven't been on the committee for eight years, that was helpful. I am certainly in agreement with hearing from the commissioners. Obviously we're in a constituency week next week, but then we're back.

I want to speak to the point that the hon. member across the way made regarding the Clearview story that just came out in the media, regarding a breach of their client list and the implications of that. We all agreed around this table the other day that this was an exceptionally important study, looking at the issue of facial recognition for a number of different types of individuals, including racialized Canadians. I think the story that has just come out makes it all the more important.

I don't want to take away from the work of the subcommittee this afternoon, if it is meeting this afternoon, but I think there is a timeliness to being able to establish some scope for the study and being able to start taking witnesses. It's going to take a little while to get it up and running, but I think we should be doing that work ASAP and getting the ball rolling. If it's possible, coming out of that meeting today, I certainly want to suggest that it should be a primary focus as we start doing the studies that have already been put on the floor and accepted and adopted by the committee.

• (1600)

**The Chair:** Certainly. Thank you.

Mr. Fergus.

[Translation]

**Mr. Greg Fergus (Hull—Aylmer, Lib.):** I agree with Mr. Levitt. We haven't discussed it, but it's very important to speak with those commissioners of Parliament. It's important that we give each of them an hour. The only reason I'm not suggesting two hours is that it would require another meeting, and I'd like us to get to the study on artificial intelligence.

Depending on how the discussion with the commissioners goes, I see no problem with inviting them to come back, if we think it's worthwhile. They'll be back, in any case. We'll be dealing with motions involving them, so they'll be before the committee again.

I'd like to get to a study right away. Not only is it important, but it's also pressing.

[English]

**The Chair:** Okay.

**Mr. Damien Kurek (Battle River—Crowfoot, CPC):** Madam Chair, on a point of order, I was trying to determine a good time to raise this. I don't want to take away from the importance of what's being discussed, but at the same time I think the gravity of what's being discussed necessitates the reminder, for lack of a better word, that there was a rule of order, I believe, passed regarding webcasts or televising the committee. Certainly, I know it's available by audio.

My point of order would be that I would encourage the clerk to make all efforts possible, especially on the Hill.... I don't want to suggest that that's not the case, but certainly as we are dealing with issues of great importance to this committee and to the country,

such as safety and privacy and the integrity of government, I think it's very important that, whenever possible, that be respected.

Thank you.

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

The clerk has informed me that she has put in her best effort and, unfortunately, this week we were just not able to televise this meeting. However, for future meetings, we should be in rooms that are either televised or have the option of webcast, and so that accommodation should be made.

Of course, because that is a motion that was passed during our first meeting as a committee, it is the clerk's responsibility to do her best, and I have every confidence that she does.

Mr. Angus.

**Mr. Charlie Angus:** Thank you. I don't want to disagree with my new friend over there.

This committee is very new. I know one thing about members of Parliament—we know all the answers, and then we're going to jump into a big study. I think it would be a big mistake to say, "Well, we could hear from the Privacy Commissioner, and then we're going to handle all the important stuff."

What the Privacy Commissioner does is cutting edge. It's been recognized around the world what this office has done. To give them an hour, I'm sorry, is wasting our time, because the number of questions that are going to be asked is going to be very limited. It's the same with Mr. Dion. He is really trying to reshape this.

This is not to disrespect the Commissioner of Lobbying, because we're going to need time to deal with the Lobbying Act—it's going to be very important—or the Information Commissioner, but there are two portfolios right now that I'm asking my colleagues for. I've been up to speed, and I have met with them a hundred times, but they really are going to lay the groundwork for us. If we don't take the time now, I think we're going to waste a lot of time in committee arguing about what we should and shouldn't be doing, when they will help lay out some ground rules. So, I think it's reasonable to take two hours to hear from each of them, because we're still going to take time to develop our witness list for facial recognition.

