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Chair

Mr. Joe Preston

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• (1100)

[English]

The Chair (Mr. Joe Preston (Elgin—Middlesex—London, CPC)): We'll call the meeting to order. This is the 39th meeting of the Standing Committee on Procedure and House Affairs.

We're here pursuant to the order of reference of November 29 on a question of privilege relating to the premature disclosure of a confidential draft of the pre-budget consultations of the Standing Committee on Finance by an employee of the member for Saskatoon—Rosetown—Biggar.

It's been requested by the committee that we do swear in the witness, so I'll ask the clerk to take care of that first.

Mr. Russell Ulyatt (As an Individual): The evidence I shall give on this examination shall be the truth, the whole truth, and nothing but the truth, so help me God.

The Chair: Great.

We have our witness for one hour and then other witnesses in the second hour. I'm suggesting we do a seven-minute round and then a five-minute round, and we'll see what we have left after that.

Mr. Marcel Proulx (Hull—Aylmer, Lib.): Do we go until one o'clock?

The Chair: Yes, we go until one o'clock today.

Mr. Ulyatt, you have a very quick opening statement of one or two minutes. Please go ahead with that.

Mr. Russell Ulyatt: Thank you, Mr. Chair.

On Thursday, November 18, I received by e-mail, along with all members and their staff of the finance committee, a first draft of a report of the finance committee prepared by committee staff. When I received the report that morning, I did not read it, but I did do two things. One, I printed a copy for Mrs. Block and placed it in a binder for her to review. And two, I e-mailed the report to some friends of mine whose identities have since been made public.

The next day, Friday, November 19, I received a call at home at approximately 7 a.m. from Mrs. Block. She said she had heard that I had distributed the document to someone who was not with the committee and therefore not entitled to have it. I immediately admitted my mistake. Mrs. Block then indicated that as of that moment I was terminated from her office staff.

I know that my action was wrong. The moment I disclosed the document constituted a critical lapse in judgment and a personal failure on my part, for which I am solely and completely responsible.

A question that might be asked today is why, what benefit was in your actions? The people I sent the document to were friends. I was not expecting anything in return, nor was I promised anything. No one asked me for the document. I did not photocopy the draft. I did not use BlackBerry PIN technology to forward the report. I did not fax the report. I did not discuss the content of the report with anyone over the phone or in person.

I hope from these clear and unequivocal statements that you will conclude that there was no motive other than trying to look important to some friends.

I wish to take this time to apologize to all members of the House for my action, especially members of the finance committee. I know my action, however spontaneous and quick that it was, was wrong.

I also want to publicly apologize to my family, including my wife, my mother, and my extended family, for the hurt that my lapse has caused them, as well as thank them for their support. I can only hope that they'll forgive me.

I would also like to apologize to the members of this committee. I know that this matter is extremely serious and that my action is taking up the valuable time of this committee, which might be spent on other more important topics.

I want to apologize to Mrs. Block. I did not forward the document at her request. She had no knowledge of my actions and is a member of Parliament with impeccable morals and ethics. She has always strived to be above reproach and to me embodies all the qualities Canadians should expect of their members of Parliament.

I finally must apologize to the individuals to whom I sent the document. I acted alone, without solicitation or provocation from the individuals in question, and my actions have since brought an incredible amount of undue stress and problems upon them. I'm truly sorry that my action alone could cause this.

In conclusion, I take complete responsibility for this, as I alone made the mistake of releasing the document. There was no one else involved.

Mr. Chair, I would also like to add that I sent a written apology to Mr. Rajotte, the chair of the finance committee. I asked him to share a copy of my letter to the entire committee.

I stand ready to answer your questions today. Thank you for the opportunity.

The Chair: Thank you.

Madam Ratansi, seven minutes, please.

Ms. Yasmin Ratansi (Don Valley East, Lib.): Thank you.

I have a series of brief questions, and I would appreciate an honest and brief response.

Who, if anyone, coached you on your appearance here today?

•(1105)

Mr. Russell Ulyatt: I retained the services of a lawyer to ensure that I understood my responsibilities of appearing in front of the committee, and I spoke to my family and friends about my opening statement.

Ms. Yasmin Ratansi: Okay. So you had no assistance from anybody in the Conservative Party or the Prime Minister's Office or anything?

Mr. Russell Ulyatt: No.

Ms. Yasmin Ratansi: Who, if anyone, helped you write your letter of apology and helped you translate it?

Mr. Russell Ulyatt: I alone wrote my letter of apology, along with, again, some suggestions from my family. However, I do not have the resources to have my letter translated, so I forwarded it to Mr. Rajotte in English only.

Ms. Yasmin Ratansi: So the French translation was done by whom, Mr. Chair?

Oh, the finance committee did the translation for you. Okay.

When you made your statement, you said that you sent the pre-consultation draft report to five lobbyists because they were your friends. Tell me, why did you send it to them? Why did you send it to Tactix, Hill & Knowlton, Consumers Gas? What did you think you were going to get out of that, or what benefit did you think they were going to get out of a secret document?

Mr. Russell Ulyatt: Thank you for the question.

I did not expect to benefit at all from my actions. As I referred in my opening statement, I believe that the moment I sent that document was a critical lapse in my judgment. I was simply at that time sending a document to a few friends out of a concept of self-importance, so to speak—"Look at me; I'm important." It was out of trying to make myself look better, and there was no expectation of anything in return.

Ms. Yasmin Ratansi: Were you trying to make yourself look important, or were you trying to impress upon the lobbyists—they were Conservative lobbyists—that your member of Parliament is important, that she has some pull?

Mr. Russell Ulyatt: No, I acted alone. My thought process did not involve Mrs. Block whatsoever. It was entirely me.

Ms. Yasmin Ratansi: Before I go further with my questions, what's the name of your lawyer, and who paid for his services? Did you personally?

Mr. Russell Ulyatt: I paid for my own lawyer's services, yes.

Ms. Yasmin Ratansi: Could we have the name of your lawyer?

Mr. Russell Ulyatt: It's Paul Lepsoe.

Ms. Yasmin Ratansi: Thank you.

You said that you did it on your own and that you did it because they were friends. Your e-mail to Ms. Hamilton says: "I hope this

overcomes any shortcomings. Does it make up for all my other shortcomings?" What do you mean by that?

Mr. Russell Ulyatt: The comments in my e-mail to Mrs. Hamilton were simply banter among friends. As I mentioned, there was no underlying meaning. I know the importance of the document I was sending, but there was no meaning other than simple banter.

Ms. Yasmin Ratansi: You're not new to the political arena. You did work for former minister Guergis and you received a secret clearance when you worked for the minister.

Mr. Russell Ulyatt: That is correct.

Ms. Yasmin Ratansi: So it is not something that is new to you that you should not really divulge any in camera meeting discussion. Why did you do it? You know it; it's not that you are not familiar with the issue.

Mr. Russell Ulyatt: I understand after the fact the gravity of the error I made; however, my lapse of judgment at the time does not make up for the fact that I now understand how serious my actions were.

Ms. Yasmin Ratansi: That's fair enough, but you didn't make a spontaneous distribution. It didn't happen spontaneously. For example, you sent the report to Andy Gibbons, Clarke Cross, Lynn Hamilton at 8:37 a.m.; then you sent Mr. Mains a copy at 12:43 the same day. Why did you do that?

My second question is, why did you send the report to Mr. Egan at 5:00 p.m. that day? You made the mistake, you claim, at 8:37, 12:43, and then 5:00 p.m.

Give me the logic behind it, because it was not spontaneous; it looks as though you did it deliberately and as though there was a deliberate action that was thought through.

•(1110)

Mr. Russell Ulyatt: I've asked myself the same question. My actions were spontaneous when I was doing it. This was not premeditated. I was not thinking about the repercussions of my actions each and every time I was doing it.

Ms. Yasmin Ratansi: Over an eight-hour period you didn't think about it? I mean, it took eight hours from the time you started the first distribution to the last, and you're saying that you did it without thinking.

Mr. Russell Ulyatt: I think my lapse of judgment also included not respecting the document itself, not necessarily the act of sending it.

Ms. Yasmin Ratansi: When you were with the minister, did you ever, when you had the secret clearance, distribute any confidential documents to any unauthorized person?

Mr. Russell Ulyatt: No.

Ms. Yasmin Ratansi: Could that be proven? You have done it on a pre-budget consultation draft report, which will now have implications on what the minister is going to be doing. Are you telling us to believe you?

Mr. Russell Ulyatt: Mr. Chair, I'm asking the committee to believe me, yes, and to accept my apology in its sincerest form for my lack of clarity and rational action.

The Chair: Thank you, Ms. Ratansi.

Mr. Lukiwski.

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

Thank you, Mr. Ulyatt.

I would ask the same consideration you gave Ms. Ratansi. I'll try to keep my questions brief and ask for your cooperation, and brief and honest answers as well.

I want to reiterate before I begin my line of questioning, to recap, that you're stating under oath that you sent these e-mails, these leaked draft documents, as an attempt to curry favour with friends, and that Mrs. Block had absolutely no knowledge of your actions. Is that correct?

Mr. Russell Ulyatt: Mr. Chair, that is correct.

Mr. Tom Lukiwski: Has Mrs. Block ever implied or given you any suggestion whatsoever that she would look favourably upon you doing such a thing, or was this done completely in secret, in a furtive manner, without her knowledge?

Mr. Russell Ulyatt: The answer to the first part of your question, Mr. Lukiwski, is absolutely not. Mrs. Block would never imply, suggest, coerce, reward me for doing the types of actions that I alone committed.

And—I'm sorry—on the second part, I acted alone, in secret.

Mr. Tom Lukiwski: In other words, you intended to deceive.

Mr. Russell Ulyatt: To deceive who?

Mr. Tom Lukiwski: Mrs. Block.

Mr. Russell Ulyatt: Yes.

Mr. Tom Lukiwski: I'm curious. Did you understand the severity of your actions when you were sending out these documents?

Mr. Russell Ulyatt: Absolutely not.

Mr. Tom Lukiwski: I find it remarkable that someone in your position, who had worked not only for Mrs. Block but for other MPs and ministers, wouldn't understand the severity of your actions. However, that being the case, I would have to assume that the lobbyists to whom you sent these documents were also aware that what you were doing was a serious breach of confidence.

Did any of the lobbyists contact you after you had sent the e-mails to say "Why are you doing this? Do you know this is wrong?" Did you hear from or did you communicate with the lobbyists at any time following the e-mails you sent to their attention?

Mr. Russell Ulyatt: I did not receive any e-mails or communication back from the lobbyists I sent it to indicating the intent that you just delivered: "Why did you send this to me?" or "Why have you done this?" I did not receive any communication like that.

Mr. Tom Lukiwski: I'm confused. Did you not receive at least one e-mail from Mrs. Hamilton, saying, "I heart you"; in other words, "I love you"?

• (1115)

Mr. Russell Ulyatt: Yes, that is correct, but it wasn't in relation to asking, "Why did you send this?" It wasn't in the negative.

Mr. Tom Lukiwski: She received the e-mail—the draft document from the finance committee—and she e-mailed you back saying, in

effect, "I love you" and gave you a thumbs-up; she appreciated the e-mail.

Mr. Russell Ulyatt: That's correct.

Mr. Tom Lukiwski: What did you take from that? It was that she appreciated your efforts to give her inside information—is that correct?

Mr. Russell Ulyatt: That's correct.

Mr. Tom Lukiwski: In the time between the first e-mail you sent out, to the first lobbyist, and the last e-mail, you're stating under oath to this committee that you didn't hear back from any of the lobbyists questioning your actions. Is that correct?

Mr. Russell Ulyatt: Mr. Chair, it is my intention to answer everything truthfully today, and it has been a very stressful time this past month. I'm indicating to the best of my knowledge that one month ago, almost, I do not remember any communication back to me saying, within the period of 24 hours after I sent it, before I was terminated, that "you should not have sent me this document".

Mr. Tom Lukiwski: Can you swear under oath, then, Mr. Ulyatt, that the five e-mails that we are aware of were the only five that you distributed?

Mr. Russell Ulyatt: Unequivocally, yes, only the five e-mails were distributed, and it was the only methodology—electronic e-mail was the only method—that I used to transmit the report.

Mr. Tom Lukiwski: Of the five lobbyists you sent the e-mails to, did any of them request such information before you sent it to them?

Mr. Russell Ulyatt: Absolutely not.

Mr. Tom Lukiwski: Can you again perhaps clarify for this committee why these five? You mentioned that they were friends. I'm assuming you have personal relationships with other lobbyists. Why was it that it was just these five to whom you sent the e-mails?

I'm trying to understand your thought process here. You sent the first e-mail out roughly at eight in the morning, almost immediately after you received it. The last e-mail was sent out several hours later. You obviously had a period of time to reflect on what you were doing. You have many other relationships, I'm sure, with other lobbyists or other individuals in the lobbying profession or other professions to whom you could have sent this to try to enhance your own reputation, or as you put it, to try to show how important you are. Why was it only these five?

Mr. Russell Ulyatt: Mr. Chair, I cannot come up with an honest answer. I've asked myself this. I thought I'd be able to find an answer, but I do not know why I chose the five individuals I chose. Perhaps at the time they were at the top of my mind for one reason or another, but I do not know.

Mr. Tom Lukiwski: Finally, Mr. Ulyatt, this issue has been receiving widespread attention. Obviously those in the lobbying professions understand the consequences that may fall out as a result of this.

Have you had any contact with any of the five lobbyists you sent this information to, or any other lobbyists or individuals in the lobbying profession since the story broke in the news media?

Mr. Russell Ulyatt: I have contacted four of the lobbyists in question today, have offered my apologies for my actions and the problems they have brought upon them. I have seen other people in social settings, including lobbyists, but that would be all.

Mr. Tom Lukiwski: Is my time up, Chair?

Thank you.

The Chair: Madame DeBellefeuille.

[Translation]

Mrs. Claude DeBellefeuille (Beauharnois—Salaberry, BQ): Thank you, Mr. Chair.

Mr. Ulyatt, you are testifying under oath. I would like you to tell me if this is the first time that you have leaked confidential documents.

[English]

Mr. Russell Ulyatt: Thank you for the question.

Yes, this is the first time.

[Translation]

Mrs. Claude DeBellefeuille: When you sent the draft report, you knew that the documents were confidential, because it is clearly indicated at the bottom of the emails, by the clerk, that these documents must not be released publicly. You knew that when you sent them out.

[English]

Mr. Russell Ulyatt: I understood that the document was important and confidential; however, I did not understand the gravity of my actions. I did not understand the gravity and institutional importance of parliamentary privilege.

• (1120)

[Translation]

Mrs. Claude DeBellefeuille: Mr. Ulyatt, earlier, we raised the issue of why you chose these very specific lobbying firms rather than some others. Why did you choose these ones specifically?

[English]

Mr. Russell Ulyatt: I can only say the same thing I said before. That is, that I've asked myself the question and I've indicated that the people I sent the report to were friends; however, I cannot discern why I only chose the five people I chose.

[Translation]

Mrs. Claude DeBellefeuille: If I understand the interpretation of what you said, Mr. Ulyatt, you said that you chose these companies because they are your friends. I think that perhaps I understand more clearly the exchange of emails that you had with Ms. Hamilton. It is unusual for an MP's assistant to be able to exchange such familiar words as those that you exchanged with Ms. Hamilton in your email of November 18. In fact, you told her that you were sending her a report and you added the following words: "I thought to myself that you might want to take a look at this". She answered you: "You are so loveable", and you answered: "Does that compensate for all my

other negative points?" And she answered you and said: "Everything is perfect you have no negative points!!!"

Mr. Ulyatt, when you exchange emails with such familiar comments in them, we might be led to believe that this is quite a profound friendship.

[English]

Mr. Russell Ulyatt: Yes, I have a good relationship with Ms. Hamilton. But I do not have an answer as to why I sent it to her and the four others.

[Translation]

Mrs. Claude DeBellefeuille: So what we can understand is that when we have friends with whom we feel comfortable and who belong to a lobbying firm, we want to share information that we are the only ones to have. As far as I understand, your friends profited from this report.

I have another question. Have you, have you had, or will you have professional or personal relations with the lobbyists with whom you shared the draft? Have you had or will you have other professional relations with these firms?

Would you like me to repeat the question?

[English]

Mr. Russell Ulyatt: Please.

[Translation]

Mrs. Claude DeBellefeuille: Have you, have you had or will you have any professional and personal relations with those to whom you sent the draft?

[English]

Mr. Russell Ulyatt: I had both personal and professional relationships with the people I shared this report with.

[Translation]

Mrs. Claude DeBellefeuille: Will you have any in the future?

[English]

Mr. Russell Ulyatt: I've spoken with, as I said, four of the five lobbyists I shared the report with, and I offered my apologies. It is my hope that I will continue to have a personal relationship with these individuals. However, because of the inappropriateness of my actions, I can understand if they wouldn't want to have a professional relationship with me.

[Translation]

Mrs. Claude DeBellefeuille: Thank you.

Pierre, would you like to continue?

Do I have any time left, Mr. Chair?

[English]

The Chair: About a minute and a half.

[Translation]

Mr. Pierre Paquette (Joliette, BQ): I really would like you to explain something to us. When, after having sent out the emails, did you realize that you had made a mistake? In one of the emails that you sent out, you said: "I thought to myself that you might like to take a look at this while it is still a draft. For reasons that are quite obvious, please do not pass it around." Therefore, you knew that it was not to be passed around. After having done what you did, when did you realize that you had made an error in judgment?

• (1125)

[English]

Mr. Russell Ulyatt: I knew that the document was important when I received it from the clerk. However, I did not grasp the gravity of my error and the absolute critical lapse of my judgment until the next morning, when Mrs. Block called me at my home to indicate that it would be treated as a matter of privilege.

She somewhat explained that and then indicated to me that my employment with her was terminated as of that moment.

The Chair: Mr. Mulcair.

[Translation]

Mr. Thomas Mulcair (Outremont, NDP): Thank you, Mr. Chair.

Mr. Ulyatt, good morning. To make things easier, I will make an exception and speak to you in English.

[English]

Mr. Ulyatt, how did you come to choose Paul Lepsoe as your lawyer?

Mr. Russell Ulyatt: Through different social passings of people who expressed their concern for me. I was asked by numerous people, "Have you found a lawyer to ensure that you know your responsibilities as a witness in front of a committee and houses of Parliament?" I said no. His name was the first to be suggested by a few friends.

Mr. Thomas Mulcair: You are aware that Paul Lepsoe is the lawyer who represented the Conservative Party of Canada in the in-and-out affair. Was that the best way to put distance between yourself and the Conservatives on this file?

Mr. Russell Ulyatt: I have had no communication with anybody in the government or with my former employer, and—

Mr. Thomas Mulcair: But he's a Conservative government lawyer. He's one of the closest advisers and lawyers for the Conservative Party.

Mr. Russell Ulyatt: But I quite honestly did not know his history before I chose him. It was simply on the recommendation of friends, not on anybody else.

Mr. Thomas Mulcair: And he never mentioned it to you.

Mr. Russell Ulyatt: No. No, he did not mention his previous files.

Mr. Thomas Mulcair: It's an ongoing file, Mr. Ulyatt.

You tell us in your letter that you sent to the committee yesterday that you have great respect for our institution of Parliament. I always want to take people at their word. But given the fact that it took you four weeks to get this letter to us at the finance committee, and you

were coming here today and Ms. Block is scheduled at our next committee hearing, do you find that was the most respectful way to deal with the parliamentary institution, to send out a letter where you draw your own conclusions about Ms. Block where we have yet to even hear her give her own testimony?

Do you not consider that this was in fact an interference in the work of this committee to send that letter yesterday, where it could have been widely reported and we couldn't react to it? Wasn't it the best course of action to come and see us here today? Or did Mr. Lepsoe tell you that it would be a good idea to get that letter in yesterday?

Mr. Russell Ulyatt: Actually, Mr. Lepsoe had no knowledge of me sending the letter. He did not assist me in writing it or redrafting it. It was done solely on my own accord. I—

Mr. Thomas Mulcair: With regard to the issue of respect for the institution of Parliament?

Mr. Russell Ulyatt: With regard to the respect—

Mr. Thomas Mulcair: And this committee and the work we're asked to do?

Mr. Russell Ulyatt: With regard to my respect for the institution, I did not believe that it would impugn the work of the committee by sending the apology letter. I saw it as simply an apology to the chair for—

Mr. Thomas Mulcair: But the letter contains a lot more than an apology. There's also a paean in there to the work of Ms. Block. You sing her praises in that letter, and that's precisely what we had to try to determine, but I'll leave that there for now.

I want to make sure I understand what's implicit in your letter, and I want to give you a chance to say it outright. Are you saying that other than this one incident, everything else you did while working for Ms. Block was with her knowledge and in accordance with the rules she set down for you as her employee? Is that a fair interpretation of your letter?

Mr. Russell Ulyatt: Mr. Chair, I find the question slightly difficult to answer, because with the amount of goings-on in an MP's office, sometimes it's not possible for a staff member to, even themselves, keep track of everything that's going on. There would be constituents—

Mr. Thomas Mulcair: My question is very specific. You've sent us a letter of apology for this one incident. Other than this one incident, is there anything else that you've done that was against the rules? That's a clear question, and I'd like a clear answer.

Mr. Russell Ulyatt: No, Mr. Chair, I don't believe so.

Mr. Thomas Mulcair: Is it a fair conclusion, then, that everything else you did in her office was in accordance with the rules and in accordance with the instructions she had given you?