This is not going to be a straightforward thing. We're going to need to get the right people. We need to do this in a proper manner. We can jump in, but there are still going to be gaps. I would appeal to my colleagues to give them the time, to let the clerks figure it out, and we'll start putting our witness list together and we'll get down to business.

• (1605)

**The Chair:** Thank you.

Madame Gaudreau.

[*Translation*]

**Ms. Marie-Hélène Gaudreau (Laurentides—Labelle, BQ):** I completely agree. Before we meet with experts, conduct a study or prepare an analysis based on the committee's or the subcommittee's recommendations, we need to speak with the four commissioners, who have the necessary knowledge.

Will two hours be enough? I don't know, but we certainly need to take the time to do things right. Then we'll know what's what. Don't you think?

[*English*]

**The Chair:** If I may, one option is that, if we feel that two commissioners require two hours each and two commissioners require one hour each, we could agree to do two three-hour meetings. That would allow us to move forward with our first study in a timely fashion but still receive the thorough briefing from the commissioners that we feel is necessary.

Mr. Levitt.

**Mr. Michael Levitt:** It's my feeling that trying to change the timing of the meeting is going to be problematic. I have the foreign affairs committee, and the subcommittee of procedure and agenda for that, and I know we all have a lot of that. If we can work within the confines of the scheduled timing, I think it's going to be better. It's going to be really hard to try to find an opportunity to add hours to the committee.

**The Chair:** Okay.

Mr. Fergus.

[*Translation*]

**Mr. Greg Fergus:** I'll defer to Mr. Angus, given his experience.

**Mrs. Brenda Shanahan (Châteauguay—Lacolle, Lib.):** He's the most senior person on the committee.

[*English*]

**Mr. Charlie Angus:** I don't have a lot of hair, but it all turned white, and it was from having to sit at these committees.

**The Chair:** Okay. Thank you, everyone, for a productive dialogue.

It is my understanding, then, that it is the agreement of this committee that we can move forward. The clerk can ask the four commissioners to come at their earliest convenience, and we would give—I just want to verify—one hour to the Information Commissioner, two hours to the Privacy Commissioner, one hour to the Commissioner of Lobbying and two hours to the Conflict of Interest and Ethics Commissioner.

Is that right?

[*Translation*]

**Mr. Charlie Angus:** That's true.

[*English*]

**The Chair:** Okay. Further to that, in addition to asking them to come at their earliest convenience, of course, if we have to wait for some reason, we are not going to allow that waiting period to inter-

ferre with our first study. We will move forward in the essence of time.

Is that right? Okay. Thank you.

Mr. Barrett.

**Mr. Michael Barrett:** Thank you, Madam Chair.

I have a motion that I'd like to move. I have copies in both official languages for the clerk to circulate, and while they circulate I'll read it into the record slowly.

I move:

That the Committee commence a study on the report by the Conflict of Interest and Ethics Commissioner entitled *Trudeau II Report*, published on August 14, 2019. That the Conflict of Interest and Ethics Commissioner be invited to appear for no less than two hours to brief the Committee on his report and that he be given 20 minutes for a prepared statement followed by questions from committee members. That the Committee invite other witnesses as required and that the Committee table a report in the House of Commons no later than May 29, 2020.

Madam Chair, I'd like to speak to the motion, if I may, and underscore the importance of this issue.

Prior to the last election, in August 2019, the Ethics Commissioner released this report, having been advised that there was a matter to investigate. He undertook that investigation, and I'd like to talk about that. It's so important because Prime Minister Trudeau had once been found to be the first and only Prime Minister in Canadian history guilty of breaking ethics laws, and this report revealed that it occurred a second time. That, in and of itself, warrants further scrutiny.

The commissioner's report was submitted to the House, pursuant to the Conflict of Interest Act, which states that the commissioner may conduct those examinations under the act at the request of a member of the Senate or of the House and, as is the case with this examination, on his own initiative.