Mr. Russell Ulyatt: To the best of my knowledge, yes. Everything else I would have done in her office was within the rules.

• (1130)

Mr. Thomas Mulcair: Now, you have a business, do you not, that involves political mailing?

Mr. Russell Ulyatt: That is.... Mr. Chair, I came today prepared to answer questions about the leak. If you'd like me to discuss my personal business, I'm happy to do so.

Mr. Thomas Mulcair: The two might cross, and here's the question. I'm in the Confederation Building, and I've had occasion to see, in front of Ms. Block's office, skids, pallets with boxes piled high, and a very elaborate printing machine that was there as well. Was the—

The Chair: Mr. Mulcair.

Mr. Thomas Mulcair: Yes.

The Chair: I'd like to suggest that we are here on the matter of privilege of the leak of a—

Mr. Thomas Mulcair: And I appreciate your intervention.

The Chair: Please let me finish.

We're on a matter of privilege about a leak of confidential information. It does appear as you're about to wander into an area that's responsible at another committee and not this one.

Mr. Thomas Mulcair: I understand that, Mr. Chairman.

The Chair: So I caution you, and I will interrupt you again if you're going there, that this really needs to go to the Board of Internal Economy or some other committee, if that's the case.

Mr. Thomas Mulcair: I understand that, but this is also going to be a question of credibility. We've already got Mr. Ulyatt, who has testified in a letter that he sent in yesterday to the probity of everything that was done. As you might have noticed, I was having difficulty getting a clear answer to my questions about whether or not Ms. Block was aware of and agreed with everything else that he did. My question was quite specific with regard to his company that does mailings and with regard to the skids and the printing machine.

Is there a relationship? I'm going to be able to ask that question of Ms. Block when she comes here, but I wanted to get a clear indication from Mr. Ulyatt whether all the work that was done on printing and distribution of documents at her office received her approval, yes or no. That's my question to him.

The Chair: Yes or no?

Mr. Russell Ulyatt: Mr. Chair, my only answer can be yes. I don't know the skids of material that are in question. However, yes, Ms. Block was aware of other goings-on in her office.

Mr. Thomas Mulcair: That's a clear answer to my question.

That's all for this round, Mr. Chair.

The Chair: Thank you.

Monsieur Proulx, let's start the second round. Five minutes, please.

Sorry, it's Madam Foote. Sorry, we had the wrong name down on the page.

Ms. Judy Foote (Random—Burin—St. George's, Lib.) That's fine.

The Chair: Five-minute rounds, please. Let's see if we can keep on time.

Ms. Judy Foote: Thank you.

Thank you, Mr. Ulyatt, for being here.

I realize that you've indicated it's been a stressful month for you. Having said that, I really do need to take you back through the timeframe you mentioned to us, where you in fact said you started to send out the e-mails at 8:37 a.m. and the last e-mail to a lobbyist went out later that day at 5 p.m. But you say you didn't send it to Ms. Block until 7:30 that evening. Isn't that a little unusual, don't you think, for you not to have advised Ms. Block what you had done?

When you wrote to her at 7:30 and sent her the report, what did you write to her, and did you hear back from her that evening?

Mr. Russell Ulyatt: Mr. Chair, I don't have access to the materials that the committee does. I don't have a frame of reference as to what I wrote Ms. Block. Typically, on a day-to-day basis, I sent her many e-mails. I believe my first action when I received the report was to print it for Ms. Block. Sometimes committee e-mails through the clerk or the clerk's assistants miss certain staff members or miss the members of Parliament themselves, so I may have forwarded it to Ms. Block at 7:30 to ensure she received it, but I do not recall what I would have said in my message to her, or if I received a response back.

Ms. Judy Foote: What account did you send it to? Was it the Shaw account?

Mr. Russell Ulyatt: Yes, I did speak to Ms. Block on the phone, I believe, that evening or that afternoon. I do not recall what time. I indicated that the report had been received from the clerk's office. She said she would like to review it at her home over the weekend. Because she cannot print things from her BlackBerry, nor review such a lengthy report on her BlackBerry, she indicated she would like it sent to her home account so she could print it.

Ms. Judy Foote: So did you tell her that evening when you spoke with her that you had in fact sent it to the lobbyist?

Mr. Russell Ulyatt: No, I did not.

Ms. Judy Foote: When did she become aware of that?

Mr. Russell Ulyatt: I am not sure. The only communication I had with Ms. Block was at 7 a.m. on Friday, when she indicated that she had reason to terminate me from her office.

● (1135)

Ms. Judy Foote: So Ms. Block didn't tell you how she became aware that you had in fact done this?

Mr. Russell Ulyatt: No, she did not. She indicated to me that she had heard that I distributed the report. She was, in effect, asking me a question, if I had done what she had heard. I indicated immediately that I had. I did not lie to Ms. Block. I admitted my mistake, at which point she explained to me the parliamentary privilege aspect of my actions as well as the fact that I was terminated from her office.

Ms. Judy Foote: Now, Mr. Ulyatt, you've said here under oath that you never read the report.

Mr. Russell Ulyatt: That is correct.

Ms. Judy Foote: So you took a confidential report, you sent it to these particular lobbyists. What about the report did you think would be of interest to these particular lobbyists? What were they to gain from it? Normally, if you're going to send something to someone, there's a reason for doing that. I would think in this case—you said you wanted to feel important—that there would be something in it for the lobbyist.

Mr. Russell Ulyatt: Again, Mr. Chair, it's an incredibly difficult question to answer, because I simply do not have a reason why I either chose those five individuals or why I chose to forward the report at all. All I can do is sincerely apologize and admit that it was a lapse.

Ms. Judy Foote: Let me then ask you, Mr. Ulyatt, were you looking to obtain employment with any of those lobbyists?

Mr. Russell Ulyatt: I've been in communication with multiple places on employment matters, but no, I was not expecting to get a job from them because of sending them this report, or anything like that.

Ms. Judy Foote: That wasn't my question, Mr. Ulyatt.

Have you applied for employment at any point in time with any of those lobbyists?

Mr. Russell Ulyatt: Yes.

Ms. Judy Foote: May I ask which one?

Mr. Russell Ulyatt: All of them.

Ms. Judy Foote: And were you being considered, prior to sending them the report, for employment?

Mr. Russell Ulyatt: Yes.

Ms. Judy Foote: By which one?

Mr. Russell Ulyatt: By all of them.

Ms. Judy Foote: Had all of them in fact indicated to you that they would hire you?

Mr. Russell Ulyatt: No. That is.... No.

Ms. Judy Foote: Can I get an answer to my question, Mr. Chair?

The Chair: I thought he said no, but....

Ms. Judy Foote: Of the five, which one was looking to hire you?

Mr. Russell Ulyatt: I'm sorry, Ms. Foote, can you please repeat? I'm having trouble hearing you.

Ms. Judy Foote: Okay, I'm sorry.

Of the five to whom you sent the report.... You said you had applied to all of them and they were all considering, but had you received an offer from any of them?

Mr. Russell Ulyatt: No, Mr. Chair, I received an offer from none of them.

The Chair: Mr. Menzies, you have five minutes, please.

Mr. Ted Menzies (Macleod, CPC): Thank you, Mr. Chair.

As you know, this is my first time sitting in on this committee, and I'm finding it very difficult. I've asked to be allowed to sit in here because I sit on the finance committee.

Mr. Ulyatt, you describe this as a "lapse". This is a very serious lapse. I hope that all MPs' and senators' staff members are watching

this today to see how serious this is and to see how serious these words at the bottom of this document are:

This draft report is confidential until tabled in the House of Commons. Disclosure of the information contained in this report prior to its presentation in the House of Commons could be considered a potential breach of parliamentary privilege.

That, Mr. Ulyatt, is very serious. Given your having worked for other MPs—in fact, ministers—I'm very troubled that this can be summed up in one word as a "lapse". There are a lot of things that concern me about this. We had 450 witnesses—and Mr. Mulcair will vouch for that—and not all appeared at committee, but they sent us presentations in hopes that they would have some input into the upcoming budget.

You've impugned all of those people; the credibility of a stellar member of Parliament is what frustrates me, but all members of Parliament. The finance committee put a lot of work into this, and it all goes up in smoke because of one lapse of one person's judgment.

As I say, if anything good comes out of this, I hope it's the fact that people can learn from your mistake.

Did any of these five lobbyists actually speak to you, either before or after you received a copy of this draft report, about their presentation or their representation of a group at our finance committee pre-budget hearings—either before or after you received this information?

• (1140)

Mr. Russell Ulyatt: Mr. Chair, to the best of my recollection, Mrs. Block indicated that throughout the process of the pre-budget consultation she would like to be hearing from the witnesses at the committee table rather than through her office. So I believe that before I received this report, I did not have any official conversations with the five lobbyists in question in regard to their submissions. But as I referenced before, it was a month ago, and I don't remember every single conversation or communication I had with them.

As far as after I received the document is concerned, I was only in the employment of Mrs. Block for another 23 hours, so no.

Mr. Ted Menzies: Just to be clear, you have said that you didn't forward in any other electronic method. You didn't print this off, save it, take it home, and share it with anyone else?

Mr. Russell Ulyatt: Unequivocally no, Mr. Chair.

Mr. Ted Menzies: Okay. Thank you.

I guess I'll go back to some of the previous questioning about the time lapse here. Who's the best friend? Is it the one who got it first?

I'm not trying to impugn the lobbyists. We all meet with lobbyists on a regular basis. They're an incremental part of how Parliament operates. They inform us of what their clients need and require. So I'm not trying to impugn the lobbyists. In fact, you've done a great job of that yourself.

Why did you choose one person at 8:30 in the morning and your second-best friend hours later? I guess I'm having trouble with that.

Mr. Russell Ulyatt: Mr. Chair, as I stated in my other answer, I believe I'm still having trouble answering that myself. I cannot explain the order in which I sent the document. I cannot describe why I sent it to those particular five individuals. I can only repeat my sincerest apology for my actions.

Mr. Ted Menzies: Thank you, Chair.

The Chair: Mr. Paquette.

[Translation]

Mr. Pierre Paquette: At the outset, we asked you why you chose these five specific lobbyists and you said that they were friends, that they were the five names that came to your mind. I do not know exactly what kind of logic... Subsequently, you told us that you had applied for jobs in all five firms.

Basically, did you send this information to the five firms in an attempt to promote yourself so as to better your chances of eventually landing a job? Did it ever cross your mind that sending out the preliminary report of the finance committee would improve your chances of getting a job with one of these five lobbying companies?

[English]

Mr. Russell Ulyatt: I was very satisfied with my employment with Mrs. Block's office. I was proud and happy to work for Mrs. Block. I thought she was a very good and still is a very good member of Parliament. My answer before was that effectively, my sharing that document was intended to try to make me look like a better person than I obviously am.