The details of it, Madam Chair, and the most important points, as found on the first page of the report, are as follows:

Section 9 prohibits public office holders from using their position to seek to influence a decision of another person so as to further their own private interests or those of their relatives or friends, or to improperly further another person's private interests.

It goes on to say:

In early 2016, SNC-Lavalin began lobbying officials with the current government [the now re-elected government] to adopt a remediation agreement regime. Following public consultations, amendments to the Criminal Code allowing for such a regime were adopted as part of the 2018 federal budget.

On September 4, 2018, the Director of Public Prosecutions informed the office of the Minister of Justice and Attorney General that she would not invite SNC-Lavalin to negotiate a possible remediation agreement.

That is the catalyst for what sets out a unique, historic and very troubling sequence of events that ultimately led to Canada falling out of the top 10 on the global index of the least corrupt countries.

Now, the report continues that the evidence showed there were many ways in which Mr. Trudeau, either directly or through the actions of those under his direction, sought to influence the Attorney General. I don't think it requires much editorial comment for folks to acknowledge how truly significant and troubling that is.

Mr. Trudeau met with Ms. Wilson-Raybould on September 17, 2018, at which time she reiterated her decision not to intervene in the Director of Public Prosecutions' decision not to invite SNC-Lavalin to enter into a remediation agreement. She also expressed to Mr. Trudeau her concern regarding inappropriate attempts to interfere politically with the Attorney General in a criminal matter.

Now, the Director of Public Prosecutions, Madam Chair, is an office that was set up under Conservative Prime Minister Stephen Harper, and the purpose of the Office of the DPP was to create a firewall to protect the independence of our judiciary should such an unlikely situation occur that someone in the executive or the Prime Minister's Office would seek to improperly interfere in the decisions of the administration of justice in our country.

● (1610)

The report continues:

These attempts also included encouraging [the Attorney General] to re-examine the possibility of obtaining external advice from "someone like" a former Chief Justice of the Supreme Court.

As was laid out in testimony at the justice committee, we understand they had in mind a specific former Chief Justice of the Supreme Court.

The report continues:

Meanwhile, both SNC-Lavalin and the Prime Minister's Office had approached the former Chief Justice of the Supreme Court to participate in the matter. The final attempt to influence Ms. Wilson-Raybould occurred during a conversation with the former Clerk of the Privy Council [that's Mr. Michael Wernick] on December 19, 2018, as an appeal, on behalf of Mr. Trudeau, to impress upon her that a solution was needed to prevent the economic consequences of SNC-Lavalin not entering into negotiations for a remediation agreement.

We know, having heard from the chief executive officer of SNC-Lavalin, that no jobs were at risk, and we know that the Minister of Finance had not undertaken any study to see what the impacts would be on the economy as a result of that.

The report continues:

The second step of the analysis was to determine whether Mr. Trudeau, through his actions and those of his staff, sought to improperly further the interests of SNC-Lavalin.

The executive summary concludes as follows:

For these reasons, I find that Mr. Trudeau used his position of authority over Ms. Wilson-Raybould to seek to influence, both directly and indirectly, her decision on whether she should overrule the Director of Public Prosecutions' decision not to invite SNC-Lavalin to enter into negotiations towards a remediation agreement.

Therefore, I find that Mr. Trudeau contravened section 9 of the Act.

Madam Chair, this executive summary of a thorough and detailed report does find that there was a contravention of the act by Prime Minister Justin Trudeau. While that in and of itself is concerning and historic, as I have said, and very troubling, it also gives Canadians pause and leads them to question the institutions that they should have the utmost confidence in—the judiciary, in this

case—and the ethics of those who occupy the halls of power and those who occupy the Prime Minister's Office.

The interesting thing that I think Mr. Dion's report goes on to identify is that there was in fact an obstruction—an obstruction in his attempt to get to the bottom of the case. That is, at every possible turn, the Prime Minister invoked cabinet confidence. He claimed that there was a waiver issued, the largest waiver of cabinet confidence in Canadian history. While difficult to quantify or verify, many pundits have spoken about how that is unlikely to be true. But we know that for the purpose of the commissioner's investigation, it proved incredibly difficult, and in fact impossible, for him to properly complete his job.