So no, I do not believe your statement to be true.

•(1145)

[Translation]

Mr. Pierre Paquette: How long did you work for Ms. Block?

[English]

Mr. Russell Ulyatt: It was just over two years.

[Translation]

Mr. Pierre Paquette: And after two years as an assistant on Parliament Hill, a job that you were happy with, according to what you said, you applied for jobs in five places. Did you apply for jobs at more than five companies of this kind?

[English]

Mr. Russell Ulyatt: Yes.

[Translation]

Mr. Pierre Paquette: Therefore, you were looking for a job elsewhere.

[English]

Mr. Russell Ulyatt: That's correct.

[Translation]

Mr. Pierre Paquette: Were you looking for another job because Ms. Block was beginning to criticize your work, or was it because you wanted to move ahead in your professional career?

[English]

Mr. Russell Ulyatt: I was looking for work both inside and outside of politics. It truly had nothing to do with Mrs. Block. It was about my own professional advancement.

[Translation]

Mr. Pierre Paquette: Did Ms. Block fire you the next day, after she learned about the leak? In your opinion, was it the only reason for your being fired, or could there be other factors so that this was perhaps the straw that broke the camel's back?

[English]

Mr. Russell Ulyatt: I believe Mrs. Block terminated my employment because of the leak. I have not been perfect in my job, but that wasn't my decision to terminate me, it was Mrs. Block's decision.

[Translation]

Mr. Pierre Paquette: You said that these lobbyists were friends of yours. Thus I imagine that in the weeks preceding the leak, you must have met them. And when you met them, since they are people who appear to work in the fiscal domain, if we go by one of the titles, they certainly shared with you the concerns that they had about fiscal matters or about their expectations from an eventual budget.

[English]

Mr. Russell Ulyatt: As I indicated, these individuals are my friends. We talked about many different issues in relation to politics. I mean, politics is our lives. I do not recall any specific conversations about taxation. Typically, the most prolific topic has been when is the next election. But I do not recall any conversations about taxation or the next budget in particular.

[Translation]

Mr. Pierre Paquette: Do I have any time left?

[English]

The Chair: You have ten seconds, quickly.

[Translation]

Mr. Pierre Paquette: Could you briefly tell us what the fields of expertise of these five companies are?

[English]

Mr. Russell Ulyatt: No, I can't, actually. I don't know their areas of expertise.

[Translation]

Mr. Pierre Paquette: It is indeed bizarre to apply for jobs in companies whose field of expertise is totally unknown to the applicant.

[English]

The Chair: Thank you.

Mr. Mulcair.

[Translation]

Mr. Thomas Mulcair: Thank you, Mr. Chair.

[English]

Again, Mr. Chairman, it's only Mr. Ulyatt who can answer these questions and it has a material effect on the testimony that we will eventually receive from his former employer.

Mr. Ulyatt, are you the owner of a company called RU—a play on your initials, I would assume—RU Thinking? Is that a company that you own?

Mr. Russell Ulyatt: Mr. Chair, I'm happy to answer these questions if you so direct me to.

The Chair: I'm going to give the same answer to Mr. Mulcair as I gave the last time. This may be information for another committee. We're here looking at the breach of confidentiality of a secret document from the finance committee.

Mr. Thomas Mulcair: I understand that. The only way that we're ever going to find out if what we're being told at any stage of this is in fact the truth, the whole truth, and nothing but the truth is to look at questions of credibility. It's a rather simple question, and it requires a rather simple answer.

The Chair: Mr. Ulyatt's been straightforward, hopefully, with his answers on his credibility on the leak of the document, and I'll continue to take questions on that.

Mr. Thomas Mulcair: Right, but in his last answer on my previous round he told us that everything he did in his office, other than send this to the five lobbyists, was in accordance with the approval of Ms. Block. I now want to find out if he's the owner of a company called RU Thinking, but that's something I can fairly easily see in the registries.

Is RU Thinking the owner of a company called Bestmail.ca, whose website says this: "Dedicating ourselves solely to political mailing and fundraising gives Bestmail.ca unique insight into the best practices within the political mail sphere. Having sent over 5 million pieces of mail in the last two years allows us to work with your organization...?"

• (1150)

The Chair: I can continue to repeat myself and you can continue to go that way, but that's just going to take up valuable questioning time. You're getting into an area that is best served by another committee. There are members of that committee here. I think if you'd like to go that way, we can do that.

Mr. Thomas Mulcair: I think that's an easy question for him to answer. Is that his company? Is that what's on their website? He's said that he's worked for Ms. Block for two years. Is he still the owner of that company? That's a pretty easy question to answer.

The Chair: Yes or no.

Mr. Russell Ulyatt: Yes.

Mr. Thomas Mulcair: Thank you. It took a while, but we got it.

In your previous testimony you said that you had no "official" conversations—and there was your qualifying word—with any of the five lobbyists. Could you please tell us what the difference is between an official conversation—your word—and any other conversation? Could you please talk to us about those other conversations? If they're not official then they did exist but you're

considering them not official. What was the tenor of those conversations?

Mr. Russell Ulyatt: Mr. Chair, as I've maintained, these individuals are my friends. I discuss many different issues with them. I see them at different social functions.

I called four of the individuals in question after I was terminated and offered my apology for my actions and the problems that it would cause for them. I would consider that an official conversation because it was in relation to the matter at hand. But I've had conversations with these individuals that are about other topics unrelated to this because they are simply my friends.

Mr. Thomas Mulcair: For example, the representative of the Canadian Gas Association had a long exchange with Ms. Block during our pre-budget consultations, but that person at no point had an unofficial conversation with you. You have never spoken with Mr. Egan otherwise?

It was a quite friendly exchange between the two of them, so I just wanted to know....

Is he one of the four, by the way?

Mr. Russell Ulyatt: Do you mean one of the four that I offered my apology to?

Mr. Thomas Mulcair: Yes.

Mr. Russell Ulyatt: Yes.

Mr. Thomas Mulcair: Okay, so you have spoken to him and you had spoken to him before.

In the run-up to the pre-budget consultation hearings in the finance committee, did you have any conversation of any kind with Mr. Egan of the Canadian Gas Association?

Mr. Russell Ulyatt: Yes.

Mr. Thomas Mulcair: You did. What was the nature of that conversation?

Mr. Russell Ulyatt: I am a member of a social club here in Ottawa. Mr. Egan was looking to get involved, and I believe we had some communication back and forth as to how he could apply for a membership.

Mr. Thomas Mulcair: You never talked about his appearance, his testimony, or the nature of what his lobbying group was looking for.

Mr. Russell Ulyatt: I believe I asked Mr. Egan if he would have a suggested question for the pre-budget consultation so that I might be able to have Mrs. Block better informed.

Mr. Thomas Mulcair: Do you think it might have been closer to my question if you had given me that answer first, instead of talking about the social club?

Mr. Russell Ulyatt: No. I'm sorry, Mr. Chair, as I mentioned before, I do not have any of my e-mails. I do not recall every specific case, but the question being posed to me in such a manner reminded me of what actually happened. As I mentioned, it's been a very stressful month, and I do not remember everything.

The Chair: I gave you some extra time there for the time I took.

That completes both of our rounds today. We'll stop at this point and suspend for a moment.

Ms. Yasmin Ratansi: Before you suspend—

The Chair: Is this a point of order?

Ms. Yasmin Ratansi: I can make it a point of order if you want me to make it a point of order, but it's a point of information or a point of privilege on my part.

As I was listening to the witness, I heard a lot of inconsistency. Before we let the witness go, I'd like to ensure that the witness knows that he may be called back because we can't seem to get satisfactory answers. At one point he says he did not know why he gave it—

The Chair: Ms. Ratansi, the witness came of his own free will this time. I'm sure he will come again if we ask him to.

Ms. Yasmin Ratansi: We reserve the right to call him back. That's just so he knows.

The Chair: Certainly.

Thank you. Let's suspend for about two minutes while we bring in our other witnesses.

• (1150) _____ (Pause) _____

• (1155)

The Chair: I call the meeting back to order. This is the second half of our meeting today.

We have five witnesses with us now. I'd like to give them each a chance. If you state your name and the company you are with, we will get to questioning. We'll try not to do opening statements. Hopefully you can provide anything that you might have in a statement through the questioning.

We'll start with Mr. Gibbons and work our way across. Please introduce yourself.

Mr. Andy Gibbons (As an Individual): Thank you very much, Mr. Chair, and good afternoon.

I do have brief remarks that will only take about two minutes, if you'll oblige.

The Chair: With the number we have today, let's just get to it and see if you can cover your remarks through answering questions.

Mr. Andy Gibbons: Sure.

My name is Andy Gibbons.

Ms. Lynne Hamilton (Vice-President, Public Affairs, GCI Group, As an Individual): I'm Lynne Hamilton. I'm vice-present at GCI Group.

Mr. Clarke Cross (Principal, Tactix Government Relations and Public Affairs, As an Individual): Mr. Chair, I'm Clarke Cross. I'm a principal with Tactix Government Relations and Public Affairs.

Mr. Howard Mains (Co-President, Tactix Government Relations and Public Affairs, As an Individual): I'm Howard Mains. I'm a co-president of Tactix Government Relations and Public Affairs.

Mr. Timothy Egan (President and Chief Executive Officer, Canadian Gas Association): My name is Timothy Egan. I'm president of the Canadian Gas Association.

The Chair: Thank you very much.

Now that our witnesses are introduced, we'll start a seven-minute round. We'll do the same as we did in the last hour, with one round of seven minutes and one of five minutes.

Mr. Proulx, from the official opposition, will go first.

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

Before I go too far, are any of you five comfortable in testifying in French, or would you rather all be in English? English—okay.

Before I start my questioning, would any of you please raise your hand if you have never worked for or supported a Conservative MP or minister, either federally or provincially, or financially backed the Conservatives?

• (1200)

Mr. Timothy Egan: I've never worked for a Conservative MP or minister; I have made contributions to the Conservative Party.

Mr. Marcel Proulx: Thank you.

I want to start with Mr. Gibbons. Mr. Gibbons, we have received from your company, from Mr. Graham Green, vice-president and group leader, public affairs, correspondence telling us that you lied to this committee when you said that you had never shared or had never forwarded the e-mail that you got. We are told that you sent a one-paragraph extract dealing solely with a synopsis of testimony to one of Hill and Knowlton's clients. What client was that, sir?

Mr. Andy Gibbons: Thank you for the question.

Mr. Chair, this is the reason I asked for two minutes of opening remarks to address that issue specifically. The answer to the question is that I have, in fact, done two proactive disclosures to the members of the finance committee. The first disclosure was on November 23, which was to indicate to the finance committee that in fact I was in possession of that report. That was after three individuals were named in the House; I was not one of those three. I wanted to indicate very clearly that I was in possession of the report, that I had deleted the report, and that no other individual had copies of the report in full and it was not distributed.

The second communication to the clerk of the finance committee—again, proactive—was to indicate that I had indeed shared a paragraph of the report with a client. I believed that paragraph to be a summary of public testimony given at the committee. I would like permission to read that paragraph into the record for committee members.

Mr. Marcel Proulx: We don't need it.

Why did you not declare at the first opportunity that you had done that, sir?

Mr. Andy Gibbons: Again, the first communication on November 23.... There were concerns and questions as to who had the report and who didn't have the report.

Mr. Marcel Proulx: Excuse me, you had the report.

Mr. Andy Gibbons: Indeed, I proactively indicated to the finance committee that I was in possession of the report.

Mr. Marcel Proulx: Okay.

So why did you not, right off the bat—the first time—admit that you forwarded a section of the report? Were you trying to hide something?

Mr. Andy Gibbons: Both of my communications to the finance committee have been proactive. I did not wait to be named in the House; I did not wait to be called to committee. I proactively communicated two sets of facts to the finance committee out of respect for that committee and the work they do.

Mr. Marcel Proulx: Sir, what's the sense of being proactive if you don't tell the truth?

Mr. Andy Gibbons: Mr. Chair, both of my communications to the finance committee were out of respect for the committee and designed to provide them with the facts with relation to the report and what I did with the report once I received it. That's also the purpose of my testimony and my appearance today.

Mr. Marcel Proulx: Mr. Gibbons, did you have any contact with anyone in the Conservative Party, aside from those proactive statements or communications with the finance committee? Did you have any contact with anyone in the Conservative Party, either elected or not, concerning your receipt of this report?

Mr. Andy Gibbons: You mean the fact that I had received the report—

Mr. Marcel Proulx: Yes, sir.

Mr. Andy Gibbons: —or with respect to the proceedings of the finance committee?

Mr. Marcel Proulx: No, no, no. The fact that you had received the report.

Mr. Andy Gibbons: When it was clear to me that this was a serious issue for the members of the finance committee, I contacted the chair of the committee, who informed me that I should immediately notify the clerk, which is the action I took on November 23 to indicate that I was also in possession of the report, that I deleted the report, and that no other individual had a copy of the report on my account. Again, this was done in a proactive manner, when I was not named in the House.

Mr. Marcel Proulx: Mr. Gibbons, how long did it take you, from the time you got the e-mail to the time that you contacted the chair of the finance committee, to discuss this with him?

Mr. Andy Gibbons: I think the record is clear, based on the previous hour, that I received the report at 8:36 or 8:37 a.m. from Mr. Ulyatt. My communication to the clerk of the finance committee—this is the first one that you're referring to—occurred on November 23 at around 6:30 p.m.

•(1205)

Mr. Marcel Proulx: That's not my question.

How long did it take you, sir?

Mr. Andy Gibbons: November 18 was when I received the report, and November 23 was the day that I communicated to the clerk of the finance committee.

Mr. Marcel Proulx: Thank you.

Mr. Ulyatt told us that he had applied for a job at your company. Were you considering hiring him?

Mr. Andy Gibbons: I'm not the individual at Hill & Knowlton who makes personnel decisions. Mr. Ulyatt had articulated interest in the lobbying industry and working in the lobbying industry, and I gave him some advice on how to best go about that. When he expressed interest, I did what I do with any individual who expresses an interest in Hill & Knowlton. I refer them to an individual higher up than me.

Mr. Marcel Proulx: Did you share the report with anybody else except that client of yours, Mr. Gibbons?

Mr. Andy Gibbons: I want to be very clear about what I did and did not do with the report, because I know that's an issue of concern to members.

Mr. Marcel Proulx: My issue is also that I only have seven minutes with you.

Mr. Andy Gibbons: Mr. Chair, what I did with that report was this. I received that report; I briefly took a look at it. I considered it to be nothing more than a compendium of public testimony given to the committee, and what I communicated to my client—

Mr. Marcel Proulx: Did you see on the report that it was marked confidential, sir?

Mr. Andy Gibbons: —what I communicated to my client was strictly—

Mr. Marcel Proulx: Did you see on the report that it was confidential?

Mr. Andy Gibbons: —was strictly a summary paragraph of public testimony.

Mr. Marcel Proulx: Sir, did you see on the report that it was confidential?

Mr. Andy Gibbons: The report was clearly marked confidential. I understood it to be confidential.

Mr. Marcel Proulx: Thank you.

And to what client was it, again, that you sent this paragraph?

Mr. Andy Gibbons: The client was Merck Frosst.

Mr. Marcel Proulx: Thank you.

Did you share this with anybody else in your office, in your company?

Mr. Andy Gibbons: At no time did I share the copy of the report with any other individual, other than the communication of that paragraph—and there was a colleague of mine in my office who has also seen that paragraph—which was my only communication with relation to this report.

Mr. Marcel Proulx: Thank you, sir.

The Chair: Mr. Lukiwski.

Mr. Tom Lukiwski: Thank you, Chair.

Let me first say that to be perfectly candid with you, I am extremely disappointed with those of you who would have received this confidential report and chosen not to report it immediately. Mr. Gibbons, you waited five days.

Ms. Hamilton, not only did you not report it, in my opinion—but I'll give you a chance to explain your actions, in case I've made an incorrect statement—you even e-mailed back saying “I love you” or “I heart you” for receiving it.

This is confidential information. You all know what that means. You all know that the consequences to receiving confidential information are severe.

My question to you first, Ms. Hamilton, is why didn't you take immediate action by either informing Ms. Block, or anyone else, for that matter, in the government? You're all very well connected. You all deal with government officials and cabinet ministers on a daily basis. You know that confidential information means exactly that: it's not to be seen until it's officially released.

Why didn't you just pick up the phone or send an e-mail back and say: “I got this from a staff member. I don't want to open it. I don't want to touch it.” Why didn't you do that immediately, Ms. Hamilton?

Ms. Lynne Hamilton: Thank you for the question.

To begin, I think it would be helpful to provide a succinct account of the events as they transpired, from my perspective.

Mr. Tom Lukiwski: Could you be brief? I know that—

Ms. Lynne Hamilton: I promise.

On the morning of November 18 I received an e-mail from the House of Commons account belonging to Kelly Block, the member of Parliament for Saskatoon—Rosetown—Biggar, as I was putting my two daughters on the school bus. I knew it was from Russell Ulyatt, until recently a staffer in Ms. Block's office and someone I've known for several years.

I proceeded to the office, and it wasn't until after lunch that I had time to reply with a quick note that simply said “I heart you”, meaning I thank you. It's important to understand that at the time of sending the note I had not fully read either the e-mail or the document. As I'm sure you can all appreciate, with the flood of e-mails we all receive in the run of the day, many do not get read immediately.

My response was to a friend who I presumed was sending publicly available information. Throughout the afternoon, Russell and I continued to chat by e-mail without any reference to the report. He called me before end of day and we continued our conversation. It was only after I hung up that I remembered about the report. I quickly printed a copy. I thumbed through it before going on a teleconference and then heading straight to a dinner meeting.

The fact is, it was only after hearing from Russell on the following morning, asking me whether I had forwarded the document any further, that I realized what the document was and the serious error in judgment that had been made.

In terms of my actions, I was not in the office on Friday, but as soon as I arrived at the office on Monday I destroyed the only copy that I had printed, deleted the original message so that it could not be disseminated any further, and I did not share the contents with anyone.

I subsequently forwarded the original exchange of e-mails between Russell and me to the clerk to the finance committee at the request of Mr. Rajotte. As I had deleted the original message from Russell, I had to use the copy of my reply to his message in my “sent items” folder. It did not have the document attached and it was the only exchange I had involving the committee's report.

Thank you.

•(1210)

Mr. Tom Lukiwski: Are you saying, Mrs. Hamilton, that you didn't realize when you first received the e-mail that it was a confidential report? Wasn't it marked as such?

Ms. Lynne Hamilton: I quickly glanced at it on my BlackBerry. The document came to me unsolicited. I did not know what it was when I got it. I believed it was publicly available information.

Mr. Tom Lukiwski: So you're saying that obviously if you thought it was publicly available information, you didn't realize it was a confidential report.

Ms. Lynne Hamilton: That's correct.

Mr. Tom Lukiwski: When it was marked clearly so.

Ms. Lynne Hamilton: I didn't read the e-mail.

Mr. Tom Lukiwski: Mr. Cross, when you received the e-mail, what was your immediate response?

Let's put it this way: it was clearly marked “confidential”. Mr. Gibbons has testified to that. We know it was. Ms. Hamilton said she didn't realize it was. Did you realize that it was a confidential draft report, and what were your actions? What did you do immediately after receiving it?

Mr. Clarke Cross: My response when I was received it was surprise. I had not asked at any point to receive this report. Upon receiving it, I did glance at it, but I spent no more than ten minutes with the document. I printed one copy. I was the only person who was ever in possession of that copy.

I made a critical error of judgment at a time that I was aware that it was a confidential document. I was unaware of how widely it had been distributed or broadcast, but that does not excuse me for my oversight. I did, in handling the document, send an information capsule of two points that were distilled from the report to one individual in a not-for-profit client of our firm. I followed up thereafter by contacting the client. I asked them if they had read the two- or three-line summation. They indicated that they had not, and I asked them to destroy all copies of the e-mail. I took proactive measures to ensure that the privilege of Parliament was respected.

Mr. Tom Lukiwski: I would debate that with you if we had more time.

You said you knew it was confidential. You knew what that meant. You've been in the industry long enough to understand the implications of taking a confidential document, yet you still forwarded it on to clients. Not only did you not inform someone on the government side that you had received this document, but after understanding the severity of the actions of Ms. Block's employee in sending you the confidential information, you also went the extra yard and forwarded it to two of your clients.

Mr. Clarke Cross: If I could correct, Mr. Chair, I did not forward the report in whole or in part. Moreover, I provided a summation of two points contained within the document, which I acknowledge is confidential, to one client.

Mr. Tom Lukiwski: All right, it was to one client, but you provided information that was contained in the confidential report to a client.

Mr. Clarke Cross: Yes, I did, and I wish to apologize to all members of this committee, all members of the finance committee, and all parliamentarians for my lapse in judgment at a critical time.

Mr. Tom Lukiwski: I find that astounding.

Are we out of time?

The Chair: Time is very short.

Mr. Tom Lukiwski: Is it your and your firm's normal practice to forward confidential information, or portions of that information, and also to not inform the government or the person who leaked the information that you were in receipt of it?

Mr. Clarke Cross: Actually, I have never received any confidential report of Parliament like this in my career.

Mr. Tom Lukiwski: You mean prior to this, except for this one.

Mr. Clarke Cross: That's correct. This is a precedent.

The Chair: Go ahead, Madame DeBellefeuille.

[Translation]

Mrs. Claude DeBellefeuille: Thank you, Mr. Chair.