The seriousness that of course gave rise to that investigation and to the opposition's attempts in the last session of Parliament to have fulsome hearings on it...which were not fulsome because of the obstruction that occurred. We've heard from legal experts over the course of this issue unfolding in the public sphere that this was truly concerning.

At the time, the reply from government was that of course it would not be too incredible to believe that Conservatives would line up former Attorneys General who served under Conservative governments. But I would draw their attention now, as I did at the time, to the words of former Liberal Ontario Attorney General and now executive director and general counsel of the Canadian Civil Liberties Association, Mr. Michael Bryant:

So if PMO...made legal changes to the Criminal Code to accommodate a Quebec conglomerate, then lobbied the Justice Minister to politicize a criminal prosecution, then this government is about to learn the hard way that messing with the administration of justice is not just bad politics. It may be a crime.

● (1615)

There are pages and pages from legal experts who have given their opinion on this issue. A former judge who testified at the justice committee, Mary Ellen Turpel-Lafond, said, "A political official or an administrative official in government that attempts to influence a prosecution...is not only immoral but is illegal." Former Judge Turpel-Lafond is currently the director of the University of British Columbia's Indian Residential School History and Dialogue Centre.

The obstruction that occurred is not surprising, considering the severity of the actions that were undertaken, demonstrated to be true by the work of the Conflict of Interest and Ethics Commissioner. His very detailed report does talk about the ongoing legal proceedings and how that impacted his ability to do his investigation.

It is crucial for us, as members of Parliament, with the trust that is placed on us by Canadians when we are sent to this place, that we are able to do what we've been sent here to do. When we are told that cabinet confidence can be used not to protect the discussions and the safe harbour of the decision-making process at the cabinet table—so that solidarity can be held, so that government speaks with one voice, so that national security interests can be protected, or so that public procurement processes aren't corrupted through early access to sensitive information—and when that cabinet confidence is used as a shield to protect wrongdoing and essentially immunize public office holders from public scrutiny, that's universally understood to be an unacceptable state of affairs.

The evidence that was placed before the Conflict of Interest and Ethics Commissioner drew him to conclude that the evidence abundantly showed that Mr. Trudeau knowingly sought to influence Ms. Wilson-Raybould, both directly and through the actions of his agents.

The outcome of that influence and the attempts to exercise that influence was that, when she didn't acquiesce, she was fired as the Attorney General. We hear lots of criticism about other countries, and often the panel shows are jammed with people who want to talk about the executive in the executive office of other countries, particularly our neighbours to the south, but when we have the Prime Minister firing the Minister of Justice and Attorney General for not bending the knee to his wishes, when she is exercising the authority and the discretion that she has been lawfully and duly granted in her appointment, it gives us great concern.

When you look at what came out of that, it wasn't a one-off, Madam Chair, where it was a personality conflict between the Minister of Justice and Attorney General, Ms. Wilson-Raybould, and Prime Minister Justin Trudeau, because we saw the follow-on effects. Once Ms. Wilson-Raybould ultimately left cabinet, then we saw that the President of the Treasury Board gave up her seat at the cabinet table as a result of the goings-on, the dealings behind closed doors. We know that, as a result of that sequence of events, the Clerk of the Privy Council was forced to resign amid the greatest political scandal in many generations. It's not something to gloss over that the principal secretary, the personal friend to the Prime Minister, also resigned amid all of the disgrace that had fallen on the highest offices in our country.