Thank you for coming.

Ms. Hamilton, you even used Mr. Ulyatt's first name. I imagine that your friendship with Mr. Ulyatt did not begin yesterday. When you address by his first name an assistant of an MP from the party in power who is also a member of the finance committee...

Are you getting the interpretation, Ms. Hamilton? It is practical for lobbyists in Canada to be fluent in both official languages.

•(1215)

[English]

The Chair: I'll start you over.

[Translation]

Mrs. Claude DeBellefeuille: All right, let us start again from the beginning.

Ms. Hamilton, you told us earlier that you had received an email from Russell, your friend. When you personally know, on a first-name basis, the parliamentary assistant of an MP from the governing party who sits on the finance committee, it indicates a friendship that did not begin just yesterday. How many years has your friendship with Mr. Russell lasted?

[English]

Ms. Lynne Hamilton: I've known Russell since 2005, I think.

[Translation]

Mrs. Claude DeBellefeuille: Therefore, because you are friends, did it seem normal to you, or were you expecting to receive some privileged information from the office where your friend works? We

do not need to ask; if you are that close, you might even receive it without asking for it.

[English]

Ms. Lynne Hamilton: No, I've never received confidential information from friends or others.

[Translation]

Mrs. Claude DeBellefeuille: You said that as a lobbyist, you have never received any draft reports, any confidential documents from Mr. Ulyatt. Was that the first time?

[English]

Ms. Lynne Hamilton: That is correct.

[Translation]

Mrs. Claude DeBellefeuille: You also said that because of your family obligations, you had not read through to the end of this email where it said that it was a confidential document. The fact remains that on the main page of the email it is clearly written that the document is confidential and that it must not be circulated. Now you are telling us that you did not read this warning message when you received the email from your friend.

[English]

Ms. Lynne Hamilton: I saw it on my BlackBerry at 8:37 in the morning. I quickly clicked on it. I was putting the kids on the bus. I knew it was from Russell. I didn't think it was urgent. I didn't respond. I got in the car and I got to work.

[Translation]

Mrs. Claude DeBellefeuille: Mr. Cross, we read in the newspapers that you have worked for two Conservative MPs on Parliament Hill. Is this true?

[English]

Mr. Clarke Cross: That is correct.

[Translation]

Mrs. Claude DeBellefeuille: It seems quite practical for a lobbyist to stay close to assistants or MPs working on Parliament Hill.

Up to this day, have you ever received, Mr. Cross, a confidential document from an MP's office?

[English]

Mr. Clarke Cross: Mr. Chair, I want to be very clear on this point. I have never received a confidential report of Parliament prior to this incident.

[Translation]

Mrs. Claude DeBellefeuille: Are you also a personal friend of Mr. Ulyatt?

[English]

Mr. Clarke Cross: I consider Russell a friend, yes.

[Translation]

Mrs. Claude DeBellefeuille: And you, Mr. Mains, are you also a personal friend of Mr. Ulyatt?

[English]

Mr. Howard Mains: I met Mr. Ulyyatt back in April or so, and I was impressed with him. We shared a few things in common. Both of us came out of the Ottawa Valley and there were a few other things in life that we shared. And yes, I considered him a friend.

[Translation]

Mrs. Claude DeBellefeuille: Perhaps you go to the same social venues, the same clubs. Therefore, you have other discussions, other meetings outside of working hours.

[English]

Mr. Howard Mains: We attend the same church.

[Translation]

Mrs. Claude DeBellefeuille: Mr. Egan, is Mr. Ulyyatt also your friend?

[English]

Mr. Timothy Egan: I describe our relationship as professional but friendly. We would meet occasionally for lunch. I don't know his spouse. He doesn't know mine. I've never been to his house, he's never been to mine. But I would describe him as a friend, yes.

[Translation]

Mrs. Claude DeBellefeuille: Were you surprised to receive a confidential draft from Mr. Ulyyatt? Were you surprised by what he did?

[English]

Mr. Timothy Egan: Mr. Chair, I'd like to point out that I didn't solicit, receive, or read the draft report.

[Translation]

Mrs. Claude DeBellefeuille: I understand, but a chum, a professional or personal friend, could expect to receive confidential documents. Did that surprise you?

• (1220)

[English]

Mr. Timothy Egan: I didn't receive the document in question. And in terms of friendship, does one assume that it will lead to the exchange of confidential information? No.

[Translation]

Mrs. Claude DeBellefeuille: As for you, Mr. Gibbons, are you a great friend of Mr. Ulyyatt's?

[English]

Mr. Andy Gibbons: A professional friend relationship. I consider Mr. Ulyyatt a friend. The answer to the question is yes.

[Translation]

Mrs. Claude DeBellefeuille: Thus, Mr. Ulyyatt had a good network of contacts with lobbyists. Indeed it is quite practical for you to develop a great friendship with a parliamentary assistant.

Were you surprised, Mr. Gibbons, when you received the confidential draft report? Did that surprise you?

[English]

Mr. Andy Gibbons: Mr. Ulyyatt was aware that I was following the proceedings of the finance committee. I never expected to

receive that report. I never asked for the report, and nobody ever asked me to obtain a copy of that report.

[Translation]

Mr. Pierre Paquette: Mr. Mains, when you received the email from Russell, what did you do with it? In your case we clearly see that Russell had indicated that this report was not to be circulated. When you saw this line in the email did it not ring a bell for you? I can understand Ms. Hamilton, who says that she only looked at the email on her BlackBerry and did not see the warning, according to what she tells us. However in your case, the line is clearly there. Let me read out the French version to you: "I said to myself that you would perhaps like to take a look at this while it is still at the draft stage. For reasons that are obvious enough, please do not circulate this document". It seems to me that in this case you should have reacted. What was your reaction when you received this email?

[English]

Mr. Howard Mains: The time that it was sent to me I was with clients. We were running in between meetings, and I was actually late, or our clients were late, for a meeting. I looked at that e-mail on my BlackBerry. When you read an e-mail on a BlackBerry, you glance at the first line, maybe two, and then dismiss it. This is the first time I've actually heard the content of the e-mail read to me. I never read the e-mail in its entirety, so this is news to me.

The Chair: Mr. Mulcair.

Mr. Thomas Mulcair: A lot of high-paid talent that don't know how to read, Mr. Chair.

Mr. Egan, what was the question suggested to you by Mr. Ulyyatt, or that you suggested to Mr. Ulyyatt for the committee?

Mr. Timothy Egan: Mr. Chairman, Mr. Ulyyatt knew I was presenting to the committee. Mr. Ulyyatt had asked me what relevance my presentation would have to the province of Saskatchewan, and particularly to the interest of his member of Parliament from Saskatchewan. I gave him several relevant points to my presentation that I thought bore on the interests of Saskatchewan members of Parliament.

Mr. Thomas Mulcair: Which was the very first question Ms. Block asked to you after she made *un petit laïus* on the question of gender-based budget analysis. She went on to say: "I understand that the Saskatchewan Research Council is involved in some technology research around new combined heat and power technology...".

That was the log-rolling that you did as a result of your conversation with Mr. Ulyyatt.

Mr. Timothy Egan: Mr. Chairman, I'm not sure what "log-rolling" means, but Mr. Ulyyatt had asked me specifically what relevance my presentation had to Saskatchewan interests. I responded to that. The particular question that Ms. Block asked very much reflects the conversations that Mr. Ulyyatt and I had, and it is indeed relevant, I think, to the province of Saskatchewan that the research on—

Mr. Thomas Mulcair: There's no question about that, Mr. Egan, and I'm sure it was just as genuine as your surprise in your answer to Ms. Block when you thanked her profoundly for her question.

Ms. Hamilton, to you now... You have a lot of experience in government. If I'm not mistaken, you were chief of staff to an Ontario minister, health and long-term care...many years at Hill & Knowlton...ministry of northern development... You were even the media coordinator around the Walkerton water tragedy in early 2000. So you're a pretty experienced person in terms of government relations.

I use my BlackBerry all the time. You'll notice that all the members of this committee have them out on the table. This is our computer. I actually read what comes to me on my BlackBerry. I'm a little bit surprised to find out that you don't, and I frankly have a little bit of difficulty understanding how, after having exchanged all day with Mr. Ulyatt, you still come before this committee and expect us to believe that you never noticed what was the very first thing written there.

I'll read it to you again, just in case you've forgotten:

This draft report will be considered at an in camera meeting...

You know what in camera means; you're an experienced government operative.

Please bring a copy of this document to the meeting. This draft report is CONFIDENTIAL....

—in big block black letters, CONFIDENTIAL—

until tabled in the House of Commons. Disclosure of information contained in this report prior to its presentation to the House of Commons could be considered a potential breach of parliamentary privilege.

So with decades of experience in government, having received that clearly in your e-mail, writing back to the person to say “I love you”, that's great, he banter's back about his shortcomings, and you say “you have no shortcomings”.

You know what you've just received. We know that you knew what you had just received. You're still telling us, no way, you didn't know that it was a confidential document, not at the beginning of the day when you looked at it, not during the middle of the day when you were exchanging with Mr. Ulyatt, not at the end of the day when you looked at it again. You weren't putting the kids on the bus any more when you were writing back to Mr. Ulyatt, Ms. Hamilton. How is it possible that you never noticed that big block letter warning that it was confidential?

• (1225)

Ms. Lynne Hamilton: You'll notice also that it's on the contents of the e-mail; it's not on the document. It does not appear on your BlackBerry when you pull it up; you have to scroll down. I didn't scroll down. I saw a quick note from Russell; I went through the rest of my day. I printed it; I didn't open it. I basically clicked on the attachment, it opened, and as far as I knew it was publicly available information. To the best of my knowledge and truth to all of you in the committee, I did not know what I had when I had it.

Mr. Thomas Mulcair: Mr. Cross, what were the names of the clients you shared this with?

Mr. Clarke Cross: It's “the client” I shared it with.

Mr. Thomas Mulcair: Your told us there were two—

Mr. Clarke Cross: No, I did not.

Mr. Thomas Mulcair: One was a non-profit, and then there was another. You said there were two. That was your testimony.

Mr. Clarke Cross: No. I said my client was a not-for-profit. And the one client I shared the information capsule with was the University of Calgary. It was shared with one person there.

Mr. Thomas Mulcair: Mr. Gibbons, did you warn Ms. Block that you had been sent confidential information?

Mr. Andy Gibbons: I'm not sure.... I'm not clear. Did I warn her...?

Mr. Thomas Mulcair: Did you contact her and say “Somebody in your office has sent me this”? It's a simple question. I'm going to ask it of each of you.

Mr. Andy Gibbons: After you rose on a point of privilege in the House of Commons, I proactively wrote to you and the other members of the finance committee that I had possession of the report.

Mr. Thomas Mulcair: We have a different dictionary. “Proactively” in my dictionary isn't five days later.