● (1620)

With regard to the individuals who acted under the direction or authority of the Prime Minister, who were involved in the matter, as well as those who were involved on behalf of other ministers, the commissioner concluded that they could not have influenced the Attorney General simply by virtue of their position. Consequently, he did not have reasonable grounds to pursue concurrent examinations of their conduct. Nor does he have reason to believe that they may have breached another substantive rule under the act, but they acted in accordance with the general direction set by Mr. Trudeau in September 2018 and did not receive instructions to cease communications even once related legal proceedings had commenced.

Since we've had an election, in the mandate letters that were issued to ministers of the Crown, they were all instructed to act in the best interest of the administration of justice, to conduct themselves

to the highest ethical standard. However, we've seen that the scandals from the past continue to present themselves in a way where this government is not putting itself forward in an ethical way.

The trip to billionaire island was still in the news and still on Canadians' minds when the RCMP, which had a complaint referred to the commissioner, said it could not productively pursue an investigation. Why couldn't they productively pursue an investigation? It sounds to me like that obstruction continued.

In the most recent weeks, I have raised the issue of the Prime Minister's failure to file his disclosure under the Conflict of Interest Code for Members of the House of Commons. Now, all members are required to do that, and his statement was that it was an administrative oversight. When it comes to the rules and to Prime Minister Trudeau, it seems to me that he believes there are two sets of rules: There is one set of rules for those who govern, and another set of rules for those whom they govern.

That is not the kind of country that Canadians want. That is not the kind of democracy that they believe in. Furthering one's personal and private interests through his or her office is the antithesis of what Canadians expect of us once we're here.

Madam Chair, when we look at the historical context of what the commissioner undertook, he has traditionally adopted a narrow interpretation of what constitutes a private interest. It has not expressly excluded certain types of interests; it has confined private interests largely to those of a financial nature.

In this report, the “Trudeau II Report”, he says:

In the 1973 green paper entitled “Members of Parliament and Conflict of Interest” issued by the federal government, the term “conflict of interest” was defined as “a situation in which a Member of Parliament has a personal or private pecuniary interest sufficient to influence, or appear to influence, the exercise of his public duties and responsibilities”.... This definition was also used in the Parker Commission report, involving allegations that the Honourable Sinclair Stevens was in a real or apparent conflict of interest.... It must be noted that this early interpretation applied exclusively to Members of Parliament.

Since then, the test to determine the existence of a conflict of interest has evolved. No mention was made of the narrower “private pecuniary interests” in subsequent iterations of the Conflict of Interest and Post-Employment Code for Public Office Holders, as well as in both the Act and the Conflict of Interest Code for Members of the House of Commons. An interpretation of the term “private interest” read contextually, in its grammatical and ordinary sense harmoniously with the scheme of the Act, the purpose of the Act and the intention of Parliament, leads me to believe that it may include all types of interests that are unique to the public office holder or shared with a narrow class of individuals.

● (1625)

Private and public interests can take many forms, including financial, social or political. As described in a 1980 report prepared by Professor J. L. J. Edwards entitled “Ministerial responsibility for national security as it relates to the Offices of Prime Minister, Attorney General and Solicitor General of Canada”, public political interests include, for example, “the maintenance of harmonious international relations between states, the reduction of strife between ethnic groups, and the maintenance of industrial peace”.



Madam Chair, this point is very important when it talks about private and public interests taking “many forms, including financial, social or political”. In the Prime Minister's ill-fated meeting in September 2018, he did say to Ms. Wilson-Raybould, the then minister of justice and attorney general, that his request was born out of his role as the member for Papineau and that this was because there were jobs at stake.

We've heard that refrain from the government. We heard it last spring after the allegations were first published in *The Globe and Mail* in February 2019. We heard it at the justice committee. We heard it in the House. We heard it during the election. I'm sure if I asked Mr. Trudeau today, I would hear it again, but we know that jobs were not the issue. If they were, it was a guess. It was a gut check. Or it was just an overabundance of caution about losing their seat in the House and putting the screws to a public office holder to further their own interests.

That's the kind of thing you see in movies. It's the kind of thing that people want to...you know, they want to talk about what happens in the United States in the Oval Office, but it's happening here. The words of the former attorney general, Ms. Wilson-Raybould, were that she felt like it was the “Saturday night massacre”, referencing a famous and infamous night in American political history, but now, in infamy, we know that it was a massacre of epic proportions, with that list of very notable individuals all falling from their positions of power.

It's of critical importance that we understand that the Canadian public sent us here not with a governing party with a supermajority that Canadians have full confidence in and they re-elected Justin Trudeau with 200 seats. No, they shortened the leash, Madam Chair. They expect that there will be a full examination of the government's conduct and that opposition parties will hold the government to account. We know that's what we're sent here to do.

Members on all sides of the House, in their role as private members, ought to be concerned when the executive oversteps in such a way that it calls the credibility of our offices into question—all 338 individual members. It calls them all into question, so that is concerning. It's something that I hear about regularly. I would hope that members from all sides would agree that having a report from an officer of Parliament, whom we heard from in the last session.... I put many questions on this issue to the government in the House. We trust the independent work of committees, and we trust independent officers of Parliament.

● (1630)

We have an officer of Parliament who did quite a bit of work in producing the “Trudeau II Report” and who has not testified specifically about that at the committee that should be hearing testimony from him.

The imperative we're faced with is that Canadians did send us here to do a job, and you did read out, Madam Chair, some terms of reference for us as far as our mandate goes. I appreciate that you did seek and receive the will of the committee to have the commissioners come and testify, and that's fantastic. I think it's separate from my motion, because the motion we have in front of us is for a very specific study, and the work of the commissioner is not just one issue. It's a very busy office. I've had the opportunity to meet

with the commissioner, and he has a very busy team who are working to ensure that Canadians can have confidence in their public office holders, in their members of Parliament, so I don't see the issue of having the commissioner appear before us as being redundant to my motion.

While I've been speaking, there's been a flurry of activity in the room around the table. I would just draw to the chair's attention that the reporting date in particular in the motion before you is one of several things in this motion that are different from those in the motion that was regrettably defeated at our previous meeting with votes from the government and from one of the opposition members. That opposition member said that she did not understand at the time the motion that was being addressed, and so this, although not the same motion, would hopefully achieve the same end result, that we would have a study on this particular report from the commissioner.

Madam Chair, when we talk about the public interest and about what work we're going to undertake as a committee, when we talk about what Canadians are interested in, I certainly get a lot of correspondence. I don't have permission from those who have corresponded with me to share it here at this committee, but this is an issue that Canadians continue to expect to be examined. That is somewhat borne out of the legal expertise that has been presented to Canadians. When we had those experts speak to Canadians, they laid out very clearly that there was an issue.

On February 25, 2019, Mary Condon, who was the dean of Osgoode Hall Law School, said, “The Attorney General should not be put 'under pressure' by colleagues and, in particular, should not be put under partisan political pressure.” When we have that type of esteemed legal scholar speak to the issue—and certainly Dean Condon has likely forgotten more about the law than I will ever know—her opinion carries great weight with Canadians in the public discourse on this issue.

In 2015, we heard from Justin Trudeau that he would be different, that this would be politics done differently. Instead, we now know that's not the case. We didn't have an opportunity during the last session of Parliament to have Prime Minister Trudeau appear at committee, and there were a number of people...and interestingly, Madam Chair, in a discussion that we had at our meeting on Monday, there was a name that came up that caught my attention, and it was the name Mathieu Bouchard, on a different issue, a different issue that you can read about, ripped from the headlines. We have an issue of unethical conduct in judicial appointments. That same individual's name appeared in the testimony we heard last year when we were dealing with this issue. The same players are operating today in the same way that they operated last year.

• (1635)

We saw what I think is known around the world as one of the biggest political scandals in the history of our country. You'd think that would shame somebody into conducting themselves in a manner that is then beyond reproach. They escaped death the first time, so to speak, and then we find out that for the rest of the year, and maybe even in a different minister's portfolio, they have their fingers mixed into the pie with the issues that are raised with respect to judicial appointments.