Ms. Hamilton, did you contact Ms. Block to say: “I've been sent something that says confidential; it could be a breach of privilege—oops! This is terrible for me and my firm. GCI would never get caught doing something like this. This is a complete breach of privilege of Parliament, and I can't believe it was sent to me and I want you to know about it right away”? Is that the first thing you did?

Ms. Lynne Hamilton: When I was contacted the next morning, I assumed that Ms. Block was aware when she fired him.

Mr. Thomas Mulcair: How did you make that assumption?

Ms. Lynne Hamilton: Russell told me he was fired by Ms. Block. I was pretty sure she was aware.

Mr. Thomas Mulcair: And the night before...?

Ms. Lynne Hamilton: I did not have any contact the night before. I went to bed.

Mr. Thomas Mulcair: No, but you had.... You told us that you looked at it later on in the day. You talked about—

Ms. Lynne Hamilton: I thumbed through it at approximately four o'clock.

Mr. Thomas Mulcair: And your thumb never got you to the part that said it was confidential—is that the idea?

Ms. Lynne Hamilton: As God is my witness.

Mr. Thomas Mulcair: You're not under oath, but maybe we should have put you under oath.

Mr. Cross, did you contact her?

Mr. Clarke Cross: I did not contact Mrs. Block. I was aware that Russ had been terminated. So I again made the logical conclusion that all members of the committee had been disclosed the information.

I wish to underscore that all copies—the electronic copy and the printed copy—of the document were destroyed the next day, that is, on Friday November 19, before we received instruction from the chair of the finance committee.

Mr. Thomas Mulcair: But at no point did you get back to the member of Parliament involved and say this is what happened.

Mr. Clarke Cross: No. Mr. Chair—

Mr. Thomas Mulcair: Okay, that's fine. I'm just going to move on.

Mr. Mains, did you contact Ms. Block and tell her?

Mr. Howard Mains: I'd like to also state that on the Friday when we found out and determined—

Mr. Thomas Mulcair: Please answer the question. Did you contact Ms. Block and say “this has happened from your office”?

Mr. Howard Mains: I think that's one of the things we're all learning here, and with the benefit of hindsight that—

Mr. Thomas Mulcair: Mr. Mains, would you be kind enough to answer the very quick question I've asked you?

Mr. Howard Mains: I did not contact her.

Mr. Thomas Mulcair: Thank you.

Mr. Egan, did you?

Mr. Timothy Egan: I didn't solicit, receive, or read the report. I had no idea that an attempted sending to me of a privileged document had occurred. Therefore, there would be no reason for me to contact Ms. Block.

• (1230)

[Translation]

Mr. Thomas Mulcair: This is totally mysterious, Mr. Chair, because Ms. Block found this out the next morning, at 7:30, but it was none of these people.

Thank you.

[English]

The Chair: Mr. Proulx.

Mr. Marcel Proulx: We're back for...?

The Chair: It's for five-minute rounds, please.

Mr. Marcel Proulx: Thank you.

Ms. Hamilton, your co-worker Daniel Dufort has just started work with the PMO, the Prime Minister's Office, as an adviser to the Prime Minister. You shared almost all the same files with Mr. Dufort. Did you discuss this leaked report with Mr. Dufort or anybody else within the Prime Minister's Office?

Ms. Lynne Hamilton: I did not.

Mr. Marcel Proulx: Why did you not?

Ms. Lynne Hamilton: I did not.

Mr. Marcel Proulx: Will you hire Mr. Ulyyatt?

Ms. Lynne Hamilton: Mr. Ulyyatt is a designated public office holder and therefore couldn't work for a firm like mine.

Mr. Marcel Proulx: He has applied.

Ms. Lynne Hamilton: Not to my knowledge.

Mr. Marcel Proulx: I see.

Mr. Cross, will you hire him?

Mr. Clarke Cross: I'm not in the position to make decisions on hiring staff in our office.

Mr. Marcel Proulx: Thank you.

Mr. Mains, would you hire him?

Mr. Howard Mains: We hire people on the basis of understanding where they're coming from and on judgment. And I can assure you that at about 12:46 p.m. on Thursday, November 18—

Mr. Marcel Proulx: You had made up your mind.

Mr. Howard Mains: —I had made up my mind, sir.

Mr. Marcel Proulx: Thank you.

Mr. Egan, your situation is somewhat different, but do you think the Canadian Gas Association would hire him?

Mr. Timothy Egan: Mr. Ulyyatt and I had spoken about his career prospects, and he sought my advice on same. I advised him I had no position to offer him. I do not believe the Canadian Gas Association will be offering him a position of any kind.

Mr. Marcel Proulx: Mr. Egan, I just want to make sure I understood what you have repeated a few times.

Yes, I appreciate that you say you never asked for this report. Are you telling us that you never received the report?

Mr. Timothy Egan: Yes, I am. I have—

Mr. Marcel Proulx: Sir, explain to me, please, and maybe you can't, that House of Commons IT records show that on November 18 at 4:53:37 p.m., out of the account from Mrs. Block's office—the same account that was used for the other messages—a message was sent to tegan@cga.ca. Is that your account, sir?

Mr. Timothy Egan: Yes, it is.

Mr. Marcel Proulx: And you never received it?

Mr. Timothy Egan: That's correct. May I take a moment to explain?

Mr. Marcel Proulx: Do you have filters on your computer—

Mr. Timothy Egan: Yes, we do.

Mr. Marcel Proulx: —that block confidential reports?

Mr. Timothy Egan: Well, I don't know whether “confidential” is a term that's used for the blockage, but something worked, because the spam filter stopped the report.

Mr. Marcel Proulx: I'm really curious. Please tell us briefly, because I only have a few minutes left.

Mr. Timothy Egan: Mr. Chairman, I have an affidavit, which I swore on November 24, attached to which is a letter from our independent IT provider. The fact that someone had attempted to send me privileged information came to my attention on Monday, November 22, when I was contacted by the clerk of the finance committee. The clerk asked me to give him a call about this.

I spoke to the clerk. Mr. Rajotte was in the clerk's office. Mr. Rajotte advised me that I had received privileged information. I advised Mr. Rajotte that in fact I had not, and he said to me, "There is an e-mail that goes to your address". I advised him that I had never received such e-mail. That was end of day on the Monday. On Tuesday we contacted our IT provider and had them do a search for the e-mail.

The Chair: Mr. Egan has supplied us with all that documentation.

Mr. Marcel Proulx: I'm sorry; we have a report from Workshift explaining that it was considered spam or that there was a filter for keywords in the e-mail. So it must have been a filter for...whatever.

Mr. Chair, before my time runs out, I would like to table some motions. We have 27 minutes left in this meeting. There will probably be time for us to go through this round and then come back. Do you want me to table them now or wait until afterwards?

The Chair: I would like to finish this line of questioning. Committee business generally takes place at the end of the meeting. If you'd like, I'll try to save five minutes at the end for that.

Mr. Marcel Proulx: Can I count on your cooperation to let me table these motions?

The Chair: You know you can always count on my cooperation, Monsieur Proulx.

Mr. Marcel Proulx: I just want to confirm that this morning, so thank you. I appreciate it.

The Chair: Thank you.

Mr. Lukiwski, are you taking the next round?

Mr. Tom Lukiwski: I'll cede it to Mr. Menzies.

• (1235)

The Chair: Mr. Menzies.

Mr. Ted Menzies: Thank you, Mr. Chair. And thank you to our witnesses.

As I stated earlier, it is very troubling, going through this process, and there are a lot of integrity issues here. First of all, the integrity of members of Parliament has been jeopardized here. We have opposition members suggesting that Ms. Block has done something wrong. I will defend her. I think she's done everything right. She did it as quickly and as positively as she could.

That brings me to the credibility of our witnesses here today and their integrity. I'm going to put it in very simple terms. If you were walking down the street and saw an envelope lying on Wellington Street with "draft report" written on it, would you open it and share it? That's basically what you all got.

We're talking here a lot about e-mails. I just sent myself "pbcdraft" on my BlackBerry. In the subject line what comes up is "draft". Would you then share that draft? Would you share a letter that was marked confidential with other people, or would you immediately try to contact the person who lost it?

I'm suggesting, and I think the question has already been asked, who proactively contacted Ms. Block? Who proactively contacted the chair of the finance committee? Who proactively contacted the clerk of the finance committee? If you did, when? If you didn't, why not?

That's to all of you.

Mr. Howard Mains: If I may, I'll start.

I certainly understand the Speaker's ruling and the respect all of us must have for Parliament as an institution. In my 25 years in my professional career here in Ottawa, I have never seen anything like this or borne witness to anything like this.

The critical point is that in my own case, when we got it we did not forward it to anyone. And the other thing, as per the attestation of our IT professional, it was removed from our computer systems at 3:30 on the Friday afternoon.

Certainly when one makes a decision to take certain actions, one simply doesn't have all the information available to make the best decision. And if hindsight is a guide to us, certainly one of those decisions that we might have taken on Thursday or Friday would indeed have been to contact the clerk of the finance committee, or the chair of the finance committee, or Ms. Block.

But I just have to underscore that this was something we simply had never dealt with before. What we did was take a course of action so that we could assure the House and all parliamentarians that we had removed the document in question from our computer systems on the Friday afternoon, and that it was not shared.

Mr. Ted Menzies: There's a little problem with that. In Ms. Hamilton's presentation she said she had deleted it, and then she went into her sent items to retrieve it.

Ms. Lynne Hamilton: No. Through the chair, just for clarification—

Mr. Ted Menzies: Am I wrong on that?

Ms. Lynne Hamilton: I went into the sent items to get the document that he had sent me back. It was not the one that had the document in it, but my sent response that said "I heart you".

Mr. Ted Menzies: All right, thank you.

Does anybody else want to comment on my first question? If you found a copy in an envelope marked "draft" on Wellington Street, would you tear it open or would you try to get it back to the person who had lost it?

Ms. Lynne Hamilton: I'll take this one only to say that I never thought for a moment that Russell would send me this kind of information. He never had in the past. I never anticipated for a second that he would put me or himself in harm's way like this.

Mr. Ted Menzies: No, I appreciate that, and I'm not suggesting that. From all of your comments, no one solicited this, but you received it. No one asks to find a lost wallet with a thousand-dollar bill in it, but we would all hope that people would return that to its owner. And that's where the credibility gap for me comes in here. It was a draft. In the subject line it said "draft report".

And to Mr. Gibbons' comment, you were representing a client. That client is paying you to follow the proceedings. I would assume that you would be following closely the House of Commons procedure for the tabling of a report to make sure that report is tabled and you would get your hands on it as soon as you could to relay to your client, whether or not—

•(1240)

The Chair: Your time is up.

Mr. Ted Menzies: I'm sorry.

The Chair: Thank you.

Well, hopefully they can answer this under the next line of questions.