That's the kind of thing, Madam Chair, when Canadians correspond with me.... During the election, when I knocked on doors—and I had the opportunity to do that in many places—I heard about this issue. This was after the report was tabled. This was after the hearings at the justice committee last year. Canadians don't consider this case closed.

• (1640)

**The Chair:** Mr. Barrett, I'm going to ask for a favour, if I may. The floor is yours. According to the Standing Orders, this committee has to honour that, but it is on the agenda that we would meet as a subcommittee and that we would be able to determine our first order of study and witnesses. It would be great for us to be able to get to that today. If you would agree to it, as chair I would offer to you that we bring this committee business to a temporary close today and that—

**Mr. Michael Barrett:** That would be to adjourn the debate.

**The Chair:** No, certainly not.

I'm proposing that we hit the pause button and take a time out, and that when we return to our next meeting, the floor would be yours first thing. This is precedented because it is in fact yours right now and you can continue on for as long as you like. This committee does have to respect that. As chair, I have to respect that. Again, out of goodwill and the desire to accomplish the tasks before us with regard to determining our next study and our witness lists, I wonder if you would agree to allow the subcommittee to meet now, and then at our next meeting, the floor would be yours first thing.

**Mr. Michael Barrett:** Yes, ma'am.

**The Chair:** Thank you.

With that, it has to be acknowledged around the table that the floor is Mr. Barrett's at the next meeting. I will keep my speakers list based on this. I have Mr. Angus and Mr. Kurek on the speakers list. They've both indicated that they wish to speak to Mr. Barrett's remarks and the motion moved. I will keep that speakers list intact, but again the floor is Mr. Barrett's and I cannot hear any comments at this time until Mr. Barrett has completed.

Mr. Fergus, I'm happy to add you to the speakers list. You will come after Mr. Kurek.

**Mr. Greg Fergus:** I have a point of order.

**The Chair:** If you're calling a point of order, you are welcome to do that at this time.

[*Translation*]

**Mr. Greg Fergus:** Thank you, Madam Chair.

I'd like to know where we're at with the commitment we made at the last meeting to appoint second and third vice-chairs. Is Mr. Barrett going to let us deal with it?

At the last meeting, we committed to dealing with the matter as soon as the Standing Committee on Procedure and House Affairs had made a decision.

I'd just like to know whether he can let us resolve the matter. Then, he can carry on with his motion.

[*English*]

**The Chair:** Mr. Fergus, the decision at PROC has been made, but we're waiting for it to be finalized. Until it's finalized, we actually cannot take action at this committee to put an additional vice-chair in place. I do have to wait for that decision to be finalized.

[*Translation*]

**Mr. Greg Fergus:** If Mr. Barrett pursues this for several meetings, can we at least have a chance to settle the matter, once a decision has been made, before we resume the discussion on his motion? He's entitled to keep his floor time.

[*English*]

**The Chair:** Absolutely.

Mr. Fergus, according to the Standing Orders, the floor is his, and a subsequent motion cannot be moved within his motion. We have to vote on a motion once it has been put to the committee, so until that has been completed, another motion cannot be accepted.

• (1645)

[*Translation*]

**Mr. Greg Fergus:** Thank you.

[*English*]

**The Chair:** Okay, so at this point in time, then, in good faith, I am going to adjourn this committee meeting with the understanding that the floor is Mr. Barrett's at the beginning of the next committee meeting.

With that, I am also going to ask that we clear the room and that the subcommittee meet to discuss going forward.

Thank you.

**Mr. Charlie Angus:** I have a point of order.

I want to thank you for really keeping this meeting focused, and it's your second meeting as chair.

**Some hon members:** Hear, hear!

**The Chair:** Okay.

The meeting is adjourned.







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