Monsieur Paquette, are you up?

[Translation]

Mr. Pierre Paquette: It is indeed surprising that none of you who received this report had the reflex to call Ms. Block. When you receive a document that you do not expect to receive and on which you read a warning that says that it is confidential that even goes so far as to refer to the *House of Commons Procedure and Practice*, I find it surprising that nobody ever thought of phoning the manager who is involved in this. I find it rather hard to understand because it would suggest that in a certain way—and I am not casting any doubt on your word regarding the fact that you never solicited this email—once you received it, it was practically something normal. This is what I find a bit worrisome.

I would like to ask you if your companies or yourselves are registered as lobbyists in the registry.

Mr. Gibbons.

[English]

Mr. Andy Gibbons: Thank you for the question.

All of my activities with respect to government relations and the consultations and work I do are all registered publicly on a website. It's all available, proactive, and transparent.

[Translation]

Mr. Pierre Paquette: And yourself?

[English]

Ms. Lynne Hamilton: In addition to Mr. Gibbons' comments, yes, all of our activities are registered on the lobby registry.

Mr. Clarke Cross: I report all registerable activities and conversations with designated public office holders in accordance with the act.

Mr. Howard Mains: Yes, indeed, I follow all the obligations that are required of me under the act.

Mr. Timothy Egan: I report all reportable activities under the act as well.

[Translation]

Mr. Pierre Paquette: Mr. Gibbons and Ms. Cross told us that they had sent a very specific part of the report to some clients. In one case it was the University of Calgary. In your case, it is a pharmaceutical company.

Mr. Mains, did you send a part of the document to one of your clients? I know that you work in the same firm, from what I gather, but—

[English]

Mr. Howard Mains: I did not read the report. I did not open it. The report and the e-mail were deleted from our system at about 3:30 on Friday afternoon, so I did not read it and did not open it.

[Translation]

Mr. Pierre Paquette: Ms. Hamilton, is it the same with you?

[English]

Ms. Lynne Hamilton: No, I never communicated the contents of that report to anyone.

[Translation]

Mr. Pierre Paquette: Mr. Egan, you never received it, therefore —

[English]

Mr. Timothy Egan: That's correct.

[Translation]

Mr. Pierre Paquette: Good enough.

[English]

The Chair: Monsieur Mulcair is next.

[Translation]

Mr. Thomas Mulcair: Thank you, Mr. Chair.

[English]

Ms. Hamilton, you just stated that Mr. Ulyatt was a public office holder. Is it your understanding of the statute that governs lobbying that staff of an individual member of Parliament are public office holders?

Ms. Lynne Hamilton: He is a public office holder by virtue of the fact that he is paid by the state. He's not a designated public.... No, he has been a designated public office holder. He's covered under the FAA.

Mr. Thomas Mulcair: Actually, he's not. He's the staff of a member of Parliament. He's not a public office holder.

Ms. Lynne Hamilton: He previously held office in a minister of state's office.

Mr. Thomas Mulcair: In that case, is he a public office holder when he's working for Ms. Block? Does it carry on from his previous employment?

Ms. Lynne Hamilton: I believe that would be carried over under the act, yes. He still would be subject to the five-year ban.

Mr. Thomas Mulcair: We'll have a chance to get to the bottom of that.

I want to go back to your exchanges with Mr. Ulyatt. I find them most intriguing in light of the testimony you gave us here today, even if that testimony wasn't under oath.

His first note to you was "Thought you might want a peek at this in its infancy".

That's the very first thing. Now, when someone uses the word "peek", it might give you the first hint, especially with the words "draft report". With your 15 or 20 years' experience, didn't that "peek", that mention of "draft report", light the slightest yellow light on your dashboard? Was there no warning whatsoever that this might be something you weren't allowed to receive? Was there nothing at all?

Ms. Lynne Hamilton: I never thought for a moment that Russell would send me anything that would be inappropriate.

Mr. Thomas Mulcair: It's been twice now that you've talked about it being his fault. He was very contrite. He met with the committee before, but now we're talking about you. We're not talking about him any more. He's already been clear with us on that. Let's talk about you now, okay?

You keep saying "I can't believe he sent it to me". The fact of the matter is, Ms. Hamilton, he did. Now we're not trying to find out what he's done, because he's already talked to us about that at fair length under oath. I want to talk about you now.

You received something that says "Thought you might want a peek at this in its infancy", and it's clearly labelled as a draft report. In block letters it also says "confidential". Did none of that ring any bells with you—none of that, with all your experience in the government, working with the Premier of Ontario, working with senior ministers, handling government relations? You're paid now as a lobbyist, a vice-president of a big lobbying firm. Was there nothing?

• (1245)

Ms. Lynne Hamilton: If it had, I wouldn't be here today.

Mr. Thomas Mulcair: I see. What would you have done?

Ms. Lynne Hamilton: What would I have done? I wouldn't want to speculate.

Mr. Thomas Mulcair: I don't blame you.

Now let's go to the next letter back. You send him your heartfelt thanks.

[*Translation*]

This is a case in point.

[*English*]

You say "I heart you", meaning "Thank you very much. You've just sent me something that's giving me a peek at something in its infancy. Thank you. You've given me something that I need to help me do my job as a lobbyist."

Again, there was no reference whatsoever in your mind to the fact that you've been given privileged access, given a peek at something that is a draft. It is giving you a peek. The word "peek" gives you the first inkling that you're being given something that you wouldn't normally have access to, but for you it means nothing. It's still flat, flat, flat, as you read it.

Ms. Lynne Hamilton: He basically sends me the document, and I give a quick one line later in the day, not even remembering what I had read before. I just said "I heart you. Thanks", meaning I thank you. I thank you.

Mr. Thomas Mulcair: A couple of hours later in the day he gets back to you—actually, the exchange takes place a few hours after the initial sending, so you've had the whole morning now. He says "Does it make up for all my other shortcomings?", to which you answer back, "U have no shortcomings!!!", with three exclamation marks. That's your answer back to him. This is it, with three exclamation marks: he has no shortcomings. This is the thing. He's given you this peek at this draft report in its infancy, and you're still telling this committee it's flatline, it's nothing, it doesn't register. None of this means anything. You haven't seen a thing.

Ms. Lynne Hamilton: If somebody's sending you publicly available information....

Mr. Thomas Mulcair: Oh, that's even though it says "draft" and "peek" and "confidential" and "privileged"?

Ms. Lynne Hamilton: As God is my witness, I don't know how to convince you, but I did not know that this was a confidential document when I got it—

Mr. Thomas Mulcair: Well, you're having trouble convincing us, because you're paid a lot of money to make representations to defend the interests of clients. All five of you are doing that quite well today, because you're defending yourselves, but what I'm telling you is this: with all the money you're paid to read documents and help clients with public perceptions of what they do, it strains credibility for you to tell us that you don't even read this stuff. You don't even know what it means when someone says "Have a peek. It's a draft. It's privileged. It's confidential." It means absolutely nothing, nada.

Ms. Lynne Hamilton: It's a busy day. There are clients going—

Mr. Thomas Mulcair: We all have busy days, but I actually manage to read the things that are sent to me on my BlackBerry.

Ms. Lynne Hamilton: I try to. I try to get to everything in a day.

Mr. Thomas Mulcair: But you have time to send him all this bantering exchange saying he has no shortcomings, with three exclamation marks. That's not a problem.

Ms. Lynne Hamilton: I write in cabs, on the way to and from meetings, quickly, as I'm in transit between client meeting and client meeting—

Mr. Thomas Mulcair: And you still have no idea of what you've received at that point?

Ms. Lynne Hamilton: No idea.

Mr. Thomas Mulcair: Hours and hours later, you still have no clue what you're looking at.

Ms. Lynne Hamilton: The banter that you see back and forth should indicate that we were just chatting. It was back and forth. I had no idea. We went on with never a mention of anything that was in the report or anything like it.

Mr. Thomas Mulcair: It's a reaction to the report, Ms. Hamilton. Get real. That's what you're talking about. You're reacting to it. You said he had no shortcomings, with three exclamation marks. He sent it back to you, and you said "I heart you." This was what you needed. It's a peek. It's a draft report. It says confidential and it's privileged, and you still haven't seen a thing.

Ms. Lynne Hamilton: Correct.

[*Translation*]

Mr. Thomas Mulcair: Thank you, Mr. Chair.

[*English*]

The Chair: Thank you.

We've finished our two rounds and we will excuse our witnesses.

Thank you very much for coming today and sharing your thoughts with us. We will leave the option open, as Ms. Ratansi said after the last one, to recall you if we have further questions for you.

We thank you for coming today and sharing your time with us. Thanks.

We'll suspend for just a couple of minutes while the witnesses leave.

Thank you.

•(1245)

_____ (Pause) _____

•(1250)

The Chair: We'll come back into session, please.

Monsieur Proulx, you've given us notice of a production of papers motion.

Mr. Marcel Proulx: Yes, sir.

The Chair: At this moment, I need a little bit more time with my clerk to find out whether it's in order or not. If it's all right with you, we can take this under advisement. Allow me the time to speak with the clerk, and we'll deal with it first thing Thursday under committee business at the start of the meeting. I'm not certain we're going to be able to deal with much more of it before then anyway.

Mr. Marcel Proulx: Mr. Chair, these five different motions are identical except for the names of the lobbyists or the names of the firms that employ these lobbyists.

The Chair: It could very well be true, Mr. Proulx.

Mr. Marcel Proulx: Essentially what we're saying, sir, is that we would like these offices and these lobbyists to supply the committee with all correspondence, whether letter, fax, or e-mail, from January 2010 until today, and we are asking that these documents be delivered to the committee within five days. If we wait until Thursday.... I would rather we take two or three minutes. You can look at these motions with the clerk, if you want, and decide there and then what we can do with them, but time is of the essence in this particular file, Mr. Chair.

The Chair: Certainly.

I'll take Mr. Lukiwski and then I'll....

Mr. Tom Lukiwski: Looking at what Marcel is asking for here, I don't see any difficulty. All he's asking for is communications between the lobbyists—the five individuals who were before us today—and Ms. Block's office, which to me seems reasonable. I don't have any problem with that.

The Chair: Okay.

Monsieur Paquette, did you have a...?

[*Translation*]

Mr. Pierre Paquette: No, this is enough. For once, Marcel is right.

Some hon. members: Oh, oh!

[*English*]

The Chair: Monsieur Mulcair, if you're all right with it, I'll go along with the initial thoughts of the clerk that it is in order. Let's put it in motion, then, to use a pun.

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

The Chair: Anything else for the good of the committee today?

Go ahead, Monsieur Proulx.

Mr. Marcel Proulx: Thank you very much, Mr. Chair. I appreciate your cooperation. I appreciate everybody else's cooperation on this committee. Let's get to the bottom of this.

Thank you.

The Chair: Is there anything else?

The meeting is adjourned.

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